



Islands Trust

DENMAN ISLAND LOCAL TRUST COMMITTEE

Bylaw No. 232, 2019

As amended by the
Denman Island Local Trust Committee

Consolidated Version: February 28, 2024

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 247	Amendment No. 1, 2023	February 13, 2024

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 232**

A BYLAW IN RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE DENMAN LOCAL TRUST AREA

WHEREAS the Denman Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Denman Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Denman Local Trust Area;

NOW THEREFORE the Denman Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Denman Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A” and “B” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty Amount set out in column A2 of Schedules “A” and “B” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A” and “B” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Compliance and Enforcement Manager;
- (3) Bylaw Compliance and Enforcement Officer;
- (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedules "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008 Contraventions and Penalties.
- (b) Schedule B – Denman Island Local Trust Committee Siting and Use Bylaw No. 240, 2021.

READ A FIRST TIME THIS 6TH DAY OF JUNE , 2019

READ A SECOND TIME THIS 6TH DAY OF JUNE , 2019

READ A THIRD TIME THIS 6TH DAY OF JUNE , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
18TH DAY OF JUNE , 2019

ADOPTED THIS 4TH DAY OF JULY , 2019

SECRETARY

CHAIR

SCHEDULE A

DENMAN ISLAND LAND USE BYLAW NO. 186 CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.1	Building within setback of Cliff	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.2	Encroachment into Setback from Natural Boundary of Stream/Lake/Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment into Setback from Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.4	Exceed Minimum Difference in Elevation of Building/Structure and Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 1	Non Permitted Use in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 5	Non Permitted use of vehicles or machinery on the Foreshore	\$500.00	\$375.00	\$750.00	No	N/A

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SCHEDULE B

DENMAN ISLAND SITING AND USE BYLAW NO. 240 CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.	Fail To Obtain Siting and Use Permit	\$500.00	\$375.00	\$750.00	Yes	100%

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