



# Gabriola Island Local Trust Committee

## Regular Meeting Agenda

Date: August 8, 2024  
Time: 10:30 am  
Location: Electronic Meeting

Pages

- 
- |   |  |         |
|---|--|---------|
| <b>1. CALL TO ORDER</b>   | 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." |  |         |
| <b>2. APPROVAL OF AGENDA</b>  |  |         |
| <b>3. REPORTS</b>   | 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  |         |
| <b>4. PUBLIC COMMENTS</b>   | 10:50 AM - 11:05 AM  |         |
| <b>5. DELEGATIONS - none</b>  |  |         |
| <b>6. MINUTES</b>   | 11:05 AM - 11:10 AM  |         |
| 6.1   | Local Trust Committee Minutes dated June 27, 2024 – for adoption                 | 3 - 10  |
| 6.2   | Local Trust Committee Special Meeting Minutes dated July 4, 2024 – for adoption  | 11 - 13 |
| 6.3   | Local Trust Committee Special Meeting Minutes dated July 16, 2024 – for adoption | 14 - 20 |
| 6.4   | Section 26 Resolutions-Without-Meeting Report - none                             |         |
| 6.5   | Advisory Planning Commission Minutes - none                                      |         |
| <b>7. BUSINESS ARISING FROM MINUTES</b>   | 11:10 AM - 11:25 AM  |         |
| 7.1   | Follow-up Action List dated August 1, 2024                                       | 21 - 25 |
| <b>8. APPLICATIONS AND REFERRALS - none</b>   |  |         |

<b>9.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	11:25 AM - 11:40 AM	
9.1	Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw: Fall Engagement Options - Staff Report		26 - 28
<b>10.</b>	<b>CORRESPONDENCE</b>	11:40 AM - 11:55 AM	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
10.1	Letter dated July 9, 2024 from Mudge Island Community Association regarding Proposed Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy Revisions		29 - 49
<b>11.</b>	<b>NEW BUSINESS - none</b>		
<b>12.</b>	<b>STAFF REPORTS</b>	11:55 AM - 12:00 PM	
12.1	Trust Conservancy Report - none		
12.2	Islands Trust Council Highlights - March 12-14, 2024		50 - 50
12.3	Applications Report - none		
12.4	Trustee and Local Expense Report - none		
12.5	Adopted Policies and Standing Resolutions		51 - 54
12.6	First Nations Relationship Building Update		
12.7	Climate Change Action Update		
12.8	Local Trust Committee Webpage		
<b>13.</b>	<b>WORK PROGRAM</b>	12:00 PM - 12:15 PM	
13.1	Active Projects Report dated August 1, 2024		55 - 57
13.2	Future Projects Report dated August 1, 2024		58 - 58
<b>14.</b>	<b>UPCOMING MEETINGS</b>		
14.1	Next Regular Meeting Scheduled for Thursday, September 5, 2024 at 10:30 am at the Gabriola Arts and Heritage Centre		
<b>15.</b>	<b>ADJOURNMENT</b>	12:15 PM - 12:15 PM	



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 27, 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, via Zoom  
 Stephen Baugh, Island Planner  
 Margot Thomaidis, Planner 2  
 Warren Dingman, Bylaw Compliance and Enforcement Manager  
 Lisa Millard, Recorder, via Zoom

**Others Present:** There were approximately 29 members of the public in attendance  
 Vanessa Craig, Electoral Area Director

**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 10:35 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

**2. APPROVAL OF AGENDA**

**By general consent**, the agenda was approved as presented.

**GB-2024-49**

**It was MOVED and SECONDED**

that future Gabriola Island Local Trust Committee agendas be amended to include the Trust Council highlights from quarterly meetings.

**CARRIED**

**3. REPORTS**

**3.1 Trustee Reports**

Trustee Yates reported the following:

- Watched species at risk webinar coordinated by Islands Trust Conservancy and the Trust Programs Committee;
- Attended Gabriola nature reserves during Islands Trust Conservancy bi-annual monitoring program;
- Attended Trust Conservancy board meeting;
- Provided highlights from Islands Trust Conservancy Annual Report;
- Attended Gabriola Ferry Advisory Committee meeting and discussed potential shut down of the Gabriola and Nanaimo Ferry terminals during berth upgrades in 2026;
- Attended a community workshop featuring a presentation by BC Ferries on their response to terminal safety concerns, dangerous cargo sailings, and summer schedule changes;
- Attended Trust Council and highlighted MLA Adam Olsen's talk, Bill Henderson's song performance, and the unanimous vote on the dark sky initiative; and
- Legislative Monitoring Report highlights included an initiative to protect the southern resident killer whales and the Western Canada Wilderness Committee versus Environment Canada court case finding which requires better habitat protection for migratory birds.

Trustee Elliott reported the following:

- Attended Regional Planning Committee meeting;
- Upcoming Munu Canoe Family Fundraiser by Gary Manson will be held at Twin Beaches in support of Indigenous youth going on Tribal Journeys;
- Attended Bylaw Enforcement education session;
- Attended Trust Council and highlighted comments received from First Nations representatives, delegation from Sue Big Oil, and MLA Adam Olsen's address; and
- Upcoming Canada Day celebration will be held at the museum.

### **3.2 Chair's Report**

Chair Luckham reported the following:

- Attended Trust Council;
- Work continues on the Islands Trust Policy Statement and corporate planning processes;
- Upcoming attendance at the Committee of the Whole meeting for Policy Statement discussion; and
- An interim Chief Executive Officer has been appointed and an executive search consultant has started recruiting for the permanent appointment.

### **3.3 Electoral Area Director's Report**

Electoral Area Director Vanessa Craig reported the following:

- Request for Statements of Qualifications for contracting an organization to oversee the Health and Wellbeing Coordinator position have been published;
- Installation of an electric vehicle (EV) charger at Community Hall;

- Temporary moratorium on bylaw enforcement on living in recreational vehicles;
- Orlebar Point will be managed by the Regional District of Nanaimo's Parks Department;
- Survey in the fall regarding opting in to the expansion of yard waste collection using organic waste carts and;
- Receipt of a grant for the purchase of two new busses for Gabriola's community bus service.

### 3.4 First Nations Reports – none

## 4. PUBLIC COMMENTS

The Chair of the Mudge Island Community Association made the following comments:

- Thanked Bylaw Compliance and Enforcement Manager Dingman for presenting two informative webinars to the community;
- Community looks forward to the upcoming Local Trust Committee (LTC) meeting being held on Mudge Island;
- Requested the LTC develop a Minor Project focussing on Mudge Island Land Use Bylaws and policy updates;
- Requested recognition of the Mudge Island Community Association as the representative of Mudge Island citizens; and
- Asked the LTC allow them to work together to develop bylaw enforcement and land use policies through a consultation process.
  - Chair Luckham noted that the Local Trust Committee will collaborate with the Mudge Island Community Association but a formal process of recognition is not required for a working relationship.

A member of the Mudge Island Community Association made the following comments:

- They have reviewed the Bylaw Compliance and Enforcement Policy Staff Report; and
- Asked to make written submissions on suggestions for minor changes to said policy.

