



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: June 27, 2024
Time: 10:30 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:35 AM - 10:50 AM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
 - 3.4 First Nations Reports
4. **PUBLIC COMMENTS** 10:50 AM - 11:05 AM
5. **DELEGATIONS - none**
6. **MINUTES** 11:05 AM - 11:10 AM
 - 6.1 Local Trust Committee Minutes dated May 23, 2024 – for adoption 4 - 15
 - 6.2 Section 26 Resolutions-Without-Meeting Report - none
 - 6.3 Advisory Planning Commission Minutes - none
7. **BUSINESS ARISING FROM MINUTES** 11:10 AM - 12:00 PM
 - 7.1 Follow-up Action List dated June 19, 2024 16 - 21
 - 7.2 Speculation and Vacancy Tax - Memorandum 22 - 28
 - 7.3 Current and Future Project Prioritization - Staff Report 29 - 32

7.4	Draft Letter Regarding Temporary Use Permits for Commercial Vacation Rentals - For Information	33 - 33
8.	APPLICATIONS AND REFERRALS	12:00 PM - 12:10 PM
8.1	GB-TUP-2024.2 (Dewarle) - Staff Report	34 - 64
9.	LOCAL TRUST COMMITTEE PROJECTS - none	
10.	CORRESPONDENCE	12:10 PM - 12:25 PM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1	Correspondence dated May 25, 2024 from L Eagin regarding Mudge Junk Vehicles	65 - 65
10.2	Email dated May 28, 2024 from E Carrington regarding Unofficial Housing Demolition	66 - 71
10.3	Letter dated June 7, 2024 from Mudge Island Community Association regarding Establishment of the Mudge Island Community Association	72 - 76
11.	NEW BUSINESS - none	
	~ BREAK 12:25 PM - 12:55 PM ~	
12.	STAFF REPORTS	12:55 PM - 1:55 PM
12.1	Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy - Staff Report	77 - 87
12.2	Trust Conservancy Report - none	
12.3	Applications Report - none	
12.4	Trustee and Local Expense Report dated May, 2024	88 - 88
12.5	Adopted Policies and Standing Resolutions	89 - 92
12.6	First Nations Relationship Building Update	
12.7	Climate Change Action Update	
12.8	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:55 PM - 2:10 PM
13.1	Active Projects Report dated June 19, 2024	93 - 95
13.2	Future Projects Report dated June 19, 2024	96 - 97
14.	UPCOMING MEETINGS	

- 14.1 Special Meeting regarding Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - Next Steps Scheduled for Thursday, July 4, 2024 at 1:00 pm and is to be held electronically.
- 14.2 Special Meeting regarding Mudge Island Bylaw Enforcement and Safe Water Access Scheduled for Tuesday, July 16, 2024 at 1:00 pm and is to be held at Mudge Island Citizen's Society Building, Mudge Island, BC
- 14.3 Next Regular Meeting Scheduled for Thursday, August 8, 2024 at 10:30 am and is to be held electronically.

15. ADJOURNMENT

2:10 PM - 2:10 PM



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: May 23, 2024

Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Members Present: Peter Luckham, Chair
Tobi Elliott, Trustee
Susan Yates, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Stephen Baugh, Island Planner
Lisa Millard, Recorder (via Zoom)

Others Present: There were approximately 12 members of the public in attendance.
Vanessa Craig, Electoral Area Director (via Zoom)

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Luckham called the meeting to order at 10:40 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced Snuneymuxw Elders Geraldine Manson and Max Settler and welcomed them.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Yates reported the following:

- Attended a forum on collaborative politics featuring guest speakers MLA Adam Olsen and Vancouver City Councillor Christine Boyle;
- Attended a joint Executive Committee and Trust Conservancy meeting that addressed climate change;

- The June Trust Council meeting will be held on Salt Spring Island;
- There will be a committee of the whole meeting at the end of May to discuss the Islands Trust Draft Policy Statement;
- will be joining Trust Conservancy staff during an upcoming visit to Gabriola to monitor three covenanted properties;
- Ferry Advisory Committee anticipates that terminal safety upgrades will be addressed at their next meeting; and
- Attended a Regional District of Nanaimo Parks and Open Spaces Advisory Planning Committee meeting to discuss sports field access options and the discontinuation of the planned wildfire mitigation in the 707 Community Park.

Trustee Elliott reported the following:

- Continues to participate in the Chief Administrative Officer (CAO) Hiring Committee;
- Listened to a Mudge Island Town Hall meeting during which a community group was formed;
- Will be attending the Ocean Day event on June 8 at Reserve No. 5 which is being hosted by the Snuneymuxw First Nation and the Department of Fisheries and Oceans; and
- Will be helping to organize a Munu Canoe Journey fundraising event to take place at Twin Beaches at the end of June.

3.2 Chair's Report

Chair Luckham reported that he continues to do work with CAO Hiring Committee and is looking forward to the forthcoming Trust Policy Statement work.

3.3 Electoral Area Director's Report

Electoral Area Director Vanessa Craig reported the following:

- Regional District of Nanaimo (RDN) Parks and Open Spaces Advisory Planning Committee met to discuss sports field access and the decision to discontinue the 707 Community Park wildfire mitigation plan;
- RDN is working on taking over the management of Orlebar Point and hopes to replace the picnic tables in the coming months; and
- RDN is discussing the potential to increase the size of the green bin carts to allow more yard waste.

3.4 First Nations Reports

Chair Luckham welcomed Snuneymuxw Elder Max Settler, Snuneymuxw Elder Geraldine Manson, and Snuneymuxw Lands Referrals Officer Hannah Paulson.

Elder Max Settler, a Member of the Elders Advisory Group, Snuneymuxw First Nation, stated that he was in attendance for the purpose of observation and interpretation. He said that he was present twenty (20) years ago when a developer wanted to move

forward with plans in an area where First Nations have cultural concerns, that the same concerns remain now, and that he hopes that today the issue might be resolved.

Elder Geraldine Manson introduced herself by her traditional name C'tasi:a. She is a Member of the Snuneymuxw Elders Advisory Group and noted that the importance of this group is to hold knowledge within their traditional territory. She stated that the land being discussed is very important to the Snuneymuxw and that the Hul'q'umi'num tribe chose this space for burial and for the spiritual significance of the land which is still with them. She said that the additional development that has occurred is disheartening, that the Snuneymuxw leadership was not consulted, and the proper protocols for discussion did not occur. She concluded by saying that the land is part of False Narrows, which forms part of their unceded territory, and they would like to come to the forefront of the discussion.

Snuneymuxw Lands Referrals Officer Hannah Paulson introduced herself and stated that they have responded to the referral for this application and do not consent to the subdivision being approved by Islands Trust. She acknowledged, and agreed with, the Elders' statements.

4. PUBLIC COMMENTS

A member of the public commented on the following:

- Supports additional single user housing and the Housing Needs Assessment shows that affordable housing is needed;
- When development has taken place without permission, and it is in contradiction to local bylaws and Provincial regulations, applications to expand the development should not be considered until the land is returned to its prior state;
- Understands there is a letter on public record, sent by a former Local Trust Committee, specifying that development conditions must be met, including consent of the Nation and these conditions have not been met; and
- Does not support approval of the development permit application.

A member of the public stated the following:

- Support the recommendation that the Local Trust Committee send their comments about the Centre Stage Holdings application to the Provincial Approving Officer, encouraged that it be stated that they recognize the Snuneymuxw First Nation's right to free, prior and informed consent, and that the Nation's consent-based decision-making framework be followed before any permission for subdivision is granted; and
- The Wild Rose Garden Center application shows it might establish one of the residential dwellings as affordable housing via an affordable housing agreement. Supported a requirement for a Housing Agreement.

A member of the public made the following comments:

- He and his wife are the Centre Stage Holdings development permit applicants;
- Expressed gratitude that the Snuneymuxw Elders were in attendance and appreciated the opportunity for communication;

- Previously, there have been at least three (3) visits with First Nations Elders at the site;
- Understood the value of the property, due in part, to members of the First Nation that have shared their knowledge with them;
- Common goal is to protect the land;
- There is a requirement to enter into a covenant with the Heritage Branch prior to subdivision and the Heritage Branch involves First Nations in the consultation process;
- Conversations with the First Nation became more complicated when talks began about Snuneymuxw's interest in buying the land;
- His understanding is First Nations would like all communication to go through the Ministry of Transportation and Infrastructure (MOTI) for subdivision referrals;
- Interested in further communications with First Nations as understood all their previous concerns had been addressed; and
- Thinks that the First Nation does not support the property being developed and, if that is the case, it needs to be said so a solution can be worked out; and
- Work that has been done on the property has been done under the supervision of engineers and Ministry of Transportation and Infrastructure.

Item 8.2 and Item 8.1 were moved up on the agenda to follow Public Comments.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated April 18, 2024 – for adoption

By general consent, the Local Trust Committee meeting minutes of April 18, 2024 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated May 15, 2024

It was noted that, while funds had been allocated to screen the film Dust and Bones, plans had not been finalized yet.

7.2 Local Trust Committee Budget Accounts – Brief

The Regional Planning Manager summarized the brief and provided suggestions for appropriate expenditures within the communication budget.

Discussion ensued and Trustees received the brief for information.

**7.3 Choose Location for Local Trust Committee Meeting August 8, 2024 - Verbal Discussion
GB-2024-039**

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Regular Business Meeting be held electronically on August 8, 2024.

CARRIED

8. APPLICATIONS AND REFERRALS

8.1 GB-RZ-2022.1 (Moen) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The land use designation on the subject property will be changed to Village Commercial and it will become part of the Village Centre Development Permit Area; and
- A site-specific Village Commercial zone will maintain the existing uses and will expand the principal uses to include retail sales and rentals; personal services; a restaurant; a limited public market; a bakery; offices, and up to two residential dwellings.

The applicant was present and spoke to the application.

Discussion ensued and Trustees made the following comments:

- Concern about water availability based on the extent of potential uses;
- There are no development plans provided with the application, so there is uncertainty about what the water needs will be;
- There has been significant discussion within the community about providing affordable rental housing above commercial buildings;
- It is difficult to approve rezoning and send the application out for referral without having more specific development details; and
- As this is site-specific zoning, there is an opportunity to include a housing component for flexibility for future use even if the current owner does not build housing.

GB-2024-040

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request the applicant of GB-RZ-2022.1 – Land Use Bylaw and Official Community Plan Amendment for commercial and residential development of Wild Rose Garden Centre to work with staff to explore options in the Housing Options Tool Kit #3.

CARRIED

GB-2024-041

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff forward the Staff Report GB-RZ-2022.1 – Land Use Bylaw and Official Community Plan Amendment for commercial and residential development of Wild Rose Garden Centre to Freshwater Specialist William Shulba and request comment and analysis on proposed water uses.

8.2 GB-DP-2021.1 Centre Stage Holdings - Staff Report

The Regional Planning Manager summarized the staff report.

It was noted that the applicants are present.

It was determined that the Trustees would consider the referral comments to the Provincial Approving Officer prior to the consideration of the approval of the development permit application.

Discussion ensued and Trustees asked questions and commented on the following:

- Why do staff continue to recommend approval of the development permit application and, based on precedents set on North Pender and James Islands, is it possible to consider issuing the permit only if the Provincial Approving Officer approves the subdivision and the Snuneymuxw are satisfied with the consultation and consent to the project?
 - The Regional Planning Manager indicated that the rationale for the recommendation is due to the specific guidelines for the development permit area, that requiring a condition of subdivision approval might not be legislatively correct, and that the Provincial Approving Officer needs a clear decision from the Local Trust Committee about the development.
- The North Pender Island Local Trust Committee withheld a signature on a covenant. Can staff clarify the difference between a covenant and a development variance permit?
 - The Regional Planning Manager stated that a restrictive covenant is a legal document that is registered on the property title and a development variance permit is a legislative process.
- The development permit relates to steep slopes and, while the application meets the technical requirements of the permit, it does not meet the moral obligations of the Reconciliation Declaration made by Trust Council, the Local Trust Committee, and the Islands Trust Conservancy;
- The staff report explains the process from a technical and legal standpoint, but approving the application seems morally and ethically wrong;
- The inadequacy is not associated with the applicant but within the guidelines for application approval which are outdated and do not stand up to the Declaration of Reconciliation;
- The Provincial Approving Officer has the authority to approve the subdivision layout and the development permit is a requirement of that approval, but perhaps the permit application can occur post subdivision approval;
- The Snuneymuxw referral response, and the Elders who have spoken today, have made it clear that they do not support any further spiritual or physical changes to the land;

- The development permit discussion should be deferred until the discussion about the subdivision referral response is concluded;
- The lack of consultation related to the adoption of the 2005 bylaws that allowed for the creation of forty-nine (49) lots in the absence of comment or consultation with the Snuneymuxw First Nation, and in spite of the Nation's request for more than thirty (30) days to consider the matter, needs to be considered and should be rectified by the current Local Trust Committee;
- The First Nation has been clear that the entire area is sacred and connected to their culture and their sense of well being; and
- A prioritization of parkland and green space over sacred sites has occurred and the Nation has never consented.

The applicants made the following comments:

- The process has taken twenty (20) years of their life;
- They did not do this for money, but to protect seven hundred (700) acres of land that they paid for; and
- They would have never dedicated the parkland had they thought consultation had not been done correctly.

Discussion ensued and Trustee Elliott noted the following:

- She has provided the Local Trust Committee with rationale behind each of the points in the motion;
- There are public hearing files available for reference;
- Reconciliation is necessary in order to establish a new foundation from which to move forward;
- Property owners have rights, but the principles of reconciliation and rights of Indigenous Peoples, which have been ratified through the Declaration Act, are in conflict with this application; and
- The bylaws do not supersede the Declaration Act.

GB-2024-042

It was MOVED and SECONDED

that due to the significant First Nations cultural heritage values present on the subject property, that the Gabriola Island Local Trust Committee request staff to forward the following comments from the Local Trust Committee to the Provincial Approving Officer in consideration of subdivision referrals GB-SUB-2024.1 and GB-SUB- 2024.2 (Centre Stage Holdings) [MOTI FILE 2020-02789/02214].

The Gabriola Island Local Trust Committee does not support this subdivision application for the following reasons:

- 1) That there is a clear record from 2005 that establishes Snuneymuxw First Nation consistently and unequivocally have never consented to any development on these sacred lands;

- 2) That the Snuneymuxw First Nation have long standing concerns and strong objections to any development of this parcel of land, due to the presence of several significant cultural heritage and archaeological sites, and claim the sole right to determine how to care for, access and protect their own burial, cultural and sacred sites;
- 3) That these sacred areas are considered critical to the health and wellbeing and connectivity for Snuneymuxw First Nation, since time immemorial, and should not be held in private lots that would exclude Snuneymuxw from access to their cultural heritage areas, and the sacred resting places of their ancestors;
- 4) That Snuneymuxw First Nation has consistently asserted their rights and title on Gabriola Island, Douglas Treaty rights, and the Constitutional rights to determine how their cultural heritage areas should be protected, and those rights have not been respected in the development of the bylaws that allocated densities to the parcel in 2005;
- 5) That the Local Trust Committee acknowledges there was inadequate consultation with the Snuneymuxw First Nation in 2005 in the development and adoption of bylaws that allowed a density swap and covenant to be negotiated between Centre Stage Holdings and Islands Trust, in the absence of comment or consultation with the Snuneymuxw First Nation, and in spite of their request for more time to consider the matter with than a 30-day referral;
- 6) That the Snuneymuxw First Nation's interests and concerns over the protection of their most sacred sites were not adequately considered in the density swap, and while the parkland and green space achieved through the density transfer achieved large benefits for the Gabriola community, there was no corresponding benefit to the Nation;
- 7) That regarding the protection of cultural heritage generally, and Indigenous cultural heritage specifically, the Gabriola OCP and LUB policies and bylaws and the Islands Trust Policy Statement insufficiently protect cultural heritage resources, and do not reflect the principles of the Declaration Act, nor UNDRIP, nor the Islands Trust's Reconciliation Declaration;
- 8) That there exists an active protocol agreement between Snuneymuxw First Nation and Islands Trust (2008) that establishes the agreement between two governments with how to proceed with development proposed in sensitive cultural areas, which agreement has not been followed to address the Nation's critical concern over development on this parcel; and
- 9) That there are insufficient buffers for the extensive archaeological and cultural heritage sites with the proposed covenant, and no assurances that the Snuneymuxw First Nation will be able to exercise their rights to access those sacred areas in perpetuity.

