



Executive Committee

Agenda

Date: Wednesday, April 13, 2022
Time: 9:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1. Introduction of New Items	
2.2. Approval of Agenda	
2.2.1. Agenda Context Notes	4 - 4
3. ADOPTION OF MINUTES	
3.1. March 23, 2022 draft minutes	5 - 13
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1. Follow Up Action List/Director/CAO Updates	14 - 20
4.2. Local Trust Committee Chair Updates	
4.3. Islands Trust Conservancy Liaison Update	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1. Denman Island Local Trust Committee Bylaw No. 240 (administrative)	21 - 28
THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 240, cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021" in accordance with Section 27 of the <i>Islands Trust Act</i>.	
5.2. Gambier Island Local Trust Committee Bylaw No. 156 (administrative)	29 - 41
THAT the Islands Trust Executive Committee approve Gambier Island Local Trust Committee Bylaw No. 156, cited as "Gambier Island Local Trust Committee Fees Bylaw, 2022", in accordance with Section 27 of the <i>Islands Trust Act</i>.	
5.3. Salt Spring Island Local Trust Committee Bylaw No. 525 (LUB amendment)	42 - 77
THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 525, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2021" in accordance with Section 27 of the <i>Islands Trust Act</i>.	
6. TRUST COUNCIL MEETING PREPARATION	
6.1. Executive	
6.2. Local Planning Services	
6.3. Administrative Services	

6.4.	Trust Area Services	
7.	EXECUTIVE COMMITTEE PROJECTS	
7.1.	Trust Council Initiated	
7.1.1.	Executive	
7.1.2.	Trust Area Services	
7.1.3.	Local Planning Services	
7.1.4.	Administrative Services	
7.2.	Executive Committee Initiated	
7.2.1.	Executive	
7.2.2.	Trust Area Services	
7.2.3.	Local Planning Services	
7.2.3.1.	Grant Application Cliffside Publishing - Saturna Trustee Middleton response email dated March 23, 2022	78 - 79
	See Agenda Context Notes item 2.2.1.	
7.2.4.	Administrative Services	
8.	NEW BUSINESS	
8.1.	Executive/Trust Council	
8.2.	Trust Area Services	
8.2.1.	LTC Chairs Report on Local Advocacy Topics	
8.3.	Local Planning Services	
8.4.	Administrative Services	
9.	RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)	
10.	CORRESPONDENCE (for information unless raised for action)	
10.1.	P. Mertz re: Draft New Policy Statement email dated April 6, 2022	80 - 82
10.2.	Trustee Johnston re: Select Committee on Governance review notice of meeting email dated April 3, 2022	83 - 83
10.3.	Gulf Islands Alliance re: Governance Review letter dated March 29, 2022	84 - 84
10.4.	J. Harris re: Citizen request that Islands Trust NOT be given Tree Bylaw Authority cc'd to Trustees email dated March 23, 2022	85 - 89
10.5.	M. Dunn re: Trust Area Conservancies Joint Statement on the Draft Islands Trust Policy dated March 1, 2022	
	This correspondence was posted to the Islands 2050 webpage at the following hyperlink:	
	https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/01-Islands%202050/Public%20Correspondence/2022-03-04_TrustAreaConservancies_R.pdf	
10.6.	R. da Silva re: delegation to Denman LTC and adequate housing letter dated January 18, 2022	90 - 105

11. WORK PROGRAM

11.1. Review and amendment of current work program

106 - 110

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, on May 4, 2022, beginning at 9:00 a.m.

13. CLOSED SESSION (if applicable)

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

14. ADJOURNMENT

Agenda No.	From	Context Notes
7.2.3.1	DLPS Marlor	At its last business meeting, Executive Committee passed the following resolution: EC-2022-047 It was Moved and Seconded, That Executive Committee postpone the request from Cliffside Publishing and refer the grant application to the local Saturna trustees for information and indication of support or not given the budget considerations. <u>CARRIED</u> Opposed, Trustee Fast Regarding item 8.2.3.4 (pp 121-126) of the March 23, 2022, agenda package.



Executive Committee Minutes of Regular Meeting

Date: March 23, 2022

Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: Peter Luckham, Chair, Thetis Island Trustee
Dan Rogers, Vice-Chair, Gambier/Keats Island Trustee
Laura Patrick, Vice-Chair, Salt Spring Island Trustee
Sue Ellen Fast, Vice-Chair, Bowen Island Municipal Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO) (Victoria Boardroom)
David Marlor, Director Local Planning Services (DLPS) (Victoria Boardroom)
Clare Frater, Director, Trust Area Services (DTAS)

Members of the Public: Two members of public in attendance

The meeting was held electronically, livestreamed and public could attend in-person in Victoria or electronically.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:00 a.m. and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory then introduced elected officials and staff.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

Add late items correspondence as circulated:

10.7 C. Crotty re: recommend deferral of review of draft policy statement email dated March 22, 2022

10.8 ITC Chair Stamford re: Coastal Douglas-fir Ecological Communities letter dated March 18, 2022

Add an in-camera restricted session.

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

3. RISE AND REPORT DECISIONS FROM PREVIOUS CLOSED MEETING – None

4. ADOPTION OF MINUTES

4.1 March 8, 2022

By general consent, the March 8, 2022, minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List (FUAL)/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller and directors reviewed their FUAL list items as presented and gave verbal updates on emerging issues.

Discussion followed on:

- Staff work from home agreements and department staffing updates,
- Islands 2050 Phase 3 engagement and communications.

5.2 Local Trust Committee Chair Updates

Local Trust Committee (LTC) Chairs gave verbal updates on recently attended LTC meetings, applications in progress and projects status.

5.3 Islands Trust Conservancy Liaison Update

Vice-Chair Fast noted the Conservancy correspondence added as a late item at 10.8. for discussion.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Bowen Island Municipality Bylaw No. 564 (LUB amendment) - RFD

DLPS Marlor introduced the request for decision.

Vice-Chair Fast gave a summary of the issue which brought the amendment forward.

EC-2022-038

It was Moved and Seconded,

THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 564 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 564, 2022" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

6.2 Galiano Island LTC Fees Bylaw No. 281 (administrative) - RFD

Vice-Chair Rogers spoke to the request for decision.

There was discussion about the date in the bylaw, shown as 2021, which was determined to be correct.

EC-2022-039

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 281, cited as “Galiano Island Local Trust Committee Fees Bylaw, 2021” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.3 South Pender Island LTC Fees Bylaw No. 124 (administrative) - RFD

Vice – Chair Patrick presented the request for decision.

EC-2022-040

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.4 Thetis Island LTC Fees Bylaw No. 110 (administrative) - RFD

Vice – Chair Patrick presented the request for decision.

EC-2022-041

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 110, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2021”, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

The meeting recessed for a break at 10:22 a.m. and reconvened 10:27 a.m.

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 Roundtable Review of March Trust Council

Executive Committee and staff debriefed on the March Trust Council session.

Discussion was heard that:

- The location, venue and food were good,
- The meeting was intense and exhausting,
- Vice-Chairs can assist the Chair as needed,

- Walking in a significant motion without notice was a concern,
- Having a separate screen for showing the agenda would be helpful,
- Some trustees not absorbing the agendas, that providing reference material as hyperlinks may help,
- Comments in the governance report that trustees didn't remember their original orientation at the beginning of the term,
- New project budget items could be better understood in a shorter summary using plain language.

EC-2022-042

It was Moved and Seconded,

That Executive Committee request staff to circulate existing orientation materials to trustees and request feedback for improvement.

CARRIED

7.1.1.1 Trustee Johnston re: Trust Council feedback email dated March 14, 2022

Executive Committee discussed this item during the Roundtable Review at item 7.1.1.

7.1.2 March Trust Council Business Decision Highlights

CAO Hotsenpiller presented the March Trust Council business decision highlights.

Executive Committee discussed messaging regarding receipt of the Islands Trust governance review report.

EC-2022-043

It was Moved and Seconded,

That Executive Committee request staff to edit the governance section of the March Trust Council decision highlights by adding "trustees indicated a strong interest to move the matter forward".

CARRIED

By general consent, Executive Committee requested the decision highlights be circulated as amended.

7.1.3 Trust Council Follow-Up Action List

CAO Hotsenpiller reported the FUAL has been updated following the March Trust Council meeting.

- 7.2 **Local Planning Services** - None
- 7.3 **Administrative Services** - None
- 7.4 **Trust Area Services** – None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Great Northern Management Consultants final version of Islands Trust Governance Review February 2022 – Briefing

CAO Hotsenpiller spoke to the briefing and that the final version of the governance review has been posted to the website.

Executive Committee discussed moving forward with the governance review and holding a Special Meeting of Trust Council to address the postponed motion of Trust Council.

EC-2022-044

It was Moved and Seconded,

That Executive Committee request that staff conduct a resolution-without-meeting for a electronic Special Meeting of Trust Council to consider the deferred governance review motion TC-2022-01 from March 2022 Trust Council.

CARRIED

Opposed, Trustee Fast

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services – None

The meeting recessed for lunch at 12:00 p.m. and reconvened at 12:30 p.m.

8.2 Executive Committee Initiated

8.2.1 Executive – None

8.2.2 Trust Area Services

8.2.2.1 Draft Islands Trust Tax Notice Insert for 2022/23 – Briefing

Director of Trust Area Services (DTAS) Frater spoke to the briefing.

The following amendments were discussed:

- Remove the brackets around the amounts on page 2,
- Use the phrase, “we work with you”,
- Change “new development and construction” to “new development” - to match the table.

By general consent, the tax insert notice was endorsed as amended.

8.2.3 Local Planning Services

8.2.3.1 Request for information from the Province regarding Magic Lake Estates Governance Study process – Briefing

DLPS Marlor spoke to the briefing and request of the North Pender Island Local Trust Committee asking the ministry to explain how a governance study review regarding Magic Lake Estates would move forward.

The briefing was received for information.

8.2.3.2 MA-DVP-2021.9 (MIASFF) application sponsorship – RFD

DLPS Marlor spoke to the request for decision (RFD).

EC-2022-045

It was Moved and Seconded,

THAT the Executive Committee approve financial sponsorship of \$935 for Development Variance Permit application MA-DVP-2021.9.

CARRIED

Opposed, Trustee Fast

8.2.3.3 GL-DVP-2022.1 (The Galiano Club) application sponsorship - RFD

DLPS Marlor spoke to the request for decision (RFD).

EC-2022-046

It was Moved and Seconded,

THAT the Executive Committee approve financial sponsorship of \$715 for development variance permit application GL-DVP-2022.1 (The Galiano Club).

CARRIED

Opposed, Trustee Fast

8.2.3.4 Cliffside Publishing Heritage Grant Saturna Island – RFD

DLPS Marlor spoke to the request for decision (RFD).

Executive Committee discussed the request.

EC-2022-047

It was Moved and Seconded,

That Executive Committee postpone the request from Cliffside Publishing and refer the grant application to the local Saturna trustees for information and indication of support or not given the budget considerations.

CARRIED
Opposed, Trustee Fast

8.2.4 Administrative Services – None

9. NEW BUSINESS

9.1 Executive/Trust Council – None

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

Vice-Chair Patrick reported on a visit to a local church on Salt Spring Island that is reimagining itself within the community.

9.3 Local Planning Services - None

9.4 Administrative Services – None

10. CORRESPONDENCE

10.1 G. Kahne email dated March 14, 2022, cc'd to trustees re: Islands Trust Budget

Received for information.

10.2 D. Courtney re: Minister Request email dated March 13, 2022

Executive Committee discussed the letter from D. Courtney.

Vice-Chair Patrick spoke to action being taken by Member of the Legislative Assembly (MLA) Olsen regarding this item and its petition.

Received for information.

10.3 Urgent Request for Support - SGI Anchorages email dated March 8, 2022

By general consent, forward to trustees for information.

10.4 Hegus (Chief) Rempel re: Support for K'omoks Guardian Watchman Program letter dated March 7, 2022

Executive Committee discussed the letter and request as presented.

By general consent, Chief Administrative Officer Hotsenpiller will work with Chair Luckham to reach out to Hegus Rempel regarding the request.

10.5 B. Graham re: Comments on Groundwater and Eelgrass reports letter received March 4, 2022

Received for information.

10.6 Provincial Response to 2021(UBCM) resolution re: Electronic Permit and Public Hearing Notification letter dated March 3, 2022

Received for information.

10.7 C. Crotty re: recommend deferral of review of draft policy statement email dated March 22, 2022

Received for information.

10.8 ITC Chair Stamford re: Coastal Douglas-fir Ecological Communities letter dated March 18, 2022

EC-2022-048

It was Moved and Seconded,

That the Executive Committee forward the correspondence received at Trust Council (item 17.2) about Coastal Douglas-fir to the delegate David Dunnison regarding his presentation to Trust Council dated March 8, 2022 entitled, "Islands Trust Biodiversity".

CARRIED

11. WORK PROGRAM

11.1 Review and amendment of current work program

Received for information.

12. CLOSED MEETING

At 1:43 p.m., the meeting was closed to the public.

EC-2022-049

It was Moved and Seconded,

That Executive Committee close the meeting to the public under Section 90(1) (c) [labour relations or other employee relations] of the *Community Charter* and invite the Chief Administrative Officer to attend.

CARRIED

At 2:00 p.m. the meeting was reopened to the public.

13. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, on April 13, 2022, from the Victoria office, #200 1627 Fort Street.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 2:00 p.m.