A member of the Mudge Island Community Association made the following comments:

- Thanked Bylaw Compliance and Enforcement Manager Dingman for his work on proposed Bylaw Enforcement Policy; and
- Asked the report recommendations not be adopted prior to community consultation.

A member of the Mudge Island Community Association made the following comments:

- Recommends two bylaw complaints be received prior to commencing an investigation;
- Provide more notice to residents prior to attending a property;
- Consideration be given on how to deal with complainants making false complaints;
- Allow time for residents to work with the LTC before adopting new bylaw policies; and
- Recognize the diverse lifestyles of Mudge Island residents.

The meeting was recessed for a break at 12:25 p.m. and reconvened at 12:33 p.m.

Regional Planning Manager Renée Jamurat left the meeting at 12:30 p.m.

5. **DELEGATIONS - none**

6. **MINUTES**

6.1 **Local Trust Committee Minutes dated May 23, 2024 – for adoption**

The following amendments to the minutes were presented for consideration:

- Page 5 of Minutes, Trustee Elliott’s Report, third bullet point, change words ‘will be attending’ to ‘announced.’

**By general consent**, the minutes were adopted as amended.

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 June 19, 2024**

Received for information.

7.2 **Speculation and Vacancy Tax – Memorandum**

The Planner summarized the Memorandum and noted that a request to opt in to the tax is not a land use planning function but an advocacy item for referral to the Executive Committee.

Discussion ensued and Trustees made the following observations:

- There is a difference between a speculation purchase and a vacant home;
- Many homes are secondary residences and vacant on a part time basis; and
- There is potential to gauge community interest in the topic through the Official Community Plan review process.

**GB-2024-050**

**It was MOVED and SECONDED**

that the Memorandum on Speculation and Vacancy Tax regulation be added to the Official Community Plan projects for further community discussion.

**CARRIED**

7.3 **Current and Future Project Prioritization - Staff Report**

The Planner summarized the Staff Report and noted the following:

- Permitted to have one major project and one minor project at a time and current minor project should be completed this year; and
- Future Projects List has six projects for consideration of prioritization.

Discussion ensued and Trustees made the following comments:

- Prioritizing the list is for the purpose of defining work for the next two years;

- Decourcy Island community has not identified a review of the Official Community Plan and Land Use Bylaw as a priority;
- Mudge Island Official Community Plan and Land Use Bylaw review need not be comprehensive and can be a targeted Land Use Bylaw project;
- Rezoning subject property is a priority;
- Development Approval Information Bylaw is related to development approval guidelines;
- Advisory Planning Commission Bylaw could be completed quickly but a request to commission members to set meeting times might accomplish the same result; and
- Heritage Register should follow the Official Community Plan review and be done in consultation with First Nations.

**GB-2024-051**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Future Projects List be amended as follows:

- a) That the Decourcy Island Official Community Plan and Land Use Bylaw review be removed from the list;
- b) That the Development Approval Information Bylaw and the Heritage Register project be removed from the list and be considered part of and be subsequent to the Official Community Plan and Land Use Bylaw Review Major Project; and
- c) That the remaining items on the list be prioritized as follows:
  - I. Local Trust Committee initiated Rezoning of PID: 003-134- 806;
  - II. Advisory Planning Commission Bylaw; and
  - III. Mudge Island Targeted Land Use Bylaw.

**CARRIED**

**7.4 Draft Letter Regarding Temporary Use Permits for Commercial Vacation Rentals - For Information**

Received for information.

**8. APPLICATIONS AND REFERRALS**

**8.1 GB-TUP-2024.2 (Dewarle) - Staff Report**

The Planner summarized the Staff Report and noted the following:

- Commercial vacation rental is located within an accessory dwelling on the property;
- Temporary Use Permit (TUP) was issued in 2016 and renewed in 2019;
- Referral to Islands Trust Conservancy was not flagged in initial Staff Report and proximity of the subject property to Burns Acres Nature Sanctuary warranted referral; and
- Referral resulted in a requirement of assurance from the Applicant that public access is not permitted from the subject property to the Sanctuary.

The Applicant was present but did not speak to the application.

Discussion ensued and Trustees noted the following:

- Current zoning allows for four bedrooms, the vacation rental has two bedrooms, and the Temporary Use Permit should be restricted to two bedrooms; and
- Request the applicant include information on First Nations history and culture with materials provided to guests.

**GB-2024-052**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2 for a period of three years subject to reducing the maximum number of bedrooms from four to two.

**CARRIED**

The meeting was recessed for a break at 12:34 p.m. and reconvened at 1:10 p.m.

**9. LOCAL TRUST COMMITTEE PROJECTS - none**

**10. CORRESPONDENCE**

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

**10.1 Correspondence dated May 25, 2024 from L Eagin regarding Mudge Junk Vehicles**  
Received for information.

**10.2 Email dated May 28, 2024 from E Carrington regarding Unofficial Housing Demolition**  
Discussion ensued.

**By general consent** include the May 28, 2024 document from E. Carrington within the Official Community Plan Review project file.

**10.3 Letter dated June 7, 2024 from Mudge Island Community Association regarding Establishment of the Mudge Island Community Association**  
Discussion ensued.

**GB-2024-053**

**It was MOVED and SECONDED**

that Trustee Elliott write a letter with Chair Luckham in response to correspondence received from Mudge Island Community Association dated June 7, 2024.

**CARRIED**

**11. NEW BUSINESS - none**

**12. STAFF REPORTS**

**12.1 Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy - Staff Report**

Bylaw Enforcement and Compliance Manager Dingman summarized the Staff Report and highlighted the following:

- Recommendation is not for adoption but for consideration of amendments;
- There are currently over 120 open files of which 70 are from Mudge Island;
- Number of files on Mudge Island indicate that there may be problems or concerns with the Land Use Bylaw;
- Bylaw Compliance and Enforcement Policy will be specific to each Local Trust Committee and will address policies not addressed by Trust Council policy;
- Trust Council Policy dictates that a complaint is investigated when received;
- Local Trust Committee has authority to close files but does not open them;
- Property owners are notified of bylaw complaints prior to investigation;
- Vexatious refers to false complaints;
- Actual false complaints make up approximately 1% of files and there are no concerns about the validity of current open files; and
- The Local Trust Committee can amend the proposed policies and determine the consultation process.

Discussion ensued and Trustees provided the following comments:

- Public information and education sessions on bylaw compliance and enforcement are helpful;
- Period of reasonable notice to attend a property for investigation be defined;
- Definition of the term 'unreasonable' in regard to ability to comply be clarified;
- Cultural heritage areas be included in the list where contraventions need to cease immediately; and
- Clarity is required regarding the phrase 'reasonable amount of garbage.'

Bylaw Compliance and Enforcement Manager Dingman indicated the following:

- Complainants names are not released though freedom of information requests;
- In a court action, the Bylaw Officer becomes the accuser; and
- Financial ability to comply can be determined through conversation and interviews.

**GB-2024-054**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee direct staff to revise and edit the proposed Bylaw Compliance and Enforcement Policy and consult with community members through Summer, 2024 and bring it forward by October, 2024 for the Local Trust Committee's consideration.