CARRIED

Discussion ensued about advising the Provincial Approving Officer and the Lieutenant-Governor-in-Council that the Local Trust Committee considers the approval of the subdivision plan of MOTI-FILE 2020-02789/02214 as being against the public interest. A

motion was moved, seconded, discussed, and amended. The amended motions reads as follows:

GB-2024-043

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee

1. Notes that considerable sustained objections to the subdivision continue to be expressed by the Snuneymuxw First Nation and therefore resolves to advise the Provincial Approving Officer that the Gabriola Island Local Trust Committee considers approval of subdivision referral of GB-SUB-2024.1 and GB-SUB-2024.2 (Centre Stage Holdings) [MOTI FILE 2020-02789/02214] as being against the public interest, and does not have the consent of the rights and title holders of the area of the territory of the Snuneymuxw First Nation.
2. Advise the Lieutenant-Governor-in-Council that the Gabriola Island Local Trust Committee considers the deposit of the subdivision plan of MOTI FILE 2020-02789/02214 as being against the public interest; and
3. Requests staff forward this resolution to the Provincial Approving Officer and the Lieutenant-Governor-in-Council.

DEFEATED

GB-2024-044

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee notes that considerable sustained objections to the subdivision continue to be expressed by the Snuneymuxw First Nation and therefore resolves to advise the Provincial Approving Officer that the Gabriola Island Local Trust Committee considers approval of the subdivision referrals of GB-SUB-2024.1 and GB-SUB-2024.2 (Centre Stage Holdings) [MOTI FILE 2020-02789/02214] as not being in the public interest, and does not have the consent of the rights and title holders of the territory, the Snuneymuxw First Nation. The Gabriola Island Local Trust Committee requests that the response provided by the LTC be forwarded to the Provincial Approving Officer in consideration of the subdivision application.

CARRIED

There was a discussion regarding the Local Trust Committee writing a letter to the Lieutenant-Governor-in Council or if a request should be made for the Executive Committee to write an advocacy letter.

GB-2024-045

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff provide clarity on the process of sending a letter to the Lieutenant-Governor-in-Council that the Gabriola Island Local Trust Committee considers the deposit of the subdivision plan of MOTI FILE 2020-02789/02214 as being against the public interest, and draft the letter accordingly.

CARRIED

GB-2024-046

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee defer approval of Development Permit GB-DP-2021.1 (Centre Stage Holdings) until we have received the response from the approving officer regarding the referral, and include this motion in the referral.

CARRIED

The applicants reiterated the statements they had made prior to the Local Trust Committee discussing the subdivision referral from the Ministry of Transportation and Infrastructure and the development permit deferral.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

11. NEW BUSINESS

11.1 Invite to a Fall Meeting with Snuneymuxw First Nation regarding Official Community Plan Project - Verbal Update from Trustee Elliott

Trustee Elliott suggested, and it was agreed, that she explore the possibility of applying for a Community-to-Community grant for the purpose of holding a government-to-government relationship-building event between the Local Trust Committee and the Snuneymuxw First Nation.

11.2 Draft Letter from Trustees to Ministers Fleming and Rankin and Member of Legislative Assembly Doug Routley regarding Community Petition on Turn Over of "Crown Land" - Trustee Elliott

Trustee Elliott summarized the draft letter. Discussion ensued and it was determined that Trustee Elliott would send the letter on her own behalf and not in her capacity as a Trustee.

12. STAFF REPORTS

12.1 Trust Conservancy Report

Received for information.

12.2 Trust Conservancy Heron - Spring Edition

Received for information.

12.3 Applications Report dated May 15, 2024

Received for information.

12.4 Trustee and Local Expense Report dated March, 2024

Received for information.

12.5 Adopted Policies and Standing Resolutions

Received for information.

12.6 First Nations Relationship Building Update

No update was provided.

12.7 Climate Change Action Update

No update was provided.

12.8 Local Trust Committee Webpage

No changes or additions at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated May 15, 2024

Received for information.

13.2 Future Projects Report dated May 15, 2024

Discussion ensued regarding the status of active and future projects and the current priorities of the Local Trust Committee.

GB-2024-047

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff review the current and future projects list and report back with issues, and opportunities, in order to help prioritize the Local Trust Committee's work.

CARRIED

GB-2024-048

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff amend the future projects list to review and explore options of rezoning PID: 003-134-806 northeast 1/4 of Section 3 Gabriola Island Nanaimo District except Parcel A (DD 773261) and except Plans EPP19453 and EPP66666.

CARRIED

4. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, June 27, 2024 at 10:30 am at the Gabriola Arts and Heritage Centre.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 3:30 p.m.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder

DRAFT

Follow Up Action Report

Gabriola Island

20-Jul-2023

Progress	Activity	Responsibility	Dates	Status
50%	1 Regarding LTC Consideration of becoming Covenant Holder, Gabriola Commons - 675 North Road, Gabriola Island: Staff to seek a legal review of draft covenant prepared by the registered owners of the Gabriola Commons - 675 North Road, Gabriola Island [Lot 1, Plan VIP27281, Section 19, Land District 32, Gabriola Island (PID 002-600-992)]. <i>Update April 8, 2024: Staff have prepared RFD for EC to request funding for legal review of covenant.</i>	Stephen Baugh	Target: 26-Oct-2023	In Progress

26-Oct-2023

Progress	Activity	Responsibility	Dates	Status
52%	1 Staff to prepare a request to EC on behalf of LTC to approve funds for screening Dust and Bones movie and public discussion on Gabriola in 2023/2024. - March 8: Dir. TAS has noted the request for EC and confirmed funds for screening. TAS Director awaiting more information about the event.	Clare Frater		In Progress

Follow Up Action Report

Gabriola Island

26-Oct-2023

Progress	Activity	Responsibility	Dates	Status
20%	2 Letter from LTC: #1 of 2: Gabriola Local Trust Committee draft a letter to formally request the Provincial and Federal governments' support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development. In the absence of clear legislation and guidelines to support local governments' obligations to international, national and provincial frameworks, interim guidance and direction from the Province would be welcome, to ensure the Islands Trust can fulfill its obligations and duties to the preservation and protection of sacred cultural heritage sites. <i>*March 5, 2025: To confirm with LTC if this action is still desired, or mark as complete.</i>	Renee Jamurat	Target: 30-May-2024	In Progress
100%	3 Letter From LTC: #2 of 2: That the Chair of the Gabriola LTC work with staff to write to seek support from Snuneymuxw First Nation and to understand if there would be interest in working on a joint call to the Provincial and Federal government to request support and direction to aid the Gabriola LTC in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development. <i>March 5, 2024: Confirmed no action with Snuneymuxw at this time.</i> <i>Explore local government tools available to the LTC first and consider this option in the future if necessary.</i>		Target: 30-May-2024	Completed

Follow Up Action Report

Gabriola Island

18-Jan-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Actions for the Major Project - OCP Review: - Set up meeting between SFN Staff and leadership, and GB LTC and IT Staff to discuss SFN interests related to Gabriola and interest in engagement with the FB OCP review process. - Communicate the feedback related to the Official Community Plan engagement received from community engagement groups to the Local Trust Committee in writing. - Add the letter from Drs. J & C Johnstone and the Foreshore Structures Report from Warren to the OCP review project file.	Narissa Chadwick		In Progress

22-Feb-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Schedule a special meeting on Mudge Island in Spring/Summer 2024 to hear from the community about bylaw enforcement and safe water access. <i>A special meeting has been scheduled on Mudge Island for July 16, 2024.</i>	Michelle Backe Stephen Baugh		Completed
0%	2 Prepare a webinar regarding bylaw enforcement on Mudge Island.	Warren Dingman		In Progress
0%	3 Provide a staff report regarding bylaw enforcement files in the Gabriola Local Trust Area to the LTC.	Warren Dingman		In Progress

Follow Up Action Report

Gabriola Island

18-Apr-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Notify applicant for file GB-DVP-2023.3 (Miller) that the LTC requests a referral application be submitted to SFN prior to the application being considered by the LTC.	Margot Thomaidis		In Progress
0%	2 OCP/LUB Project: ·Develop Project Charter, Work plan, and revised Engagement Plan for Phase 2 ·Work with local Trustees to revise OCP Vision Statement based on feedback from the Gabriola Visioning 2050 process.	Narissa Chadwick		In Progress
0%	3 Amend text to be included in 2023/24 Annual Report for approval by TC	Morgana van Niekerk		Completed
100%	4 Report back to LTC on options for opting into the Speculation and Vacancy Tax Regulation.	Stephen Baugh		Completed

Follow Up Action Report

Gabriola Island

23-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Schedule Regular LTC Meeting for August 8, 2024 to be an electronic meeting.	Lisa Millard		Completed
100%	2 Refer Staff Report for GB-RZ-2022.1 (Moen) dated May 23, 2023 to Senior Freshwater Specialist for comment and analysis on proposed water uses.	Stephen Baugh		Completed
100%	3 Forward comments to Provincial Approving Officer regarding GB-SUB-2024.1 (Centre Stage) and GB-SUB-2024.2 (Centre Stage).	Renee Jamurat Sonja Zupanec		Completed
20%	4 Draft advocacy letter to the Lieutenant-Governor-in-Council to state the GB LTC considers the deposit of Subdivision plan of MOTI File 202-02789/02214 as being against the public interest and report back to GB LTC on correct IT process for sending advocacy letter. <i>May 31: Staff note that the appropriate person is not the Lieutenant-Governor, but instead Minister(s) the LTC wishes to send a letter to. Staff will suggest ministries for review by LTC.</i>	Renee Jamurat Sonja Zupanec		In Progress
0%	5 GB-DP-2021.1 (Centre Stage) deferred until a response is received from the PAO regarding the subdivision referral. Include deferral motion in subdivision referral response.	Renee Jamurat Sonja Zupanec		In Progress
100%	6 Staff report back on issues and opportunities related to current and future projects for GB LTC to help prioritize LTC work plan.	Stephen Baugh		Completed
100%	7 Amend future projects list to include: 'review and explore options of rezoning PID: 003-134-806 NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666'	Stephen Baugh		Completed



Follow Up Action Report



DATE OF MEETING: June 27, 2024

TO: Gabriola Island Local Trust Committee

FROM: Stephen Baugh, Island Planner
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Speculation and Vacancy Tax

REPORT SUMMARY

The Gabriola Island Local Trust Committee requested staff to report back on the Speculation and Vacancy Tax Regulation.

GB-2024-034

It was MOVED AND SECONDED,

that the Gabriola Island Local Trust Committee request staff to inform the Local Trust Committee regarding options for opting into the Speculation and Vacancy Tax Regulation for the Gabriola Local Trust Area.

This memorandum provides some background information on the Regulation and information about the Salt Spring Island Local Trust Committee's request to the minister with regards to the Speculation and Vacancy Tax.

BACKGROUND

The *Speculation and Vacancy Tax Act* imposes a tax on the value of a property within the defined area where the Act applies. The Gabriola Island Local Trust Area is not included in the "specified area" defined in the Act. However, the Act does enable additions to the "specified area" through Regulation:

139 (1) The Lieutenant Governor in Council may make regulations as follows:

(b) for the purposes of paragraph (k) of the definition of "specified area" in section 1, prescribing an area as a specified area for the purposes of the Act;

The Speculation and Vacancy Tax Regulation does include a list of areas which have already been added to the "specified area" where the Act applies. Although there is no guarantee the Province will agree, the LTC could send a letter to the Province requesting to be included in the "specified area" where the Speculation and Vacancy Tax applies.

The Salt Spring Island Local Trust Committee recently sent a letter to the Minister of Finance regarding the Speculation and Vacancy Tax and received a response from the Office of the Minister (Attachments 1 and 2). The response does not commit to including Salt Spring Island in the specified area for the tax, instead it notes:

There are a number of factors that are taken into consideration in determining the SVT expansion, including assessed values of residential property, population, requests for inclusion, proximity to other SVT specified areas, and whether the community is primarily a vacation area.

This indicates that requests for inclusion are one of the factors used to determine where the speculation and vacancy tax should be expanded to, but that other considerations are also taken into account.

ADVOCACY

A request to the Minister would be an advocacy action. Islands Trust Council Policy [6.10.3 Advocacy](#) provides a number of considerations for a Local Trust Committee when initiating an advocacy action. Below are a list of some points from the Advocacy policy for consideration of the LTC:

B. Policy

4. Islands Trust bodies will ensure that their advocacy positions consider the roles and needs of all other bodies of the Islands Trust. When practical, Islands Trust bodies will coordinate their advocacy efforts through the Executive Committee so that related issues can be advanced strategically, in the context of Trust Council’s Strategic Plan.

5. When making decisions about new advocacy positions and actions, Islands Trust bodies will base those decisions on research, such as: a) a review of related past Trust Council and Executive Committee decisions and actions; b) consistency with the Islands Trust Policy Statement; c) consistency with Official Community Plan policies; d) relevant evidence; e) contextual information; f) an assessment of partnership opportunities; g) implications of proceeding or not proceeding with certain courses of action; and h) potential workload implications for staff and trustees.

11. Advocacy letters from Islands Trust bodies to elected officials should be signed by an elected official and be grounded in a resolution made at a public meeting.

C. Roles and Responsibilities:

10. Local trust committees conduct advocacy based on the Islands Trust Object, the Islands Trust Policy Statement and their Official Community Plan(s).

11. Local trust committees may, by resolution, undertake advocacy on land use issues specific to their local trust area and consistent with the official community plan after considering whether the position may fetter their discretion on current or future land use planning decisions.

15. If a local trust committee wishes to advocate on an issue not related to land use planning or not consistent with its Official Community Plan, the local trust committee chair will seek approval from the Executive Committee to allocate staff time to the project.

Next Steps

Given the direction in Islands Trust policy for advocacy to be coordinated through Executive Committee, the LTC could refer this topic to the Executive Committee to coordinate a request for the Gabriola Island Local Trust Area, and perhaps other Local Trust Areas, to be included in the applicable area for the Speculation and Vacancy Tax. If the LTC does want to advance this advocacy, the next step would be to request staff to prepare a Request for Decision to the Executive Committee regarding a request to the Province for the Gabriola Island Local Trust Area to be prescribed in the Speculation and Vacancy Tax Regulation as a specified area for the purposes of the *Speculation and Vacancy Tax Act*.

Submitted By:	Stephen Baugh, Island Planner	May 27, 2024
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Concurrence:	Clare Frater, Director, Trust Area Services	June 18, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 18, 2024

ATTACHMENTS

1. Letter from Chair of SS LTC to Minister of Finance, dated October 30, 2023
2. Response Letter from the Office of Minister to Chair of SS LTC, dated December 21, 2023



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Web www.islandstrust.bc.ca

October 30, 2023

File No: 11-5770-30-10

Via e-mail: FIN.minister@gov.bc.ca

The Honourable Katrine Conroy
Minister of Housing
Room 153 Parliament Buildings
Victoria, BC, V8V 1X4

Dear Minister Conroy,

Re: Speculation and Vacancy Tax

The Salt Spring Island Local Trust Committee passed the following resolution on October 12, 2023:

“That the Salt Spring Island Local Trust Committee request staff to send a letter from the LTC Chair to Honourable Katrine Conroy Minister of Finance and copy Honourable Ravi Kahlon Minister of Housing which references the September 7, 2023 letter from Colin Plant, CRD Board Chair to Minister Conroy, and requests the province to examine the projected effect of the Speculation and Vacancy Tax on the housing conditions on Salt Spring Island, before considering including the Salt Spring Island Electoral Area in the Speculation and Vacancy Tax taxable area.”

We generally agree with the rationale provided in [Colin Plant, Capital Regional District Chair’s September 7, 2023 letter](#) to you. However, we would like to request that the Province examine the projected effect of the Speculation and Vacancy Tax on the housing conditions on Salt Spring Island. Salt Spring Island is the most populated Gulf Island and deserves to be considered separately from the other islands in the Islands Trust Area. It would be useful to review if the tax would assist in resolving the lack of available housing options which is causing severe impacts for Salt Spring Island employers.

Yours sincerely,

Timothy Peterson
Chair, Salt Spring Island Local Trust Committee
Islands Trust

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

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Cc: The Honourable Ravi Kahlon, MLA, Minister of Housing
Adam Olsen, MLA, Saanich North and the Islands
Salt Spring Island Local Trust Committee
Islands Trust Executive Committee
Islands Trust website

From: Timothy Peterson
Sent: Thursday, December 21, 2023 10:51 AM
To: Salt Spring Island Local Trust Committee
Subject: Fw: Letter from Ministry of Finance
Attachments: Speculation and Vacancy Tax

From: Minister, FIN FIN:EX <FIN.Minister@gov.bc.ca>
Sent: December 21, 2023 10:46 AM
To: Timothy Peterson
Subject: Letter from Ministry of Finance

Ref: 504543

Timothy Peterson, Chair
Salt Spring Island Local Trust Committee
tpeterson@islandtrust.bc.ca

Dear Timothy Peterson:

Thank you for your letter dated October 30, 2023, regarding BC's Speculation and Vacancy Tax (SVT) and Salt Spring Island. We appreciate your feedback on behalf of the Salt Spring Island Local Trust Committee.

Making life more affordable is one of the key commitments this government has made to British Columbians. Our 30-point housing plan, *Homes for B.C.*, and our refreshed housing strategy, *Homes for People*, lay out the many actions being taken to meet that commitment. We hope you will take a moment to review the plans and learn more about the steps we are taking to help tackle BC's housing crisis:

http://bcbudget.gov.bc.ca/2018/homesbc/2018_Homes_For_BC.pdf;
https://news.gov.bc.ca/files/Homes_For_People.pdf.