Peter Luckham, Chair

Certified Correct

David Marlor/Recorder



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 13-Apr-2022	In Progress
3 Circulate existing trustee orientation materials to trustees and request feedback for improvement.	Russ Hotsenpiller	Meeting: 23-Mar-2022 Target: 13-Apr-2022	In Progress
4 Staff conduct a resolution-without-meeting for an electronic Special Meeting of Trust Council to consider the deferred governance review motion TC-2022-01 from March 2022 Trust Council.	Russ Hotsenpiller	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed
5 Forward to trustees, item 10.3 correspondence re: urgent request for support - Southern Gulf Islands Anchorages email dated March 8, 2022	Russ Hotsenpiller	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed
6 Circulate the March Trust Council business decision highlights document, as amended.	Russ Hotsenpiller	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
7 Respond to K'omoks correspondence re: Support for K'omoks Guardian Watchman Program letter dated March 7, 2022	Russ Hotsenpiller	Meeting: 23-Mar-2022 Target: 04-May-2022	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed 'overspends' for any particular budget item.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 13-Apr-2022	In Progress
2 That more information be brought back regarding the financial implications of Employee & Family Assistance Plan EFAP if the deductible changed to further consider if staff should enrol the new term of trustees in the Union of British Columbia Municipalities (UBCM) enhanced benefits plan with the Employee & Family Assistance Plan add-on.	Julia Mobbs	Meeting: 26-May-2021 Target: 15-Sep-2022	In Progress

Director, Local Planning Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 23-Sep-2022	In Progress
2 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 13-Apr-2022	In Progress
3 That Executive Committee request staff to continue this discussion (Local Planning Services Renewal Status Report - Briefing) to a future Executive Committee meeting and the pros and cons of reducing the projects per local trust committee to one.	David Marlor	Meeting: 03-Feb-2021 Target: 23-Feb-2022	In Progress
4 Advise Bowen Island Municipality that Bylaw No. 564 is not contrary or at variance with the Islands Trust Policy Statement.	David Marlor	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed
5 ·Advise Galiano LTC that Fees Bylaw No. 281. was approved by EC. ·Advise South Pender LTC that Fees Bylaw No. 124 was approved by EC. ·Advise Thetis LTC that Fees Bylaw No. 110 was approved by EC.	David Marlor	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
6 ·Advise MA-DVP-2021.9 (MIASFF) that EC approved financial sponsorship of \$935 for a DVP application. ·Advise GL-DVP-2022.1 (The Galiano Club) that EC approved financial sponsor of \$715 for a DVP application.	David Marlor	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed
7 Postpone and refer the Cliffside Publishing grant application to Saturna local trustees for information and indication of support, or not given budget considerations.	David Marlor	Meeting: 23-Mar-2022 Target: 04-May-2022	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 31-May-2022	In Progress
2 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being September 2022.	Clare Frater	Meeting: 23-Feb-2022 Target: 20-Sep-2022	Completed



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman (COMPLETE) and Gabriola Islands, subject to support of local trustees and affected local trust committees.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-May-2022	In Progress
4 Collaborate with Bowen Island Municipal staff on an insert for the tax notice and a delay for a year would be appropriate.	Clare Frater	Meeting: 14-Apr-2021 Target: 31-May-2022	In Progress
5 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island.	Clare Frater	Meeting: 10-Mar-2020 Target: 31-May-2022	In Progress
6 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 31-May-2022	In Progress
7 The Executive Committee request staff to provide a Learning at Home series on the Murdered and Missing Indigenous Women and Girls Calls for Justice.	Clare Frater	Meeting: 05-Aug-2020 Target: 31-May-2022	In Progress
8 Executive Committee request staff to provide a briefing on the potential for webinars on Indigenous perspectives on climate change.	Clare Frater	Meeting: 08-Sep-2021 Target: 13-Apr-2022	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
9 Trust Council requested staff provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process.	Clare Frater	Meeting: 23-Sep-2021 Target: 13-Apr-2022	In Progress
10 Ask staff to investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 27-Oct-2021 Target: 31-May-2022	In Progress
11 That Executive Committee request staff to send a follow-up letter to the Province regarding the New Brighton dock letter sent October 2, 2020, File No. 12-05-6410-03-2020 and attach the October 2 and October 14 deputy minister response as an addendum.	Clare Frater	Meeting: 02-Feb-2022 Target: 13-Apr-2022	In Progress
12 Annual report format amendments include moving reconciliation items and conservancy items up in the table of contents and keep the presentation simple.	Clare Frater	Meeting: 23-Feb-2022 Target: 13-Apr-2022	Completed
13 That Executive Committee request staff and Chair Luckham respond to the Port of Vancouver request for input following Trust Council's advocacy policy.	Clare Frater	Meeting: 02-Feb-2022 Target: 13-Apr-2022	Completed
14 Forward the correspondence received at Trust Council (item 17.2) about Coastal Douglas-fir to the delegate David Dunnison regarding his presentation to Trust Council dated March 8, 2022 entitled, "Islands Trust Biodiversity".	Clare Frater	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
15 Amend the Islands Trust Tax Notice Insert 2022/2022 as discussed.	Clare Frater	Meeting: 23-Mar-2022 Target: 13-Apr-2022	Completed



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-BL-240
3900-03:LPS Admin Bylaw

DATE OF MEETING: April 13, 2022
TO: Islands Trust Executive Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Denman Island Local Trust Committee – Bylaw No. 240

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 240, cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 240 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational - None.

Financial - None.

Policy - None.

Implementation/Communications

Communication to **Denman Island Local Trust Committee** regarding the Executive Committee decision by **April 14, 2022**.

PURPOSE

Denman Island Local Trust Committee Bylaw No. 240, cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021". (Attachment 4) is intended to increase the quality of application submittals received with Siting and Use Permit applications thereby reducing the amount of time staff spend reviewing these types of permits.

BACKGROUND

Denman Island Local Trust Committee Bylaw No. 240

Bylaw No. 240 was given first reading September 1, 2021 and given second and third readings on March 22, 2022. (Attachment 4)

Issues Relating To Provincial Interest - None.

Issues Relating To First Nation Interest- None.

Issues Relating To Resources and Enforcement

Staff have found that SUP application submittals are typically of such low quality that planners spend more time requesting information from the applicant than is reasonably necessary or covered by the application fee. This bylaw amendment is anticipated to reduce the amount of time staff spend trying to obtain good quality application information and therefore the amount of time spent processing these particular types of permits.

Public Comments - None.

RELEVANT POLICY

Trust Council Policy 5.6.1 Application Processing Services Policy.

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Denman Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 240, cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021", is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager, Northern Office	March 29, 2022
Concurrence:	David Marlor, RPP, MCIP Director, Local Planning Services	April 7, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. DE-Bylaw No. 240



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-240

Bylaw Type: Siting and Use Permit Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 22-Mar-2022

- ☒ Bylaw Submission Checklist attached
- ☐ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by
Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: DE-240

Trust Area: Denman Island Local Trust Committee
Type: Siting and Use Permit Procedure Bylaw
Bylaw No.: DE-240
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 01-Sep-2021

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web:

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: No
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 29-Mar-2022

File complete and ready for Public review: No

Public Hearings:

Location:
Proofread By:

Legal Paper:
First Publish Date:

Second Publish Date:

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:
Date Public Hearing Held:

Second Reading Date: 22-Mar-2022

Third Reading Date: 22-Mar-2022

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Becky McErlean

Status

Date Resolution Referred to Exective Committee: 22-Mar-2022

Reading: 22-Mar-2022

Third Reading

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 240

A BYLAW TO REQUIRE AND DEFINE PROCEDURES FOR APPLICATION FOR SITING AND USE PERMITS INCOMPLIANCE WITH DENMAN ISLAND OFFICIAL COMMUNITY PLAN NO. 185, 2008 AND DENMAN ISLAND LAND USE BYLAW NO. 186, 2008.

WHEREAS the Denman Island Local Trust Area is not subject to a requirement established under Division 1 of Part 9 of the *Local Government Act* that building permits be obtained for construction;

AND WHEREAS the Denman Island Local Trust Area is subject to Land Use Bylaw No. 186, 2008 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Denman Island Trust Committee being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C. 1996, enacts as follows:

1. Title

This bylaw may be cited for all purposes as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021".

2. Bylaw Repeal

Bylaw No. 52 cited as "Denman Island Siting and Use Permit Bylaw No. 52, 1990" and all of its amendments are repealed.

3. Requirement

Owners of land within the Denman Island Local Trust Area are required to obtain a siting and use permit for the construction of a freestanding building or structure with a gross floor area of ten square metres or more or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

4. Application

This bylaw shall apply to Denman Island, Sandy Island, Chrome Island, Seal Islets and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Denman and Sandy Islands except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

5. Interpretation

In this bylaw definitions contained in Section 1.1 of the Land Use Bylaw apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section 6 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

6. Administration

- 6.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.
- 6.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.
- 6.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$1000.00.

7. Application Procedures

- 7.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.
- 7.2 An application for a permit shall include a site plan prepared by a British Columbia land surveyor and be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
- 7.3 The requirement for a site plan prepared by a British Columbia land surveyor under section 7.2 is waived where the proposed location of the building or structure is more than one metre beyond all minimum setbacks where the Denman Island Local Trust Committee land use regulations establish siting requirements related to setbacks.
- 7.4 A permit may be issued only if the construction and use of land and structures to which it relates complies with the applicable land use bylaw.

8. Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS	1 ST	DAY OF	SEPTEMBER	, 2021
READ A SECOND TIME THIS	22 ND	DAY OF	MARCH	, 2022
READ A THIRD TIME THIS	22 ND	DAY OF	MARCH	, 2022
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	____ ^{XX}	DAY OF	_____	, 20XX
ADOPTED THIS	____ ^{XX}	DAY OF	_____	, 20XX

SECRETARY

CHAIRPERSON



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: GM-BL-156
3900-03:LPS Admin Bylaw

DATE OF MEETING: April 13, 2022
TO: Islands Trust Executive Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Gambier Island Local Trust Committee – Bylaw No. 156

RECOMMENDATION

1. THAT the Islands Trust Executive Committee approve Gambier Island Local Trust Committee Bylaw No. 156, cited as "Gambier Island Local Trust Committee Fees Bylaw, 2022", in accordance with Section 27 of the *Islands Trust Act*.

DIRECTORS COMMENTS

Gambier Island Local Trust Committee has referred Bylaw No. 156 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational – none.

Financial

Increases in fees should provide more revenue to cover the cost of processing related permits.

Policy – none.

Implementation/Communications

Communication to **Gambier Island Local Trust Committee** regarding the Executive Committee decision by **April 14, 2022**.

Other – none.

PURPOSE

Gambier Island Local Trust Committee Bylaw No. 156, cited as "Gambier Island Local Trust Committee Fees Bylaw, 2022" (Attachment 4) is intended to consider adopting a bylaw that updates permitting fees, specifically:

- An expanded Interpretation section.

- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

Gambier Island Local Trust Committee Bylaw No. 156

Bylaw No. 156 was given three readings on March 31, 2022. (Attachment 4).

Issues Relating To Provincial Interest

None.

Issues Relating To First Nation Interest

None.

Issues Relating To Resources and Enforcement

Increased cost recovery.

Public Comments

None.

Staff Comments

None.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Trust Council Policy “5.6.1 Application Processing Services”.

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Gambier Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 156, cited as cited as "Gambier Island Local Trust Committee Fees Bylaw, 2022", is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Gambier Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	April 4, 2022
Concurrence:	David Marlor, RPP, MCIP Director, Local Planning Services	April 7, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. Bylaw No. 156



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-156

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 31-Mar-2022

- ☒ Bylaw Submission Checklist attached
- ☐ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: GM-156

Trust Area: Gambier Island Local Trust Committee
Type: Fees Bylaw
Bylaw No.: GM-156
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 31-Mar-2022

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web:

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: No
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 05-Apr-2022

File complete and ready for Public review: Yes

Public Hearings:

Location:
Proofread By:

Legal Paper:
First Publish Date:

Second Publish Date:

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:
Date Public Hearing Held:

Second Reading Date: 31-Mar-2022

Third Reading Date: 31-Mar-2022

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Becky McErlean

Status

Date Resolution Referred to Exective Committee: 31-Mar-2022

Reading: 31-Mar-2022

Third Reading

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 156

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Gambier Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust area, in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as "Gambier Island Local Trust Committee Fees Bylaw, 2022".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Gambier Island Local Trust Committee Development Procedures Bylaw No. 50, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

PROPOSED

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

PROPOSED

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Siting and Use Permit	\$250
14. Heritage Alteration Permit	\$1,700
Combination Applications	
15. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
16. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

PROPOSED

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

PROPOSED

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Gambier Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

PROPOSED

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Gambier Island Local Trust Committee Fees Bylaw No. 105, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS 31ST DAY OF MARCH , 2022

READ A SECOND TIME THIS 31ST DAY OF MARCH , 2022

READ A THIRD TIME THIS 31ST DAY OF MARCH , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

CHAIR

SECRETARY



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-RZ-2020.1

X-ref: SS-DP-2020.8 & SS-BE-2019.71

DATE OF MEETING: April 13, 2022
TO: Islands Trust Executive Committee
FROM: Kristine Mayes, Planner 1
SUBJECT: Salt Spring Island Local Trust Committee – Bylaw No. 525

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 525, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2021" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Salt Spring Island Local Trust Committee has referred Bylaw No. 525 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational – None.

Financial – None.

Policy – None.

Implementation/Communications

Staff will advise the Salt Spring Island Local Trust Committee of the decision of the Executive Committee.

Other – None.

PURPOSE

Salt Spring Island Local Trust Committee Bylaw No. 525, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2021" (Attachment No. 5) intends to make lawful an existing oversized boathouse and to establish a 15-metre setback from the natural boundary of the sea.

Proposed Bylaw No. 525 seeks to create a Rural zone variant on the subject property as follows:

- establishes a new Rural zone variant – R(p) – which permits a maximum of one boathouse not exceeding 60 square metres on all lands in this zone; and
- establishes a 15 metre setback to the natural boundary of the sea.

BACKGROUND

Salt Spring Island Local Trust Committee Bylaw No. 525

- November 9, 2021: First Reading
- February 15, 2022: Second Reading
- March 17, 2022: Community Information Session
- March 22, 2022: Public Hearing & Third Reading

The Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement and are satisfied that relevant policies have been sufficiently addressed and that the proposed bylaw is not contrary to or at variance with the Islands Trust Policy Statement.

Issues Relating To Provincial Interest – None.

Issues Relating To First Nation Interest

Referral of the proposed bylaw to agencies, organizations and First Nations rights and title holders commenced on November 17, 2021 with the referral response period ending on December 22, 2022 – with an extension to January 31, 2022 (Appendix No. 6). The Applicant engaged Madrone Environmental Services Ltd. to complete an Archaeological Overview Assessment for the subject property. In accordance with the recommendations contained therein, the Salt Spring Island Local Trust Committee has included a provision in the proposed bylaw to establish a 15 metre setback to the natural boundary of the sea.

Issues Relating To Resources and Enforcement – None.

Public Comments

One piece of correspondence has been received in respect to this application (regarding density, received prior to amendment of the application).

Staff Comments

The proposed Land Use Bylaw amendment is generally consistent with relevant [Salt Spring Island Official Community Plan No. 434](#) policies and objectives and the Islands Trust Policy Statement and as such, can be advanced. Staff recommend the Islands Trust Executive Committee approve Proposed Bylaw No. 525.

