Will the bylaw compliance and enforcement team tell me about the status of my complaint?

Yes. However, Islands Trust does not have sufficient resources to be in frequent contact with every complainant. Islands Trust staff take all reasonable steps to keep complainants informed and notified in writing when there is compliance and the file is closed. If you have ongoing concerns about a reported contravention, you can contact the bylaw officer assigned to your file at any time and request an update.



An example of a diversion of a riparian stream without receiving a development permit first

What is the role of local trustees in bylaw compliance and enforcement?

Islands Trust Council and local trust committees (LTC) may adopt general bylaw compliance and enforcement policies to set priorities for investigations. LTCs create the bylaws that the bylaw compliance and enforcement team enforces. The LTC can also amend bylaws or consider applications to change or vary them.

The LTC and local trustees are not involved in any way with specific investigations except when the bylaw compliance and enforcement officer recommends the LTC approve legal action. Bylaw compliance and enforcement officers do not proceed with legal action unless the LTC approves of the action and the Islands Trust Executive Committee approves of the expenditure from the Islands Trust legal budget.

In rare cases, an LTC will not approve of legal action or will request the bylaw compliance and enforcement officer not to act on certain types of complaints, particularly if it is conducting a community process that may lead to changes in bylaw regulations. If this is the case, the bylaw compliance and enforcement team will advise the respondent or complaintant of the LTC's instructions.

If I tell a local trustee about a contravention, will the bylaw compliance and enforcement officer investigate?

While trustees will be interested in your concerns, they will refer you to the bylaw compliance and enforcement team. You must submit a written complaint directly to the bylaw compliance and enforcement team if you want to initiate an investigation.

Is a local trust committee required to enforce its bylaws?

No local government in B.C. is required to enforce its bylaws. If this were a legal requirement, it would require on-going patrols and considerably more resources at taxpayers' expense. Islands Trust Council adopts an annual budget for bylaw compliance and enforcement that it considers adequate for the job yet affordable for taxpayers. Bylaw compliance and enforcement activities take place within the limits of the Islands Trust's annual budget, which means priorities must be set. Islands Trust's complaint-based system gives priority to those issues that are of most concern to island communities. Policies developed by Islands Trust Council and by LTCs provide the bylaw compliance and enforcement team additional direction about bylaw compliance and enforcement priorities.

How do I make a complaint about bylaw enforcement activities?

Verbal concerns or formal written complaints are handled according to Trust Council policy, which can be found: islandstrust.bc.ca/document/policy-7-1-2-handling-of-admin-fairness-complaints/.



Mud slide caused by work completed in a development permit area without permit

How can I contact the bylaw compliance and enforcement team?

bylawenforcement@islandstrust.bc.ca

250-405-5175

If you are calling from within B.C. you can also ask for a toll-free transfer to the Islands Trust offices by calling 1-800-663-7867.

Or contact us by mail or visit any of our offices listed below:

Northern Office
700 North Road,
Gabriola Island B.C. V0R 1X3
250-247-2063

Southern Office
200–1627 Fort Street,
Victoria B.C. V8R 1H8
250-405-5151

Salt Spring Office
4–121 McPhillips Ave
Salt Spring Island B.C. V8K 2T6
250-537-9144

Last updated: 2023

Scan to visit Islands Trust's Bylaw Compliance and Enforcement webpage

Bylaw Compliance and Enforcement

Frequently Asked Questions

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Islands Trust

Introduction

Islands Trust is a special purpose government mandated to preserve and protect over 450 islands and surrounding waters in the Salish Sea.

The Province of British Columbia created Islands Trust in 1974 in response to rates of development in the Gulf Islands and the need to protect the unique amenities and environment of the region.

Today, Islands Trust preserves and protects the islands in the context of many complex challenges, including climate change, lack of affordable housing, freshwater limitations, hundreds of species at risk, and development and tourism pressures.

There are two local trustees elected for each group of islands designated as a local trust area or island municipality. Together, with an appointed chair from the Executive Committee of the Islands Trust Council, local trustees form a local trust committee (LTC), which is responsible for land use decisions and bylaws within their respective local trust area.

What is the goal of the Islands Trust bylaw compliance and enforcement team?