The SVT was introduced as part of Government's 30-point housing plan in February 2018. The SVT is designed to prevent housing speculation and help turn vacant and underutilized properties into homes for people who live and work in BC. When choosing where to apply the SVT originally, the government focused on urban centres with low vacancy rates and affordability challenges in which house prices and rents exceeded local incomes.

An independent review report of the SVT released in 2022 shows the tax is working as intended. As part of the *Homes for People* plan, the Province is committed to expanding the SVT in a phased and measured way to help more people find homes they can afford. The expansion of the SVT into communities facing low vacancy rates and disproportionately high housing prices, including those near existing taxable areas, will help reduce the risk of speculators taking advantage of these exempt communities.

For 2023, the tax was expanded to six additional municipalities, including North Cowichan, Duncan, Ladysmith, Lake Cowichan, Lions Bay and Squamish. People in these communities will declare for the first time in 2024 based on how they used their properties in 2023.

Starting in 2024, 13 additional communities will be included in the SVT specified areas. Property owners in these 13 communities will declare for the first time in 2025 based on how they used their properties in 2024: Vernon, Coldstream, Penticton, Summerland, Lake Country, Peachland, Courtenay, Comox, Cumberland, Parksville, Qualicum Beach, Salmon Arm; and Kamloops.

As you mention in your letter, we have received requests to apply the SVT to Salt Spring Island. There are a number of factors that are taken into consideration in determining the SVT expansion, including assessed values of residential property, population, requests for inclusion, proximity to other SVT specified areas, and whether the community is primarily a vacation area. We are aware that Salt Spring Island's unique characteristics, including its desirability as a vacation area, require special consideration and a measured approach with regard to the application of the SVT.

Each year, government reviews provincial taxes and considers changes in preparation of the provincial budget. Government then implements tax changes that it determines to be appropriate within the context of the Province's fiscal situation and other priorities. The Salt Spring Island Local Trust Committee's position regarding the SVT has been noted and will be considered as part of these discussions.

Thank you again for taking the time to write. We appreciate your support and input on how we can build a better BC.

Sincerely,

Office of the Minister



DATE OF MEETING: June 27, 2024

TO: Gabriola Island Local Trust Committee

FROM: Stephen Baugh, Island Planner
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Current and Future Projects for Gabriola Island Local Trust Committee

REPORT SUMMARY

The Gabriola Island Local Trust Committee requested staff to report back on the on the issues and opportunities related to their current and future projects.

GB-2024-047

It was MOVED AND SECONDED,

That the Gabriola Island Local Trust Committee request staff review the current and future projects list and report back with issues, and opportunities, in order to help prioritize the Local Trust Committee's work.

This Memorandum examines the projects on the LTCs Active and Future Projects lists to provide key considerations for the LTC in support of prioritizing current and future project work.

BACKGROUND

The LTC has expressed a desire to review their current and future projects in order to prioritize the project work undertaken by the LTC. The projects on the current and future Gabriola LTC projects list fall into one of two categories: major, or minor projects as defined in "Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services".

Major projects are LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year and would take a full year or more to complete. These projects are supported by a planner from the Regional Planning Team (RPT) and have a business case approved by Trust Council.

Each LTC can also have up to one Minor Project at a time. A Minor project requires a budget of less than \$5000, can be completed within 18 months, and is relatively limited in scope. These projects are supported by the LTC's assigned Island Planner and funded from a budget allocated by the Director of Planning Services.

PROJECTS

Active Projects:

The LTC currently has two active projects. A comprehensive review of the Gabriola Island OCP and LUB (major project), and the development of an ecological protection zone (minor project).

The OCP and LUB review project is near the completion of Phase 1 involving the development of a visioning document and vision statement. The second phase of the project will be initiated with the adoption of a project charter including a work plan and engagement plan.

The ecological protection zone project has an associated LUB amendment bylaw that was given first reading in March 2023. This bylaw has been sent to referral agencies and First Nations and staff are expecting a response from Snuneymuxw First Nation in late June of 2024. Next steps for this project will be further bylaw readings and a public hearing as determined by the project charter. Staff will continue work on this project unless redirected by the LTC to begin work on a different minor project. This project could be incorporated into the active major project to review the OCP and LUB.

Future Projects:

The Gabriola LTC has six projects on their future projects list. The table below provides the key factors to consider when prioritizing future projects and comments on how each project responds to those criteria.

Project	Scope (Major or Minor)	Type of Project	Sequence with Other LTC Projects	Information Needed from LTC
Decourcy Island OCP and LUB review	Major	OCP and LUB	Suggest this takes place after Gabriola OCP and LUB review is complete. This would provide opportunity to use the OCP template to be developed by the Regional Planning Team.	Is this still a project the LTC wants to take on?
Development Approval Information Bylaw	Confirm Major or Minor.	Administrative Bylaw	RPM advises to remove from list. Bigger overall review of all administrative bylaws is required to suggest a course of action based on sequence after major policy bylaw updates and practical need.	Is this still a project the LTC wants to take on? Aside from updating to include recent DPAs, are there other issues that need to be addressed? What is the purpose of bylaw re-write?
Advisory Planning Commission Bylaw	Minor, could likely be completed in 2-3 months.	Administrative Bylaw	No implications related to the sequence with other projects.	Set priority in relation to other minor projects.
Heritage Register	Minor	Administrative Bylaw and Research	No implications identified related to the sequence with other projects.	Further detail on request needed. Staff may need to research prior to project initiation to ensure LTC issues can be addressed.

Mudge Island OCP and LUB review	Confirm Major or Minor. Targeted amendments could be a minor project. Comprehensive review is a major project.	OCP and LUB	The current Gabriola OCP and LUB review project will produce a template OCP that future OCP reviews should use for consistency, efficiency, and improved accessibility of information. Suggest this project takes place after the Gabriola OCP and LUB review project is completed.	Further detail on request needed. Is this a targeted review or a comprehensive review? What are the objectives of this project? What issues or topics in each bylaw should be addressed?
LTC initiated Rezoning of PID: 003-134-806	Minor	LUB	Staff understand this project to be of a time sensitive nature. If this project is not taken on immediately, it could be incorporated into the OCP and LUB review project.	Confirm intent of rezoning.

Issues and Opportunities:

An analysis of the table above provides rationale in prioritizing some projects ahead of others for practical reasons.

First, the LTC has an active major project that will not be concluded in the immediate future, and as a result it makes sense to prioritize minor projects. This means a comprehensive review (major project requests) of the Mudge and Decourcy OCP and LUBs are not suitable projects in the near term. In addition, Policy 5.9.1 guidance is that only two reviews of OCP and LUB bylaws may be started each fiscal year to ensure adequate resourcing is available to complete.

Second, consideration of the sequence provides a rationale for some projects to take place after the Gabriola OCP and LUB review in order to ensure the efficient use of available resources and that the administration or processing following the adoption of these bylaws continues to be smooth and clear for applicants and staff. For instance, staff suggest that the Development Approval Information (DAI) bylaw should occur after the Gabriola OCP and LUB review project since there may be policy and regulatory changes which could then require an update to the DAI bylaw as a result of that project. This could be part of an overall review and update of all administrative bylaws once the OCP and LUB project is completed. The Mudge and Decourcy OCP and LUB reviews should also occur after the Gabriola OCP and LUB so that they can benefit from the template developed by the Regional Planning Team.

Considering these criteria together, staff suggest the following as potential minor projects to prioritize in the near term:

- Continue active minor project: Development of new Ecological Protection Zone
- Develop a Heritage Commission and Heritage Register
- Targeted amendment to the Advisory Planning Commission Bylaw
- Targeted amendments to the Mudge Island Land Use Bylaw
- LTC initiated rezone property of PID: 003-134-806

The LTC may also wish to consider other options such as incorporating some projects into the major project, or to expedite a priority item within the major project by extracting it out as a separate minor project. For example, the rezoning of PID: 003-134-806 could be incorporated into the major project to review the OCP and LUB, however if it is a priority to complete this project in the immediate future then the work could be initiated as a minor project.

Certain projects on the future projects list are currently not well defined and staff is seeking additional information and direction from the LTC to clarify the intent and objectives of these projects.

Other criteria the LTC should consider when prioritizing projects to consider are: budget and resource allocation (hours to complete, available capacity) that each project is expected to have, the project's strategic alignment with the Islands Trust federation as a whole, and the LTC's objectives and goals for the remaining two years of their term.

NEXT STEPS

Staff will continue work on existing projects unless redirected by the LTC. Staff can also make adjustments to the Future Projects list to order the projects by priority, remove projects, or add new projects.

Submitted By:	Stephen Baugh, Island Planner	June 10, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 18, 2024



700 North Road, Gabriola Island, BC V0R 1X3

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Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

Dear [Name],

You are receiving this letter, for information, with regards to the provincial Principal Residence Requirement for Short Term Rental Accommodations because you have been issued a Temporary Use Permit for a Commercial Vacation Rental by the Gabriola Island Local Trust Committee (LTC).

At the Gabriola Island Local Trust Committee meeting on February 22, 2024, the LTC passed a resolution to request that the Gabriola Local Trust Area be included in the area where the provincial principal residence requirement applies, this is related to the provincial *Short Term Rental Accommodations Act*. This applicable legislation will be official upon provincial Cabinet approval, and anticipated principal residence requirement for short-term rental accommodations will apply on Gabriola Island starting on November 1, 2024.

Inclusion of the Gabriola Local Trust Area will mean that short-term rental accommodation services must be provided in either the principal residence of the host or, if the property is permitted to have a secondary suite, in a secondary suite on the same lot as the property host's principal residence.

Temporary Use Permits issued for commercial vacation rentals on Gabriola Island have not included a principal residence requirement. Once the Provincial requirement for principal residence applies, short term rental accommodation services currently operating on Gabriola Island with a Temporary Use Permit must operate consistent with all provincial requirements, including the principle residence requirement. Please reach out to planning staff at Islands Trust Northern Office with any questions about the change in regulations for Commercial Vacation Rentals, Temporary Use Permits, or land use regulations on Gabriola Island.

Staff can be contacted at Islands Trust Northern Office by phone at 250-247-2063, or email northinfo@islandstrust.bc.ca.

Regards,

Renée Jamurat, Regional Planning Manager

File No.: GB-TUP-2024.2
(Dewarle)

DATE OF MEETING: June 27, 2024
TO: Gabriola Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
SUBJECT: Temporary Use Permit Application
Applicant: Aaron Dewarle
Location: 565 South Rd, Gabriola

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2, for a period of three years.

The purpose of this report is for the LTC to consider an application to permit the use of a Commercial Vacation Rental (CVR) on the subject property within an accessory dwelling. The applicant has previously applied for and received approval for a TUP in 2016 (**GB-TUP-2016.2**) and a TUP renewal in 2019 (**GB-TUP-2019.1**) for the use of an accessory dwelling as a CVR (see **Attachment 9** for historic permits).

Bylaw enforcement action began for the property in late 2023 (file GB-BE-2023.34) as the previous TUP renewal expired in July 2022. The applicant is now applying for another TUP to be able to continue the same use for three years. Staff is recommending issuance considering that no formal concerns have been raised during the operation of the CVR to date, and the applicant has provided updated information regarding the safety and suitability of the dwelling for the proposed use. See a site context of the subject property in **Attachment 1**. See the applicants' stated purpose for the TUP request in **Attachment 2**.

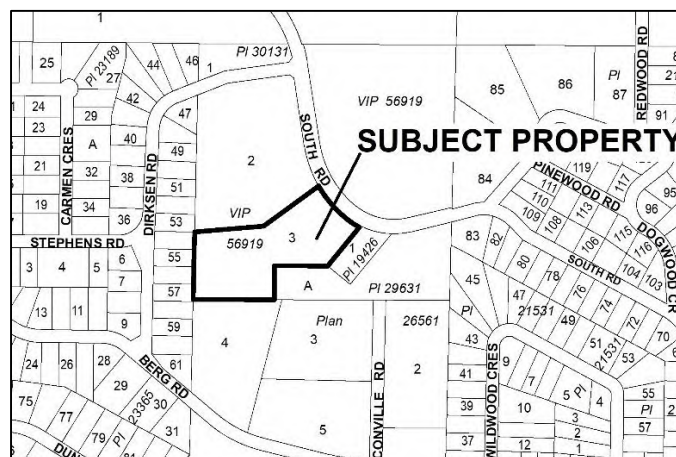


Figure 1 - Subject Property Location

ANALYSIS

Islands Trust Policy Statement

This application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

Temporary Use Permit Designations and Guidelines

Designations

- a) Subject to the guidelines, Temporary Use Permits may be issued for:
 - vii. commercial vacation rentals within areas designated on Schedule B as ‘Small Rural Residential’, ‘Large Rural Residential’, ‘Forestry’, ‘Agriculture’ or ‘Resource’.

An analysis of the OCP Guidelines for commercial vacation rentals is included in **Attachment 3**.

Land Use Bylaw:

B.6.3 Commercial Vacation Rentals

B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

Issues and Opportunities

The applicants provided documentation for the application to satisfy the OCP TUP guidelines, including the following supporting information:

- there is an adequate sewerage system installed;
- there is adequate quantity and quality of water;
- there is off street parking for two vehicles;
- the dwelling meets fire code;
- the dwelling is safe to occupy; and
- there will be an on-island operations manager available 24 hours per day, 7 days per week.

Water quantity and quality

In 2015, the applicant engaged Dahlfen Water Systems on Gabriola to perform a well test to meet the TUP Guidelines for the original application in 2016. At that time, the well flow rate exceeded the requirement of the Guidelines for the proposed CVR use. The applicant also engaged Arbutus Building Supplies Ltd. to do a water quality test (Test #1163) in December 2023, which came back negative for both *E. coli* and total coliforms. The applicant’s water plan and water quality test are included in **Attachment 4**. Staff deem that the Guidelines are satisfied, particularly as there has been no reported issue with the supply of groundwater to date as part of the operation of the CVR, and as the property has 5000 gallons of rainwater storage capacity for food production uses elsewhere on the lot. The applicant includes water conservation information in the Guest Information Package and does not book single-night stays, to reduce water consumption (**Attachment 7**).

Principal residence requirement

On November 1, 2024, all CVR operations on Gabriola must be conducted at the principal residence of the owner, per LTC Resolution 2024–013 opting in to the provincial principal residence requirement under section 15 of the

Short-Term Rental Accommodation Act. The applicant has indicated that the subject property is their primary residence, as they live full-time on the property and operate a farm. Any non-principal residence operation of CVRs after November 1 will become unlawful and any issued TUPs will be considered terminated regardless of the validity period.

Notification

In accordance with Section 494 of the *Local Government Act* and the Gabriola Island Development Procedure Bylaw No. 114, notice of the proposed TUP was sent out to all property owners and occupants of properties within 100 metres of the subject property and a notice of the proposed permit was published in *the Gabriola Sounder* (**Attachment 8**).

No public correspondence was received at the time of writing this report. Any comments received from the public following completion of this report will be shared with the LTC and reported at the LTC regular business meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage and archaeological sites. Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological or cultural heritage site on or within 100 metres of the subject property. No ground disturbance or development is proposed as part of this application.

At this time, Snuneymuxw First Nation (SFN) does not request property owners to complete a referral process with their Lands Department for applications that do not involve ground disturbance or physical impact to known cultural heritage sites and values as part of CVR TUP applications.

Rationale for Recommendation

Staff considers the information provided in the application to meet the TUP Guidelines outlined in Section 3.8 of the OCP. No public concerns were raised at the time of writing this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request additional information

The LTC may request further information prior to making a decision. Suggested wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request [insert information] regarding GB-TUP-2024.2 prior to making a decision on issuance.

2. Impose additional conditions

The LTC may choose to impose additional permit conditions in accordance with OCP guideline 3.8 (h) (xvii). Suggested wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2 for a period of three years subject to the following additional conditions: [insert condition(s)].

3. Deny issuance of the permit

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny GB-TUP-2024.2 for the following reasons... [Insert reasons here].

NEXT STEPS

If the LTC resolves to issue the permit based on the staff recommendation found on page 1 of this report, the TUP will be issued for the period specified.

Submitted By:	Margot Thomaidis, Planner 2	June 14, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 18, 2024

ATTACHMENTS

1. Site Context
2. Applicant Letter
3. TUP Guidelines
4. Water Plan and Report
5. Fire Inspection
6. Septic Report
7. Guest Information Package
8. Public Notice and Proposed Permit
9. Historic TUP (2016) and TUP renewal (2019)

ATTACHMENT #1 – SITE CONTEXT – GB-TUP-2024.2 (DEWARLE)

LOCATION

Legal Description	Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP569191
PID	018-331-840
Civic Address	565 South Road
Lot Size	2.56 ha / 6.32 acres

LAND USE

Current Land Use	Residential and agriculture
Surrounding Land Use	Residential to south, north and west ALR/Agriculture across South Road

HISTORICAL ACTIVITY

File No.	Purpose
GB-DVP-2015.2	Variance to increase the permitted cottage floor area. Approved.
GB-TUP-2014.1	TUP for commercial vacation rental. Applicant withdrew, file closed.
GB-TUP-2016.2	TUP for commercial vacation rental. Approved. Expired May 26, 2019.
GB-TUP-2019.1	TUP renewal for commercial vacation rental. Approved. Expired July 11, 2022.