KEY ISSUES/CONCEPTS

- The application is seeking to make lawful the floor area of an existing boathouse structure of which a date of construction could not be definitively determined.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Salt Spring Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 525, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2021" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Salt Spring Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Kristine Mayes, Planner 1	April 5, 2022
Concurrence:	David Marlor, Director Local Planning Services	April 7, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Referrals Report
3. Islands Trust Policy Statement Directives Only Checklist
4. EC Policy Checklist
5. Bylaw No. 525
6. First Nations Follow-Up Tracking



Local Trust Committee Bylaws Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-525

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee:

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached*
* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Referrals: Bylaw SS-525

Agency	Sent	Received
Advisory Planning Commission Salt Spring <i>Advisory Planning Commission Salt Spring Island: Chairman and Commissioners ;</i> <i>Comment: That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee to proceed with Proposed Bylaw No. 525.</i>	17-Nov-2021	25-Nov-2021
BC Ambulance Services <i>Room 103:</i>	17-Nov-2021	
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	17-Nov-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street:</i>	17-Nov-2021	
Capital Regional District - Env. Engineering Division <i>625 Fisgard Street:</i>	17-Nov-2021	
Capital Regional District - Parks & Community Services <i>625 Fisgard Street:</i>	17-Nov-2021	
Capital Regional District - SSI Building Inspection <i>206-18 Fulford-Ganges Road:</i>	17-Nov-2021	
Capital Regional District - SSI Parks and Recreation <i>145 Vesuvius Bay Road:</i>	17-Nov-2021	
Capital Regional District - SSI Senior Manager <i>145 Vesuvius Bay Road: . .</i>	17-Nov-2021	
Cowichan Tribes <i>Chief and Council: . .</i> <i>Comment: Cowichan Tribes supports the rezoning to restrict to one boathouse only for all lands zoned R(p).</i>	17-Nov-2021	29-Nov-2021
Cowichan Valley Regional District <i>175 Ingram Street: Mike Tippet</i> <i>Comment: Interests Unaffected.</i>	17-Nov-2021	26-Nov-2021
Fisheries and Oceans Canada	17-Nov-2021	

Referrals: Bylaw SS-525

Agency	Sent	Received
<i>Suite 200 - 401 Burrard Street: . .</i>		
Front Counter BC <i>FrontCounterBC@gov.bc.ca:</i> <i>Comment: Directed to Ministry of Forests, Lands, Natural Resource Operations and Rural Development - West Coast Region Authorizations: Interests Unaffected</i>	17-Nov-2021	10-Jan-2022
Galiano Island Local Trust Committee <i>200 - 1627 Fort Street: . .</i> <i>Comment: Interests Unaffected.</i>	17-Nov-2021	06-Dec-2021
Halalt First Nation <i>7973 Chemainus Rd: & Council Chief</i>	17-Nov-2021	
Hulquminum Treaty Group <i>PO Box 21028: . .</i>	17-Nov-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i>	17-Nov-2021	
Lyackson First Nation <i>7973A Chemainus Road: Referrals Coordinator</i>	17-Nov-2021	
Malahat First Nation <i>110 Thunder Road, RR4:</i> <i>Comment: At this time and with the information we have been provided, Malahat Nation does not object to the proposed regulation changes. The Nation wishes to emphasize the cultural significance of archaeological sites within our traditional territory. Should any alterations to the archaeological site within this parcel be planned the Nation expects to receive another referral package to review the inspection and alteration permits. We continue to require disclosure on an ongoing basis regarding this and other related bylaws.</i>	17-Nov-2021	17-Jan-2022
Mayne Island Local Trust Committee <i>Islands Trust: . .</i> <i>Comment: Interests Unaffected.</i>	17-Nov-2021	28-Feb-2022
Ministry of Environment and Climate Change Strategy - BC Parks <i>PO Box 9394 Stn Prov Govt: Sharon Erickson</i>	17-Nov-2021	
Ministry of Forests, Lands, Natural Resource Operations & Rural Develo -Archaeology Site Inventory <i>PO Box 9816 Stn. Prov. Govt.: Diana Cooper</i>	17-Nov-2021	

Referrals: Bylaw SS-525

Agency	Sent	Received
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	17-Nov-2021	
Ministry of Transportation and Infrastructure <i>Vancouver Island District Office: . .</i>	17-Nov-2021	
North Pender Island Local Trust Committee <i>Islands Trust: . .</i> <i>Comment: Interests Unaffected.</i>	17-Nov-2021	04-Dec-2021
Pauquachin First Nation <i>9010 West Saanich Road:</i>	17-Nov-2021	
Penelakut Tribe <i>Chief and Council: Denise James</i>	17-Nov-2021	
R.C.M.P. <i>401 Lower Ganges Road:</i>	17-Nov-2021	
Salt Spring Fire-Rescue <i>105 Lower Ganges Road: Arjuna George</i> <i>Comment: The property is located outside the Fire District boundaries and therefore [SS Fire] has no jurisdiction, nor comment on the matter.</i>	17-Nov-2021	17-Nov-2021
Semiahmoo First Nation <i>16049 Beach Road: Referrals Coordinator</i>	17-Nov-2021	
Stz'uminus First Nation <i>12611 A Trans Canada Hwy: Chenoa Akey</i>	17-Nov-2021	
Te'Mexw Treaty Association <i>13D Cooper Road:</i>	17-Nov-2021	
Thetis Island Local Trust Committee <i>Northern Office: . .</i> <i>Comment: Interests Unaffected.</i>	17-Nov-2021	16-Mar-2022
Tsartlip First Nation <i>PO Box 70: Karen Harry</i>	17-Nov-2021	

Referrals: Bylaw SS-525

Agency	Sent	Received
Tsawout First Nation <i>PO Box 121, 7725 Tetayut Road: Gwen Underwood</i> <i>Comment: Due to the recent events of ancestral remains being uncovered in close proximity to the subject property, Tsawout First Nation requests that an Archeological Impact Assessment either be referred to or newly completed for the proposed area.</i>	17-Nov-2021	06-Dec-2021
Tsawwassen First Nation <i>1926 Tsawwassen Drive:</i>	17-Nov-2021	
Tseycum First Nation <i>1210 Totem Lane:</i>	17-Nov-2021	
Vancouver Island Health Authority <i>1952 Bay Street: . .</i>	17-Nov-2021	

From: Jamie Holmes <jholmes@saltspringfire.com>
Sent: Wednesday, November 17, 2021 3:02 PM
To: Daniela Murphy <dmurphy@islandstrust.bc.ca>
Cc: Dale Lundy <dlundy@saltspringfire.com>; Nancy Purssell <npurssell@saltspringfire.com>
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351
Mountain Road, SSI

Hello Daniela,

This property is located outside the Fire District boundaries and therefore we have no jurisdiction, nor comment on the matter.

Thank you,

Jamie Holmes (he / him)
Acting Fire Chief
Salt Spring Island Fire & Rescue

Cell : (250) 538-8480
Hall #1: (250) 537-2531 ext 222
Fax: (250) 537- 2507
Web: www.saltspringfire.com

105 Lower Ganges Rd
Salt Spring, BC V8K 2T1

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3.2 Proposed Bylaw No. 525 – 1351 Mountain Road

Planner Mayes presented a memorandum dated November 16, 2021 regarding an application to make lawful an oversized boathouse and to establish a 15-metre setback from the natural boundary of the sea.

Applicant Doug MacAlpine spoke to the application by phone.

In discussion the following comments and questions were noted:

- There was a question regarding how this application became an issue in the first place. Planner Mayes reported the initial application included a second dwelling and has been reduced to make lawful an oversized boathouse and the 15-metre setback from the natural boundary of the sea was a result of an archaeological overview assessment.
- There was a comment that this property has been developed for decades and nothing new is being built or disturbed.
- There was a question regarding whether the application was referred to the Department of Fisheries and Oceans. Planner Mayes reported there is a crown lease for the dock and date of construction is unknown.
- There was a question regarding the archaeological potential. Planner Mayes reported Proposed Bylaw No. 525 would ensure any new buildings or structures would have to be setback 15-metres from the natural boundary of the sea.
- There was a question regarding whether the applicant supports the proposed bylaw. Applicant MacAlpine reported he supports the draft bylaw.

It was MOVED and SECONDED,

That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee to proceed with Proposed Bylaw No. 525.

CARRIED

4. OTHER BUSINESS - none

5. ADJOURNMENT

By general consent the meeting adjourned at 1:50 p.m.

Jeff Thompson, Chair

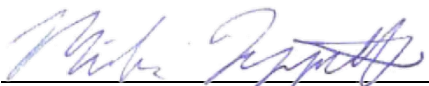
CERTIFIED CORRECT:

Sarah Shugar, Recorder

BYLAW REFERRAL FORM
 RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☒
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
 (Island)


 (Signature)

2021/11/16
 (Date)

525
 (Bylaw Number)

Manager of Community Planning Division
 (Title)

Cowichan Valley Regional District
 (Agency)

BYLAW REFERRAL FORM
 RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☒
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
 (Island)


 (Signature)

December 4, 2021
 (Date)

525
 (Bylaw Number)

Jas Chonk, Legislative Clerk
 (Title)

North Pender Island Local Trust Committee
 (Agency)

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

J. Chonk

(Signature)

December 6, 2021
(Date)

525
(Bylaw Number)

Jas Chonk, Legislative Clerk
(Title)

Galiano Island Local Trust Committee
(Agency)

From: Warburton, Peter FLNR:EX <Peter.Warburton@gov.bc.ca>
Sent: Monday, January 10, 2022 2:39 PM
To: Kristine Mayes <kmayes@islandstrust.bc.ca>; SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI

Hi Kristine,

The attached referral request was forwarded to me for response.

Thanks for taking my call earlier. As per our discussion I understand that the boathouse is on the upland property and as such the interests of the Crown are unaffected.

Cheers,

Peter

Peter Warburton, RPBio., P.Ag.
Senior Licensed Authorizations Officer, West Coast Region Authorizations
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Suite 142 - 2080 Labieux Road
Nanaimo, BC V9T 6J9
Ph: (250) 739-8348

BYLAW REFERRAL FORM
 RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☒
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

J. Chonk

(Signature)

February 28, 2022

(Date)

525

(Bylaw Number)

Jas Chonk, Legislative Clerk

(Title)

Mayne Island Local Trust Committee

(Agency)

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

Heather Kauer

(Signature)

March 16, 2022

(Date)

525
(Bylaw Number)

Heather Kauer, Regional Planning Manager

(Title)

Thetis Island Local Trust Committee

(Agency)

From: Candace Charlie <Candace.Charlie@cowichantribes.com>
Sent: Monday, November 29, 2021 10:45 AM
To: Daniela Murphy <dmurphy@islandstrust.bc.ca>
Cc: Kristine Mayes <kmayes@islandstrust.bc.ca>
Subject: Re: FW: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI

Good morning,

Cowichan Tribes supports the rezoning to restrict to one boathouse only for all lands zoned R(p).

Best,

Candace Charlie
Referrals Coordinator
Lands & Governance, Cowichan Tribes
5762 Allenby Road
Duncan BC V9L 5J1
Ph: (236) 800-4023 ext. 6007
candace.charlie@cowichantribes.com

From: Tsawout First Nation Referrals <referrals@tsawout.ca>
Sent: Monday, December 6, 2021 1:59 PM
To: Daniela Murphy <dmurphy@islandstrust.bc.ca>
Cc: Casey Dick-Wyatt <landsmanager@tsawout.ca>
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI

Hello Daniela,

It's nice to connect with you in regards to the proposed bylaw: Bylaw No. 525, "Salt Spring Island Land Use Bylaw No. 355, Amendment No. 2, 2021". Due to the recent events of ancestral remains being uncovered in close proximity to the subject property, Tsawout First Nation requests that an Archeological Impact Assessment either be referred to or newly completed for the proposed area.

Please let me know if you have any questions.

Kind Regards,

Neesha Nandhra
Referrals Coordinator
Tsawout First Nation
7728 Tetayut rd.
Saanichton, BC
V8M 2E4
T: 250-652-9101
F: 250-652-9114
tsawout.ca

From: Kate Richey <kate.richey@malahatnation.com>
Sent: Monday, January 17, 2022 3:07 PM
To: SSInfo
Subject: Malahat Nation Response to Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI
Attachments: R21117 Response.pdf

Hello,

Please see Malahat Nation's response attached for the Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI.

Thank you for your time and consideration.

Regards,
Kate



Kate Richey
Traditional Use Researcher

Malahat Nation
1121 Jesken Road | Mill Bay, BC | V0R 2P4
Cel: (250) 208-5554 | Tel: (250) 929-1290
www.malahatnation.com

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Malahat Nation

110 Thunder Road | Mill Bay, BC | V0R 2P4

Tel: (250) 743-3231 | Fax: (250) 743-3251

info@malahatnation.com | www.malahatnation.com

January 17th 2022

Malahat Referral No: R21117

Salt Spring Island Local Trust Committee
Islands Trust, 1 – 500 Lower Ganges Road
Salt Spring Island, BC

Via email: ssiinfo@islandstrust.bc.ca

**RE: Malahat Nation Response to Referral of Salt Spring Island Local Trust Committee Proposed Bylaw
No. 525 - 1351 Mountain Road, SSI**

Dear Salt Spring Island Local Trust Committee,

Thank you for your consultation request for Salt Spring Island Local Trust Committee Proposed Bylaw No. 525 - 1351 Mountain Road, SSI, dated November 17th 2021, located in Malahat Nation's traditional territory.

At this time and with the information we have been provided, Malahat Nation does not object to the proposed regulation changes. The Nation wishes to emphasize the cultural significance of archaeological sites within our traditional territory. Should any alterations to the archaeological site within this parcel be planned the Nation expects to receive another referral package to review the inspection and alteration permits. We continue to require disclosure on an ongoing basis regarding this and other related bylaws.

Thank you for your time and consideration.

Sincerely,

Kate Richey
Traditional Use Researcher/ Referrals Coordinator
Malahat Nation



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SS-RZ-2020.1 | Bylaw No: 525
1351 Mountain Road, SSI (PID: 004-053-761)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Salt Spring Island Local Trust Committee Bylaw No. 525, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2021" intends to make lawful an existing oversized

Completed By: Kristine Mayes

Status

Date Resolution Referred to Exective Committee: 22-Mar-2022

Reading:

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 525

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Rural Zone Variation (p) – R(9) after Zone Variation R(o):

“Zone Variation – R(p)

(22) Despite Section 1.1 – Definition of “Boathouse” – a maximum of one *boathouse* not exceeding 60 square metres shall be located within all lands zoned R(p).