**CARRIED**

**12.2 Trust Conservancy Report - none**

**12.3 Applications Report - none**

**12.4 Trustee and Local Expense Report dated May, 2024**  
Received for information.

**12.5 Adopted Policies and Standing Resolutions**

Received for information.

**12.6 First Nations Relationship Building Update**

The Gabriola Local Trust Committee is participating in staff-to-staff meetings with representatives of the Snuneymuxw First Nation.

The screening of the film Dust and Bones, written by Cowichan Tribes member Harold Joe, will take place on July 20, 2024 at the Phoenix Auditorium.

**12.7 Climate Change Action Update**

Received for information.

**12.8 Local Trust Committee Webpage**

No updates at this time.

**13. WORK PROGRAM**

**13.1 Active Projects Report dated June 19, 2024**

Received for information.

**13.2 Future Projects Report dated June 19, 2024**

Received for information.

**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**

**By general consent**, the meeting was adjourned at 2: 23 p.m.

---

Peter Luckham, Chair

Certified Correct:

---

Lisa Millard, Recorder



## Gabriola Island Local Trust Committee Minutes of Special Meeting

**Date:** July 4, 2024  
**Location:** Electronic Meeting

**Members Present:** Tobi Elliott, Acting Chair  
Susan Yates, Trustee

**Staff Present:** Narissa Chadwick, Island Planner  
Lisa Millard, Recorder

**Regrets:** Peter Luckham, Chair

**Others Present:** There were no members of the public in attendance.

### 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.”*

Acting Chair Elliott called the meeting to order at 1:00 p.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. BUSINESS ITEMS

#### 3.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - Next Steps - Staff Report

The Planner stated that the purpose of the discussion was to review the proposed next steps for Phase 2 of the Official Community Plan and Land Use Bylaw review.

Discussion ensued and the following points were noted:

- What We Heard Engagement Summary Report is based on community feedback;
- Some of the report topics contain concepts that cannot be addressed through the Official Community Plan and this can be highlighted to better inform the public about what the Local Trust Committee can and cannot do within the Land Use Bylaw;

- Policy supports the ability to rezone land for a particular use and the Local Trust Committee can identify certain circumstances that need to be considered within the policy such as water balance data;
- Development Permit Areas will be reviewed in the fall and will include looking at guidelines implemented in other Local Trust Areas;
- Key value areas that emerged from community engagement included: climate resilience; cultural heritage preservation; collaborative governance and community engagement; biodiverse ecosystems; resource stewardship, and sustainable, inclusive and resilient communities;
- Principles stemming from the key values will inform the goals, objectives, and policies within the Official Community Plan;
- It is necessary to build flexibility into the Official Community plan to allow for future direction;
- Summer 2024 community engagement will focus on the principles identified and feedback will provide opportunity to broaden, change, or create a new principle;
- Survey should allow qualitative feedback;
- There is consensus on the topics identified for focussed discussion and engagement can occur through community meetings and focus groups; and
- Trustees will determine details for specific focus groups and inform the Planner.

**GB-2024-055**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve the Project Charter for Phase 2 of the Gabriola Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project as amended.

**CARRIED**

**GB-2024-056**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve the “Gabriola Visioning 2050: What We Heard Engagement Summary Report” as amended.

**CARRIED**

**GB-2024-057**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the draft principles, presented at the July 4, 2024 Local Trust Committee meeting, for presentation and discussion with the community.

**CARRIED**

**GB-2024-058**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff launch a survey and attend community events throughout the summer to provide an opportunity for the community to comment on draft principles.

**CARRIED**

**GB-2024-059**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff proceed with Option 1 with additional community meetings and focus groups for specific topics to support discussions related to specific areas of focus for the Official Community Plan review.

**CARRIED**

**GB-2024-060**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff develop a schedule for topic focussed Local Trust Committee meetings and focus groups based on endorsed priority areas for review by the Local Trust Committee.

**CARRIED**

**GB-2024-061**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the development and of a targeted engagement process designed to bring a diversity of voices into the Local Trust Committee conversations related to specific areas of focus for the Official Community Plan.

**CARRIED**

**GB-2024-062**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to develop a budget and business case for Development Permit Area work for 2025/2026.

**CARRIED**

**4. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:10 p.m.

---

Tobi Elliott, Acting Chair

Certified Correct:

---

Lisa Millard, Recorder



## Gabriola Island Local Trust Committee

### Minutes of Special Meeting

**Date:** July 16, 2024  
**Location:** Mudge Island Citizen's Society Hall

**Members Present:** Tobi Elliott, Trustee  
Susan Yates, Trustee

**Members Regrets:** Peter Luckham, Chair

**Staff Present:** Stephen Baugh Island Planner  
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)  
Lisa Millard, Recorder (electronic)

**Others Present:** There were approximately 72 members of the public in attendance.

#### 1. CALL TO ORDER

Trustee Elliott called the meeting to order at 1:03 p.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

Trustee Yates nominated Trustee Elliott to chair the meeting, Trustee Elliott accepted.

**By general consent,** Trustee Elliott will be Acting Chair of the July 16, 2024 meeting.

#### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

#### 3. PUBLIC COMMENTS

##### 3.1 Bylaw Enforcement

Acting Chair Elliott stated that the meeting is a forum to engage the members of the Mudge Island community in discussion about issues of community concern.

Members of the public asked questions and made the following comments:

- President of the Mudge Island Community Association spoke to the efforts of the association to inform the community about the role of the Local Trust Committee and how bylaw policies work and to encourage residents to attend the meeting and ask questions to better inform a bylaw enforcement policy review.

- Speaker asked if the Local Trust Committee (LTC) will be changing the bylaws.
  - Trustees replied they have prioritized a targeted Mudge Island bylaw review and are in the process of reviewing bylaw enforcement policies.
- Speaker asked if the LTC had reviewed the bylaw policy amendments that the Mudge Island Community Association submitted to staff and another speaker stated that they had hoped to discuss the amendments during the meeting.
  - Trustees confirmed receipt of the amendments and Bylaw Compliance and Enforcement Manager Dingman noted they will be reviewed, incorporated into a staff report, and available for consideration by the LTC in the fall.
- Speaker stated that, years ago, Trustees were under pressure from Gabriola residents and gave Mudge less in order to give Gabriola more.
  - Trustees will ask staff to locate the Mudge Island Land Use Bylaw Public Hearing documents for their review.
- Numerous members of the public spoke to bylaw compliance investigations and asked that any existing complaints that do not satisfy the proposed criteria for investigation be deferred until amendments to the policy have been made.
  - Bylaw Compliance and Enforcement Manager Dingman provided the following information:
    - Proposed policy changes relate to enforcement not investigations;
    - Investigations are regulated by Trust Council policy;
    - Bylaw Officers will begin investigations at the end of July; and
    - Enforcement action will not be taken until decisions from the LTC are made about enforcement policies.
- Several members of the public spoke to the assertion made by Bylaw Officers that Trust Council policy states bylaw complaints must be investigated; however, the wording used in said policy indicates bylaw complaints may be investigated which points to discretionary leeway. Debate ensued about the term ‘must’ versus ‘may.’
  - Bylaw Compliance and Enforcement Manager Dingman made the following comments:
    - An Ombudsperson review of Islands Trust bylaw enforcement policies recommended that Bylaw Officers be given discretion on whether to investigate a file or not;
    - Current policy does not provide this discretion;
    - The interpretation of the policy is that complaints must be investigated with reporting provided to Trust Council and the LTC;
    - Investigations take place to determine if there is a contravention;
    - If there is no contravention, the file is closed. If there is a contravention, Bylaw Officers will look to the LTC to determine if enforcement will take place;
    - LTC cannot determine if an investigation should proceed; and
    - Bylaw staff will be contacting property owners who are not concerned about Officers visiting the property for complaint

investigation and will be working through those files first and then move to the files in which property owners have concerns about visits.