POLICY/REGULATORY

Islands Trust Policy Statement	<i>Directive Policy</i> 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. 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. 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.
Official Community Plan No. 166, 1997	The subject property is within the Large Rural Residential (RR) land use designation. Part of the subject property is within Development Permit Area 3 - Riparian Areas : Stream with 30 metre DPA. See mapping below.



Figure 1. TAPIS aerial photo imagery (2020) with DP-3 Riparian Areas (orange)

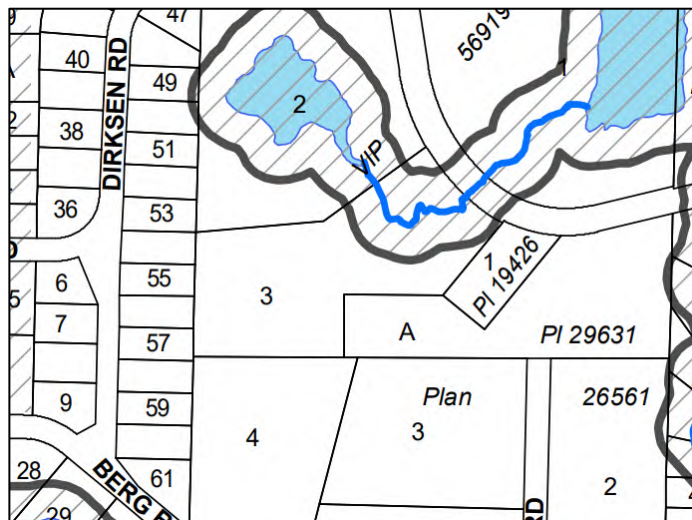


Figure 2. Gabriola Island OCP Schedule D – DP-3 Riparian Areas excerpt

OCP Section 3.8 Temporary Use Permits

“Background: Section 921 of the Local Government Act permits the designation of sites in an Official Community Plan or a Land Use Bylaw where temporary commercial and industrial uses may be approved on a temporary basis by permit, without requiring the land affected to be zoned for the intended temporary use.

Where a permit area under this section is designated, the Trust Committee may issue a permit by resolution that allows commercial or industrial activities to take place under the conditions specified in the permit, including the posting of a security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a permit must be given. Under a temporary use permit the specified uses may be carried out for a period of up to three years and the permit may be renewed for up to a further three years. Issuance of a Temporary Use Permit should not be interpreted as eventually leading to permanent zoning.

	Temporary Use Permit Objective 1. To give consideration to allowing certain types of commercial and/or industrial uses to be located in the planning area which may by the nature of the proposed activity, be deemed to be a temporary and not a permanent use; and 2. to ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary commercial or industrial uses permit be approved.” Temporary Use Permit Designations and Guidelines for commercial rental of single-dwelling residential units (OCP Subsection 3.8(h)) are found in Attachment 3 of this report.
Land Use Bylaw No. 177, 1999	The subject property is within the Large Rural Residential (LRR) zone. Permitted principal uses in the LRR zone include <i>single family</i> residential and <i>agriculture</i> uses. Permitted accessory uses in the LRR zone include: • <i>home occupations</i>, subject to Section B.3; • <i>secondary suite</i> residential, on lots 2.0 hectares or larger, subject to Subsection B.6.3; • boarding and breeding kennels, accessory to a residential use, on lots 2.0 hectares (4.94 acres) or larger; • boarding and riding stables, on lots 2.0 hectares (4.94 acres) or larger, accommodating no more than 1 horse per 0.2 hectares (0.5 acres) to a maximum of 30 horses per lot; • keeping of animals for the personal use of the resident or landowner; and • agri-tourism.
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, Parks/Protected Areas, or Steep Slopes.
Covenants	Covenant EG92506 – Regional District of Nanaimo – Subdivision Covenant EG92507 – Gabriola Island Local Trust Committee – ‘No further subdivision’ restrictive covenant.
Bylaw Enforcement	GB-BE-2013.14 – Non-permitted Short-Term Vacation Rental (STVR) GB-BE-2023.34 – Non-permitted STVR

SITE INFLUENCES

Islands Trust Conservancy	Application does not directly affect an Islands Trust Conservancy Board-owned property or conservation covenant. The nearest Islands Trust Conservancy-owned property is Burren's Acres Nature Reserve .
Regional Conservation Strategy	Map 6 of the Islands Trust Conservancy Regional Conservation Plan 2018-2027 estimated importance of habitat composition is low to medium.
Species at Risk	None mapped.
Sensitive Ecosystems	Not SEI. Adjacent to mapped SEI Wetland. SEM Mature Forest, Coastal Douglas-fir Dry Maritime, Salal.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. However, the applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as

	a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This TUP application seeks to lawfully permit the use of a LRR zoned lot for Commercial Vacation Rental use. GHG emissions can be expected to be commensurate with the levels associated with single family residential development patterns and use, and a potential increase due to the use of personal vehicles by CVR guests for transport on and off island during the tourist season. The CVR is located within walking distance of the Gabriola Island ferry and guests are encouraged to bike, walk, or bus when visiting.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is within a moderately low to moderate area of 'aquifer intrinsic vulnerability' and 'vulnerability to saltwater intrusion'.

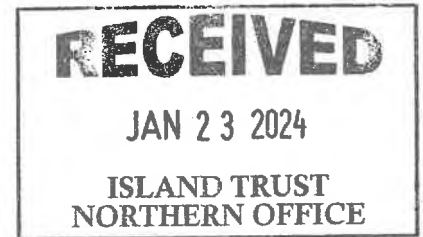
ATTACHMENT 2

Islands Trust

Northern Office

700 North Road

Gabriola BC V0R 1X3



Re: The Garden Bed Temporary Use Permit to continue to operate Short Term Vacation Rental (STVR)

January 12, 2024

Dear Planners and elected Trustees,

Please find the enclosed application and supporting documentation for a Temporary Use Permit for a Short Term Vacation Rental. The site plan and occupancy permits are already on file.

We would like to request the issuance of another TUP Permit (see GB-TUP-2016.2 and renewal) in order to continue operating our guesthouse as part of our farming operation. We have been providing our community with produce, eggs, chickens, and honey since 2012. The only way this has been feasible is through the extra income that a operating a guesthouse offers. Short-term renting is also the only way we are still able to have the guesthouse available for farm volunteers and visiting family who also participate in the farm work.

To our knowledge, there has never been an issue with any of our past guests. We have had the privilege to support Gabriola by providing a sleeping space for visiting locum doctors, utility repair workers, students, teaching artists, and of course the many locals that rely on our guesthouse as 'spillover space' for their visiting family.

Our guesthouse is in a unique position in that it is within walking distance of the ferry and downtown core. Many of our guests choose to not bring a vehicle because of its convenient location.

We believe there is broad community and global environmental benefit to local food production. We do not sell our produce off Island. Through continuing to operate a short-term rental alongside the farming operation, we will be able to continue to provide Gabriola with the produce, eggs, and chickens they have counted.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Dewarle".

Aaron Dewarle

The Garden Bed

GABRIOLA ISLAND OCP SUBSECTION 3.8 (F)**Temporary Use Permit Designations and Guidelines**

h) For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:

Guideline	Planner Comments
<i>i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;</i>	TBD by LTC There are currently 6 active TUPs for CVR use on Gabriola.
<i>ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;</i>	Included as a condition of the draft permit (Condition 4.1).
<i>iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;</i>	Included as a condition of the draft permit (Condition 4.1).
<i>iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;</i>	N/A. Subject property is not in the ALR.
<i>v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;</i>	Applicant has provided a written plan for the supply of water that staff deem adequate to meet the Guideline. (See Attachment 4). Included as a condition of the draft permit (Condition 4.6).
<i>vi. The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;</i>	Included as a condition of the draft permit (Condition 4.2).
<i>vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;</i>	Applicant has provided documentation from a qualified professional that the septic tank has been inspected and is working properly and is capable of supporting the proposed occupancy load. The applicant engaged Van Isle Septic Services to inspect the onsite sewage disposal system. (See Attachment 6). Two of the conditions of this inspection were replacement of the distribution box with a watertight lid

	to the surface, as well a high pressure flush of the dispersal lines to remove sludge buildup. In April 2024, the applicant provided proof that the distribution box has been replaced, and that the field lines have been flushed.
<i>viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;</i>	Applicant has provided an approved building permit with bond released from 1995 when the dwelling was first built, which staff deem adequate to meet this Guideline. Applicant has also provided a letter from the Fire Chief confirming that the building meets the requirements of the B.C. Fire Code. (See Attachment 5).
<i>ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;</i>	Included as a condition of the draft permit (Condition 4.3).
<i>x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;</i>	Included as a condition of the draft permit (Condition 4.4).
<i>xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);</i>	Included as a condition of the draft permit (Condition 4.5). (See Attachment 7 – Guest Information Package).
<i>xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;</i>	Included as a condition of the draft permit (Condition 4.8).
<i>xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;</i>	Included as a condition of the draft permit (Condition 4.10).
<i>xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;</i>	Included as a condition of the draft permit (Condition 4.11).
<i>xv. a condition of the permit should limit the number of bedrooms to:</i> • a maximum of 3 on lots smaller than 2.0 hectares; and • a maximum of 4 on lots of 2.0 hectares or larger;	The accessory dwelling has two bedrooms, but the subject property is larger than 2.0 hectares, therefore the CVR may technically contain up to 4 bedrooms. Included as a condition of the draft permit (Condition 4.7).
<i>xvi. a condition of the permit should prohibit recreational vehicles or camping;</i>	Included as a condition of the draft permit (Condition 4.12).
<i>xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;</i>	TDB by LTC.
<i>xviii. the Local Trust Committee may require water metering;</i>	TBD by LTC.
<i>xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the</i>	TBD by LTC.

<i>house is safe and appropriate for the proposed commercial vacation rental use and activities; and</i>	Staff deem the approved building permit with bond released to be adequate to meet Guideline 3.8(f) viii.
<i>xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.</i>	TBD by LTC. There are no registered cultural heritage sites on the subject property.

ATTACHMENT 4

Water Supply Plan- The Garden Bed 565 South Road

We are for fortunate to have an abundance of good quality water on our property. We have never had to purchase water through bulk water sales for either domestic or farming purposes.

Our deep water well pumps directly to the guesthouse. In order to conserve water we do not allow single night stays as they would require excessive use of water to do laundry. We also do not offer cleaning services during guest stays. We have a high efficiency washing machine as well as one that can be set according to the size of the load. The toilets have low flow buttons that require minimal water for flushing liquid waste. We also attempt to educate our guests about the importance of water conservation through a write up in our 'Welcome' book.

The guesthouse uses a pittance of water compared to growing food. To conserve water on the farm we use low emitter drip tape with timers that come on during the night to reduce the evaporation which occurs during day time heat. We have over 5000 gallons of rain water storage capacity which collects water during the rainy months to be used for food production in the summer. When needed, we trickle charge a 2000 gallon cistern (with a float valve shut off system) which then distributes water to the fields and greenhouses.

Another method of water conservation we utilize is the use of black woven tarps that keep moisture in the soil rather than dissipating to the air. Although not always practical, the use of tarps cuts down on moisture requirements by almost half. We also use the power of planning smart crop rotations to avoid "heavy drinkers" from being grown in sunny, dry beds. We have decided to completely abandon the growing of corn and blueberries which in our experience, with our location, were the heaviest users of water.

From: Tim Lissimore Tim@ArbutusBuildingSupplies.com
Subject: Water test results (# 1163). No coliforms detected.
Date: December 21, 2023 at 7:38 AM
To: Jessica and Aaron Dewarle ajdewarle@gmail.com

Hello, Aaron.

This message is to inform you that **your recent water test results (# 1163) were NEGATIVE for both *E. coli* and total coliforms.** In other words, neither *E. coli* nor any other coliform bacteria were detected in the sample.

Testing should be done on an ongoing basis to provide clear information about the condition of a well or cistern.

This test is intended as a preliminary examination only. This test is carried out using simple, standard laboratory techniques and reagents developed by Idexx Labs. The posted limit of test resolution is a single live bacterium per 100ml sample.

It is understood that this water test, while a very good indicator of the condition of the water, is in no way a guarantee that the water in your well or cistern is completely free of contamination even if the test results are negative for contamination. Neither Arbutus Home Building Centre (Arbutus Building Supplies Ltd.), nor its employees can be held responsible for the results of this test. Arbutus Home Building Centre is not responsible for any loss or damages (including lost profits, lost income, lost savings, or any incidental or consequential damage) resulting directly or indirectly from any occurrence that may be considered to have arisen from this test or the test results or any subsequent or previous test carried out.

If you have any questions, please do not hesitate to call, email, or drop by.

Thank you!

Tim.

--

Tim Lissimore - Doors, Windows, & Water Testing
Arbutus Home Building Centre (Arbutus Building Supplies Ltd.)
785 Ross Way
PO Box 49
Gabriola Island, BC V0R 1X0
Tel (250) 247-8157 Fax (250) 247-8158



Well Report

Customer: Aaron Drwarle
South Rd Property, Gabriola Island

Date: November 30, 2015

Well Depth: 135 feet

Static Water Level: 90 feet
(depth from top of well)

Submersible Pump depth: 130 feet

Pump Type: 1/2 HP 230 Volt - Duro Dynoflow

GPM: 15
Recovery Rate of well (Gallons Per Minute)

Daily: 900 gallons
Recovery Rate

Water is clear and sulphur free.

Prepared by: Cliff Krienke (250-668-2234)
B.C. Plumbing Ticket #: 3947-PL-85



ATTACHMENT 5

Proudly serving Gabriola since 1968

January 18, 2024

Islands Trust
700 North Road
Gabriola, B.C.
V0R 1X3

To Whom It May Concern

Re: Fire code compliance inspection – 565 South Rd, Gabriola, B.C.

This is to confirm that I carried out an inspection at the above noted address. Based on my inspection, I find that the home meets the requirements of the B.C. Fire Code for the purpose of a Temporary Use Permit (TUP).

If you have any questions, please do not hesitate to contact me.

Yours truly,

Will Sprogis,

Fire Chief

GVFD

ATTACHMENT 6

Van Isle Septic

1712 Vowels Road, Box 111 Cassidy, BC, V0R 1H0

Office (250) 741-1222

Your Friend In The Business!

Assurance of Compliance

Date: January 08, 2024

Property: 565 South Road, Gabriola Island, BC

Legal Description: LT 3, PL VIP56919, SEC 12, NANAIMO LAND DIST, GABRIOLA ISLAND

Dear Mr. Dewarle,

An inspection of sufficient thoroughness was conducted to determine that the onsite sewage disposal system at the above noted property complies with the appropriate regulations in place at the time that the system was built.

In the matter of the applicable requirements for compliance, the system should not be negatively affected by the sewage demands of the primary residence (~2230sqft), and the 2-bedroom secondary vacation rental/ guest house (~1000sqft) with the following conditions:

I have set out the following requirements:

- 1) Replace distribution box with watertight lid to the surface
- 2) High-pressure flush the dispersal lines to remove sludge buildup
- 3) Pump out the septic tank every 2 years
- 4) Service the effluent filter annually
- 5) The dwellings are not to increase in the number of bedrooms or to expand in total square footage.
- 6) The type of usage is not to be altered. This system is intended to handle residential sewage, not process or high-strength wastewater.

It should be noted that no warranties on this system are expressed or implied.

Sincerely



Brad Butler

ROWP - PL, IN, MP, PIR, PIC

Van Isle Septic Services

The Garden ~~Bed Farm~~ Guesthouse

565 South Road Box 57 Gabriola BC V0R 1X0 250-668-7616
gabriolaguesthouse@gmail.com www.thegardenbed.ca

Welcome!

- As per the reservation/rental agreement, we do not allow pets or smoking in the guesthouse. Check-out is at 11am, unless otherwise arranged. Please leave the key on the counter and the door unlocked.
- Our farm stand hours are posted outside the farmstand where we sell seasonal vegetables, fruit, and eggs on the "honour system". We also sell wool and socks made from our Alpaca fleece.
- You are welcome to use the zip-line, ball swing, and soccer field 'at your own risk'. Young children should be supervised to ensure their safety, especially around the creek.

Please read the following to make your stay safe and enjoyable.

Water: Our water is supplied by a well on our property. We have it checked regularly to ensure it is safe for human consumption. Drink as much as you want however we ask that you practice water conservation such as avoiding long showers or letting the faucets run unnecessarily.