(23) Despite Subsection 4.4.2, the setback from the *natural boundary* of the sea is 15 metres.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 5, of Sections 33 and 37, South Salt Spring Island, Cowichan District, Plan 1812 from Rural – (R) to Rural Zone Variation (p) – R(p), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS 9TH DAY OF NOVEMBER 2021

READ A SECOND TIME THIS 15TH DAY OF FEBRUARY 2022

PUBLIC HEARING HELD THIS 22ND DAY OF MARCH 2022

READ A THIRD TIME THIS 22ND DAY OF MARCH 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

____ DAY OF ____ 20____

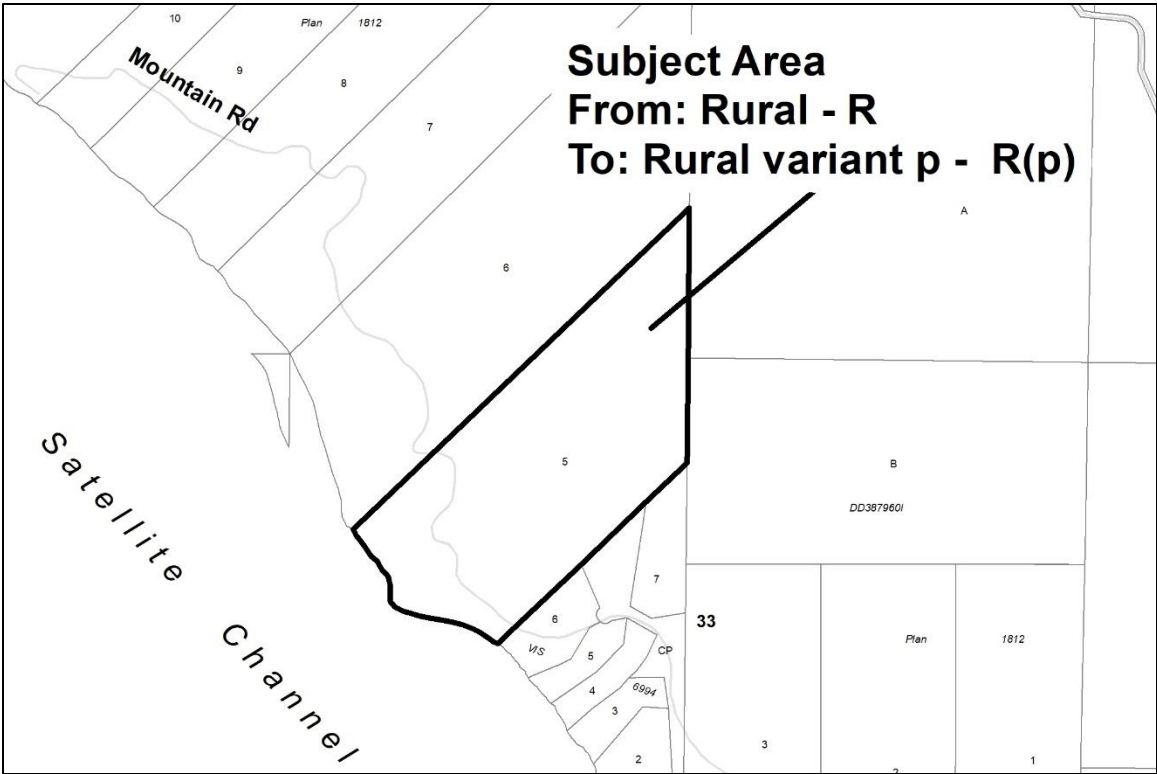
ADOPTED THIS

____ DAY OF ____ 20____

Chair

Secretary

Plan No. 1





Islands Trust

Engagement Topic/Proposal: **1351 Mountain Road** Salt Spring Island Local Trust Committee Proposed Bylaw No. 525

The proposed bylaw would rezone the subject property from Rural (R) to Rural variant p (R(p) to permit a maximum of one boathouse not exceeding 60 square metres in all lands zoned R(p) and establish a 15- metre setback from the natural boundary of the sea.

Schedule:

Step 1	Fall 2021	Engagement strategy plan reviewed with Senior Intergovernmental Policy Advisor Lisa Wilcox.
Step 2		Engagement strategy plan reviewed to Kris Nichols at MAH
Step 3	Nov. 17, 2021	Legislative Clerk D. Murphy (LC) sends Bylaw Referral including referral form and links to staff report, proposed bylaws via email to First Nations and Tribes listed below.
Step 4	Dec. 6, 2021	Follow up phone call from LC to all FN to ensure receipt of the referral and to provide a base explanation (usually 2 weeks after receipt but can be sooner)
Step 5	Winter 2021	LC refers any issues to Planner Kristine Mayes.
Step 6	Winter 2021	Planner Mayes responds as required to FN and Tribes and consults with K. Nichols at MUNI as needed.
Step 7	Winter 2021	Planner Mayes may provide follow up email to all FN and Tribes if a broader clarification is required.
Step 8	Winter 2021	Planner Mayes coordinates further FN, Tribe engagement which may include site visits and consults with MUNI if required.
Step 9	Winter 2021	Planner Mayes may recommend a resolution to initiate a subsequent referral to FN and Tribes if considerable changes were made to the bylaw after 1st referral.
Step 10		Steps 1 to 8 are repeated if a further referral is necessary.
Step 11	Feb. 15, 2022	Once referral period complete, Planner Mayes presents staff report and bylaw to Salt Spring Island Local Trust Committee (SS LTC) for consideration of further reading and resolution to hold a PH.
Step 12	Mar. 7, 2022	If the bylaw advances to 2 nd Reading and Public Hearing without further referral, LC advises FN and Tribes that did not respond or that may require feedback that a Public Hearing has been scheduled and that no further info may be received on its conclusion.
Step 13	Mar. 22, 2022	Planner Mayes presents a post-public hearing staff report for consideration of third reading to the SS LTC.
Step 14	April 2022	LC forwards Bylaw at 3 rd Reading to the Islands Trust Executive Committee for their consideration.

Step 15		Once Executive Committee approval received, LC forwards bylaw referral to MUNI.
Step 16		Once MUNI approves, and bylaw is subsequently adopted, LC sends file closure correspondence to FN and Tribes.

First Nation: Cowichan Tribes			
First Nation Contact Name(s) and Position/Title(s): Candace Charlie, Referral Coordinator (Lands and Fisheries)			
Phone: 250-748-3196 ext. 415		Fax:	Email: Candace.charlie@cowichantribes.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent.	email	
Nov. 29, 2021	Response	Email	Cowichan Tribes supports the rezoning to restrict to one boathouse only for all lands zoned R(p).

First Nation: Halalt First Nation			
First Nation Contact Name(s) and Position/Title(s): Raven August			
Phone: 250-246-4736		Fax:	Email: referrals@halalt.org
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent.	email	
Dec. 6, 2021	Follow up	Phone	Spoke to main reception. Raven was not in the office and when I suggested to leave a voicemail, the receptionist was not sure if Raven checks it. Resent bylaw referral via email.

First Nation: Lake Cowichan First Nation			
First Nation Contact Name(s) and Position/Title(s): Carol Livingstone			
Phone: 250-749-3301		Upload to Knowledgekeeper	Email: carole.livingstone@lakecowichanfn.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent.	portal	Uploaded to Knowledgekeeper.
Dec. 6, 2021	Follow up	Phone	Left detailed voicemail; I viewed that the bylaw is still an active consultation on the portal. Advised Carol to contact us with any questions.

First Nation: Lyackson First Nation			
First Nation Contact Name(s) and Position/Title(s): Karyn Scott, Consultations Coordinator			
Phone: 250-246-5019		Fax:	Email: referrals@lyackson.bc.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent.	email	
Dec. 6, 2021	Follow up	Phone	Spoke to main reception and asked to speak to Karyn. Receptionist advised that since Karyn is currently working from home, that email would be best. Confirmed email address with receptionist as above. Resent bylaw referral via email. Automatic reply advised that the Band Office is currently closed due to flooding and that timelines for responses have been significantly impacted. Note that referrals are assessed in the order in which they are received and multiple submissions will result in delays in reviewing the referral.

First Nation: Malahat Nation			
First Nation Contact Name(s) and Position/Title(s): Heather Adams/Kate Richey			
Phone:	250-743-3231	Fax:	Email: referrals@malahatnation.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent.	Email	
Dec. 6, 2021	Follow up	Phone	Left detailed message with receptionist. Staff is working from home so she would pass this message along. Resent bylaw referral via email.
Dec. 15, 2021	Request for referral response extension.	Email	Kate Richey provided a request for extension as the office would be closed over the Christmas holidays. In consultation with Planner Mayes, an extension was offered of Monday, January 31 st . Kate agreed to this new date.
Dec. 16, 2021	Request for kml file	Email	Kate Richey requested a spatial file, such as a kml file. Leg. Clerk Murphy relayed this request to Planner Mayes the same day. Planner Mayes was unable to create this file, and submitted an IS request. IS provided the kml file to Kate on Dec. 21, 2021.
Jan. 5, 2022	Request for kml file.	Email	Kate Richey requested kml file for the new location of the boat house. Leg. Clerk Murphy relayed this request to Planner Mayes the same day. Planner Mayes provided what information she could to Kate the same day.
Jan. 17, 2022	Response	Email	Malahat does not object to the proposed regulation changes. They emphasize the cultural significance of arch sites within their traditional territory. They require disclosure on an ongoing basis. Please see full response.

First Nation: Pauquachin First Nation			
First Nation Contact Name(s) and Position/Title(s): Darlene Henry			
Phone:	250-656-0191	Fax:	Email: darlene.henry@pauquachin.com cc: reception@pauquachin.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	Redirected from Alva Bob to Darlene Henry.
Dec. 6, 2021	Follow up	Phone	Voicemail advised that the office is currently closed. Resent bylaw referral via email.

First Nation: Penelakut Tribe			
First Nation Contact Name(s) and Position/Title(s): Denise James			
Phone:	250-246-2321 ext. 233	Fax:	Email: denisej@penelakut.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Left detailed voicemail. Resent bylaw referral via email.

First Nation: Hul'quminum Treaty Group (For Information Only)			
First Nation Contact Name(s) and Position/Title(s): Robert Morales			
Phone:	250-245-4660	Fax:	Email: htg-rmorales@shaw.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	

First Nation: Semiahmoo First Nation			
First Nation Contact Name(s) and Position/Title(s): Joanne			
Phone: 604-536-3101 ext. 101		Fax:	Email: semiahmoojoanne@gmail.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Called direct line and voicemail stated that mailbox was full. Resent bylaw via email.

First Nation: Stz'uminus (Chemainus) First Nation			
First Nation Contact Name(s) and Position/Title(s): Ray Gauthier ray.gauthier@coastsalishdevcorp.com			
Phone: 250-924-2444		Fax:	Email: referrals@coastsalishdevcorp.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Spoke with bylaw coordinator, and she was unsure if the bylaw had been reviewed already. She referred me to Ray Gauthier and provided me with his direct email address. Resent email to Ray's attention.

First Nation: Tsartlip First Nation			
First Nation Contact Name(s) and Position/Title(s): Victor Rumbolt			
Phone:	250-652-3988	Fax:	Email: admin@tsartlip.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Spoke to main reception and left detailed message. Resent bylaw via email.
Dec. 6, 2021	Follow-up response	Email	Victor advised that Tsartlip has hired William Morris to assist with referrals. William is to advise where to email future referrals for Tsartlip.

First Nation: Tsawout First Nation			
First Nation Contact Name(s) and Position/Title(s): Casey Dick-Wyatt (Lands Officer)			
Phone:	250-652-9101	Fax:	Email: landsofficer@tsawout.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Spoke with Casey. She advised that a referral coordinator has recently been hired. I confirmed that going forward that referrals are to be sent to referrals@tsawout.ca as well as the landsmanager@tsawout.ca email. I advised her of the deadline. Resent email to both these emails.
Dec. 6, 2021	Response	Email	Tsawout First Nation requests that an AIA either be referred to or newly completed for the proposed area.
Feb. 16, 2022			Applicant forwarded a copy of the AOA to Tsawout First Nation.

First Nation: Tsawwassen First Nation			
First Nation Contact Name(s) and Position/Title(s): Robin Buss (Territory Management Coordinator)			
Phone: 604-943-2112		Fax:	Email: referrals@tsawwassenfirstnation.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	phone	Detailed voice message advised that the admin office is still closed due to the pandemic. Resent bylaw via email.

First Nation: Tseycum First Nation			
First Nation Contact Name(s) and Position/Title(s): William Morris;			
Phone: 250-656-0858		Fax:	Email: willeo@shaw.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	
Dec. 6, 2021	Follow up	Phone	Tried to call, but phone kept ringing without an opportunity to leave a voicemail. Resent email, but it bounced back as undeliverable as the mailbox is full.

First Nation: Te'Mexw Treaty Association (for information only)			
First Nation Contact Name(s) and Position/Title(s): Ron Sam, Chief of Negotiations			
Phone: 250-360-2202		Fax:	Email: info@temexw.org
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Nov. 17, 2021	Initial referral package sent	email	

From: Lee Middleton <lmiddleton@islandstrust.bc.ca>
Sent: Wednesday, March 23, 2022 4:24 PM
To: David Marlor <dmarlor@islandstrust.bc.ca>
Cc: Paul Brent <pbrent@islandstrust.bc.ca>; EC <ec@islandstrust.bc.ca>
Subject: Re: Grant Application - Cliffside Publishing

Thanks David

I don't think we knew they had applied for the full budgetary amount of this type of grant!

I doubt Saturna has used its operating budget this year. Can we move any unspent funds to support this project?

Also - as a testament to the quality of the publishing at Cliffside: I just bought the book on the Mayne Queen. Its really quite good. Also the proponent is David Osbourne who is a member of the Nation to Community Elders Council with Tsawout elders. I understand they intend to publish at least one memoir of a Tsawout elder using the oral history to print method pioneered by the late Bill Schermbrucker. That's certainly a project worthy of support.

Do you want us to do some form of RWM in support of this grant?

Cheers,

Lee

On Mar 23, 2022, at 2:48 PM, David Marlor <dmarlor@islandstrust.bc.ca> wrote:

At its regular business meeting on March 23, 2022 the Executive Committee considered a grant application under Trust Council's "History, Heritage and Conservation grants-in-aid policy".

The Executive Committee passed the following resolution:

Moved that the Executive Committee postpone request from Cliffside Publishing and refer the grant application to the local Saturna trustees for information and indication of support or not given the budget considerations.

I have attached the application for your consideration, as well as a link to the relevant policy.

The next EC meeting is April 13, 2022, so I would appreciate your individual comments to me by April 6, 2022 so I can include them in the agenda.

Policy:

<https://islandstrust.bc.ca/document/policy-2-1-14-hist-heritage-and-conservation-grants/>

Thanks

David Marlor (he, him, his)
Director, Local Planning Services

Islands Trust

200 1627 Fort Street | Victoria, BC V8R 1H8

T 250 405 5169 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

<image001.jpg> <image002.png>

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliilw' ətəʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SḶÁUTW, Stz'uminus, ʔəʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwa/ʔop qaymıxʷ, and xʷməθkʷəy̓ə m.