- Several speakers inquired about repercussions for individuals making false or frivolous complaints.
  - Bylaw Compliance and Enforcement Manager Dingman replied as follows:
    - There are no consequences for those making false complaints;
    - If an investigation shows the complaint is false, the result is the closure of the file; and
    - Approximately 1% of the files he has investigated stem from vexatious complaints.
- A speaker spoke to the recent volume of bylaw complaints noting they have caused stress and anxiety for community members, the community feels investigation is the first step toward enforcement, and the investigation process will inflame the situation.
  - The Acting Chair indicated that she will be seeking clarification on Policy 5.1 section 3.1 to determine if investigations must be undertaken.
- A speaker stated that the community could choose to allow the investigations take place in order to show they are not doing anything wrong and quickly eliminate false complaints, which would provide bylaw staff the ability to focus on serious complaints related to toxins and waste.
  - Trustees stated there is a significant difference between an investigation and enforcement and there is value to investigations as they inform decision-making on land use bylaw changes.
- A member of the public spoke to the option of getting a variance.
  - The Planner clarified that a variance cannot vary density or use, but could be appropriate for some other contraventions such as setbacks.
- A speaker inquired about the list of complaint priorities outlined in the existing bylaw and if Bylaw Officers would be following the order of priorities.
  - Bylaw Compliance and Enforcement Manager Dingman affirmed investigations typically follow the order of priorities and the Mudge Island investigations will first focus on those property owners that do not have concerns about an investigation taking place.
- Several members of the public spoke to the suspicion that one or two individuals are walking or driving up and down streets looking for potential bylaw infractions and making multiple complaints as indicated by freedom of information request results that show complaints being sent in batches on the same day and with the same signature block. The community considers this action to be harassment and the complaints vexatious.
  - Bylaw Compliance and Enforcement Manager Dingman noted that he has reviewed the recent complaints, there is not evidence of improper or

vexatious complaints nor abuse of the process, and investigations are required to determine if they are inaccurate or vexatious.

- A speaker noted that they have nine complaints against them and reiterated the need to conserve staff resources and have investigations deferred until the bylaw changes have been completed.
  - Bylaw Compliance and Enforcement Manager Dingman noted the following:
    - Many of the complaints are not within Islands Trust’s jurisdiction to investigate;
    - One complaint might include a land use issue as well as noise and animal control complaints; however, they only look at possible contraventions of the Land Use Bylaw;
    - If a property owner tells bylaw staff they do not want them to access their property, he will consider a compromise and defer that particular investigation until after the policy amendments are adopted in the fall; and
    - A property owner can provide evidence that disproves a possible contravention by submitting photographs when appropriate.
- A speaker spoke to the number of false complaints that Bylaw Officers will be investigating first and noted this might result in a delay in the Officers getting to serious complaints related to human or hazardous waste.
  - Acting Chair Elliott referenced the summary received by the Mudge Island Community Association listing bylaw complaint categories, which showed 35 of 65 complaints, were setback contraventions. She noted that the LTC gave direction to defer enforcement on complaints unless there is a health or safety issue.
  - Bylaw Compliance and Enforcement Manager Dingman indicated that complaints about toxins and waste had been received and preliminary discussions with the complainant and others, along with evidence provided, did not show anything that must be investigated immediately.
- Several members of the public commented on the use of the term ‘vexatious’ versus ‘false’ and that action is required to stop individuals from making these types of complaints.
  - Bylaw Compliance and Enforcement Manager Dingman replied as follows:
    - Islands Trust does not have policies regarding frivolous, repeat, or vexatious complaints;
    - Trust Council would need to adopt a policy directing staff not to investigate complaints believed to be vexatious and these policies would have to be adopted by elected officials; and
    - If he believes a complaint is vexatious or retaliatory he does not prioritize it for investigation.

- A member of the public spoke to concerns about Bylaw Officers attending private property to conduct an investigation on a specific issue and then looking around for other contraventions.
  - Bylaw Compliance and Enforcement Manager Dingman indicated that the intention is to go to the property to directly address the complaint that was submitted.
- A speaker spoke to the current system in which a respondent is guilty until proven innocent based on a complaint without evidence provided with the onus being on the respondent to prove the complaint is false versus the complainant required to show evidence to prove their complaint.
- A speaker stated they had a second building on their property and were told by the Bylaw Manager the building would need to be decommissioned.
  - Bylaw Compliance and Enforcement Manager Dingman clarified decommission does not mean tear down a building, but typically means to stop the unlawful use. If a lot has two dwellings and is only permitted one, then, one of the dwellings needs to be decommissioned which is typically done by removing the kitchen.
- A member of the public asked what happens if a property owner does not live on the island and it was clarified that bylaw staff work with the owner to set an inspection date that allows the owner to attend.
- A speaker asked if Bylaws Officers only address the issue that is outlined in the initial letter received from the bylaw office even if several issues are listed within the complaint.
  - Bylaw Compliance and Enforcement Officer Dingman made the following comments:
    - Some of the complaints received are outside of Islands Trust jurisdiction;
    - Many of the recent complaints reference a lack of building permits and this is outside of Islands Trust's jurisdiction to investigate;
    - Occasionally, one item on a list of complaints gets missed in the initial letter to the property owner due to administrative error; and
    - If a complaint is about a setback, the Bylaw Officer might look at all of the setbacks on the property, but cannot look at issues unrelated to the complaint such as use.
- A speaker spoke to the bylaws relating to the Official Community Plan and noted that the Official Community Plan needs to change so that the bylaws will not impact the community through enforcement on issues that are not important to them.
- A speaker spoke to the history of having minimal interaction with Islands Trust, a lack of understanding of the Land Use Bylaws, and the Regional District of Nanaimo's refusal to issue building permits and perform building inspections resulting in non-conforming structures being inadvertently built. There has been

limited oversight and bylaw enforcement has suddenly stepped in resulting in community members being scared and frustrated. They asked that Trustees establish a date in which structures built prior to that date would be deemed legal non-conforming.