Laundry: Feel free to use the laundry facilities however we ask that you use the minimum amount of detergent provided as we try to limit the amount of soaps and detergents entering our septic field. Please clean the lint tray after every load to prevent a fire hazard.

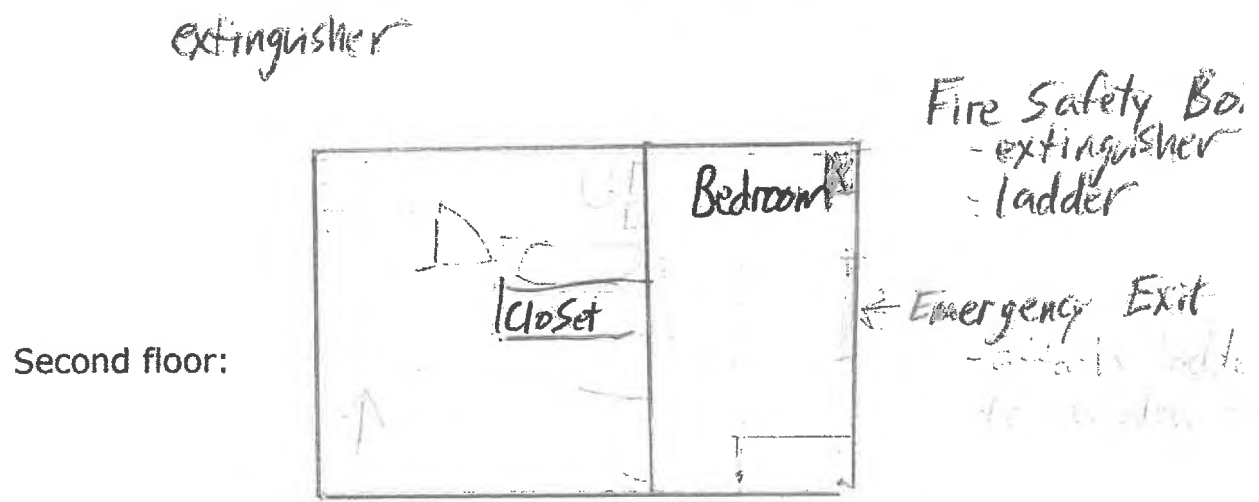
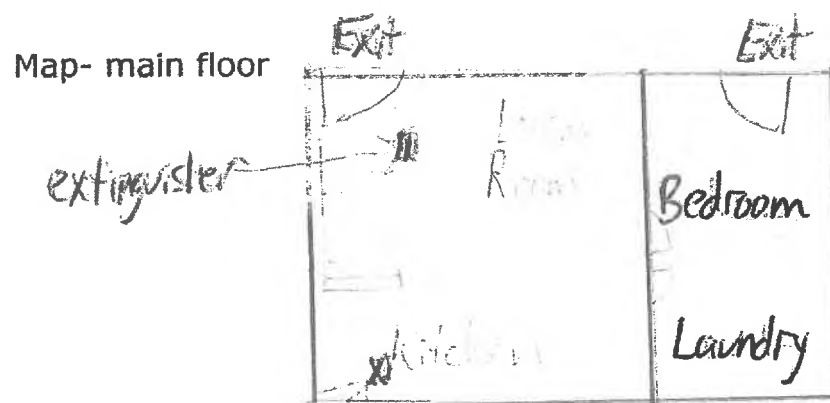
Septic System: It is important that the only non-organic material flushed down the toilet is toilet paper. Our septic system cannot handle any foreign objects such as Kleenex, paper towels, sanitary napkins, plastic...etc. as these do not break down and may cause a blockage. Please ensure that no grease products from kitchen waste be introduced into the system such as bacon fat. Any grease or fat may be drained into the tin can under the sink. When it cools it can be added to the compost bin.

Fire Safety:

No open fires are permitted. Gabriola Island is a 911 community for fire, police, and ambulance assistance. There are fire extinguishers located beside the T.V., in the kitchen (above the coffee machine), and in the "Emergency Use" box in the upstairs bedroom (to the left of the large window). The Emergency Use box also contains a foldable ladder with instructions on how to exit the upstairs if you are not able to exit through the front door.

There are smoke detectors in the bedrooms, upstairs hallway, and in the living room. Please do not tamper with the batteries. Beach fires are not permitted without permits, please check with the Gabriola Fire Department between 9 am and noon at their non-emergency number (250-247-9677).

The Muster Location is located in the parking spot across from the guesthouse marked by the orange pylon. Please proceed there in the event of an emergency.



Wi-Fi/TV Player: Wi-fi account name is **Telus2974** and the password is **98sp98wdh5**. The Smart TV has various programs available as well as our subscription to Netflix. If you have Prime or another subscription service feel free to use your account but for your own security, remember to delete your account when you leave.

Bedding: We wash the duvet covers after every guest. Extra flat sheets are located in the bedroom closets. We practise water conservation and therefore do not offer laundry services. If you have an exceptional circumstance please talk to us!

Garbage, compost, recycling: The garbage can under the sink can be emptied into the large black garbage can beside the guesthouse. Please ensure the lid is secure to prevent raccoons and ravens from making a mess of it. No garbage should be left on the deck. Please put all food waste in the brown compost bin under the sink. If it fills during your stay feel free to empty it in the large green compost bin beside the guesthouse. All recycling (glass, paper, tin, and plastic) can be put in the large blue recycling bin under the coffee machine. We will sort it and make sure it gets to the right place.

The Islands Trust has asked us to include the following regarding the noise Bylaw:

Noise Bylaw: Gabriola Island falls under the Regional District of Nanaimo bylaw No. 1082 to regulate noise which states:

"No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity."

This bylaw applies to all persons (owners and renters) and is subject to a fine of \$100 to \$2000. The bylaw clarifies that persistent yelling and shouting, and electronic devices that can be heard beyond the property line are prohibited. Please help us continue to be respectful of our neighbour's peace and quiet.

Power outages: In the unlikely event of a power outage, please do not run the water until we have hooked up the generator. We keep a 5 gallon jug of drinking water in the laundry room for emergency use.

Beach Towels: We have large blue/grey beach towels on the shelf in the laundry room. Please use these for outdoor use.

Temperature/Humidity: Each room is controlled by its own thermostat and can be adjusted to your comfort level. If you are not using one of the rooms, please turn the thermostat down in order to help conserve energy. The heat pump has its own remote control for the kitchen which can also be used in a 'cool mode'.

There is a de-humidistat that controls the bathroom fan that some guests may find disruptive at night. If you wish to turn it off, the switch is at the top of the stairs on the right.

If you need assistance with the guesthouse or have any issues: Please call or text Aaron at 250-668-7616.

Other Phone Numbers:

Police (non emergency)	250-247-8333
Fire (non-emergency)	250-247-9677
Medical Clinic	250-247-9922
Island Taxi	250-247-0049

Please see the local telephone book on the counter for a complete list of Gabriola businesses and services.

In an emergency call 911. You are at 565 South Road.

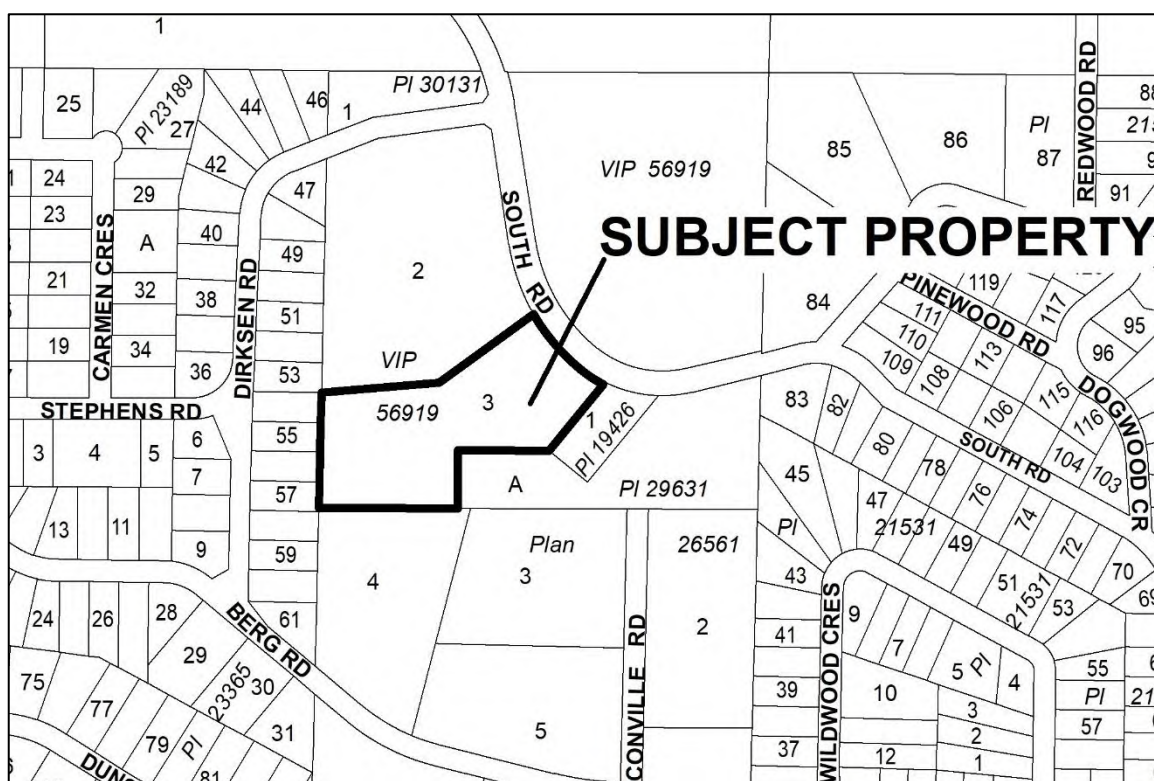
Thank-you! We hope you enjoy your stay!
Jessica and Aaron Dewarle

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 018-331-840, LOT 3, SECTION 12, Gabriola Island, Nanaimo District, Plan VIP56919. This property is located at **565 South Road, Gabriola Island, BC.**

The purpose of the proposed permit is to permit the operation of a **commercial vacation rental** within an accessory building on the subject property.

The establishment of this use would be subject to the conditions specified in the attached proposed permit.

The general location of the subject property is shown on the following map:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 am to 4:00 pm Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **June 13, 2024** and continuing up to and including **June 26, 2024**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before **4:00 pm, June 26, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, June 27, 2024, at the Gabriola Arts and Heritage Centre. 476 South Rd, Gabriola, BC.**

Written comments made in response to this notice will also be available for public review.

PROPOSED



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2024.2 (Dewarle)
565 South Road, Gabriola Island**

To: Aaron and Jessica Dewarle

1. This Permit applies to the land described below:
PID 018-331-840
LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP56919
2. **This Permit expires on XXXX XX, 2027.**
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within an accessory dwelling on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the accessory dwelling containing the commercial vacation rental and the subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the accessory dwelling for the commercial vacation rental is 4;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 8 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited; and
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

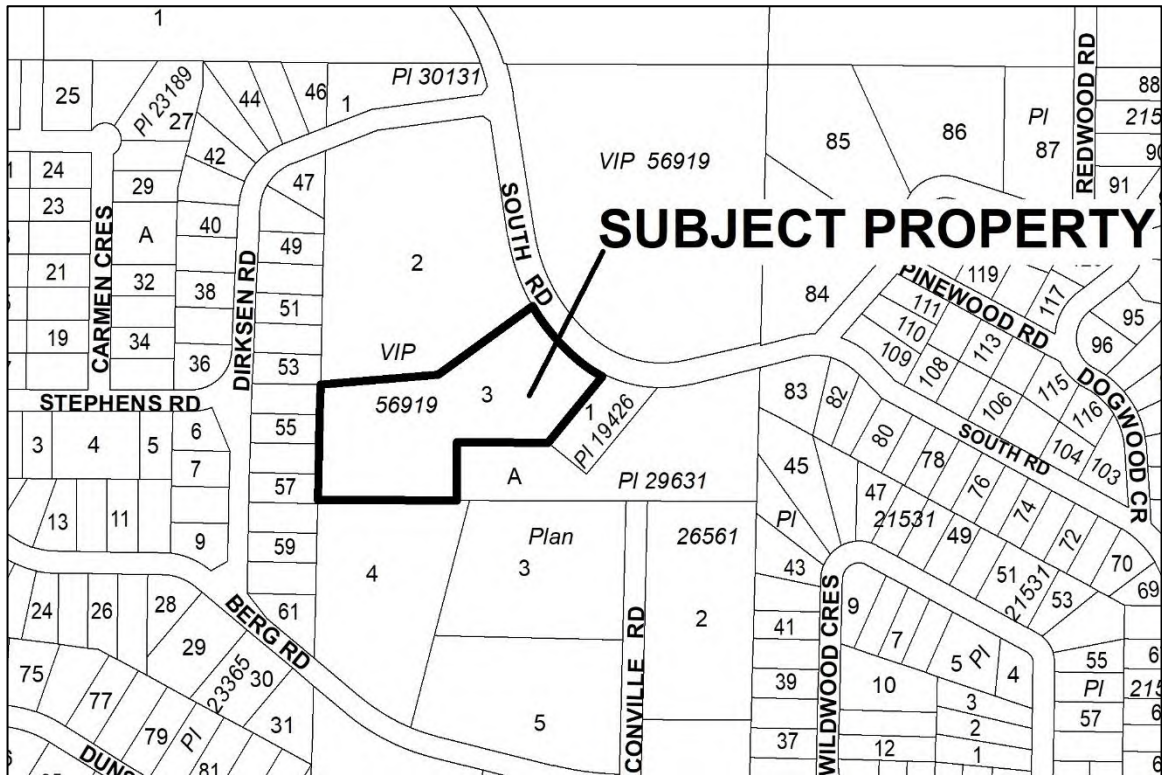
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF XXXX, 2024.

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-TUP-2024.2 (Dewarle)

SCHEDULE "A" – Subject Property

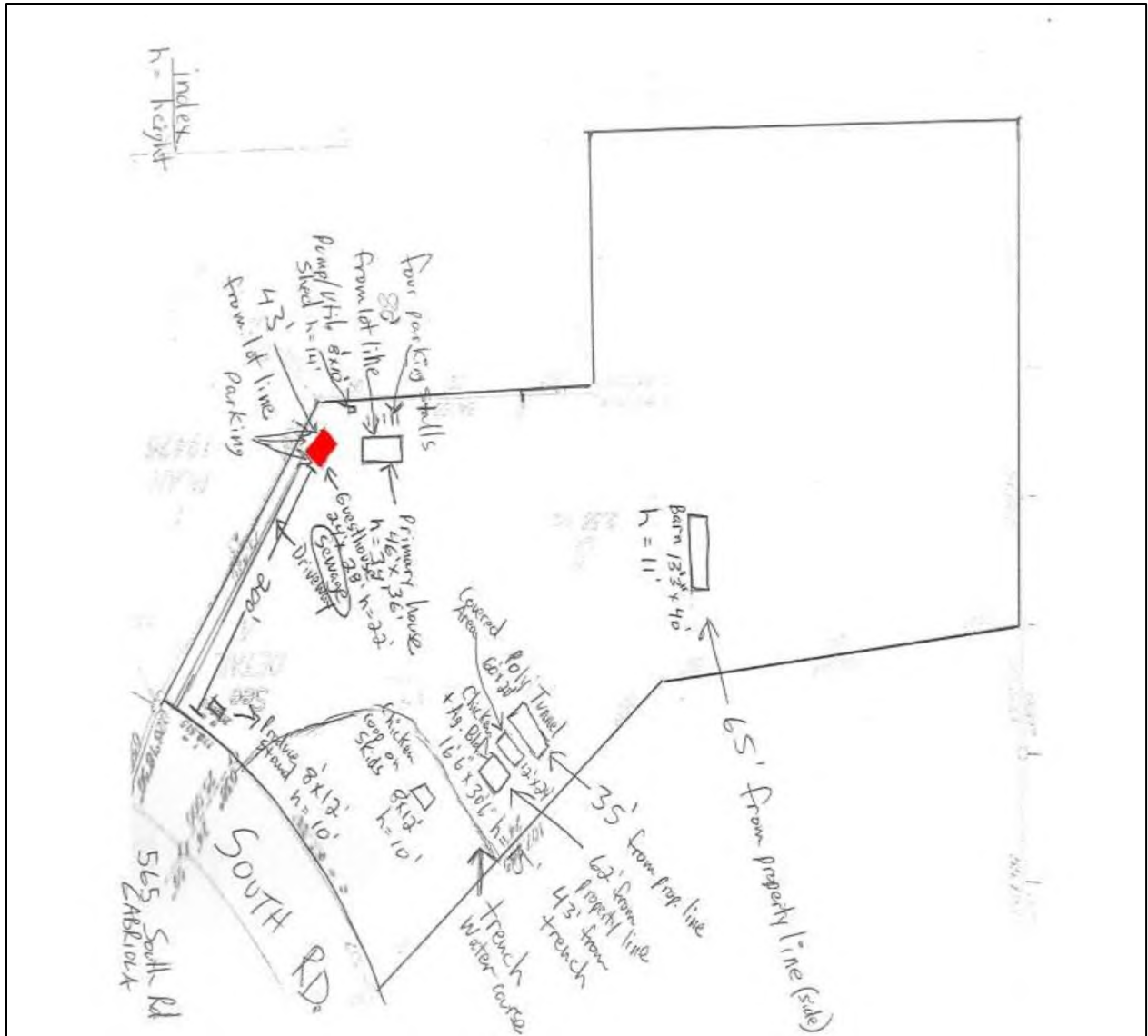


PROPOSED

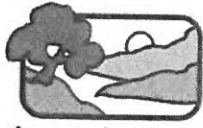
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-TUP-2024.2 (Dewarle)

SCHEDULE "B" – Site Plan



ATTACHMENT 9

 Islands Trust	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2016.2 (Dewarle)
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To: Jessica and Aaron Dewarle

1. This Permit applies to the land described below:

PID 018-331-840

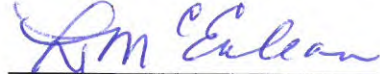
Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919, shown on Schedule "A", which is attached to and forms part of this Permit.