<EC_2022-03-23_CliffsidePublishing.pdf>

From: Patti Mertz <[REDACTED]>
Sent: Wednesday, April 6, 2022 7:44 PM
To: [REDACTED]
Subject: MERTZ - Draft New Policy Statement

RE: Islands Trust DRAFT New Policy Statement and Governance

Good day,

Some activities of Islands Trust have only recently come to my attention, despite my being a property owner and resident of Gabriola Island for a number of years, in the traditional territory of the Snuneymux First Nation. I wish to have my voice heard as a taxpayer and concerned citizen on three matters:

1. The Islands Trust Governance Review & Report
2. The Islands Trust Draft New Policy Statement
3. The "Tree Bylaw"

I have read the recent **governance review*** released last month, which indicates "Current Trust Council practices do not meet the requirements set by good governance principles." The review echoes many of the concerns that we residents have voiced repeatedly among ourselves over the years. I believe many of us have not pushed back on the Trust for fear of being accused of wanting to violate our environment. Nothing could be further from the truth.

Unfortunately, it appears members of the trust have created an "us versus them," "people are bad" paradigm, and will simply not listen to residents who have divergent opinions. The Trust is acting like a special interest group, when its role is that of a Governance body. If it is to stay in a Governance role, the Trust is obligated to follow the standards of good Governance. The review says one of "the first items of business to be taken up by the next Trust Council should be to establish a governance committee in order to drive (governance) reform from within."

One of the Governance gaps noted is the lack of measured outcomes by the Trust. "Real performance measures...are largely absent. ...Performance targets are virtually nonexistent." I note that the Island Trust's latest strategic plan ends in 2022. I submit that the Trust has an obligation to first consult with all stakeholders and set short and long-term goals, then create a strategic plan to achieve those goals, and THEN create policies that support those strategies. It's not appropriate, in my opinion, for the Trust to create new policies without a new strategic plan first.

The Island Trust Draft New Policy Statement* and the method by which it has been created are nothing short of shocking. How could I have not known this was all going on? The answer is that Islands Trust only took feedback from less than 4 percent of stakeholders. The Trust says it engaged about 1600 people. I submit that talking to 132 people on the ferry is not going to get meaningful input; there would simply not be enough time for someone to read all of the collateral materials to create an informed opinion. (The TPS itself is over 30 pages). The Trust says 557 people attended information booths, and 789 people provided online feedback. I would argue that there could be duplication of people in those activities.

If we allow that there may have been engagement with 1,346 Island residents, and we allow that there are 36,000 property owners and residents in the Islands Trust area, the feedback received represents 3.7%. However, this number does not include the 28,000 Coast Salish stakeholders in the trust area. The fraction of stakeholder representation in the creation of the TPS is miniscule.

Within the TPS, there are changes that move the organization from a governance body to an autocratic special interest group. This includes the concept of “precautionary” bylaws, which would allow the Trust to enact bylaws that are not supported by evidence. The presumption of innocence is entrenched in Federal and Provincial laws. It is unconstitutional that residents should be punished for conduct that has not been proven to be in contravention of the best interests of the governance region.

The next alarming change in the TPS is the move to “directive” policies that would override decisions made by the Local Trust Committee and even of Municipal, Regional District, Provincial or Federal Government bylaws and legislation formed by duly elected officials.

The TSP aims to prioritize “the preservation and protection of the unique amenities and environment of the Trust Area” by shifting “*towards less human-centric and less settler-centric planning paradigms.*” This is in stark contrast to the IT object to preserve and protect the Trust Area and its unique amenities and environment “**for the benefit of the residents of the Trust Area and of British Columbia generally.**”*

Islands Trust has, without seeking the input of the majority of island residents, also sought legislative change to regulate tree cutting throughout the Trust Area with a new **Tree Protection Bylaw**. It would appear that a member of Trust staff works for the Environmental Law Centre. An environmental advocacy group hired the Environmental Law Centre to create a report which contained arguments in favor of Tree Bylaws. The group then lobbied Islands Trust to push for one. This is unethical, a breach of trust, and conflict of interest. In its quarterly meeting agenda, the Trust states “We believe the Trust Council should adopt all of the Raincoast Conservation Foundation’s recommendations.”* The public was not consulted for feedback on these recommendations. In addition, Trust documents indicate such a bylaw would have a challenge with enforcement, result in clearing of trees before enactment, and tax the resources of the Trust with a rise in complaints.

I respectfully submit that I would like to see the following:

1. Withdraw the submissions made to the province for a Tree Protection Bylaw. Such a bylaw is neither practical nor necessary.
2. Shelve the Islands Trust Draft New Policy Statement until the Trust can get its house in order, and get much more public feedback. The statement is profoundly flawed and I submit it does not represent the opinions, views and desires of the majority. There should be no vote whatsoever on the TSP until after the election in the fall of 2022. Instead, the new trustees should work on a new Strategic Plan, and any new policy statement should flow from that.
3. Islands Trust should immediately establish a governance committee to drive governance reform. Islands Trust itself has catastrophically failed its governance review. According to the review, the Trust has no clear direction or purpose with measurable performance indicators. There are concerns about fiscal efficiency, accountability, fairness and legitimacy. Islands Trust must stop any attempts to expand its power, bring in new bylaws or re-draft its policies and instead begin the important work of bringing its policies and practices in line with those of good governance.
4. Create a large-scale communications strategy to educate and inform ALL Gulf Island stakeholders about the work of Islands Trust on improving governance.

Please feel free to contact me directly if you would like to discuss my letter.

Patti Mertz

[REDACTED]

[REDACTED]

*Sources:

GOVERNANCE REVIEW: <https://islandstrust.bc.ca/document/governance-review-final-report-february-2022>

DRAFT NEW POLICY STATEMENT: <https://islandstrust.bc.ca/document/draft-new-policy-statement-clean-version-july-2021/>

Islands Trust Act Stating Mission: [Islands Trust Act](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239_01)
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239_01

AGENDA proposing expanded powers, tree bylaw (see page 61[1]): <https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020>

Raincoast / Islands Trust paid research for Tree Bylaw: <https://elc.uvic.ca/publications/coastal-douglas-fir-forests/>

From: Peter Johnston

Sent: Sunday, April 3, 2022 8:16 AM

To: Lee Middleton; 'Executive Committee Mailbox'

Subject: RE: Select Committee on Governance review notice of meeting.

Hello Lee and Executive Committee members,

I would like to suggest, and request, that the Select Committee on Governance complete its work as soon as possible, and that as soon as possible after that, a special electronic Trust Council meeting be scheduled to receive its report, consider the options and to make some decisions about next steps.

I recommend that a poll of trustees be taken about the most appropriate days and times to schedule the special meeting, before it is called.

I believe that to add this work to the agenda for the June 21 – 23 meeting is not wise, as it will add another large and important item to the agenda, and will not provide sufficient time for discussion and consideration of the governance issues.

Thank you for considering this, and involving the other members of the Select Committee on Governance in the discussion about the best way to proceed.

Peter

-----Original Message-----

From: Susan Yates [REDACTED]
Sent: Friday, April 1, 2022 10:09 PM
To: Peter Luckham; Dan Rogers; Laura Patrick; Sue Ellen Fast
Subject: Letter from Gulf Islands Alliance

Hello Peter, Dan, Laura, and Sue Ellen,

I have such a difficult time with the new IT website, finding the simplest things like addresses, so I'm sending this to all of you separately/together by name!

It doesn't matter how many times I sign on to the new website, I just can't find where to go directly; even using the 3-bar menu, especially if I want to find Staff or Trust Council names and addresses.

That aside, the Gulf Islands Alliance met shortly after the March Council meeting and wanted to comment on the Governance Review Report, although I did point out that Council has not yet figured out how to proceed with it. Here is our letter, signed by Misty from South Pender and me from Gabriola.

Thank you kindly for your attention to our submission, With best regards, Susan Yates

March 29, 2022

**To: Islands Trust Executive Committee
From: Directors of the Gulf Islands Alliance**

The Gulf Islands Alliance (GIA) is pleased that the formal and independent Governance Review has been completed and the Report is available to the public.

GIA recognizes the depth and complexity of this Report and we are studying its recommendations. We support tackling the fundamental issues of governance before addressing other larger issues facing Trust Council.

GIA recognizes Trust Council's desire to work on the Governance Review Report, and was disappointed that, at the March quarterly meeting, Council was not able to establish a Committee to review the Report and make recommendations sooner rather than later, ie., before the June Council meeting.

GIA would also like to ask Trust Council, when it undertakes the disposition of the Governance Review Report, to give priority to the crucial issue of whether the Trust is a 'Special Purpose Agency' or a 'Local Government' and the consequences that would flow from such a determination.

We believe that, once clearly stated and formalized, the answer to this question will offer valuable guidance for future decision-making.

Sincerely,

**Susan Yates and Misty MacDuffee
for the Gulf Islands Alliance**

From: jamie harris <[REDACTED]>

Sent: Wednesday, March 23, 2022 10:01 PM

To: MUNI.Minister@gov.bc.ca; FLNR.Minister@gov.bc.ca; premier@gov.bc.ca; Adam.Olsen.MLA@leg.bc.ca; jordan.sturdy.MLA@leg.bc.ca; ronna-rae.leonard.MLA@leg.bc.ca; sheila.malcolmson.MLA@leg.bc.ca; dan ashton MLA <dan.ashton.MLA@leg.bc.ca>; ellis.ross.MLA@leg.bc.ca; Coralee Oakes <contact@kevinfalcon.ca>; directorsgi@crd.bc.ca; ynnne.smith@cvrld.bc.ca; directorssi@crd.bc.ca; vanessa.craig@rdn.bc.ca; reachme@danielarbour.ca; afall@qathet.ca; Trustees <Trustees@islandstrust.bc.ca>; Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>

Cc: [REDACTED]

Subject: Citizen request that Islands Trust NOT be given Tree Bylaw Authority

Honourable Nathan Cullen, Minister of Municipal Affairs, and
Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development

Copy to:

Premier John Horgan
Adam Olsen, Saanich Gulf Islands MLA
Jordan Sturdy, West Vancouver-Sea to Sky MLA
Ronna-Rae Leonard, Courtney Comox MLA
Sheila Malcolmson, Nanaimo Ladysmith MLA
Dan Ashton, MLA
Ellis Ross, MLA
Kevin Falcon, Liberal Party Leader
Dave Howe, Southern Gulf Islands Electoral Director CRD
Lynne Smith, Valdes Penelakut Director CVRD
Gary Holman Salt Spring Electoral Director CRD
Vanessa Craig Gabriola Electoral Director RDN
Daniel Arbour Denman Hornby Director CVRD
Andrew Fall Lasqueti Director qRD
Islands Trust Trustees
CAO Islands Trust Russ Hotsenpiller

As residents of the Islands Trust Area, we respectfully request that the Islands Trust Area NOT be given any further consideration for tree bylaw authority. We agree with your Ministry's response letter to UBCM on Resolution EB52 stating that tree bylaw authority for rural settings is not supported and we should continue to use our Development Permit processes for tree controls (see Link 1 below).

This response from your Ministry is a repetition of earlier 2020 discussions with the Islands Trust as outlined in the staff briefing document appended to the December 2020

Islands Trust Council meeting (see Link 2 below) where staff summarized input from your office:

“They {the Ministry} indicate that we have the right to enforce development permits via municipal ticketing authorities...”

The Islands Trust began its initiative some time in 2019. The tree bylaw initiative originated from an environment non-governmental organization (ENGO) Raincoast Conservation Foundation, which is partially funded by American environmental interests. These interests are often in direct opposition to the life and interests of local island residents. We have the link to the Raincoast website where you can find confirmation that this special interest group paid the University of Victoria’s Environment Law Centre (ELC) for a report on tree bylaws in British Columbia dated June 2020. <https://www.raincoast.org/2021/08/report-tree-protection-bylaws-in-british-columbia/>

Raincoast has also made repeated delegations to Trust Council and presented recommendations from this ELC report at Trust Council September 2020 (see Link 3 below). Their recommendations were pasted, nearly word-for-word, into the staff briefing to December 2020 Trust Council (see Link 4 below) and these recommendations were subsequently adopted by Trust Council. It is also of note that an Islands Trust senior staff member sits on the Board of the University of Victoria’s Environmental Law Centre ELC. <https://elc.uvic.ca/people/elcs-board/>

Since becoming aware of the Islands Trust request to your Ministry for tree bylaw authority, constituents in our rural gulf Islands have voiced their opposition:

-A citizen webinar on this topic was prepared through the hard work of grass-roots citizen volunteers taking the time to research and present this information on December 2, 2021. <https://www.youtube.com/watch?v=b6aZgq3jfb4>

-The public correspondence for the Trust Policy Statement revisions has a significant number of concerns in many of these letters. <https://islandstrust.bc.ca/programs/islands-2050/>

-A citizen petition: Stop the Islands Trust had 756 signatures “We do not need any more rules and regulations added to the myriad of existing hurdles placed in front of private property owners” <https://www.stoptheislandstrust.com/>

At a September 21-23, 2021 Trust Council “Tree Cutting Authority for Islands Trust” Breakout Sessions, many trustees expressed concerns with a tree bylaw citing regulatory concerns and lack of support from their constituents (see Link 5 below).

Our concerns are further supported with regard to the functioning of the Islands Trust. The recent Governance Review Report (see Link 6 below) on the Islands Trust confirms that expansion of services in the past decade have been misdirected. At the very least, any of the Islands Trust expansionary requests to the Province should be put on hold until the Islands Trust implements these and other key issues of the Governance Review Report. In spite of this important report, some trustees and staff are suggesting that the report and recommendations for improvement are not relevant and the Islands Trust should continue with ‘business as usual’.

The Islands Trust lacks any tree/forest regrowth documentation that might support their request for expansion of authority. It is clear from aerial imagery series starting in 1984, put together by grass-roots volunteers, shows that tree/forest coverage has been increasing year by year <https://www.youtube.com/watch?v=B5wsyHmIilc>. Large logging operations on private property have virtually stopped since the 1990’s. Our citizen volunteers have documented information that tree/forest regrowth is at least 20 times faster than the rate of taking trees out. Citizens and several Trustees have repeatedly requested that baseline information on how the islands are performing be provided before jumping to conclusions on how we should respond to the climate emergency. Establishing if there is a problem should be job-one of the Islands Trust. Yet they have not responded to these requests and will not go back to establish if a problem even exists.