The goal of the bylaw enforcement team is to help individuals, businesses, and organizations comply with Islands Trust bylaws. The team investigates alleged contraventions of regulations in land use bylaws, development permit areas designated in official community plans, and in soil deposit and removal bylaws. The goal of the bylaw compliance and enforcement process is to gain compliance with these regulations by, for example: moving a structure, obtaining a variance permit, or discontinuing a use that is not permitted.

What policies do the bylaw compliance and enforcement team follow?

Islands Trust Council has adopted a bylaw compliance and enforcement policy to guide the work of its bylaw compliance and enforcement team: islandstrust.bc.ca/document/policy-5-5-1-bylaw-compliance-and-enforcement/. Some LTCs have also adopted compliance and enforcement policies defining specific priorities for their community.

What initiates a bylaw compliance and enforcement investigation?

Islands Trust uses a 'complaint-based' bylaw enforcement process as do other local governments. This means that almost all investigations result from community complaints. This system gives priority to those bylaw infractions of greatest concern to island communities. Islands Trust Council's policies also allow a bylaw compliance and enforcement officer to initiate an investigation without a complaint if there is an environmental concern involving water bodies or a development permit area, a permitting issue, or advertising of unlawful land use.

Local trust committees may also request bylaw enforcement staff to proactively enforce for specific issues (e.g. short term vacation rentals).

A bylaw enforcement investigation does not imply that a bylaw has been broken. The purpose of the investigation is to assess whether or not there are any compliance issues.

How can complaints be sent to the Islands Trust?

To request the bylaw compliance and enforcement team investigate a possible bylaw infraction, complete the bylaw enforcement and complaint form on the Islands Trust website at islandstrust.bc.ca/island-planning/general-resources/bylaw-compliance-and-enforcement/report-a-bylaw-contravention/, or call, mail or deliver a letter to any of the Islands Trust offices. Staff can assist anyone in writing the complaint if they should have any language or literacy needs.



Tree cutting without development permit

Can complaints be made anonymously?

A complainant's identity is kept confidential during the course of an investigation and the bylaw compliance and enforcement officer will not divulge the identity of the complainant. However, if prosecution is contemplated, the identity of a complainant could be made public in court. In this case, the complainant will be informed of next steps.

What happens after I make a complaint?

A file is created and assigned to a bylaw compliance and enforcement officer, and the complainant and the respondent (the property owner subject to complaint) are notified. In some cases, the complaint relates to law that is administered by another agency. In that case, the complainant will be referred to that other agency.

What does the officer do with the bylaw compliance and enforcement file?

An investigation is undertaken. If a contravention of a bylaw is found to exist, the property owner will be asked to take steps to comply with the bylaw, and will be given at least 90 days to comply.

How long does it take to get compliance?

Depending on the specific circumstances, the bylaw compliance and enforcement officer will negotiate a reasonable plan and time for voluntary compliance. This compliance plan may accommodate unusual circumstances (such as seasonal or financial constraints or personal situation) which means a property owner is given extra time to comply.

Does anyone check back to confirm compliance?

Yes, bylaw compliance and enforcement officers inspect to confirm that voluntary compliance has taken place before closing a file. However, in some instances a property owner will contravene the bylaw again at a later date and a new complaint may be necessary to reopen the file.

When will legal action be taken to gain compliance?

If voluntary compliance is not achieved, the bylaw compliance and enforcement officer may either issue a Bylaw Violation Notice (also known as a ticket) if the LTC has adopted such a system or recommend that an LTC approve legal action to acquire a court order to gain compliance.

Does every person subject to a complaint get time to comply?

If the contravention is serious and ongoing, Islands Trust may take immediate legal action.

Why doesn't Islands Trust seek an injunction?

Injunctive action is reserved for only the most serious issues for a number of reasons: a court-ordered injunction is very expensive; it takes a long time; the outcome is not guaranteed; it is risky (if Islands Trust loses it must pay the court costs for both parties); and the Court only makes an order when it is convinced that the circumstances are serious enough to warrant making one.

Does every contravention and complaint get the same priority?

No, investigations involving health, safety, or significant environmental damage are given the highest priority. Other investigations are ranked in the order received and according to the schedule for an officer to visit each island.