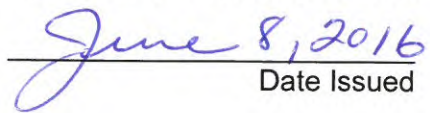
2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental on their property and is subject to the following conditions:
 - a) the owner, or their delegate, should be available by telephone 24 hours/day, seven days per week at (250) 247-7457 Any changes to this phone number must be provided to the Islands Trust within seven (7) working days;
 - b) the owners must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
 - c) the landowner posts for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets [if pets permitted]. The guest information also reminds guests that they are in a residential area, not a commercial area;
 - d) the owner must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
 - e) the owner must provide accommodation for a minimum of two vehicles on the property;
 - f) the owners are restricted to the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;
 - g) the owners are prohibited from renting or providing motorized personal watercraft to rental clients;
 - h) the maximum number of guests is limited to 2 persons per bedroom;
 - i) the number of bedrooms is limited to a maximum of 3;
 - j) recreational vehicles and camping are prohibited; and
 - l) the holder of the Permit, landowner, manager, or management company will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner,

manager, management company or commercial vacation renter for the purpose of investigating a complaint.

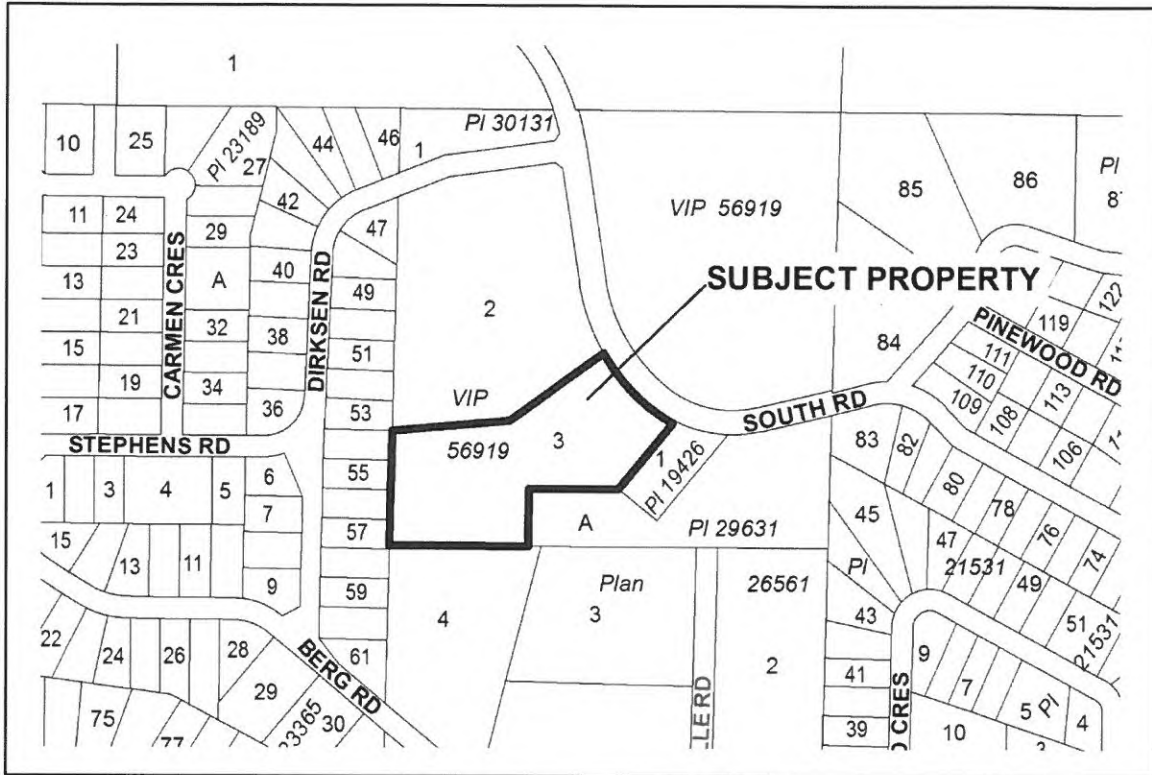
3. This Permit expires three years from date of issuance.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS 26th DAY OF May, 2016.


Deputy Secretary, Islands Trust


Date Issued

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2016.2
SCHEDULE A



I hereby certify this to be Schedule "A" which is
 attached to and forms part of Temporary Use Permit
 No. GB-TUP-2016.2

Sam Elean
 Signature of Islands Trust Official

June 8, 2016
 Date of Issuance

	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2019.1 (Dewarle) (RENEWAL OF PERMIT - GB-TUP-2016.2)
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To: Jessica and Aaron Dewarle

1. This Permit applies to the land described below:

PID 018-331-840

Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919, shown on Schedule "A", which is attached to and forms part of this Permit.

2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental on their property and is subject to the following conditions:

- a) the owner, or their delegate, will be available by telephone 24 hours/day, seven days per week at (250) 247-7457 Any changes to this phone number must be providing to the Islands Trust within seven (7) working days;
- b) the owners must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
- c) the landowner posts for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets [if pets permitted]. The guest information also reminds guests that they are in a residential area, not a commercial area;
- d) the owner must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
- e) the owner must provide accommodation for a minimum of two vehicles on the property;
- f) the owners are restricted to the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;
- g) the owners are prohibited from renting or providing motorized personal watercraft to rental clients;
- h) the maximum number of guests is limited to 2 persons per bedroom;
- i) the number of bedrooms is limited to a maximum of 3;
- j) recreational vehicles and camping are prohibited; and
- l) the holder of the Permit, landowner, manager, or management company will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw

Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, manager, management company or commercial vacation renter for the purpose of investigating a complaint.

3. This Permit expires three years from date of renewal.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS 11th DAY OF JULY, 2019.



Deputy Secretary, Islands Trust



Date Issued

From: Laura Eagin [REDACTED]
Sent: Saturday, May 25, 2024 3:43 PM
To: Gabriola Island Local Trust Committee <GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Mudge junk vehicles - some good news!

I just wanted to share with you a little good news from Mudge.

We removed 8 and a half junk vehicles by barge in the past week. Working directly with the vehicle owners and a bunch of volunteers to make it happen smoothly. And the outcome was not only successful but a real morale boost for Mudge. 🇬🇧

Video here: <https://youtu.be/lolfv960aUA?si=nEQaWWmv3SSXO5rk>

Without naming names, I will say that a good number of these cars were on properties that received complaints, and whose owners were eager to remove the problem once and for all. 😊

The cars are being scrapped for parts and metal at the scrapyard in Nanaimo. And are no longer disintegrating or posing a threat to our fragile island environment. ❤️

I'm organizing several more of these vehicles removal efforts this summer, hoping to take care of ALL of the vehicles that people want to remove.

Have a wonderful weekend!

Hello,

I am writing this letter to a variety of individuals and organizations to provide you with some information that I hope you will take into consideration as you develop regulations and policies, and as you think about how you can make life better for the people you serve, or at the very least, make decisions that don't make their lives worse.

I am an author and practicing veterinarian, so the process of developing the types of policies that are part of your work for many of you are foreign to me, and not my area of expertise at all. As a veterinarian, though, I can (and often do) phone the owners of sick pets a day or so after I have seen them if I am concerned about them, and ask how they are doing. I can see if my treatments are having the desired effect, and if not, I can make changes. And when a similar case comes in in the future, I can adjust the treatment plan to hopefully be more effective based on what I have learned.

I imagine this kind of follow-up is not possible for many of you in your jobs. So this letter is a follow-up letter of sorts, providing information to you on some recent decisions and some not-so-recent, that were made by the authorities.

I am going to use the term "authorities" in this letter to try to help you see the situations from the point of view of some of the more down-and-out people you might be dealing with. I came from a broken home, with an abusive mother, a father who had bouts of mental illness. I was an adopted mix-race baby who I suspect was a disappointment to my adopted mother and she took it out on me. I lived in the Maritime provinces when work there was very hard to come by and had to permanently move away from home to find work. I have been homeless, been on welfare, lived on people's couches, in cars and vans, in shacks. I was molested by my 40-year-old neighbour when I was 15. I have been in foster care. Four of my bosses sexually abused me. I dealt with addiction and anxiety issues for much of my life. I have experienced intimate partner violence. I had a drive to succeed, though, and when I was 36 years old, finally graduated from vet school. I am mentioning this to let you know that what I am writing about comes from both personal experience and from direct knowledge of the people that were down-and-out like me over the years that I know. To many people, the "authorities" are all lumped together. They are not there to help like they would for you and me - people with good jobs and relatively stable lives - people higher on the "pecking order." The authorities in the eyes of the poor are the people who can take away things that are important to you. Take away your tent if you are homeless, demolish your home if it doesn't conform to code, take away your children if someone makes a complaint, take away your drugs if you are an addict. Unfortunately for many, the authorities aren't people you go to for help, they are people you avoid at all cost.

This letter is mainly about homelessness. I am very busy with 2 careers to juggle and on my own in my fifties, so I don't have the time to take as much care as I would like to to write this unfortunately. I do feel the issues are important, though, so I am getting the information to you although it won't be as eloquent and in-depth as I would have liked. I am going to tell you about some people I know, and what happened to them after some decisions that were made by the authorities. I am going to use pseudonyms, although some of you may already be familiar with these cases and know the person's real name. I have the permission from most of them to use their real names as they also feel strongly that their issues should have been addressed differently, however I think pseudonyms would be less risk to them as I am acutely aware that some of you that I am writing to have the power to find these people and make their lives more difficult. I hope that you don't.

I grew up in PEI. I only ever saw one homeless person there. His name was Francis and he lived in a tiny cabin about the size of a small bathroom in the woods. I heard a story once that someone was shoveling snow and found him sleeping under the snowbank. Everyone knew Francis and they tolerated him for the most part. I am fairly sure nobody demolished his home. I remember seeing it often in the woods on the Seven Mile Road as I drove down it over the years. I just googled him as I write this letter and am going to include an excerpt from a newspaper article. Francis wasn't just a "homeless person," he was a member of the community, and almost legendary. This excerpt from the article shows it quite well I think.

My father knew Francis all his life. He grew up a few miles from the Quinn home place, and he used to visit my grandfather's as a young man. Dad would often try to engage Francis in conversation without much success. You could rarely get him to talk sensible for any length of time. I used to think he must be schizophrenic when he would start to ramble on

and talk to himself. “Oh he’s just acting foolish,” my father would say in frustration. “He knows damned well what’s going on.” It would be easy to make an argument that Francis’ mental health wasn’t a hundred per cent, but every once in awhile, I hear a story that makes me believe Dad’s assessment may have been closer to the truth. To my point, there is one Francis story I have heard more often than any other since my book “Island Characters” came out. I heard it when I was just a kid, so it goes back a few years. One hot summer day Francis was hanging around Main Street in Morell. Apparently he was having a few drinks this day, and decided to sit out on the lawn in front of the bank. Someone must have called the Mounties to come and pick him up. When Francis spotted the RCMP cruiser coming down main street towards him, he quickly took the pint out of his pocket and tossed it on the lawn.

“Francis, is that your liquor?” The Mountie sternly inquired.

“No,” Francis denied.

“Well it is sitting right beside you?” the Mountie argued.

“That bank is sitting right beside me and I don’t own it either,” Francis replied and put an end to his interrogation.

Every once in awhile you hear a story like this, and it makes you wonder about the most renowned Island character of them all. I have heard several different versions of the same story taking in place in different Island communities so I am not even sure if it’s true anymore.

This article shows him as not just a homeless man, but part of a community. It also illustrates the authorities as the people to be avoided. In this case, they are coming to take Francis’s alcohol.

The reason there was virtually no homelessness on PEI in my opinion, is on PEI we had a psychiatric ward that took people in, and jail. I remember stories of people committing petty crimes so they could stay in jail for the winter if they didn’t have a place to live. But the main reason is we lived in a quiet, close-knit agriculture based community with strong community values. Many people took me in when I was homeless, and I slept on couches, sometimes even having my own bedroom for months at a time. These people were poor but we always found money for bread, and there were always free potatoes, and beef, and pickles people put up for the winter. People shared and helped each other.

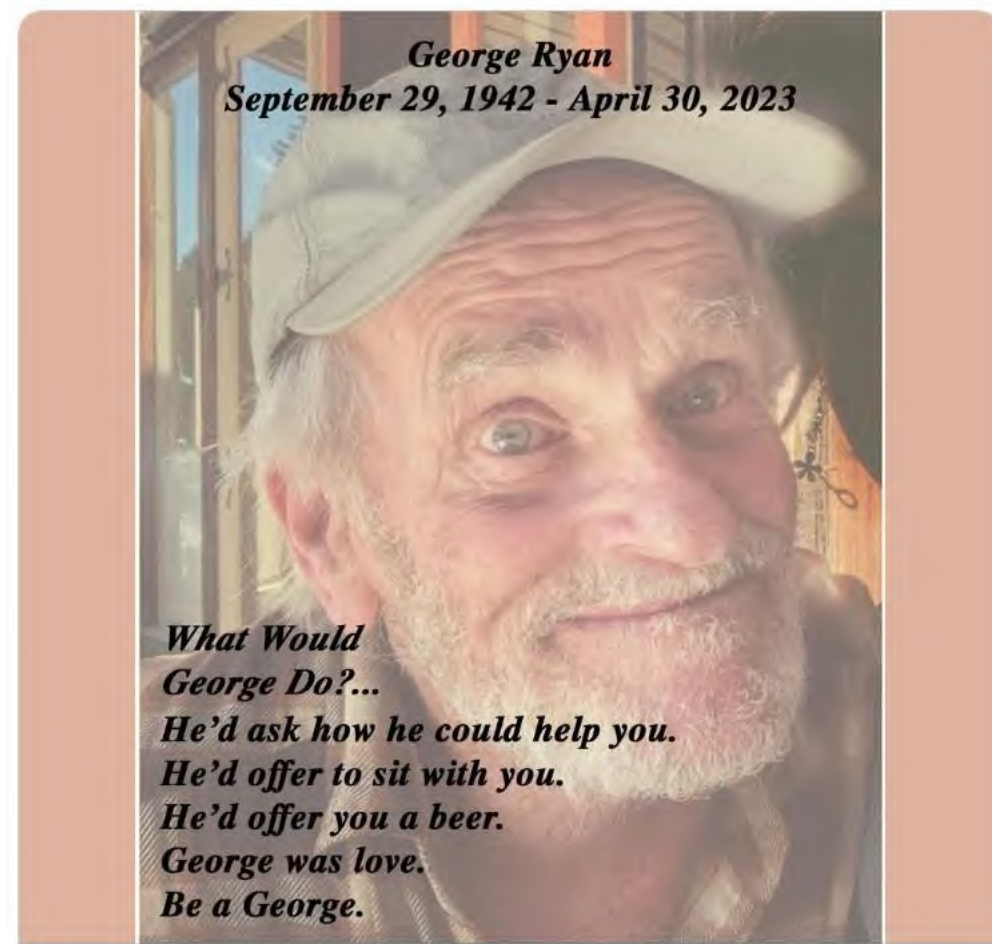
So I am writing to you not to blame any of you for the homeless situation, as in many ways it is a result of communities that are too big for people to know each other, and a result of the individualistic society we have here compared to the more tribal feel of the Maritime Provinces. On the East Coast, when I was homeless I went to stay on someone’s couch for a few days and they shared their food with me. On the West Coast, I lived in a van and hid someplace like an industrial park or pub parking lot or by a church, hoping the police wouldn’t give me a hard time, or stayed in illegal shacks that if the authorities found them would be demolished. I am only writing about what I have lived and seen that it might be of some use.