In this most recent UBCM letter response from your offices, it suggests tree bylaws in rural areas will conflict with Forest Management and Indigenous interests. Please consider also that the extra time and cost of regulation will have a further negative impact on our struggling island livelihoods and economies. Living in these forested rural areas requires continuous tree management on our properties which means we need our essential tree service contractors. Their livelihoods are directly impacted by overreaching regulation derived from unproven and, biased views and facts adopted by the Islands Trust. As stewards of trees/forests on our properties, we want the freedom to respond to important wildfire reduction strategies as suggested by the Province <https://firesmartbc.ca/>.

In summary, many constituents of the Islands Trust Area do not support a tree bylaw. We agree with the response from your offices that a tree bylaw is not suitable in our

context. We hope that any further request by the Islands Trust to be given tree bylaw authority will not be supported by your offices.

Signed

Jamie Harris, Salt Spring Island [REDACTED]

Scott Royal, Salt Spring Island [REDACTED]

James Johnston, Salt Spring [REDACTED]

Allen W. Achilles, Mayne Island [REDACTED]

Juanita Evans North Pender Island [REDACTED]

Links:

Link 1: Ministry Response to UBCM Resolution EB52:

UBCM Response Package - Feb 21, 2022.pdf - see page 62 of pdf

<https://www.ubcm.ca/sites/default/files/2022-03/UBCM%202021%20Resolutions%20Response%20Package%20-%20Feb%2021%2C%202022.pdf>

Link 2: Dec 1-3, 2020 Trust Council Staff Briefing - see pages 55-72 of agenda package

<https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020/>

Page 56 of agenda package summary statement by staff:

“2. Seek enforceability of Development Permits

This matter is currently under significant discussion with the Ministry of Municipal Affairs

and Housing as part of the suite of amendments to the Islands Trust Act that the Islands Trust requested in 2018 and following the Islands Trust’s UBCM resolution endorsed by UBCM in 2019. We are at an impasse at this time. They indicate that we have the right to

enforce development permits via municipal ticketing authorities, whereas staff consider we

would have legal vulnerability if we proceeded.”

Page 57 of agenda package:

“3. Pursue the implementation of tree cutting permits and forest management regulations.

Ministry staff indicated that they look forward to receiving a formal request from the Islands Trust, that the matter of tree cutting is historically complex within the Trust Area and that the current municipal authority is directed towards tree cutting in urban environments.”

Link 3: September 15-16, 2020 Trust Council - see pages 235-239 for Raincoast Conservation Foundation delegation slides in agenda package
<https://islandstrust.bc.ca/document/islands-trust-council-quarterly-meeting-agenda-6/>

Link 4: December 2020 Trust Council - see pages 55-62 of agenda package
<https://islandstrust.bc.ca/document/tc-quarterly-meeting-agenda-dec-1-3-2020/>

Link 5: September 21-23, 2021 Trust Council “Tree Cutting Authority for Islands Trust” Breakout Session Videos 1-4
<https://islandstrust.bc.ca/event/trust-council-quarterly-sept-21/>

Link 6: February 2022 Governance Review Final Report
<https://islandstrust.bc.ca/document/governance-review-final-report-february-2022/>

January 18, 2022

Dear Denman Island Local Trust Committee and Islands Trust Executive,

I respectfully acknowledge that the land I live, work, play and love on is part of the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land. I am grateful to see the Islands Trust engage in its minimum core obligation to recognize, to respect, to protect, and to fulfill the requirements of UNDRIP. That way forward centres human rights and reconciliation. May we continue the work that must be done.

As you may be aware UNDRAH (United Nations Declaration of the Right to Adequate Housing)¹ was adopted by the Canadian government on June 21, 2019, in the form of the National Housing Strategy Act². As a result, all levels of government are obligated to implement Canada's commitment to the right to housing under international law³

"The right to housing under international human rights law is understood as the right to a safe and secure home in which to live in security, peace and dignity, meeting standards of adequacy, including standards relating to legal security of tenure, affordability, habitability, availability of services, accessibility, location and culture."⁴

"Under international human rights law, everyone has the right to adequate housing as an element of the right to an adequate standard of living. This requires States to ensure that housing is accessible, affordable, habitable, in a suitable location, culturally adequate, offers security of tenure, and is proximate to essential services such as health care and education. The right to adequate housing includes the right to be protected from: arbitrary or unlawful interference with an individual's privacy, family, and home; any forced eviction (regardless of legal title or tenure status); and from discrimination of any kind."⁵

The Province of British Columbia has subsequently required all municipalities in British Columbia to assess and respond to rising housing need through municipal Housing Strategies that centre the human right to adequate housing.

All municipalities in British Columbia require landowners to pay the Provincial Speculation and Vacancy Tax, except for the Islands Trust. All municipalities in British Columbia are required to have a housing strategy, except for the Islands Trust.

On Islands Trust islands, many homes sit vacant, and untaxed for that luxury. While residents of the islands search desperately (and often unsuccessfully) to find an affordable home to rent. Islands Trust's own Northern Housing Needs Assessment (NHNA) of 2018⁶ identified a need for 76 additional homes to meet Denman Island's adequate-housing need, at that time. Over the years Denman's housing crisis has become an emergency. Many residents live in chronic housing insecurity, or hidden homelessness, with traumatic effects.

I am speaking to you today representing a group of people who feel they must stay silent and hide in the shadows, so that their human rights to a home are not once again violated. We know, through

1 Fact Sheet No.21, The Human Right to Adequate Housing

2 National Housing Strategy Act <https://laws.justice.gc.ca/eng/acts/N-11.2/page-1.html#docCont>

3 http://housingrights.ca/wp-content/uploads/National-Right-to-Housing-Network-Backgrounder_Fact-Sheet_FINAL.pdf

4 P.12 http://housingrights.ca/wp-content/uploads/National-Right-to-Housing-Network-Backgrounder_Fact-Sheet_FINAL.pdf

5 A National Protocol for Homeless Encampments in Canada

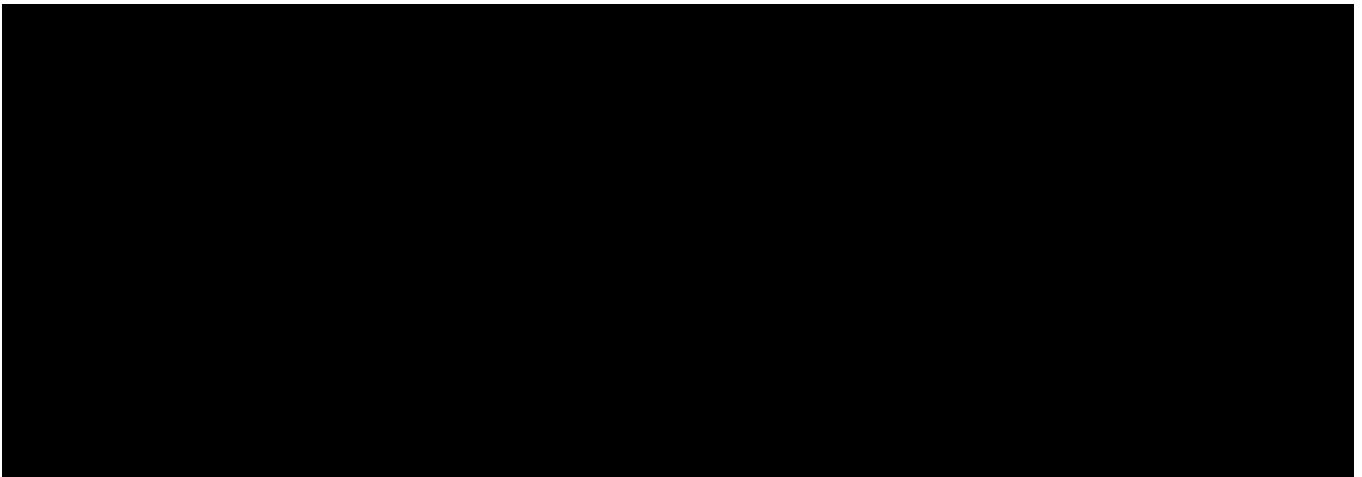
6 <https://islandstrust.bc.ca/document/housing-needs-assessment-northern-region/>

the NHNA, there are at least 75 of them.

I am speaking to you today representing myself. I am a disabled person who requires supports for independent living. I am a member of the LGBTQIA2S+ community. I am a single mother who has raised 2 children while living on Denman Island for the past 25 years. I have participated in various Islands Trust sponsored studies, committees, meetings and information gathering sessions. All of them with a focus on housing.

Despite many attempts at “consultation” about rewrites of Islands Trust policy and Land Use Bylaws (LUB), the housing situation in my home community has grown worse, during my tenure. This has been due, in part, to the fact that the Islands Trust appears to believe that their mandate is not to preserve and protect the human and community aspect of Islands Trust communities. While UNDRAH, and Islands Trust's own legal counsel⁷, say otherwise.

In the past 2 decades, my human rights have been systematically violated by Islands Trust policies, Staff and procedures. My home has been deemed “unlawful” by regressive housing policies and thus subject to bylaw enforcement visits. The most recent enforcement visit was on July 31, 2020, during the COVID pandemic (only 3 months after my own father's death to COVID).



I believe that violations of my human rights have been unintentional, however systemic and repeated. These “unintentional” violations are inevitable because the Islands Trust has yet to bring a human-rights approach to meeting housing need on the Gulf Islands. The Islands Trust has yet to formally acknowledge or recognize that “housing is essential in the inherent dignity and well-being of the individual and to building sustainable and inclusive communities”⁸.

Trustees have a moral and legal obligation to meet human rights obligations. Trustees must ensure that Islands Trust policy and procedures are not putting Trustees, and Staff in positions where they unintentionally or intentionally violate human rights. However, current policies put many Staff in untenable and potentially dangerous (to them, or to rights-holders) positions. (see Appendix B)

I have a human right to be left alone, to live safely in my adequate home. This letter is my formal request that Islands Trust and the Denman Island Local Committee engage with me, as a rights holder, in a manner that centres my human rights and dignity. UNDRAH, Federal legislation, and

7 "Overall, we consider that a Trust Council interpretation of the term "unique amenities" in s. 3 as including a supply of affordable housing would likely pass the reasonableness test" Bill Buholzer of Young Anderson RE: Policy Statement Amendment Project, October 27, 2020

8 4(b) <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

Provincial mandates require the Islands Trust to meet its minimum core obligation to recognize, to respect, to protect, and to fulfill the Human Right to Adequate Housing⁹.

“Meaningful consultation and meaningful engagement are often used interchangeably, but meaningful engagement can be distinguished from consultation in two ways. First, meaningful engagement requires actual partnership in decision-making while consultation may occur prior to decisions being made by others. And second, consultation does not require any particular result while meaningful engagement must achieve compliance with the right to housing.”¹⁰

A recent announcement, that the Islands Trust is seeking to set up a Housing Authority, is encouraging news. However, it is imperative that this Housing Authority, or any other action taken by the Islands Trust or the Denman Island Local Trust Committee, centres the Human Right to Adequate Housing.

As we wait to see the outcome of attempts to set up an Islands Trust Housing Authority, it is likely that homelessness on the Islands will increase, and become more visible. As is happening in so many jurisdictions in Canada. Until major policy changes are made, the numbers of people facing chronic housing insecurity will rise and more people will become visibly unhoused.

Continued enforcement activity against “unlawful” housing is likely to directly increase numbers of homeless people on the islands, possibly resulting in homeless encampments. “Government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability. Ensuring a human rights-based response to homeless encampments should be a key concern for every Canadian city, and all governments should employ a human rights-based framework to guide their engagement with encampment residents.”¹¹

“Now, more than ever, people living in vulnerable circumstances must be at the forefront of government efforts to address housing need. In particular, marginalized groups, including Indigenous people, members of Black and racialized communities, persons with disabilities, those dealing with mental health and addiction issues, women and children experiencing domestic violence, those facing economic hardship, individuals identifying as LGBTQ2S+, and youth are disproportionately represented among those facing homelessness.”¹²

In light of all of the above, I formally request the Denman Island Local Trust Committee and The Islands Trust Executive and Council engage with me as a rights-holder, as defined by UNDRAH and Federal Law. By adopting the following measures your organizations will begin the process of bringing Islands Trust into alignment with Human Rights. Enacting these viable measures will show your good intentions to protect and engage with “unlawfully”-housed rights-holders on the islands, and show your commitment to upholding human rights:

1) Require that all Trustees of the Islands Trust, all Local Trust Committees, and all planning and enforcement Staff read thoroughly, and familiarize themselves with each of the following texts, and

9 <https://laws.justice.gc.ca/eng/acts/N-11.2/page-1.html#docCont>

10 Implementing the Right to Adequate Housing Under the NHSA: The International Human Rights Framework - Prepared for the Office of the Federal Housing Advocate by Bruce Porter
<https://housingrights.ca/wp-content/uploads/Porter-NRHN-OFHA-Paper-2021-FINAL.pdf>

11 A National Protocol for Homeless Encampments in Canada

12 Implementing the Right to Adequate Housing Under the NHSA: The International Human Rights Framework - Prepared for the Office of the Federal Housing Advocate by Bruce Porter

their obligations under these texts (all included attachments):

1. *UNDRAH*¹³;
2. *the National Housing Strategy Act*¹⁴;
3. *Implementing the Right to Adequate Housing Under the NHS Act: The International Human Rights Framework*¹⁵;
4. and *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy*¹⁶;

2) Ensure that all further work of the Islands Trust is done in a manner that fulfills UNDRAH by centering the Human Right to Adequate Housing and through meaningful engagement with rights-holders. This would include, but is not limited to, OCP reviews; LUB reviews; Policy Statements; bylaw enforcement policy; Housing Authority; and any other relevant policies, procedures and/or legislation;

3) Implement an immediate moratorium (on Denman Island and Trust-wide) on all bylaw enforcement action against “unlawful” housing, until housing need can be “lawfully” met, to the satisfaction of rights-holders;

4) In recognition of the growing homelessness emergency across all Islands Trust islands, all levels of Islands Trust (and most especially all bylaw enforcement) must familiarize themselves with *The National Protocol for Homeless Encampments in Canada*¹⁷;

5) Require all Bylaw Enforcement Staff (or anyone who may be making site visits) to undergo TIP (Trauma Informed Practice) training, to respectfully interact with vulnerable and marginalized people as human rights holders; (as per Appendix B)

6) Require all Bylaw Enforcement Officers and staff to make advance arrangements with property owner before visiting people's homes (or suspected homes) on private property; (see Appendix B)

7) Reverse the Islands Trust official stance on the Provincial Speculation and Vacancy Tax, and lobby the Provincial Government to apply this tax on all vacant homes and properties on Islands Trust islands (as per footnote 7, in Appendix A);

8) Specifically add “community”, to “unique amenities” and the “environment”, to the Islands Trust mandate to preserve and protect, in any and all Policy Statements and other documents;

9) Align Denman Island's LUB's with Provincial Regulations *Housing Flexibility on ALR Land*¹⁸ without requirement of Temporary Use Permit (the TUP is a regressive measure, a temporary home is not adequate in meeting rights-holder's ongoing housing need);

10) In order to meet Islands Trust objectives and mandates to preserve and protect, focus Land Use Bylaws on effects of housing, rather than type of housing. Effects including, but not limited to, square footage; lot coverage; water usage and disposal; water storage; sanitation; set backs; driveways; etc

13 https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf

14 <https://laws.justice.gc.ca/eng/acts/N-11.2/page-1.html#docCont>

15 <https://housingrights.ca/wp-content/uploads/Porter-NRHN-OFHA-Paper-2021-FINAL.pdf>

16 [NRHN - The right to housing in action: Transforming housing law and policy in Canada](#)

17 <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

18 <https://news.gov.bc.ca/releases/2021AFF0043-001352>

11) Remove requirement for LEED certified standards for new buildings. This is unnecessarily restrictive, costly and removes housing options that have historically provided Island appropriate housing. DIY options, affordable methods/materials and/or other creative reuses meet housing need through building with Cob; renovating an old barn or goat shed; re-purposing a bus into a home; and other non-LEED certified, but island appropriate, approaches to building adequate housing;

12) Have Staff craft a “Tiny Home Park” zoning template, as a short-cut, and an incentive to creative land-sharing of housing options;

13) Establish an ongoing process of engagement that welcomes the meaningful participation of renters and rights-holders in identifying systemic issues and appropriate remedies to the ongoing housing crisis, and to meet housing needs of rights-holders on these Islands in the Salish Sea.

