

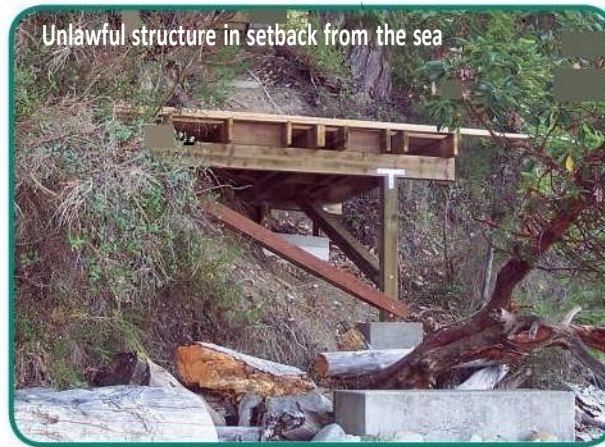
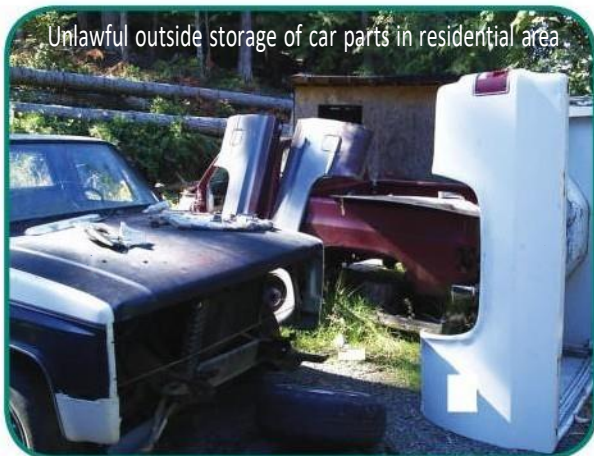
## Introduction

The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. About 26,000 people live on these islands. In 1974, in recognition of the special nature of the islands in the Strait of Georgia and Howe Sound, the Government of British Columbia enacted the *Islands Trust Act* giving authority to Local Trust Committees for land use planning and bylaws.

The Islands Trust is a unique federation of independent local governments, including Bowen Island Municipality, which plans land use and regulates development in the Islands Trust Area. Like other communities in British Columbia, island communities select their local representatives every four years. 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 from a Local Trust Committee (LTC), which is responsible for land use decisions and bylaws within their respective Local Trust Area.

## What is the purpose of the Islands Trust bylaw compliance & enforcement team?

The bylaw compliance & enforcement team investigates alleged contraventions of the land use bylaws of the LTCs comprising the Islands Trust. These bylaws are developed in consultation with the community. The regulations are found in LTC Land Use Bylaws; in Development Permit Areas designated in Official Community Plans; and in Soil Deposit and Removal Bylaws. The goal of the bylaw compliance & 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.



## How many staff work in bylaw compliance & enforcement?

The bylaw compliance & enforcement team currently consists of three full-time bylaw compliance & enforcement officers (one of which is the manager) and a part-time bylaw compliance & enforcement administrative assistant.

## What policies do the bylaw compliance & enforcement team follow?

The Islands Trust Council has adopted a bylaw compliance & enforcement policy to guide the work of its bylaw compliance & enforcement team. Some LTCs have also adopted compliance & enforcement policies defining specific priorities for their community.

## What initiates a bylaw compliance & enforcement investigation?

Like all local governments, the Islands Trust uses a 'complaint-based' bylaw enforcement process. This means that almost all investigations result from community complaints. This system gives priority to those bylaw infractions of greatest concern to island communities. Trust Council's policies also allow a bylaw compliance & enforcement officer to initiate an investigation without a complaint if there is damage to ecosystems; if it is part of a permitting process; if there is a referral from another agency; or if the contravention is noted in an advertisement.

## How can complaints be sent to the Islands Trust?

Anyone who wishes to make a complaint can complete the bylaw compliance & enforcement complaint form on the Islands Trust web site at <https://islandstrust.bc.ca/island-planning/general-resources/bylaw-compliance-and-enforcement/report-a-bylaw-contravention/> or they can 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.