- A member of the public spoke to concerns about personal information contained in the freedom of information request documents including names, phone numbers, and emails. Another member of the public noted that the information he requested about his own property contained his personal information but others receiving information about his property had that information redacted.
- A member of the public stated that it should be mandatory for complainants to be present during an investigation and, if they do not show up, the investigation should not go forward.
- A speaker spoke to the community's history of looking after themselves and self-regulating in the absence of Islands Trust involvement and the preference for this practice to continue.
- A speaker reiterated the community's fear about consequences of bylaw enforcement, stated it is a traumatic experience to receive a letter of non-compliance pending investigation, and that something needs to be done to alleviate the community's collective anxiety and stress.
- A speaker expressed concern about Trustees saying they have come to the island to hear community concerns and then making rules behind closed doors.
  - Trustees noted that the community had provided them with a list of bylaw amendments they are seeking and planning and bylaw staff need to look at the proposed amendments and make recommendations to Trustees on how to implement them within the allowances of the Islands Trust Act.
- A member of the public spoke to a land use bylaw change on Gabriola in which small acre lots were changed to small rural residential lots with 20% lot coverage allowance and the lot designation on Mudge Island changed at the same time, but lot coverage allowance remained at 10%. They felt the community was not heard when they requested lot coverage allowance be increased to match the allowance provided on Gabriola.
- A speaker asked if all complaint files in which the complainant was the same would be closed if Bylaw Officers found that initial investigations prove the complaints to be false. They asked how many files need to be investigated before Bylaw Officers would consider closing them.
  - Bylaw Compliance and Enforcement Manager Dingman stated that half of the files would need to be investigated before staff would have sufficient data to make a determination and they need to complete the work in order to close the files.

**3.2 Public Water Access to Mudge Island**

- A member of the public stated that they have had an application for a mooring into the Province for three years and the application went to referrals; however, they have been told First Nations have not heard anything about it and they wondered if Islands Trust is causing the delay.
  - Trustees clarified that this issue is under provincial jurisdiction, which presently has a moratorium on issuing mooring permits.
- A member of the public spoke to the need for water access.
  - Trustees indicated that, if potential locations are identified, they could work on land use zoning changes to accommodate access and advocate to the Province and the Ministry of Transportation and Infrastructure.
- A member of the public noted they do not require a public dock, but need assistance in being allowed to create a natural boat ramp, which would require smoothing out rock surfaces and adding a retaining structure to prevent further shoreline erosion.

**4. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:35p.m.

---

Tobi Elliott, Acting Chair

Certified Correct:

---

Lisa Millard, Recorder

## Follow Up Action Report

### Gabriola Island

20-Jul-2023

Progress	Activity	Responsibility	Dates	Status
50%	<p><b>1</b> Regarding LTC Consideration of becoming Covenant Holder, Gabriola Commons - 675 North Road, Gabriola Island:</p> <p>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)].</p> <p><i>Update April 8, 2024: Staff have prepared RFD for EC to request funding for legal review of covenant.</i></p>	Stephen Baugh	Target: 26-Oct-2023	In Progress

26-Oct-2023

Progress	Activity	Responsibility	Dates	Status
52%	<p><b>1</b> 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. - <i>March 8: Dir. TAS has noted the request for EC and confirmed funds for screening. TAS Director awaiting more information about the event.</i></p>	Clare Frater		In Progress

## Follow Up Action Report

### Gabriola Island

26-Oct-2023

Progress	Activity	Responsibility	Dates	Status
20%	<p>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.</p> <p><i>*March 5, 2025: To confirm with LTC if this action is still desired, or mark as complete.</i></p>	Renee Jamurat	Target: 30-May-2024	In Progress

18-Jan-2024

Progress	Activity	Responsibility	Dates	Status
0%	<p>1 Actions for the Major Project - OCP Review:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- Communicate the feedback related to the Official Community Plan engagement received from community engagement groups to the Local Trust Committee in writing.</li> <li>- Add the letter from Drs. J &amp; C Johnstone and the Foreshore Structures Report from Warren to the OCP review project file.</li> </ul>	Narissa Chadwick		In Progress

## Follow Up Action Report

### Gabriola Island

22-Feb-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Prepare a webinar regarding bylaw enforcement on Mudge Island.	Warren Dingman		In Progress

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: <ul style="list-style-type: none"> <li>·Develop Project Charter, Work plan, and revised Engagement Plan for Phase 2</li> <li>·Work with local Trustees to revise OCP Vision Statement based on feedback from the Gabriola Visioning 2050 process.</li> </ul>	Narissa Chadwick		In Progress

## Follow Up Action Report

### Gabriola Island

23-May-2024

Progress	Activity	Responsibility	Dates	Status
20%	<p>1 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.</p> <p><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></p>	<p>Renee Jamurat Sonja Zupanec</p>		In Progress
26%	<p>2 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. <i>*June 19 note: motion included in subdivision referral response sent out June 17, 2024.</i></p>	<p>Renee Jamurat Sonja Zupanec</p>		In Progress

## Follow Up Action Report

### Gabriola Island

27-Jun-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Add Memorandum regarding Speculation and Vacancy Tax, dated June 27, 2024 to OCP Project.	Narissa Chadwick Stephen Baugh		Completed
100%	2 Amend projects list to remove: - Decourcy OCP and LUB Review - DAI Bylaw (Incorporate in OCP Project) - Heritage Register (incorporate in OCP Project) and prioritize the remaining items as follows: 1. LTC initiated rezoning of PID: 003-134-806 2. APC Bylaw 3. Targeted amendments to Mudge LUB	Stephen Baugh		Completed
100%	3 Amend permit and issue TUP, GB-TUP-2024.2 (Dewarle) for a period of 3 years.	Margot Thomaidis Nadine Mourao		Completed
100%	4 Forward correspondence from E Carrington dated May 28, 2024 to be included in OCP Project file.	Stephen Baugh		Completed
0%	5 Revise and edit the proposed Bylaw Compliance and Enforcement Policy and consult with community members through Summer 2024 to bring it forward by October, 2024 for consideration of the Local Trust Committee.	Warren Dingman		In Progress
0%	6 Add "Trust Council Highlights" to future agenda packages following a Trust Council Meeting.	Nadine Mourao		In Progress

DATE OF MEETING: August 8, 2024  
TO: Gabriola Island Local Trust Committee  
FROM: Narissa Chadwick, RPP  
Local Planning Services  
COPY: Renee Jamurat  
SUBJECT: OCP/LUB Review – Fall Engagement Options

## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the Gabriola OCP/LUB Review 2024 Fall engagement process and draft schedule.

## REPORT SUMMARY

This report presents a process for 2024 Fall engagement for endorsement by the LTC.

## BACKGROUND

At the July 4<sup>th</sup> LTC special meeting, through resolution the LTC:

- Approved the Project Charter for Phase 2 of the Gabriola Island OCP/LUB Review Project;
- Approved the “Gabriola Visioning 2050: What We Heard Engagement Summary Report”;
- Endorsed draft principles and goals emerging from the Gabriola Visioning 2050 process;
- Requested staff launch a survey and attend events throughout the summer to provide feedback on draft principles;
- Requested that staff proceed with organizing focussed Local Trust Committee Meetings on specific topics as well as meetings with focus groups; and
- Endorsed the development of a targeted engagement process designed to bring a diversity of voices into the LTC conversations related to specific areas of focus for the OCP.

## PROPOSED PROCESS FOR FOCUSED GROUPS

Following the July 4<sup>th</sup> LTC special meeting staff consulted with local LTC members to identify which groups/individuals on the Island should be specifically invited to focus group meetings on specific topics. These groups are listed in the table below.