I have come to you today, in good faith, to share with you the knowledge that the Denman Island Local Trust Committee and the Islands Trust, as governing bodies, are required to centre human rights. I hope that with this knowledge that you will henceforth “meet a minimum core obligation to recognize, to respect, to protect, and to fulfill” my human right to my adequate home¹⁹.

I welcome any questions or discussion you may wish to have today. And I look forward to future invitations to engage with your organization as we journey forward in this matter of fundamental and undeniable human rights to adequate housing.

In order to clarify my position (and the position of other residents of the islands) as a rights-holder, and to increase knowledge of human rights obligations and ongoing human-rights violations, I will be making this letter, appendices and source materials public on my own website. I will also be sending out press releases to local papers for distribution of information across island communities.

I remain available for any future correspondence and/or meetings. I look forward to your meaningful engagement.

Sincerely,

Riane da Silva
Right-holder of the Human Right to Adequate Housing

CC:

Honorable Josie Osbourne, Minister of Municipal Affairs MAH.Minister@gov.bc.ca

Premier John Horgan Premier@gov.bc.ca

Daniel Arbour at Comox Valley Regional District reachme@danielarbour.ca

Comox Valley Coalition to End Homelessness comoxvalleyhousing@gmail.com

K’ómoks First Nation Reception@komoks.ca

Federal Housing Advocate Info.Com@chrc-ccdp.gc.ca.

Canadian Human Rights Commission communications@chrc-ccdp.gc.ca

19 National Housing Strategy Act <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

Appendix A

The Human Right to Adequate Housing in British Columbia, Canada and Internationally

On June 21, 2019, Parliament passed the *National Housing Strategy Act* which affirmed for the first time in federal legislation that housing is a fundamental human right in Canada.

Furthermore, the right to adequate housing is an important precondition for exercising other human rights, including the rights to life, good physical and mental health, education, and political participation.

The human rights-based approach to housing adopted in the Act and the National Housing Strategy underlines that housing must provide more than four walls and a roof. It should be equitable and accessible to all without discrimination based on gender, race, Indigenous identity, disability, faith, place of birth, age, family status, sexual orientation, gender identity or other factors.¹

Canada's first National Housing Strategy is to eliminate homelessness and realize the right to adequate housing for all in the shortest possible time, using all appropriate means and the maximum of available resources. Among other goals to: Ensure that vulnerable groups and those affected by homelessness and inadequate housing are able to participate in developing housing policy to realize their right to housing.²

Now, more than ever, people living in vulnerable circumstances must be at the forefront of government efforts to address housing need. In particular, marginalized groups, including Indigenous people, members of Black and racialized communities, persons with disabilities, those dealing with mental health and addiction issues, women and children experiencing domestic violence, those facing economic hardship, individuals identifying as LGBTQ2S+, and youth are disproportionately represented among those facing homelessness.³

While local governments cannot address these challenges on their own, they are on the front lines of the housing crisis, and they play a critical role in addressing it. In addition to implementing many federal and state programs, they have tools at their disposal that other levels of government do not, including land use regulations, building and housing codes, and permitting processes. They also have a deep understanding of local needs and market conditions. Local governments are thus uniquely positioned to weave together different funding sources and regulations into a comprehensive local housing strategy – a necessary step in meaningfully tackling the affordability challenges that so many localities confront.⁴⁵

In assessing whether governments have met their obligation to progressively realize the human right to housing, the UN has applied a standard of “reasonableness.” The reasonableness standard encourages us to ask questions like:

- Have government departments engaged with people affected to develop solutions to systemic housing issues?

1 National Housing Strategy Act <https://laws.justice.gc.ca/eng/acts/N-11.2/page-1.html#docCont>

2 <https://laws-lois.justice.gc.ca/eng/acts/N-11.2/FullText.html>

3 <https://www.chrc-ccdp.gc.ca/en/resources/statement-canada-must-uphold-the-rights-persons-experiencing-homelessness>

4

<https://static1.squarespace.com/static/5e3aed3ea511ae64f3150214/t/61855e1bc6bf8578767ae16b/1636130341860/Claiming+the+R2H+in+BC+-+workshop+report.pdf>

5 <https://localhousingsolutions.org/plan/what-is-a-local-housing-strategy-and-why-is-it-important/>

- Has a horizontal, cross-department approach been adopted?
- Has the federal government exercised leadership to ensure that all levels of government are cooperating to implement their shared human rights obligations with respect to the right to adequate housing?
- Are programs and policies consistent with a commitment to realize the right to housing for all, in the shortest possible time?

The question of what constitutes reasonable policy from a human rights standpoint starts by considering the dignity and rights of those who need housing, and from there, considering whether the government's response to their circumstances is reasonable and proportional. It is a similar process as has been applied under human rights legislation with respect to the accommodation of disabilities.

First, we must hear from rights-holders about what they need from the government to ensure dignity and rights, and then we must consider how to address those needs as human rights priorities, within available resources. This new human rights approach can cast a very different light on our assessment of whether housing policies and programs are “reasonable”—and it also leads to innovative and creative solutions which often result in longer term cost-savings.⁶

When rights-holders are asked about claiming their right to housing, they invariably refer to the fact that they are not seen as human beings or treated with dignity. It is in those moments that the importance of recognizing the right to housing as a human right rather than as a mere commitment to solve a social problem for government to solve on its own is clearest.

Housing policies and programs must prioritize the needs of marginalized and vulnerable groups and engage directly with the needs and rights of those who have been left behind. General indicators of over-all progress in achieving housing outcomes are helpful, particularly if they include disaggregated data to capture the circumstances of particular groups, but statistics do not capture the experience of social exclusion or stigmatization or the root causes of systemic inequality.

Experiences of recent decades have shown, however, that governments are only well placed to respond to competing needs and rights if they are committed to the broader human rights project and if there are processes in place to ensure that the human rights of those whose needs and interests are likely to be ignored are being adequately considered.

One of the lessons for Canada from the challenges faced in South African is how difficult it is to reverse embedded inequality and how important it is to prevent socioeconomic inequality and segregation from becoming entrenched in Canada. As Canadian advocates have learned in Geneva, it is also important to be able to feel shame for one's country when it fails to live up to its commitment to human rights.

The court wrote that “those seeking eviction should be encouraged not to rely on concepts of faceless and anonymous squatters automatically to be expelled as obnoxious social nuisances. Such a stereotypical approach has no place in the society envisaged by the Constitution; justice and equity require that everyone is to be treated as an individual bearer of rights entitled to respect for his or her dignity.”

Meaningful consultation and meaningful engagement are often used interchangeably, but meaningful engagement can be distinguished from consultation in two ways. First, meaningful engagement requires actual partnership in decision-making while consultation may occur prior to

6 [NRHN - The right to housing in action: Transforming housing law and policy in Canada](#)

decisions being made by others. And second, consultation does not require any particular result while meaningful engagement must achieve compliance with the right to housing.

Engagement with communities might be better defined as a process through which they are able to advocate for their right to housing and negotiate solutions to systemic issues. In some cases, they may rely on the Federal Housing Advocate or a Review Panel to make findings and recommend measures but in others, rights-based solutions may emerge from the process of meaningful engagement itself.

Using the analogy of reasonable accommodation of disabilities, the application of the reasonableness standard based on a firm normative framework recognizes that what the right means in each case will be different, to be determined through a process of engagement and negotiation, but the rights themselves are not negotiable and the approach has to be coherent and consistent so that there is a clear sense of what constitutes human rights compliance.

The assessment of reasonableness may, through meaningful engagement, generate a collaborative, open and inclusive exploration, facilitated in some cases by the Federal Housing Advocate but driven as much as possible by rights-holders, on how to implement the right to housing in concrete terms.

There is often a tendency to think of State obligations with respect to the right to housing as they relate to direct government involvement through programs to create housing supply or to provide assistance with rent. However, systemic issues frequently relate to failures of governments to regulate private investment or development, and the requirement to realize the right to housing “by all appropriate means” includes the requirement to regulate private actors.

As noted by the former Special Rapporteur on the right to housing in her report on the financialization of housing: The tripartite obligations of States in relation to the management of financial markets and the regulation of private actors are often interpreted too narrowly. Under international human rights law States’ obligations in relation to private investment in housing and the governance of financial markets extend well beyond a traditional understanding of the duty to simply prevent private actors from actively violating rights. The assumption, bolstered by neo-liberalism, that States should simply allow markets to work according to their own rules, subject only to the requirement that private actors “do no harm” and do not violate the rights of others, is simply not in accordance with the important obligation to fulfill the right to adequate housing by all appropriate means, including legislative measures.

The State must regulate, direct and engage with private market and financial actors, not simply to ensure that they do not explicitly violate rights, but also to ensure that the rules under which they operate and their actions are consistent with the realization of the right to adequate housing.⁷

The Committee described the reasonableness standard as requiring the State to make “all possible effort, using all available resources, to realize, as a matter of urgency, the right to housing of persons who, like the authors, are in a situation of dire need.” This requires measures to address systemic issues and structural causes of evictions as well as the individual circumstances of the authors. “The lack of housing is often the result of structural problems, such as high unemployment or systemic patterns of social exclusion, which it is the responsibility of the authorities to resolve through an appropriate, timely and coordinated response, to the maximum of their available resources.”

⁷ The Provincial Speculation and Vacancy Tax is one example of the mechanisms outlined in this and the 2 previous paragraphs

Many of the concepts that have been developed to understand systemic discrimination experienced by persons with disabilities, such as the “social construction of disability”, can enrich the understanding of systemic issues under the NHSA. Similarly, approaches that have been developed under the ICESCR to understand positive obligations and progressive realization can help to assist the disability rights movement better address issues such as disproportionate homelessness among persons with disabilities.

A particularly important provision in the CRPD that must be directly incorporated into the understanding of the right to housing in the NHSA is Article 19 of the CRPD, guaranteeing the right to live independently and be included in the community. Article 19 requires that persons with disabilities have the opportunity to choose where and with whom they live and access to a range of community support services to facilitate inclusion in the community and prevent isolation or segregation. The standard to be applied in assessing the implementation of this right is similar in wording to the “all appropriate means” standard in article 2(1) of the ICESCR. In Article 19, however, this is an immediate obligation, not subject to progressive implementation over time. States must adopt “effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right.”

In its most recent review of Canada’s compliance with article 19, the Committee on the Rights of Persons with Disabilities recommended that Canada adopt a national guideline on the right to live independently in the community; adopt a human-rights based approach to disability in all housing plans; ensure that provinces and territories establish a timeframe for closing institutions and create a comprehensive system of support for community living; ensure that accessibility legislation facilitates inclusion in the community; and implement appropriate service provision within First Nation communities.

The Convention on the Elimination of All forms of Racism (CERD) is unique among international human rights treaties in that it affirms the right not only to non-discrimination in access to housing but also the substantive right to the equal enjoyment of the right to housing and other ESC rights.

The Convention on the Rights of the Child (CRC) is also a relevant source for the interpretation of the right to housing under the NHSA, particularly as the Supreme Court of Canada has recognized that the “best interests of the child” principle in the CRC should be considered when exercising discretion based on a reasonableness standard. This would apply to evictions cases in which children are forced from their homes and often, as a result, from their schools and friends. The CRC has expressed concern about the extent of homelessness among families with children and about the circumstances of “street children” in Canada, noting that many are Indigenous.

The NHSA is federal legislation and must be interpreted and applied as such. It could not, for example, have required provincial and territorial ministers of housing to respond to findings and recommended measures in the way that this is required of the federal minister. But beyond these obvious restrictions, the legislation should be interpreted broadly, in light of its purposes and content, and recognizing that **all orders of government are committed to the right to housing affirmed in international human rights law, even if they have not declared this in legislation.**

Violations of human rights can be either individually based or system based. The two types of violation require different remedial approaches. An individual violation affects one person or a small number of persons and is often perpetrated by one or a small number of individuals. Economic, social and cultural rights are generally more often the subject of systemic violations. Systemic violations have broad causes and effects, often arising from the ways in which society is organized politically, socially and economically. It is often difficult to identify individual perpetrators who bear individual responsibility for systemic violations. The State as a whole will be

responsible.

The commitment to the right to housing under international human rights law requires co-ordination of various spheres of government.

The social housing deficit that was created by the federal withdrawal from social housing programs after 1995 was reinforced by a social rights deficit created at the same time. These are the historical antecedents to the present crisis.

As a fundamental right inextricably linked to the right to a dignified life and core human rights values affirming equality in dignity and rights, the right to housing is a right whose meaning must be clarified by engaging meaningfully with rights-holders.

There are still many in government and elsewhere who are mystified as to what a right to housing means in practice. They understand the value of a rights based approach if it means consulting with vulnerable and marginalized groups in order to allow governments to better design programs and achieve better housing outcomes for constituents. But they are less clear on what it means to recognize the right to housing as a right that can be claimed, adjudicated and made subject to effective remedies. Even in the dialogic and participatory procedures under the NHSA, the idea of claiming a right to housing still seems to create fears of irresponsible and unmanageable demands that the government provide housing for everyone. Will the federal government and other orders of government relinquish their past resistance to recognizing housing as a fundamental right and their insistence that housing policy should be left to governments?

