

Denman Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> o Name of the applicant and a description of the proposal in general terms; o The location of the proposed establishment and the subject site; o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and o How public comments may be submitted to the Local Trust Committee.
2.	October 9, 2018	DE-2018-096	Application processing	<p>It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.</p>
3.	November 20, 2018	DE-2018-104	Cannabis License applications	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust</p>

				Committee regular meeting agenda package.
4.	February 7, 2019	DE-2019-012	First Nations Reconciliation	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
5.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution:</p> <p>'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following</p>

				<p>conditions apply:</p> <ul style="list-style-type: none">a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;b) It appears that there is more than one unlawful dwelling on a lot;c) An unlawful dwelling appears to be larger than 90 square meters; ord) An unlawful dwelling appears to be located within a Development Permit Area; <p>and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.'</p> <p>And that site inspections for the purpose of gathering information and communication with property owners will continue;</p> <p>And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.</p>
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6.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan:</p> <p>Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur:</p> <ol style="list-style-type: none"> a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; (**for accurate density number, see updated resolution from 2023**) b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. <p>The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized:</p> <table border="1" data-bbox="1052 1167 2039 1463"> <thead> <tr> <th>Authorizing Bylaw/Temporary Use Permit</th> <th>Date Utilized</th> <th>Number of Residential Densities Utilized</th> <th>Cumulative Total of Residential Densities Remaining</th> </tr> </thead> <tbody> <tr> <td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td> <td>49</td> </tr> <tr> <td>BL 199 (Official Community Plan) BL 200</td> <td>August 15, 2011</td> <td>14</td> <td>35</td> </tr> </tbody> </table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan) BL 200	August 15, 2011	14	35
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				(Land Use Bylaw)			
				BL 204 (Land Use Bylaw)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	33
7.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Island Local Trust Area.			
8.	January 17, 2023	DE-2023-012	Human Right to Housing	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.			
9.	November 14, 2023	DE-2023-073	Available Residential Densities	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, “Residential Density Bank” of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Island Official Community Plan “Residential Density Bank” in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7; b. The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1			
10.	April 9, 2024	DE-2024-027	Unlawful Short-Term Vacation Rentals (STVRs)	It was MOVED and SECONDED, That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful Short-Term Vacation Rentals (STVRs), or other forms of commercial vacation rentals:			

				<ol style="list-style-type: none"> 1. There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding Short-Term Vacation Rentals on Denman Island. 2. Bylaw Officers will prioritize the investigation of Short-Term Vacation Rentals in the following manner: <ol style="list-style-type: none"> a) There are issues related to health and safety on the property; b) There are written complaints regarding nuisance issues such as noise or parking congestion related to Short-Term Vacation Rental operation; c) There are operations by persons who have not established a residential use on the same property as the Short-Term Vacation Rentals; and d) Accessory buildings or structures are being used as part of a Short-Term Vacation Rental operation. 3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be Short-Term Vacation Rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year around.
11.	March 17, 2026	DE-2026-017	Compliance & Bylaw Enforcement Policy	<p>Bylaw Enforcement Policy No. 1, effective June 4, 2024</p> <p>Bylaw Enforcement Policy No. 1, Amendment 1, adopted March 17, 2026.</p> <p>Purpose</p> <p>To establish policies and procedures for bylaw enforcement in the Denman Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., that are within the authority of the Local Trust Committee to enforce, and that will ensure polices and procedures are efficient, transparent, reasonable, and consistent with local community standards.</p> <p>PART A</p> <p>1.0 Application</p> <p>This policy will apply to the Denman Island Local Trust Area and the enforcement of the Denman Island Official Community Plan, No. 185, Denman Island Land Use Bylaw No. 186, and the Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, and the use of the Denman Island Local</p>

				<p>Trust Committee Bylaw Enforcement Notification Bylaw No. 232.</p> <p>2.0 Definitions & Abbreviations</p> <p>BEN – bylaw enforcement notice</p> <p>LUB – Land Use Bylaw</p> <p>LTC – Local Trust Committee</p> <p>Minor structure – any structure that does not require a siting and use permit, and that is not located in a development permit area or located within any other environmentally sensitive area</p> <p>SUP – siting and use permit</p> <p>Respondent – a property owner whose property is subject to a bylaw enforcement complaint</p> <p>3.0 References</p> <p>Denman Island Land Use Bylaw No. 186</p> <p>Denman Island Siting and Use Permit NO. 240</p> <p>Denman Island Bylaw Notice Enforcement Bylaw No. 232</p> <p>4.0 Priorities</p> <p>4.1 Enforcement on short-term vacation rentals that have no resident owner or operator on the property are a priority and proactive enforcement is authorized.</p> <p>4.2 Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system.</p> <p>5.0 Inspection</p> <p>5.1 At the start of any investigation, Bylaw 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.</p>
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				<p>for more than one year.</p> <p>6.4 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.</p> <p>6.5 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.</p> <p>6.6 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated with reporting to the LTC and this may include a request for legal action or the use of the BEN.</p> <p>7.0 Closing Files</p> <p>7.1 If the identity of the complainant cannot be confirmed during the course of an investigation, the file will be closed.</p> <p>7.2 If it determined that the complainant used a false name to file the complaint, the file should be closed.</p> <p>7.3 If the contravention is for a minor structure that has only received one written complaint from one person, the file should be closed.</p> <p>7.4 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their discretion to close the file.</p> <p>7.5 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file should be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.</p> <p>7.6 If the Respondent is financially unable to comply with the LUB or the SUP, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file.</p> <p>7.7 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance</p>
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				<p>Denman Island Bylaw Compliance and Enforcement Policy and will report to the LTC if amendments are recommended or required.</p> <p>PART B</p> <p>Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy</p> <p>Appointment of Screening Officers</p> <p>Pursuant to section 7.2 of the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:</p> <ol style="list-style-type: none">1) Regional Planning Manager;2) Bylaw Compliance and Enforcement Manager; and3) Bylaw Compliance and Enforcement Assistant. <p>Screening Officer Powers and Duties</p> <p>The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Denman Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:</p> <ol style="list-style-type: none">1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by any Bylaw Officer, including the Manager of Bylaw Compliance and Enforcement, the Regional Planning Manger, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;2) Bylaw Compliance and Enforcement Manager. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.
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				<p>Authorized Reasons to Cancel Bylaw Violation Notices</p> <p>The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:</p> <ol style="list-style-type: none">1. Voluntary compliance has been achieved.2. The Bylaw Violation Notice was issued to the wrong person;3. The Bylaw Violation Notice was not completed properly.4. It is unreasonable for the person to pay the penalty;5. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists;6. A permit exists or has been obtained that authorises the alleged contravention;7. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:<ol style="list-style-type: none">a. The evidence is inadequate to show a contravention;b. Incorrect information was relied on in issuing the Bylaw Violation Notice;c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.8. It is not in the public interest to proceed to adjudication for one of the following reasons:<ol style="list-style-type: none">a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;b. An LTC resolution has deferred enforcement on the specific contravention;c. The LTC has closed the file. <p>The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.</p>
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