



# News Release

200 -1627 Fort Street Victoria BC V8R 1H8

Telephone **250.405.5151** FAX: 250.405.5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

information@islandstrust.bc.ca www.islandstrust.bc.ca

February 2, 2011

2011-04-IT

## **NORTH PENDER ISLAND LOCAL TRUST COMMITTEE TO TAKE LEGAL ACTION ON SHED USED AS RESIDENCE**

VICTORIA — The North Pender Island Local Trust Committee has authorized legal action against the owners of a storage shed used as a residence at a Port Washington property contrary to community bylaws.

The move was supported by the Islands Trust Executive Committee late in 2010, when it agreed to fund the costs of the legal action. If the owners do not comply voluntarily, the Local Trust Committee will ask the court for an injunction prohibiting the use of the shed as a residence.

“This issue was the subject of legal action from 1994 until 2009 when the courts decided several important legal questions about the shed in favour of the Islands Trust,” said Miles Drew, Islands Trust Bylaw Enforcement Coordinator. “We have had many complaints over the years relating to the use of the shed as a residence, particularly concerns about untreated sewage being disposed of directly into the ocean.”

The original legal action by the Islands Trust ended when the shed was sold and the new owners discontinued its use as a residence. However, in the summer of 2010 the shed was again used as a residence by new owners Travis Hunt, Amanda Hunt, Tracy Mundy and James Mundy.

The use of the shed as a residence is not permitted under North Pender’s Land Use Bylaw and the Islands Trust will be seeking a permanent injunction preventing such use. Before formal legal proceedings begin, a meeting has been arranged between the owners, their lawyer, Islands Trust staff and the Islands Trust’s lawyer to try to resolve the issue.

“The goal of the meeting is to try to get a lasting and binding agreement with the owners and to consider some viable alternate uses for the shed that may be acceptable in terms of the historic use of the shed or as a consideration in a rezoning application” said Drew.

In accordance with the Islands Trust policies regarding bylaw investigations and enforcement, enforcement actions are primarily triggered when the Islands Trust receives complaints from community members that indicate that individuals or corporations are not complying with the land use regulations that have been adopted by their locally-elected representatives. Efforts are then made to investigate complaints, educate violators and obtain voluntary compliance with a community’s bylaws. In most cases, violators have a variety of options, including ceasing or amending their operations, or applying for variances or required permits.

Islands Trust staff estimate that more than 90% of its bylaw investigation files are resolved before legal action is required. Court action is only taken after other avenues to achieve compliance have failed.

– 30 –

### **CONTACT**

Miles Drew  
Bylaw Enforcement Officer  
250.405.5175

Linda Adams  
Chief Administrative Officer  
250.405.5160