We ultimately rely on faith that governments either believe in human rights, or they believe that it would be politically damaging to turn their backs on them. The challenge with the NHSA is to turn the legislative affirmation of the right to housing under international human rights law into what the Supreme Court refers to as “a moral imperative and a legal necessity.”

The lessons learned by civil society engaging with international human rights mechanism suggest that the best way to make the right to housing meaningful is to utilize procedures that provide an adjudicative space in which it can be claimed. Modern commitments to the right to housing have emerged from new human rights practice that recognizes a previously excluded category or rights claimants as entitled to claim their right to dignity in rights and to recognize that the right to housing requires meaningful accountability, access to justice and effective remedies.

Affected communities must be provided with the resources necessary to organize, with the support of civil society and human rights advocacy organization, and they must be treated with respect and dignity, recognized as absolutely necessary to any assessment of compliance with international human rights norms. Governments, on the other hand, must be convinced to recognize the value of affirming a new human rights framework for policies and decision making, both as a recommitment to core values of Canada’s constitutional democracy and as the most effective means to address the housing crisis and realize the commitment to ensure access to housing for all by 2030 and beyond.⁸

Furthur reading materials found at this webpage <https://housingrights.ca/resources/>

8 <https://housingrights.ca/wp-content/uploads/Porter-NRHN-OFHA-Paper-2021-FINAL.pdf>

Appendix C
TRAUMA INFORMED practice
How law (and bylaw) enforcement can and must support human rights and dignity

Traumatic stress can be devastating and long-lasting. To develop an understanding about how to build trauma-sensitive services, we need to first clearly understand that the impact of traumatic stress can be devastating and long-lasting, interfering with a person's sense of self, and sense of safety, leading to feelings of helplessness, terror, and disempowerment. Traumatic exposure may lead to responses including Post Traumatic Stress Disorder (PTSD) and Complex Trauma.¹

“Realize the widespread impact of Trauma on citizens and first responders alike. Recognize the signs and symptoms of trauma in citizens, self and colleagues. Respond by fully integrating knowledge of trauma into policies, procedures and practices. Resist Re-traumatization actively through trauma informed and compassionate responses.

The most basic thing to keep in mind is when a person with a background of trauma or toxic stress comes in contact with any member of Law Enforcement (including bylaw enforcement), they may already feel unsafe. The authority figure alone may remind them of past experiences where they felt unsafe, and they may have the physiologic reaction that they had in the past. When this happens the Survival/Emotional part of the brain is dominant and they have less access to their Rational/Neocortex brain. They may not hear and process instructions, and they may not be able to take in new information.”²

According to Islands Trust policy, the purpose of bylaw enforcement it is to ensure compliance with bylaws. Many believe that surprise visits are necessary to catch people in the act (of being non-compliant). The fear is that, if the bylaw enforcement officer made an appointment to visit 24 hours or more in advance, an "infraction" could be hidden or made compliant, before the enforcement officer can see it.

If the purpose of enforcement is compliance, how does it harm that goal to give residents 24 hours notice of a site visit? Getting into compliance before a site visit meets the stated goal of “compliance”.

The current approach of "catch them in the act" violates human rights, flies in the face of our social right of “innocent until proven guilty”, and in many cases (ex. "unlawful" housing) can be traumatic to those who are subject to the surprise visit.

Giving 24 hours notice will not significantly affect or diminish the ability of the Bylaw Enforcement Officer to do their job. However, not having notice can significantly and negatively affect the residents (many who are neurodiverse, trauma survivors, and/or otherwise marginalized people who have historically been victimized by "authority" figures). Residents have a right to enjoy their homes, their dignity and to be treated with the respect of not being assumed to be a criminal.

If/when the only reason to support a policy of surprise visits is to 'catch residents in the act' of breaking by-laws (rather than truly seeking compliance) then the Islands Trust is clearly allowing, supporting and engaging in violations of human-rights at people's own homes.

1 Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings
<https://www.homelesshub.ca/sites/default/files/cenfdthy.pdf>

2 <https://www.traumainformedmd.com/law-enforcement-101.html#/>

“The Vancouver Police Department (VPD) acknowledges that social issues, including mental health, homelessness, substance use and sex work, intersect with public safety issues. The VPD takes efforts to ensure inappropriate, ineffective, and unnecessary criminalization does not occur, but rather focuses on community-based, harm reduction strategies in collaboration with community service providers.

By working together we can alleviate the stigmas and societal impacts surrounding untreated mental health conditions, lack of stable and affordable housing, inability to access appropriate addictions treatment and safety concerns for marginalized sex workers.

The VPD takes a compassionate approach to homelessness in Vancouver, recognizing that homelessness is a social condition reflective of society’s failure to adequately support those most vulnerable and marginalized.

Individuals experiencing homelessness are often encumbered with a multitude of challenges on a daily basis, from an overwhelming lack of stability, shelter, and resources, to the complications that may arise from poor nutrition and health, often further compounded by substance use issues and mental health conditions.

In July 2020, as the President of the Canadian Association of Chiefs of Police (CACP), Chief Palmer recommended that all police agencies in Canada recognize substance abuse and addiction as a public health issue to help reduce drug overdoses.

The Chief Coroner of BC announced that June 2020 was the deadliest month on record for drug overdoses (breaking the record set just one month earlier) and in the past decade alone, 7,934 British Columbians have died from illicit drug overdoses.

It is important to the VPD that the considerable steps taken in the past decade continue towards appropriate continuums of care. The VPD recognizes that, while strides have been made, the significance of these societal issues necessitates that ongoing efforts be maintained. As such, the VPD remains dedicated to the pursuit of improved conditions, services, and programs in the areas of mental health, homelessness, substance use issues and sex work, in close collaboration with community partners and service providers.”³

“Adaptive approaches are especially important for policing vulnerable populations, including people who are elderly, homeless, disabled, undocumented, addicted, and physically or mentally ill.”⁴ Other human rights-holding vulnerable populations include those who are racially profiled, members of the LGBT2SQIA community, neurodiverse individuals, disabled individuals, survivors of trauma, survivors of interpersonal abuse, and other survivors of systemic discrimination and abuses. Communities should “support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all—especially the most vulnerable.”⁵

“Homelessness constitutes a prima facie violation of the right to housing. It is a profound assault on a person’s dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often, depending on circumstances, violates a number of other human rights, including: non-

3 <https://vpd.ca/wp-content/uploads/2021/06/our-community-in-need.pdf>

4 https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_VulnerablePops.pdf

5 https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_VulnerablePops.pdf

discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.

Regardless of the reasons why a person resides in a homeless encampment, homeless encampments do not constitute adequate housing, and do not discharge governments of their positive obligation to ensure the realization of the right to adequate housing for all people. Under international human rights law, “States have an obligation to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the right to adequate housing, by all appropriate means, including particularly the adoption of legislative measures.” As part of these obligations, States must prioritize marginalized individuals or groups living in precarious housing conditions - including residents of homeless encampments.

The fact that encampments violate the right to housing does not in any way absolve governments of their obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol seek to support governments and other stakeholders to ensure that their engagements with encampments are rights-based and recognize residents as rights holders, with a view to realizing the right to adequate housing for these groups while respecting their dignity, autonomy, individual circumstances, and personal choices.”⁶

As so many levels of government and law enforcement adjust to realizing their Human Rights obligations to the populations that they serve, trauma informed practices are emerging far and wide.

Any employer who wishes to support their enforcement staff must give them access to the appropriate tools to keep them from causing trauma, and/or from experiencing vicarious trauma themselves. Becoming a trauma-informed organization is, therefore, a sound business practice.

“Vicarious trauma is an occupational challenge for people working and volunteering in the fields of victim services, law enforcement, emergency medical services, fire services, and other allied professions, due to their continuous exposure to victims of trauma and violence. Exposure to the trauma of others has been shown to change the world-view of these responders and can put people and organizations at risk for a range of negative consequences.

Vicarious trauma-informed organizations proactively address the existence and impact of vicarious trauma on their staff through policies, procedures, practices, and programs that mitigate the risk of negative consequences for employees, the organization as a whole, and the quality of services delivered.

Vicarious traumatization is a negative reaction to trauma exposure and includes a range of psychosocial symptoms that providers and responders may experience through their intervention with those who are experiencing or have experienced trauma. It can include disruptions in thinking and changes in beliefs about one's sense of self, one's safety in the world, and the goodness and trustworthiness of others; as well as shifts in spiritual beliefs. Individuals may also exhibit symptoms that can have detrimental effects, both professionally and personally.”⁷

6 <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

7 https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/imp_making_the_business_case-508.pdf

“It is reasonable to assume that individuals and families who are homeless have been exposed to trauma. Research has shown that individuals who are homeless are likely to have experienced some form of previous trauma; homelessness itself can be viewed as a traumatic experience; and being homeless increases the risk of further victimization and retraumatization. Historically, homeless service settings have provided care to traumatized people without directly acknowledging or addressing the impact of trauma.

In addition to the experience of being homeless, an overwhelming percentage of homeless individuals, families, and children have been exposed to additional forms of trauma, including: neglect, psychological abuse, physical abuse, and sexual abuse during childhood; community violence; combat-related trauma; domestic violence; accidents; and disasters. Trauma is widespread and affects people of every gender, age, race, sexual orientation, and background within homeless service settings.

Early developmental trauma—including child abuse, neglect, and disrupted attachment—provides a subtext for the narrative of many people’s pathways to homelessness. Violence continues into adulthood for many people, with abuse such as domestic violence often precipitating homelessness, and with homelessness leaving people vulnerable to further victimization. The impact of traumatic stress often makes it difficult for people experiencing homelessness to cope with the innumerable obstacles they face in the process of exiting homelessness, and the victimization associated with repeated episodes of homelessness. Research has found that people who experienced repeated homelessness were more likely than people with a single episode of homelessness to have been abused, often during childhood

Researchers have documented that the rates of traumatic stress are extremely high, and may even be normative, among those experiencing homelessness. Individuals who are homeless may have been exposed to neglect, psychological abuse, physical abuse, or sexual abuse during childhood; community violence; sexual assault; combat-related traumas; domestic violence; and accidents or disasters. A literature review found consistent and well-documented evidence of high levels of multiple forms of traumatic stress within individuals and families who are homeless. It is clear that trauma affects people of every gender, age, race, sexual orientation, and background within homeless service settings. No one is immune.

Women/Mothers

- Although many people think of men when they consider the issue of homelessness, families—typically single mothers with young children—now comprise up to 40% of the overall homeless population.
- Trauma is extremely prevalent among homeless women: over 90% of homeless mothers report having experienced severe physical or sexual assault during their lifetimes.
- The majority of homeless mothers were abused during childhood, with nearly 2/3 reporting severe physical abuse and 42% reporting sexual abuse; 60% were abused before the age of twelve.
- More than 70% of homeless mothers have at least one childhood risk factor, including: severe physical abuse, unwanted sexual contact, having a parent who was mentally ill or who abused substances, running away for a week or more, or being in foster care.
- Homeless mothers are also frequently the victims of abuse during adulthood, with 61% reporting a history of domestic violence and 32% acknowledging recent domestic violence.
- Homelessness puts women at risk for assault; being homeless was associated with more than three times the risk of sexual assault for women.
- Homelessness and victimization are associated with adverse mental health outcomes: more than 50% of homeless mothers reported depression, and more than 40% reported posttraumatic stress disorder

(PTSD)⁸

Professional development courses that assist in understanding and mitigating trauma:

<https://www.cpkn.ca/en/course/using-a-trauma-informed-approach/>

The Using a Trauma-Informed Approach course will introduce the concept of trauma, the different range of reactions to trauma, and conducting investigations using a trauma-informed approach. We will examine trauma, its impacts, and the potential challenges you may face when interacting with victims of trauma.

The objectives of this Using a Trauma-Informed Approach online course are to ensure that upon completion, you will be able to:

Recognize the biological impacts of trauma on the brain

Identify the different types of trauma

Recognize the range of reactions that can occur as a result of a traumatic event

Recognize the importance of your role and the potential impact you can have when interacting with a victim of trauma

Recognize the individual impacts trauma can have on diverse populations

Trauma informed practice training through the Justice Institute of BC

<https://www.jibc.ca/course/trauma-informed-practice-justice-public-safety-anti-violence>

will support learners in recognizing and understanding trauma and its effects on victims/survivors and witnesses and having a clear understanding of how violence and abuse may shape victims/survivors responses; assessing their own practices and processes with a trauma-informed lens; and incorporating trauma-informed learnings to reduce potential re-traumatization experienced by victims/survivors and witnesses participating in the justice system.

<https://www.jibc.ca/course/building-trauma-informed-organization>

Building a trauma informed organization involves shifts in our approaches to interactions with service users, worker wellness, organizational culture and practices, and interagency and community engagement. This one day, virtual course will focus on the components of becoming a trauma informed organization and provide examples of social service, health and other organizations that have put these changes into place.

8 Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings
<https://www.homelesshub.ca/sites/default/files/cenfdthy.pdf>

Additonal reading

<https://www.msn.com/en-ca/news/other/policing-and-evicting-people-living-in-encampments-will-not-solve-homelessness-in-canada/ar-AAKkV58>

<https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>



Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect. (Strategic Plan 5.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

Draft and implement safety plan, consider public messaging as needed.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Preserve and protect marine ecosystems*

Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strat Plan Item 2.1)

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021



Projects Report

Executive Committee

1. *Development of an Islands Trust Communications Strategy*

Including development of a new website. (Strategic Plan Item 4.2)

Responsible

Clare Frater

Date Received

30-Aug-2017

2. *Marine Advocacy*

Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.

Responsible

Clare Frater

Date Received

02-Sep-2020

3. *Broadcast Public Meetings*

Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)

Responsible

Clare Frater
Julia Mobbs
Russ Hotsenpiller

Date Received

02-Sep-2020

4. *Improve Communications about the Islands Trust*

Related to Strategic Plan Items 4.1 & 4.2

Responsible

Clare Frater

Date Received

30-Aug-2017

5. *NAPTEP regulation changes to increase the percentage of tax exemption*

Strategic Plan Item 1.3

Responsible

Clare Frater
Kate Emmings

Date Received

02-Sep-2020



Projects Report

Executive Committee

6. *Advocate to reduce negative impacts of shellfish aquaculture practices*

Responsible

Date Received

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. *Strengthen relations with First Nations*

Responsible

Date Received

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

21-Oct-2020

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.

2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.

4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.

5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

8. *Strengthen relations with First Nations*

Responsible

Date Received

Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)

26-May-2021

Projects Report

Executive Committee

9. Governance

Responsible

Date Received

Related to Section 5 of the Strategic Plan

21-Jul-2021

The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -
