

Saturna Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective January, 29, 2026.

Version No. 1

Purpose

To establish policies and procedures for bylaw compliance and enforcement in the Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

PART A

1.0 Application

This policy will apply to the Saturna Island Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs, or unsafe sewage disposal

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

STVR – short-term vacation rental

3.0 References

Islands Trust Act section 28:

Enforcement of bylaws

28 (1) For the purposes of enforcing its bylaws and section 32 of this Act, a local trust committee has all the power and authority of a regional district board.

Saturna Island Land Use Bylaw No. 119 Section 1.4.1

The Islands Trust Bylaw Enforcement Officer or any other person designated by the

Saturna Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given 24 hours prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

Trust Council Policy 5.5.1

Policies adopted by the Islands Trust Council to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

4.0 Priorities

- 4.1** The Islands Trust Act grants the LTC the power and authority to enforce its bylaws and the LTC also has discretion to adopt priorities for enforcement or to defer enforcement.
- 4.2** There will be no enforcement against unlawful short term vacation rentals except in the following circumstances:
 - 4.2.1 There is no resident owner or operator on the property;
 - 4.2.2 There are non-permitted dwellings used for the STVR without a resident owner being present on the property;
 - 4.2.3 There is a complaint made by a representative of an improvement district and it concerns overuse of water;
 - 4.2.4 There is a written complaint by owners or residents in the immediate neighbourhood about bona fide nuisance issues such as noise or parking congestion related to the STVR;
 - 4.2.5 There is evidence that the STVR is causing an overuse of the septic system.
- 4.3** There will be no enforcement against unlawful dwellings unless one of the following circumstances exists:
 - 4.3.1 There is a complaint from an immediate neighbour;
 - 4.3.2 Or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

5.0 Inspection

- 5.1** At the start of any investigation, Bylaw Compliance and Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.2** Bylaw Compliance and Enforcement Officers will request mutually agreeable times to arrange site inspections and provide minimum of 30 days notice despite section 1.4.1 of the LUB.
- 5.3** Investigations into STVRs, health and safety issues, and matters that may cause adverse environmental impact and result in irreversible damage, and may be investigated with 24 hours notice pursuant to section 1.4.1 of the LUB.
- 5.4** Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Compliance and Enforcement Officers may enter properties between the

hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.

5.5 If a respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection will only be conducted to confirm compliance.

5.6 If a respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

6.0 Enforcement Procedures

6.1 If a Bylaw Compliance and Enforcement Officer has made a determination that there is a bylaw contravention, respondents will be given a minimum of 90 days to comply.

6.2 Bylaw Compliance and Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.

6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the respondent to cease the use or activity immediately.

6.4 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Compliance and Enforcement Officer will advise planning staff and will arrange a meeting to discuss whether such an application has a reasonable chance of success.

6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request to the LTC for legal action.

7.0 Closing Files

In addition to the procedures established in Trust Council Policy 5.5.1, the Manager of Compliance and Enforcement may also close a file if:

7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name.

7.2 If the contravention is for a minor structure that has only received one written complaint.

7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file.

7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.

7.5 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the file can be closed unless there is work in a development permit

area, or work in an environmentally sensitive area, or there are health and safety concerns.

8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1** Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.
- 8.2** Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3** Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4** If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

9.0 Communications

- 9.1** When a file is opened and an investigation commenced, respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.
- 9.2** Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3** If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Bylaw Compliance and Enforcement.
- 9.4** The Manager of Bylaw Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.
- 9.5** Time permitting, bylaw staff will be available during regular *LTC* meeting public comment sessions to answer questions regarding bylaw enforcement.

10.0 Reporting

- 10.1** The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.
- 10.2** The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.
- 10.3** The Manager of Compliance and Enforcement will maintain the Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.