Olivia

I suspect Olivia has some kind of mental health issues, although I'm not sure what they are. She has lived in our community for over 20 years too. She is very quiet and timid and almost I see her as nice and as far as I can tell, gentle and harmless. In 2020 I believe it was, I heard that the authorities had attached a "do not occupy" order to her trailer door. Right in the midst of the worst part of the pandemic, they required her to tear down her own trailer by the fall, or be taken to court and given a huge fine. So she tore it down, herself, bit by bit, and in a few months it was gone. They she found a tiny cabin to live in with no electricity or running water and one little window. I won't tell you where, as I really hope she can be allowed to live in peace as she wishes. Ever since she was made to demolish her home, Olivia has lived in housing LESS safe and sound than the trailer she was forced to demolish.

George Paul Ryan

George is dead, so I am going to use his real name. George used to work for the CBC apparently, doing sound or lighting for Mr Dressup and The Friendly Giant years ago. For the last decade or so, he has been the homeless guy (between residences as he liked to say) and hung out at the mall and talked to people and drank beer out of a paper bag. Everyone knew George, and talked to him, and often would give him rides in their cars as he didn't have one. He was a well-loved member of the community. Once Olivia found out her house had to be torn down, George, who I understand was staying there at the time, was asked to move out. I heard he moved into a tent in the woods in walking distance to the mall and lived for a few months in the tent until he found somewhere to live in the fall. Want to take a guess at how old George was when he went to live in the woods in a tent? According to his obituary, he was 78 years old in 2020 and where I come from making a 78 year old man homeless is a shameful thing to do. George died a couple of years later of health issues almost certainly related to his drinking.



Rob (his real name) is also dead. Olivia's trailer was big enough that she could put a blanket in the middle of it hung from the ceiling to divide it in half and it gave Rob a private room-like area that he could live in. Once Olivia found out that she would have to tear her trailer down, Rob moved out. He went to live in a tent in the woods in another part of our community. On October 20 of 2023 he was found dead in the tent. Did the decision to have Olivia's house demolished contribute to Rob's premature death? We will never know, but it is possible that it did.

Two deceased persons found over weekend on Commons property; and Dragon's Lane

Sounder News

Gabriola RCMP were involved in two unrelated incidents this past weekend involving persons being found deceased.

Cpl. Jordan Mullen, Detachment Commander for Gabriola RCMP, provided information on the incidents.

On Friday, October 20, RCMP were called to a forested area on the south-west side of the Commons property. A male had been found deceased in a tent.

Gabriola Fire and BC Ambulance also attended and worked with RCMP to transport the deceased to a secure location to await the Coroner. Next of kin will be notified, at this time, the identification of the deceased is not being released publicly. The death is not deemed to be suspicious at this time. Cause of death will be investigated by the Coroners Service.

On Sunday, October 22, RCMP were called to the end of Dragon's Lane around

2pm. A body, wearing a flotation device, had washed ashore. Gabriola Fire and the Canadian Coast Guard were also called to the scene.

The male has been identified and does not reside on Gabriola. The RCMP and Coroners Service are investigating the death. No further details are available at this time. If anyone has any information regarding these incidents, please contact the Gabriola RCMP non-emergency line at 250-247-8333.

Leon

I met Leon at drop in soccer in the 1990s. He was athletic, funny, intellectual. For years I only ever saw him at the soccer field, before he started to watch car racing with my elderly Dad and I learned more about him. To be very brief, Leon, his wife and children were very poor but active in the local arts community. Leon built a home, and although it was a very unusual home, he was a fully qualified carpenter and the people I know who are knowledgeable in carpentry and building inspection and building science feel it was structurally sound. When the home was almost done (about 20 years ago), the authorities came and bulldozed it (after court proceedings). Leon was devastated, it was his life's work in terms of creativity. He moved into a camper and lived in it on the side of a local quiet road. Soon after he and his wife broke up and he hardly ever saw his children after that until they were grown up. After living in the camper a few years, he moved into a trailer in the woods, far enough from the road he hopes the authorities won't bother him. He is content to live without electricity, running water, or television and works to support himself and uses no substances. He is a reliable, useful, productive and seemingly happy person at this time, but just needs to live differently than most people to be himself. For the last 20 years, Leon has lived in housing LESS comfortable and sound than the home he built that was demolished.

Rita

As I was writing about Rob from two paragraphs ago, I heard a knock at my door. It was my friend Rita, who I have known for almost 30 years. She looked stressed, so I invited her in. Rita used to live in rented old double wide trailer that she was in perpetual fear would be torn down by the landlords to build a better home, so she bought a small trailer and fixed it up and now lives on someone's property (with their blessing) in her trailer, which is tidy and beautifully painted and has burgundy and purple curtains and looks really nice. She was right about the demolition of her previous rental, it is now gone. She got out just in time. She is about 66 years old, and not able to work and has minimal savings. Without the trailer, she would be in deep trouble. After moving into the trailer the look of stress vanished from her face, and she looked so much happier. Now she had a place of her own! But today the stressed look is back, as the authorities (the Regional District of Nanaimo) are harassing people she knows who are living like she does. Will she be next? If so, where will she be able to afford to live? She told me they are currently harassing two people she knows about who I'll call William and Matthew. Here is what she told me earlier today:

William

William build an unconventional but affordable small home (which Rita believes it is structurally sound and I have seen it, it looks nice) on someone else's property with the property owner's blessing. It is a nice sized acreage with room for a garden. His girlfriend has one child, and she is pregnant. Recently William received an order to stop living in his home. This is causing him great stress, as you can imagine, and stress to all the people who have heard about this and worry if they are next. The authorities I believe are also threatening to fine (or maybe have already fined) the land owner for having the structure on his property. In general I find people are living in the best home they can afford at the time. When you push them out of their homes, they end up somewhere worse.

Matthew

Matthew wanted to build himself a small affordable cabin on a property that a land owner had given permission for him to do. The authorities got wind of this and put a stop to this. Now he lives in a camper.

When Rita and I sat down for a cup of tea, she said she wished that the authorities would stop threatening her and the people she knows. She wishes that the authorities would consider motivation when they receive a complaint. She has heard of land owners complaining because they want to drive a person living in unofficial housing off a property they are looking to buy, and she suspects real estate agents are complaining to tidy up land to get a better price. She says people have received letters about complaints that were inaccurate and may have been made out of ignorance or spite, and wishes the authorities would check the validity of these complaints before sending threatening letters to people. I am not sure of course how accurate any of that is, but I can tell you that recently I heard from someone who I believe is a reliable source saying one single person in an adjoining rural community made 25 complaints about different people. What I have seen with my own eyes over the years is people with more money move in and complain about the people already there, and make changes that gradually push the local people out to live in less desirable housing. This, as you all know, happens all the time all over the world.

I know a woman in Victoria, BC, who used to run a lodge for people with mental issues. They were safe and had good food. When the funding ran out she closed it and she said that after a while she began to see her clients living in their cars, they after a while they just had shopping carts and lived downtown on the street.

I have lived in shacks, trailers, cars and vans. It was hard, but I always felt safe when I was on my own in these places. Safe except for what the authorities would do if they found me. If you think people with homelessness issues should just rent a room, that is not always possible or safe. As a young woman my poverty and homelessness put me at risk for sexual abuse. Renting rooms and sharing rooms has led to me being sexually assaulted including unwanted intercourse on several occasions, fearing for my own safety and having to leave a violent home in the middle of the night, living in homes with drug and alcohol abuse and drug dealing (by the way I never used drugs but it was all around me) Some people have mental health issues that make living with someone else very stressful for them. I have given some examples of a few different kinds of people here, trying to find a safe place of their own to live in peace in their own community. I live a different life now, and have my own home, and a good job, but I keep touch with people who are on the fringes. In fact, they are nice and interesting people. I pick up groceries sometimes for Rita, I take another woman's laundry to town when I go so she can have clean clothes, I watch car racing with Leon now that my father has passed away. They are friends. Having an affordable place to live allows people to save money and hopefully make their overall lives better and more stable. For me, living in vehicles and shacks allowed me eventually to gather the money to finish my education.

So lets bring it back to what is happening now. Although we hear about SROs in Vancouver being demolished and the poor being displaced, I am talking specifically about my community, Gabriola Island.

The authorities (I believe they are employees of the Regional District of Nanaimo) in all the cases I have mentioned above, probably believe they are making the community better by demolishing these homes. What I have seen with my own eyes is the opposite. Stress, anxiety, worse homelessness, broken families, worsening substance abuse, and possibly even one shortened life, have resulted. Because I am a veterinarian, I also talk to people with money who make assumptions about my values based on my title who I have caught telling massive untruths about the people I know living in unofficial housing. I hope these untruths are from not knowing rather than malicious intentions. Accusing the people in unofficial housing of violence, theft, and being criminals from Nanaimo, and they were surprised when I replied well actually I know these people personally, I know their names and where they live, and have known many of them for years, and I happen to know that those rumours aren't true. Most of them have lived here for decades, most are not criminals, and work or have worked in the community, are young families, and older retired women. There are many other examples I have not mentioned that I personally know. Most of the other ones I know about are single

women (in their 40s to 70s) who are spared the risk of violence or sexual abuse by being able to have an affordable place of their own. I hope that making false complaints against people is a criminal offense. It is so easy for the well-off to ruin the lives of the poor with false fear-inducing statements.

As the West Coast becomes more populated, the agricultural and rural lifestyle that promotes community and the growing and sharing of food to bring people together is gradually pushed out and housing costs go up as regulations demand more and more expensive and complex housing. I have seen this happen lately in PEI too with an increase in homelessness as building codes are enforced and housing costs go up. I don't know the answer for all of this, but do feel strongly that demolishing the homes of poor people, or giving them fines until they are forced off their property is wrong. Wrong and counterproductive and harmful. Especially in a rural area like Gabriola Island which does have a rural feel and still has enough of an agricultural community to bind people together.

Why do I care? Because I was taught to care by the caring community that I lived in when I grew up on the East Coast. You look out for your neighbour, you help those in need. You share, you work together. I don't see those values expressed here in the same way in the thirty odd years I have lived in this area, but I still believe in them. I wish the values of caring and community could be taught in school. I wish there were more community gardens and rural experiences for children growing up. I think there should be funding for facilities for people with severe mental health issues instead of leaving them on the street. The values I grew up with make demolition of homes and targeting the most poor as fundamentally wrong. I know about many of the unofficial homes that are being targeted now by the RDN. This is causing an immense amount of anxiety for many of Gabriola Island's poorest residents. It also causes anxiety and distress for people like me who are friends of those targeted. I had tears in my eyes more than once when I wrote this letter. As I have seen with my own eyes long-lasting and adverse outcomes to people I know about from actions taken by the RDN in the past against my friends and acquaintances, over not just years but decades, I am strongly against the actions they are currently taking. I have sent messages to the people I know of who are being targeted, or told them in person, that if their home is threatened and they want me to, I will come and stand in front of any bulldozers that come to tear down their homes.

I sincerely hope you consider the long term financial, housing, and physical and mental health outcomes of the people and the communities they live in when creating and enforcing the regulations regarding unofficial housing especially. These policies can cause or make worse homelessness, poverty, addiction, physical and sexual violence, anxiety, depression, broken families, and can destabilize communities. It causes fear and anxiety in those in similar situations, and is destabilizing to attempts for long term integration into a community and finding long term employment. It causes people who might benefit from help to hide from and fear all authority figures, even those that could help them. The job of the well-off like yourselves and myself isn't to get rid of the poor because you don't like how they look and live, it is to treat them fairly and humanely and help lift them up.

Sincerely,

Emily Carrington DVM



June 7, 2024

Islands Trust

Local Gabriola Island Trust Committee
700 North Road, Gabriola Island
BC, V0R 1X3

Via e-mail (and mail) to GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca

Attention; Local Trust Committee Members Trustee Mr. Peter Luckman, Chair
 Trustee Ms. Susan Yates
 Trustee Ms. Tobi Elliot

RE: Establishment Of the Mudge Island Community Association (MICA) And Its Mandate to Work with Islands Trust

Firstly, we would like to introduce ourselves and provide some background regarding the formation of the Mudge Island Community Association (MICA). Secondly, address the process the community has undertaken in creating this committee. Thirdly discuss the concerns and goals that our community aims to achieve through collaboration with the Islands Trust, Trust staff and area stakeholders.

With this information, we respectfully request formal recognition as the sole elected representative entity for our Mudge Island community. Additionally, we propose that the Local Islands Trust initiate a "Minor Project" to review and develop specific Mudge Island bylaw enforcement policies and procedures, as well as assess existing bylaws for potential amendments to align with our community's vision.

Background

Mudge Island is a small, water-access-only community with approximately 120 full-time residents and around 320 lots. Our residents, whether they live here permanently, visit occasionally, or vacation, are a diverse group, representing various walks of life. Our community embraces everyone: from the fortunate to the less fortunate, from the young to the older generation, and those with different degrees of education and life experiences to those with health and mental health challenges. Over the past decade, an influx of new property owners has transformed the Island, but our tight-knit relationships remain intact. Regardless of how long people have been part of our community, we all share common interests and a sense of equality. We believe our community is truly unique.

As you are aware, Mudge Island is a part of the Gabriola Trust Area. Historically, our island has coexisted harmoniously with minimal interaction with the RDN and Islands Trust, except for our limited involvement in the development of our local Official Community Plan (OCP) and associated bylaws. However, recent events have significantly altered this landscape. Over the past 12 months there has been a notable increase in community interaction with the Islands Trust, specifically related to Bylaw enforcement and compliance issues.

We understand that approximately 60 letters have been issued to our community members, each addressing one or more potential infractions on a specific property. Furthermore, ongoing correspondence suggests that the actual number of complaint letters may exceed the mentioned figure. This surge in complaints is uncharacteristic for our close-knit community and suggests that the complaint process is being abused.

While some of these letters and bylaw infractions are arguably incorrect and false, most of the citations have some merit. Regardless of the legitimacy of the specific details, the sheer volume of letters and the potential impact on compliance has devastated our community. Our peaceful way of life, which we have cherished for years, has been significantly shaken to its core. Furthermore, this has given rise to considerable psychological stress placed on some members, daily worrisome conversations, tensions rising between neighbours, and unfounded speculation and blame being voiced as to how this situation has arisen.

Process – Establishing Our Committee to Represent Mudge Island

In response to the pernicious impact to our community of the recent letters issued by the Islands Trust to our community, a group of concerned citizens formed an ad hoc working group in early April. Our primary objectives were to gather and explore community input and to assess whether formal representation was necessary. This process involved hosting a local Town Hall meeting, during which over 125 community members participated. They shared their concerns, their wants, their frustrations, and heartbreaking stories. The consensus among attendees was that a formal group of elected representatives should represent our community to collaborate with Islands Trust to improve enforcement policies and existing bylaws. To expedite this, the community requested the ad hoc group to initiate a voting process as quickly as possible.

Here are some key points: Mudge Island has approximately 320 lots with over one third of the property owners participating in the Town Hall meeting and over half of the property owners participating in the election process to create a new/formal group of 7 to form MICA. It's worthy to note that the voting list that was created was only through a local/private Mudge Island community email list, two social media Facebook pages, and word of mouth. Given the time constraints mandated by the community at the Town Hall meeting it was challenging to reach all property owners, the most difficult consisting of vacant lots or occasional recreational property owners/users. This part of the demographic is conceivably the more disengaged part of the community and would require considerably more time, costs, and Land Titles, RDN, or BC

Assessment taxation data base information to be included in the process that was undertaken. We did however send ballots to owners of 195 properties and held an online election that was completed on May 14th, 2024, which resulted in 172 ballots being cast. The election selected 7 of 14 candidates to form a committee to represent the community to the Islands Trust. The elected members of the committee are Chad Giesbrecht, Jon McCullough, Mike Bonneville, Nigel Stoodley, Rich Brooks, Scott Flemming, and Susanne Jakobsen.

The Mudge Island Community Association that was ultimately created has been entrusted with a specific mandate. Our primary objectives are to assist in developing practical bylaw enforcement policies, tweak a small portion of the zoning bylaws, and explore reasonable amendments to the current OCP that may be necessary.

Concerns and Goals: Navigating Challenges on Mudge Island

As previously mentioned, our community faces several pressing concerns related to bylaw enforcement. It is largely understood that many of the legitimate noncompliance issues recently raised have existed for decades. Contributing to this situation the community feels there was a lack of participation and oversight from the RDN and the Islands Trust during the building permit process and actual construction which exacerbates the situation. This lack of involvement and community unawareness has led to a misconception that bylaws were either non-existent, unavailable, or not mandatory for compliance.

The sheer volume of complaints, some of which are categorically false or inaccurate, raises concerns as well. It appears that some complaints are driven by motives other than legitimate concerns over compliance, respect for neighbors, health or safety.

There is a consensus that some of the bylaws are unfair compared to adjacent islands. Furthermore, the selective issuance of enforcement complaint letters -where one neighbor receives a letter while another with similar compliance issues does not – appears biased in nature.