In addition to the groups identified in the table, individuals who identify themselves to staff, trustees or through the survey, as interested in a specific topic will also receive an invitation to the focus group meeting. In addition, staff will be doing a more specific call out, through our pop up engagement sessions during the summer to young families and youth who are underrepresented in the groups identified, in order to encourage their participation and identify alternative options for engaging them in the discussion.

**Fall Engagement Draft Schedule**

Topic	Organizations to Invite	Focus Group Conversation	LTC Discussion/Decisions
Cultural Heritage Preservation	Snuneymuxw First Nation and other First Nations.	As determined by First Nations	TBD
Use of Suitable Land Analysis (SLA) and water balance	Gabriola Lands and Trails Trust (GaLTT); Gabriola Rescue of Wildlife Society (GROWLS ); Sustainable Gabriola, Climate 12-12-12 Action group; Gabriola Land Stewards Society (GLSS)	Sept/Oct 2024	To be combined with Ecosystems Policy and Environmental DPA meeting
Ecosystem Policies and Environmental DPA Options	GaLTT; Sustainable Gabriola; Climate 12 group; GROWLS; Gabriola Is. Land Stewards Soc. (GILSS)	Sept/October 2024 (could be combined with SLA discussion)	November LTC meeting
Housing Policies	People for a Healthy Community (PHC); Gabriola Health & Wellness Collaborative; GILSS	November 2024	February LTC meeting
Density Transfer and Density Bank	GaLTT; GILSS	January 2025	February LTC meeting
Village Core, Commercial Nodes and Industrial Lands	Sustainable Gabriola; Gabriola Chamber of Commerce	February 2025	March LTC meeting
Parks, Recreation and Transportation	Gabriola Rec. Society; POSAC (RDN Parks & Open Spaces Adv. Comm.); and Gabriola Transportation Society	March 2025	April LTC meeting

Note: Special LTC meetings will be scheduled as required.

**ENGAGEMENT PROCESS**

The engagement process for this phase will include the following:

- Development of a discussion guide for each topic to be posted to the project webpage
- Sharing of baseline report providing background and statistics
- Social media posts and pop up engagement directing community to topic focussed information on website
- Scheduling of focus groups and special LTC meetings (as required)
- Focus group meetings
- Additional meetings as needed (to balance demographic)
- Focus group meeting content will be wrapped up onto staff reports for the following LTC meeting where options related to OCP policy direction on the related topic will be discussed and direction to staff provided

**Questions to LTC:**

What days and times work best for focus group meetings?  
Would the LTC like to attend focus group meetings?  
Are there groups missing from the lists provided?

**ALTERNATIVES**

**1. The LTC may decide not to proceed with focus group engagement.** In this case, opportunities for the public to contribute will include submitting a letter or speaking at LTC meetings during the town hall (public comments section) or as a delegation. Website materials can still be prepared.

**2. The LTC can make changes to the proposed process.** In this case the LTC will need to be very clear about these changes so that staff can proceed with the development and sharing of the engagement schedule.

**NEXT STEPS**

- Staff will create an engagement schedule with specific dates.
- Staff will continue work on the baseline report.
- Staff will develop discussion guides for each topic.

Submitted By:	Narissa Chadwick, RPP MCIP, Island Planner	July 26, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	July 29, 2024



July 9<sup>th</sup>, 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](mailto:GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca)

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

**RE: Proposed “Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy Revisions” Revisions**

On behalf of the residents of Mudge Island and The Mudge Island Community Association we would like to thank you for considering our letter of June 7, 2024, and listening to members of MICA and the community address the LTC on June 27<sup>th</sup>, 2024. We believe this to be a positive step relative to the situation on Mudge Island and the recent rash of Bylaw infraction notification letters. The community and MICA look forward to collaborating and developing a positive working relationship with the LTC and staff and moving forward with the creation of new Bylaw enforcement Policies. As we likely agree, these new Policies are a much needed first step to assist in addressing the noncompliance situations within the Mudge community and will undoubtedly form the cornerstone criteria to modifying actual LU Bylaws in the future.

As discussed, on June 27<sup>th</sup> LTC meeting, we are attaching a clean and marked copy of our suggested revisions to the proposed enforcement policy. These revisions are the result of significant community consultation, community member input, and deliberation within our committee capturing common themes and concerns from island property owners. We intentionally made targeted changes only, rather than wholesale revisions.

MICA appreciates and supports the efforts of compliance staff to formalize an enforcement policy for the Gabriola area and Mudge Island in particular. Without the policy, the current complaint system is open to abuse. Complaints can be made by anyone, with any motive, from anywhere, at any time. The sheer number and nature of the current complaints on Mudge suggests that there is an organized campaign that is exploiting the weaknesses of the current system. This campaign has resulted in enormous anxiety in the community, not only among the targets of the complaints, but also those who fear they will be next. The proposed changes, while helpful and sensible, do not assist in addressing the current spate of complaints on Mudge Island and will not measurably assist in reducing the number of enforcement actions. Our targeted suggestions would effectively reduce the number of complaints to those which are adversely impacting the community or certain of its members and which we as a community want to see enforced.

mailing address: Site 21 C80 Gabriola Island BC V0R 1X4  
email address: [Micabc@googlegroups.com](mailto:Micabc@googlegroups.com)

Mudge Island is a unique community. It is a remote island, accessible only by private boat. It was subdivided in the early 1970's, prior to the advent of the Islands Trust, mostly into tiny, half-acre lots. There are no stores or other amenities. We haul in our groceries and fuel and haul out our garbage. We need to travel to Gabriola or Nanaimo for supplies, medical care and education for our children. We often can't get qualified service people to come to the island to assist with construction or other projects. When we can bring them over, we often must put them up while they complete their work. As a result, we have had to develop a community where we act together to support each other and our way of life. A great example of this is the MICS Hall, where the community got together to fund the acquisition of the land and equipment and construction of the building, and through community volunteers, provides emergency medical evacuation and fire services and provides regular training to the community on the use of the vehicles and equipment. Other examples are sharing barges, and sharing the cost of services for multiple residents, such as well drilling, chimney cleaning or septic pumping.

Another aspect of the island is that we have been largely left alone. While we pay taxes to the RDN, we receive minimal on-island services. We have historically received no real oversight from government at all, whether it is the Province, Islands Trust, the RDN or otherwise. While we are subject to land use bylaws, we have had little input into them and are forced to live with bylaws which are out of touch with the reality of life on Mudge. Practically every property on Mudge is non-compliant with the bylaws in some respect, which makes all of us easy targets and which has resulted in a stressful community situation.

MICA has been given access to the response to a Freedom of Information request made by a community member which includes all the recent complaints. From it, we have compiled some aggregate data to analyze the recent complaints. It indicates that there has been a dramatic increase in the number of bylaw compliance complaints in 2024 (see attached graphs) and a shift in the types of complaint. There have been 58 complaint emails (with a total of 132 separate complaints) between January and April 2024. The use of the same wording in the complaint emails and date stamps suggests that two individuals residing on or familiar with Mudge may have made all the 2024 complaints. While the requirement in the proposed enforcement policy that there be complaints by two Mudge residents is helpful, it should go farther to require that at least one of them is a neighbor and is adversely affected by the alleged contravention. This will curtail the 'drive by' nature of the current complaints and is consistent with the best practices guide for local governments published by the BC Ombudsperson. We also suggest that the 'neighbor' must be within 100 meters of the subject property. This is to protect the anonymity of the complainant, as a requirement for the complaint to be made by an adjacent neighbor would make it too easy to identify the complainant.

