



News Release

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BC Appeal Court Upholds Galiano Island Local Trust Committee Bylaw

Lək'wəŋən, METULIYE/Victoria, B.C. – The British Columbia Court of Appeal has released its decision on *Galiano Forest Lot Owners Association, Preston Family Forest Ltd., Olaf Knezevic, Winstanley Forest Ltd., and Boscher Construction Ltd. v. Galiano Island Local Trust Committee*. The unanimous decision dismissed the appeal of the owners of properties that are designated private managed forest land under provincial legislation in favour of the Galiano LTC.

The case has a long legal history, beginning in 1991 when the previous owner of the properties, MacMillan Bloedel, announced plans to sell its forestry lands on Galiano Island, which were zoned for one-family dwelling per parcel. In response, the Galiano LTC adopted bylaws in 1992 to, among other things, create a “Forest 1 Zone” to restrict residential use of several of the properties. MacMillan Bloedel challenged the bylaws, and while the trial court initially ruled against the LTC, the Court of Appeal upheld the bylaws in 1995, affirming the LTC’s authority under the *Islands Trust Act* and the *Municipal Act* to restrict the residential use of the properties.

In 2000, the Galiano LTC adopted Land Use Bylaw No. 127, which continues the F1 zoning applicable to the properties, including the prohibition on residential use. Since then, there have been legislative changes, including the enactment of the *Forest Land Reserve Act* and then the *Private Managed Forest Land Act*. The owners argued that the legislation rendered the F1 zoning in Bylaw No. 127 invalid or inapplicable to their properties. The Court of Appeal disagreed finding that the LTC’s decision to adopt and apply Bylaw No. 127 to the properties was reasonable. The Court’s decision reaffirms the LTC’s authority to restrict residential use of the properties under Bylaw No. 127 in alignment with its mandate to preserve and protect the Islands Trust Area.

“This ruling provides important clarity on the authority of local trust committees to enact and enforce land use bylaws in accordance with the Islands Trust’s mandate,” said Galiano Island LTC Chair Tim Peterson. “It reaffirms our responsibility to uphold policies that preserve and protect the Trust Area.”

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Islands Trust is a special-purpose government representing over 30,000 people living within the Islands Trust Area and 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to many Coast Salish Peoples who have called this place home since time immemorial. Islands Trust is responsible for preserving and protecting

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

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

the Islands Trust Area and its unique amenities and environment through conservation-oriented land use planning and regulation, education, and cooperation with First Nations and other agencies. The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

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