Community members have also raised concerns that the Islands Trust bylaw enforcement process is being used to lodge vexatious complaints to achieve some ulterior agenda and the lack of discretion in applying enforcement criteria has created a mistrustful environment on Mudge Island and a discordant situation.

While most of the community is accepting of many of the building noncompliance issues relating to site coverage, foreshore and front/side yard setback requirements that don't significantly impact the environment, as well as the potential for some short- and long-term rentals; the community certainly recognizes that some of the more egregious infractions such as unkempt properties and abandoned vehicles needs to be addressed.

With respect to the goals the community would like this committee to achieve: The community is divided regarding oversight. Most reluctantly seek reasonable oversight from the Islands Trust or

government, while others hope for minimal to no oversight. Striking a balance between community autonomy and necessary oversight remains a challenge.

The mandate given to our committee is clear. Collaborate with the Islands Trust to develop specific policies for Mudge Island that work for our unique community, and in particular the issues that come from historical lack of access to or input from RDN or Islands Trust and the small, pre-Islands Trust lot sizes. We are tasked to address how complaints are received, the vetting process, the conditions warranting investigation, and the potential application of discretion in enforcement, and ensure these policies align with legitimate concerns, the community's acceptance and the core mandates of the Islands Trust.

The specific and formal mandate therefore has been adopted as follows:

The mandate of the Mudge Island Community Association (MICA) is to work with and on behalf of the community of Mudge Island, serving as a unified voice in discussions with the Islands Trust (IT) and the Local Trust Committee (LTC). The focus of MICA will be to consult and collaborate with IT, LTC, and other levels of government to explore and advocate for potential changes in policies and procedures, land use bylaws and the Official Community Plan (OCP) that are appropriate for and meet the expectations of our unique community. The committee aims to identify and advocate for changes that could benefit both the Trust and the community.

Formal Request for Recognition and Minor Project Creation

Based on the information provided, our committee is optimistic that a motion similar to the following could be proposed at the upcoming Local Trust Committee meeting:

Suggested Motions:

- *Recognize the Mudge Island Community Association (MICA) as the sole committee representing the people of Mudge Island. Granting this committee the mandate and authority to engage with Islands Trust officials and staff, liaise with them, communicate on behalf of Mudge Island property owners, collaborate with Island Trustees to develop specific Mudge Island Bylaw enforcement policies, and review and potentially incorporate reasonable revisions to the current Zoning Bylaw and the existing OCP.*

As part of this effort, we also respectfully request that a second motion be introduced that

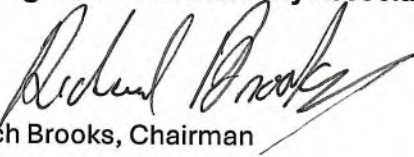
- *the Local Islands Trust initiate a Minor Project to review and develop specific Mudge Island bylaw enforcement policies and procedures, and to assess existing bylaws for potential minor amendments to align with our community's vision.*

To close, we appreciate the opportunity to work with the Islands Trust, Islands Trust staff, local and provincial stakeholders and our Mudge community to create a harmonious resolution for our unique community.

We look forward to hearing from you and have the above information and requests tabled at the next Local Trust Committee meeting.

Yours truly,

Mudge Island Community Association (MICA)



Rich Brooks, Chairman

604-644-2097

mica.rbrooks@gmail.com

cc: Jon McCullough, Vice Chair mica.jmccullough@gmail.com
Susanne Jakobsen, Secretary micasusanne@gmail.com
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Scott Flemming, Communications micaflemming1@gmail.com
Chad Giesbrecht, [REDACTED]
Mike Bonneville micamikeb@gmail.com

The Mudge Island Community Association acknowledges that Mudge Island is traditional territory of many First Nations, including the Coast Salish peoples and the Hul'qumi'num speaking Nations. We are grateful to have the opportunity to live, learn, work and play in their traditional and unceded territories.

DATE OF MEETING: June 27, 2024

TO: Gabriola Island Local Trust Committee

FROM: Warren Dingman, Manager, Compliance and Enforcement
Northern Team

SUBJECT: Bylaw Compliance and Enforcement Policy

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee direct staff to revise and edit the proposed Bylaw Compliance and Enforcement Policy as necessary and bring it forward for future consideration.

REPORT SUMMARY

The purpose of this report is to present a brief summary of the current bylaw files and to present a Bylaw Compliance and Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document and to provide clarity on current policies.

BACKGROUND

There have been a large number of complaints for Mudge Island this year and that has brought the total number of open bylaw compliance and enforcement files for the Gabriola Local Trust Area to 124, which is well above average, and the total number of files has previously never exceeded 100. A total of 54 files have been opened in 2024, and 47 are specifically for Mudge, and this brings the Mudge total file load to 71. A file load of 70 plus files is typical for larger islands only, and it is atypical to have the files for an associated island at a greater level.

This large number of files has raised questions and concerns about compliance and enforcement activities for Mudge, and specifically raised concerns about vexatious or frivolous complaints, and whether or not the identity of complainants was being confirmed. There are no concerns from staff about the validity of the complaints, or the identity of complainants, or that they are vexatious, however, current Trust Council policies do not have specific policies for such issues, and it has no policy for vexatious complaints.

In order to address the concerns, a policy document was prepared for consideration by the Local Trust Committee.

TRUST COUNCIL POLICY

Trust Council Policy 5.5.1, which is attached, provides direction to staff and Local Trust Committees on when compliance and enforcement investigations will be commenced and closed; the priority of investigation; the role of Local Trust Committees in bylaw enforcement; use of mediation; when legal action should be commenced; confidentiality of complainants; and bylaw notice debt.

However, it does not contain policies for the following:

1. Notice of Site inspections
2. Time to Comply
3. Frivolous or vexatious complaints
4. Definition of minor contraventions
5. Use of discretion

Trust Council policy states that Local Trust Committees can close files and adopt policies to address specific issues regarding compliance and enforcement, and the proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw compliance and enforcement activities.

PROPOSED POLICIES

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, and when files should be closed at the discretion of staff. It also includes consideration on whether or not those subject to compliance should face enforcement or penalties if they are financially unable to comply.

This policy also contains a separate section for Mudge Island for the Local Trust Committee to consider. Mudge has no ferry service, or community dock, and there can be additional challenges and expenses when residents are being asked to comply with the adopted Land Use Bylaw. The majority of the greater policy for the Local Trust Area contained in Part A would apply to Mudge but Part B would provide those specific policies that the Local Trust Committee wishes to apply to Mudge.

RATIONALE FOR RECOMMENDATION

Local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Within the Islands Trust, Local Trust Committees have been establishing such policies piecemeal and for individual issues through the adoption of standing resolutions. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

ALTERNATIVES

1. That the Gabriola Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	June 17, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 17, 2024

Attachments

1. Proposed Denman Island Bylaw Enforcement Policy
2. Trust Council Policy 5.5.1

PROPOSED

Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective ____XXX_____, 2024

Revision No. 1

Purpose

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

PART A

1.0 Application

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

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

LUB – Land Use Bylaw

LTC – Local Trust Committee

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

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

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

Approved septic system – one that has been registered with the Vancouver Island Health Authority

3.0 References

Gabriola Island Land Use Bylaw No. 177

Mudge Island Land Use Bylaw No. 228

Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263

4.0 Priorities

- 4.1** Enforcement on short-term vacation rentals is a priority and proactive enforcement is authorized.
- 4.2** Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system.

5.0 Inspection

- 5.1** Bylaw Enforcement Officers are authorized under the Land Use Bylaws to enter any lot at any reasonable time to determine if regulations are being observed.
- 5.2** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.3** Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections.
- 5.4** If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.5** If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

6.0 Enforcement Procedures

- 6.1** If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUB.
- 6.2** Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3** If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.
- 6.4** If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and the Respondent will arrange a meeting to discuss the feasibility of such an application.
- 6.5** If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6** Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.
- 6.7** Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

7.0 Closing Files

- 7.1** If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2** If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3** If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their discretion to close the file.
- 7.4** If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5** If a Respondent is financially unable to comply with the LUB, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file.
- 7.6** If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work on a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.
- 7.7** The LTC will be notified when any file is closed.

8.0 Frivolous, Repeat or Vexatious Complaints

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

9.0 Communications

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

10.0 Reporting

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

PART B

MUDGE ISLAND

1.1 All of the policies in Part A will apply to compliance and enforcement activities on Mudge Island and the Mudge Island Land Use Bylaw with the following exceptions:

- 1.1.1 Enforcement will proceed only if there are written complaints received from two persons residing on Mudge.
- 1.1.2 Enforcement on contraventions that are in environmentally sensitive areas, or concern issues of health and safety, or a lack of septic services, can proceed with one written complaint from any person.
- 1.1.3 For confirmed contraventions, a minimum of 180 days will be given as time to comply unless there are immediate concerns regarding health and safety or possible environmental damage.
- 1.1.4 Enforcement on garden beds and driveways as structures will be deferred until such time the LTC can complete a review of the LUB.

PART C

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy

Appointment of Screening Officers

Pursuant to section 7.2 of the Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263, 2011, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Manager of Compliance and Enforcement; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Gabriola Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) Manager of Compliance and Enforcement. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Manager of Compliance and Enforcement, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. Voluntary compliance has been achieved with the LUB.
2. The Bylaw Violation Notice was issued to the wrong person;
3. The Bylaw Violation Notice was not completed properly.
4. The issuance of the Bylaw Violation Notice did not adhere to established Trust Council or LTC policies.
5. It is unreasonable for the person to pay the penalty;
6. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists;
7. A permit exists or has been obtained that authorises the alleged contravention;
8. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:
 - a. The evidence is inadequate to show a contravention;
 - b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.
9. It is not in the public interest to proceed to adjudication for one of the following reasons:
 - a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b. An LTC resolution has deferred enforcement on the specific contravention;
 - c. The LTC has closed the file.
 - d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report ["Bylaw Enforcement: Best Practices Guide for Local Governments"](#), March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
 - 3.1.1 in response to written complaints of an alleged contravention made by any person;
 - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
 - 3.1.3 bylaw contraventions appear to cause health and safety issues;
 - 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

- Islands Trust;
- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
 - 4.1.1 if no contravention existed;
 - 4.1.2 if compliance has been achieved;
 - 4.1.3 on direction of a Local Trust Committee;
 - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - 5.1.1 by specific direction of a Local Trust Committee;
 - 5.1.2 health and safety issues;
 - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
 - 6.2.1 provide full information and exchange of information;
 - 6.2.2 confirm facts;
 - 6.2.3 explore opportunities for compliance;
 - 6.2.4 negotiate a timeline for compliance;
 - 6.2.5 reach a compliance solution.

7. LEGAL ACTION

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
 - 7.1.1 issue a bylaw violation notice; or
 - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.3.3 Executive Committee has approved legal funding for the prosecution; and
- 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.
- 10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.
- 10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

- 1. [Islands Trust Act](#)
- 2. [Offence Act](#)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending May 2024

620 Gabriola	Invoices posted to Month ending May 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	680.00	0.00	680.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	2,300.00	761.40	1,538.60
65210-620	LTC - Local Exp - APC Meeting Expenses	2,000.00	0.00	2,000.00
65220-620	LTC - Local Exp - Communications	200.00	0.00	200.00
TOTAL LTC Local Expense		<u>4,500.00</u>	<u>761.40</u>	<u>3,738.60</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	77,000.00	0.00	77,000.00
73001-620-4105	Gabriola Ecological Protection Zone	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>79,000.00</u>	<u>0.00</u>	<u>79,000.00</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local

				First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
4.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets: a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations; b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.
5.	April 11, 2019	GB-2019-040	S219 Covenant	It was MOVED and SECONDED

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
6.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the "Model Strategy for Antenna Systems" prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.
7.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.
8.	October 27, 2022	GB-2022-089	Defer enforcement on all existing non-compliant dwellings being used for residential purposes except.....	It was MOVED and SECONDED a) that the Gabriola Island Local Trust Committee note that given the lack of housing options on Gabriola, Bylaw Staff will defer enforcement on all existing non-compliant dwellings being used for residential purposes except in the following circumstances: i. It is determined that there are risks to health and safety; ii. It is determined that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of non-compliant dwellings; iii. It is determined that there is contamination of wells or other drinking water sources; iv. Non-permitted residential uses are in water zones or environmentally sensitive areas; v. That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of residents or to the environment. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

				c) The Gabriola Local Trust Committee will review this standing resolution at a minimum of once per year with updates from the Bylaw Compliance and Enforcement Manager to measure results and impacts, as amended. d) That the Gabriola Local Trust Committee recommend to the incoming Gabriola Local Trust Committee that it conduct a community consultation regarding the Standing Resolution.
9.	April 18, 2024	GB-2024-022	Defer enforcement of Mudge Island Land Use Bylaw No. 228 except...	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee defer enforcement of the Mudge Island Land Use Bylaw No 228 until a full review of policies and procedures for compliance and enforcement is complete and adopted; with the exception of situations where environmental and human health and safety are a significant concern, and these would be brought to the Local Trust Committee for review.

Active Projects Report

Gabriola Island

1. Minor Project - Develop Ecological Protection Zone

Responsible

Dates

To develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, which includes the rezoning of Elder Cedar Nature Reserve to a park or conservation/protection type zone.

Stephen Baugh

2. Major Project - Gabriola Island Comprehensive OCP and LUB

Responsible

Dates

- Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and intergovernmental collaboration for effective decision making.
- Consider new Development Permit areas for water conservation; form and character; and protection of biodiversity.
- Consider and incorporate RCP goals as part of the housing project.
- Develop an island wide water sustainability plan that builds on the RDN water budget data, rainwater catchment and requirements of the Water Sustainability Act.
- Review definitions of 'affordable' and 'attainable' housing.
- Review OCP policies respecting affordable, rental, seniors, special needs housing, social needs, social well-being and social development; develop a new 'housing first' policy.
- Review amenity zoning and housing agreements; density bank policies; opportunities for rental zoning.
- Consider secondary suites on lots smaller than 2 hectares.
- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.

Narissa Chadwick

Active Projects Report

Gabriola Island

- Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area
- Hazardous areas/Steep Slopes DPA: Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain
- Consider implementing Eelgrass protection regulations
- Gabriola Village Plan: Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core
- Green Energy: Consider policy and regulatory mechanisms to encourage green and renewable energy
- Review bylaws with respect to temporary use permits for commercial vacation rentals
- Review of temporary sawmill regulations
- Definition of personal use of animals for SRR zoned lots
- Review of how cisterns, solar panels and parking are regulated as structures subject to lot coverage calculations
- Review of section B.2.1.1 for variances within DP3
- Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland
- Review definition and regulations for limited public market, and INI zone uses pertaining to market sales

Active Projects Report

Gabriola Island

- correction to WC3 mapped location to coincide with Green Wharf
 - Water Resource Planning: Review of water requirements at the time of subdivision
 - Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018): Implementation of the report recommendations into OCP policy and LUB regulations.
 - Accessory Buildings: Review of regulations pertaining to the order of construction of accessory buildings on lots.
 - Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.
 - Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.
 - Review regulations to ensure flexibility for housing options in ALR are consistent with recent ALC changes.
 - Consider establishment of a 'Community Service' land use designation in the OCP.
-

Future Projects Report

Gabriola Island

1. *DeCourcy Island OCP and LUB Review*

Responsible

Date Received

Review OCP and regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning; zoning; DAI Bylaw; subdivision policies and regulations, review and update of short term vacation regulations,.

2. *Minor - Review and update Development Approval Information (DAI) bylaw*

Responsible

Date Received

*Nov. 30, 2023: As a bylaw re-write, to be initiated after OCP, LUB reviews. Update Gabriola Island Bylaw No. 150, DAI Bylaw.

30-Nov-2023

LTC resolution passed June 16, 2022 - Trustee Langereis noted that DAI bylaw not up to date with current DPAs, particularly after adoption of DPA 8 - Mutli-Dewlling Affordable Housing and DPA 9- Light Industrial Use.

3. *Advisory Planning Commission bylaw*

Responsible

Date Received

Amendments to Bylaw No. 296 to require that APCs set a regular monthly meeting date and time.

30-Nov-2023

4. *Heritage Register*

Responsible

Date Received

Future Projects Report

Gabriola Island

Planning staff to prepare a summary report for a future LTC meeting on past LTC discussions re: heritage register for Gabriola island; potential funding opportunities and alignment with other LTC projects; what's entailed with a MOU with commission under heritage act; analysis of designation of a commission vs a bylaw to establish the heritage register. Incorporate any comments from senior policy advisor staff on this approach. See minutes from December 1, 2022 for further details on this discussion.

5. *Mudge Island Official Community Plan and Land Use Bylaw*

Responsible

Date Received

Comprehensive review or targeted amendments to Mudge Island OCP and LUB.

18-Apr-2024

6. *LTC Initiated Rezoning of Property with PID: 003-134-806*

Responsible

Date Received

Bylaw amendments to rezone property with PID: 003-134-806. Legal Description:
NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL
A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666

23-May-2024