In addition to the attached, other significant changes that we are requesting are to defer enforcement until the Mudge land use bylaws can be reviewed and be reconsidered. Some of the Bylaws that need to be revised include:

- Ocean setbacks. Mudge is unique among the Gulf Islands in requiring a setback of 30 meters. It is not distinguishable from Gabriola (where the required setback is 7.5 meters) on a geological or geotechnical basis, or other islands in the DeCourcy Group and, given the very small lot sizes, 30 meters is inappropriate. Similarly, there are a significant number of complaints related to decks, stairs and structures within the setback limits which are arguably non-environmentally contentious, visually non-detrimental, and are in keeping with what the community generally feels are reasonable and should be considered for revision within the current bylaw.

- Lot coverage. Again, the 10% lot coverage restriction is inappropriate, given the very small lot sizes. On a half-acre lot, this allows for a maximum ~2,200 square footprint for dwelling, deck and outbuildings etc.
- Mooring buoys. As a remote island without a public dock, a restriction on mooring buoys is particularly inappropriate and unreasonable. The fact that barge landings and docks are permitted is of little help to those with upland (non-waterfront) properties or those without the money and time to acquire the permits and build them. While restrictions on number (two per property) and ownership (property owners only) of mooring buoys are appropriate, an absolute ban is not.
- Home occupation. As a remote island, we rely on local trades, including mechanics, electricians, carpenters, tree fallers, excavators, scissor lift and other heavy equipment operators.

These are all matters which the community requires an amendment to the existing bylaws and should not be the subject of enforcement until they can be fully reviewed with input from the Mudge community. The community supports continued investigation and enforcement of derelict buildings, trailers and vehicles, health and safety concerns, interference with cultural heritage sites or possible environmental damage.

We thank you for your time and the opportunity to make this submission.

Yours truly,

**Mudge Island Community Association (MICA)**

Rich Brooks, Chairman

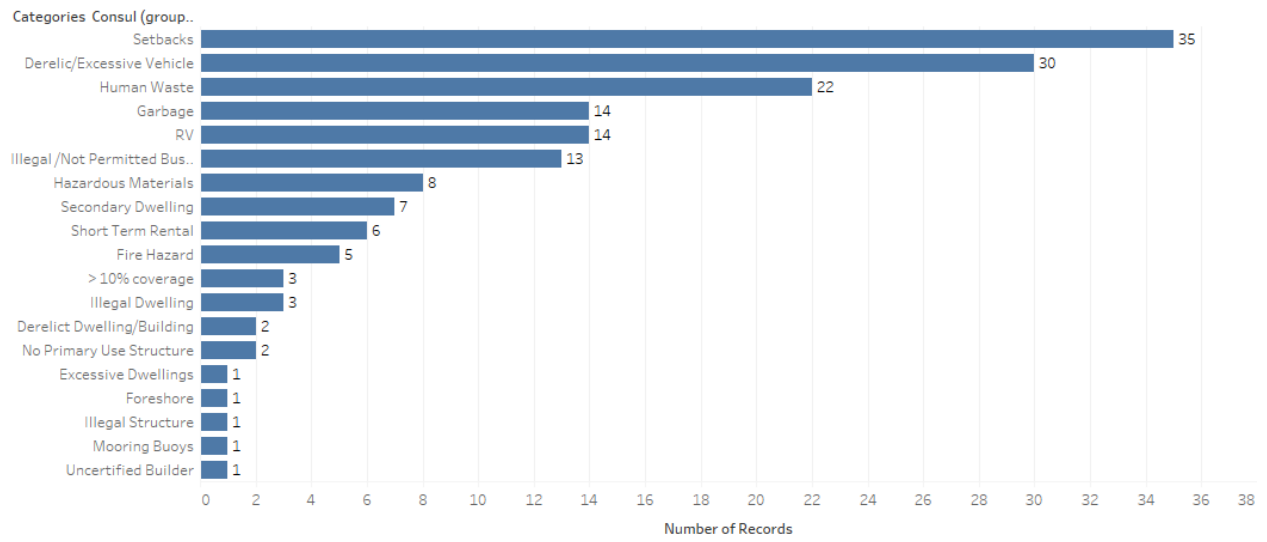
604-644-2097

[mica.rbrooks@gmail.com](mailto:mica.rbrooks@gmail.com)

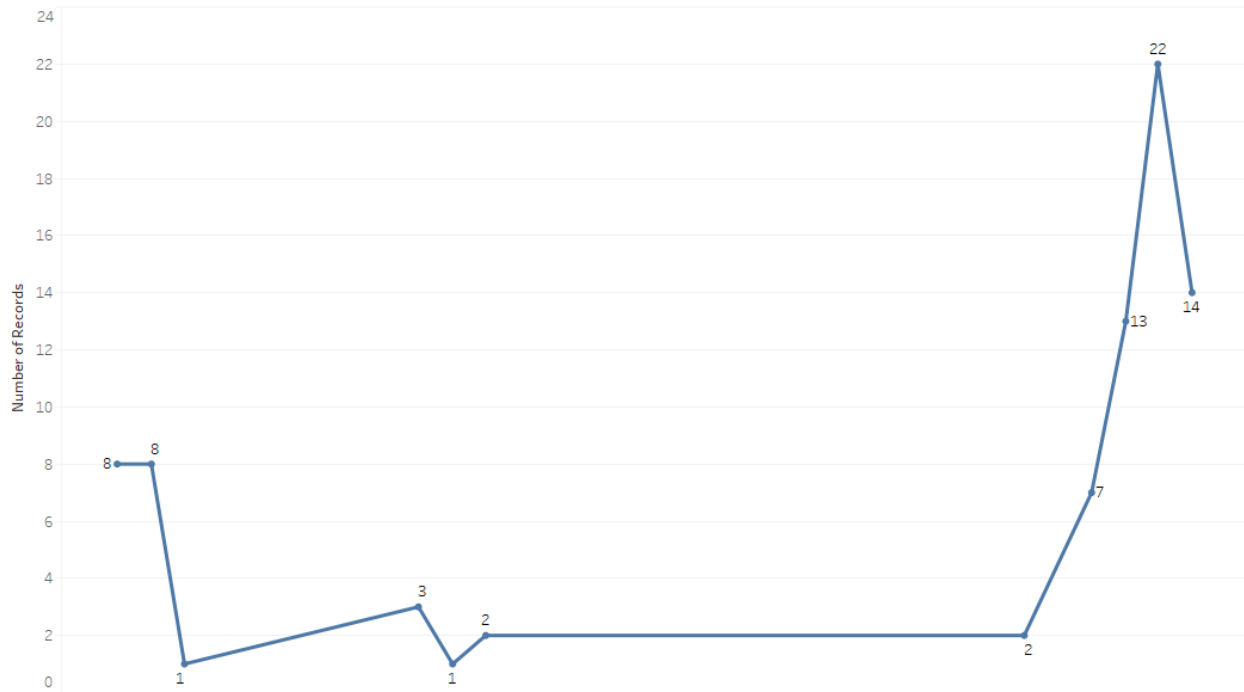
cc: Jon McCullough, Vice Chair [mica.jmccullough@gmail.com](mailto:mica.jmccullough@gmail.com)  
 Susanne Jakobsen, Secretary [micasusanne@gmail.com](mailto:micasusanne@gmail.com)  
 Nigel Stoodley, IT Administrator [mica.nigelr@gamil.com](mailto:mica.nigelr@gamil.com)  
 Scott Flemming, Communications [micaflemming1@gmail.com](mailto:micaflemming1@gmail.com)  
 Chad Giesbrecht, [chitto1234@hotmail.com](mailto:chitto1234@hotmail.com)  
 Mike Bonneville [micamikeb@gmail.com](mailto: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.*