## Can complaints be made anonymously?

No. However, a complainant's identity is kept confidential. The bylaw compliance & enforcement officer will not divulge the identity of the complainant. Only if the

complainant is the only witness to a contravention and if prosecution is contemplated might the identity of a complainant be made public. This would be discussed with the complainant in advance.

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

While trustees will be interested in your concerns, they will refer you to the bylaw compliance & enforcement team if you wish to make a formal complaint. Please submit a written complaint directly to the bylaw compliance & enforcement team as indicated if you want to initiate an investigation.

## What happens after I make a complaint?

The complaint is reviewed to determine if there is an apparent contravention of a Local Trust Committee bylaw. If it is, a file is created and assigned to a bylaw compliance & enforcement officer and the complainant is notified. In some cases, the complaint relates to law that is administered by another agency. In that case, you will be referred to that other agency.

## What does the officer do with the bylaw compliance & enforcement file?

A full investigation is undertaken. If a contravention of a Local Trust Committee bylaw is found to exist, the property owner will be asked to take steps to comply with the bylaw.

## How long does it take to get compliance?

Depending on the specific circumstances, the bylaw compliance & 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 & 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 occurring, the bylaw compliance & enforcement officer may either issue a Bylaw Violation Notice (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 violator get time to comply?

Not necessarily. If the contravention is serious and ongoing, the Islands Trust may take immediate legal action.

## Why don't you seek an injunction every time someone is breaking a bylaw?

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 the 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, and 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.

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

The Islands Trust does not have sufficient resources to be infrequent contact with every complainant. However, once a file is opened, you can be assured that it will be investigated and bylaw compliance & enforcement officers will seek compliance, unless enforcement is not feasible or they are instructed not to proceed by a Local Trust Committee (see below). If you have questions about the status of your complaint, please contact the bylaw compliance & enforcement office.

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

The Islands Trust Council and Local Trust Committees may adopt general bylaw compliance & enforcement policies to set priorities for investigations as mentioned above. LTCs create the bylaws that the bylaw compliance & enforcement team enforces. They can also amend bylaws, or consider applications to change or vary them.

The LTC and local trustees are not involved in anyway with specific investigations except when the bylaw compliance & enforcement officer recommends the LTC approve legal action. Bylaw compliance & 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 & 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 & enforcement team will advise you of the LTC's instructions.

## Is a Local Trust Committee required to enforce its bylaws?

No. No local government in BC 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. The Islands Trust Council adopts an annual budget for bylaw compliance & enforcement that it considers adequate for the job yet affordable for taxpayers. Bylaw compliance & enforcement activities take place within the limits of the Islands Trust's annual budget, which means priorities must be set for bylaw compliance & enforcement. As indicated, the Islands Trust's complaint-based system gives priority to those issues that are of most concern to island communities. Policies developed by the Islands Trust Council and by LTCs provide the bylaw compliance & enforcement team additional direction about bylaw compliance & enforcement priorities.

## How can I contact the bylaw compliance & enforcement team?

By email at [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca)

By telephone at 250.405.5175 (Victoria office)

If you are calling long distance, call toll free to Service BC Contact Centre and ask to be connected to one of the Islands Trust offices:

In Vancouver call 604.660.2421

Elsewhere in BC call 1.800.663.7867

By mail or visit any of our offices listed below:

Islands Trust **Gabriola Office**

700 North Road

Gabriola Island, BC V0R 1X3

Phone: 250.247.2063 Fax: 250.247.7514

Islands Trust **Victoria Office**

200-1627 Fort Street

Victoria BC, V8R 1H8

Phone: 250.405.5151 Fax: 250.405.5155

Islands Trust **Ganges Office**

1-500 Lower Ganges Road

Salt Spring Island, BC V8K 2N8

Phone: 250.537.9144 Fax: 250.537.9116

# Bylaw

## Compliance & Enforcement

### Frequently Asked Questions



# Islands Trust