## Complaint Categories



## Trend Of Complaints



### Complaint type over time





[MICA Revisions July, 2024](#)

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

**Approved septic system – ~~one that has been~~ a septic system that has been designed or constructed by an accredited professional, or registered with the Vancouver Island Health Authority, as appropriate at the time of construction**

*BEN – bylaw enforcement notice*

**Cultural heritage site – a site identified by local First Nations as being of cultural significance**

**Environmentally sensitive areas - areas which are vital to the survival of biological diversity such as wildlife and marine habitat areas and wetlands**

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

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

1

### 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, [preservation of cultural heritage sites](#), or the lack of an approved septic system.
- 4.3 Some factors that staff can reasonably consider when deciding whether or not to investigate include:**
- [the nature of the complaint and alleged violation](#)
  - [the impact of the violation on the community](#)
  - [the impact of the violation on the complainant \(if there is one\) or other individuals](#)
  - [any general directives from the LTC<sup>1</sup>](#)

<sup>1</sup> [See Ombudsperson's Special Report No. 36, Bylaw Enforcement: Best Practices for Local Governments, p.27 \(attached as Schedule D\):](#)

[As a best practice, staff who are deciding whether or not to investigate a complaint should have guidelines to assist them in making consistent and defensible decisions. Those guidelines should define the circumstances in which staff can decide not to investigate a complaint and outline the factors staff should consider when making that decision. Some factors that local government staff can reasonably consider when deciding whether or not to investigate include:](#)

- [the nature of the complaint and alleged violation](#)
- [the impact of the violation on the community](#)
- [the impact of the violation on the complainant \(if there is one\) or other individuals](#)
- [any general directives from council](#)

[Such guidelines can be contained in the local government's broader enforcement policy \(see "Guidelines for Exercising Discretion" in The Role of Council section of this guide for more discussion\).](#)

## 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~~

5.3 Before conducting an inspection, the Bylaw Enforcement Officer will determine whether it is possible to allow a resident time to comply with the bylaw without the need for an inspection.

5.4 Bylaw Enforcement Officers must provide reasonable advance notice of the inspection to the resident unless the situation is one in which the LTC has stated in a LUB or policy that notice is not necessary.

5.5 Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections.

~~5.45.6~~ 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.

~~5.55.7~~ If a Respondent provides photographic evidence, a survey, ~~or~~ a professional report or other reasonable information or evidence that confirms compliance, a site inspection is not required.

5.8 When conducting an inspection, Bylaw Enforcement Officers must be as minimally intrusive as possible, only inspect what is relevant to the bylaw being enforced, and complete the inspection in a reasonable amount of time.<sup>2</sup>

## 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 or a cultural heritage site, 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 or cultural heritage concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.

<sup>2</sup> Changes to this section are to adopt the best practices in the Ombudsperson's Special Report. See p. 32.

6.7 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

2

## 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 or preservation of cultural heritage.
- 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.<sup>3</sup>
- 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, a cultural heritage site or there are health and safety concerns.
- 7.7 The LTC and the Respondent will be notified when any file is closed.

## 8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1 Complaints that are false, made in bad faith, made for an improper purpose 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.

<sup>3</sup> Some community members have expressed concern about the exercise of this discretion.

- 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.

3

## 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~~A file will ~~proceed only if not be opened unless~~ there are written complaints received from at least two persons ~~residing from separate properties~~ on Mudge, within 60 days of each other, one of whom resides within 100 meters of the subject property and who demonstrates that the alleged contravention has an adverse impact on them, the community or the environment<sup>4</sup>.
- 1.1.2 Enforcement on contraventions that are in environmentally sensitive areas, a cultural heritage site or concern issues of health and safety, ~~or including~~ a lack of septic services, can proceed with one written complaint from any person resident on Mudge.
- 1.1.3 For confirmed contraventions, a minimum of 180 days and up to two years will be given as time to comply unless there are immediate concerns regarding health and safety, cultural heritage 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 unless there are immediate concerns

<sup>4</sup> Consistent with Ombudsperson's Best Practices.

[regarding derelict buildings or vehicles, health and safety, preservation of cultural heritage or possible environmental damage.](#)

## **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**

4

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. The cost of compliance is unreasonable and the effect of non-compliance is minimal;

8. ~~7.~~ A permit exists or has been obtained that authorises the alleged contravention;

9. ~~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.

10. ~~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.



<b>Policy:</b>	5.5.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 11, 1995
<b>Amendment Date(s):</b>	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
<b>Policy Holder:</b>	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

1

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~~
  - 5.1.4 adverse impact on a cultural heritage site that could result in irreversible damage if not prevented in a timely fashion;
  - 5.1.5 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
- 2
- 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 biannually.

**C. Legislated References**

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

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

3

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

- [BC Local Government Bylaws>Bylaw Enforcement](#)

Document comparison by Workshare 10.0 on Tuesday, July 9, 2024 10:43:53 AM

Input:	
Document 1 ID	iManage://BJWORK.LEGAL.BJLOCAL/WSLegal/38273069/1
Description	#38273069v1<WSLegal> - Staff REport Bylaw BOD working copy
Document 2 ID	file://C:\NRPortbl\WSLegal\MCCULLOUGHJ\38344303_1.docx
Description	38344303_1
Rendering set	Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	64
Deletions	16
Moved from	4
Moved to	4
Style changes	0
Format changes	0
Total changes	88





## Islands Trust Council Highlights March 12-14, 2024

The following is a list of [agenda](#) highlights of Trust Council's activities and decisions from its March 12-14, 2024, quarterly meeting. These highlights are not the official minutes; Trust Council will adopt those at its June 18-20, 2024 meeting being held in-person on Salt Spring Island. [Visit the March 2024 Trust Council meeting site to view the recordings.](#)

### **Islands Trust Budget 2024/25 – Approved**

This [news release](#) summarizes the highlights of the \$10.98 million dollar budget Trust Council approved to continue operations and undertake select projects.

### **Policy Statement Amendment Project Update**

Islands Trust Council approved an amended project charter for the Policy Statement Amendment Project to add in virtual public engagement opportunities, adjust project timelines, and to have Trust Council receive the revised draft Policy Statement in a virtual meeting in May 2024 rather than have it reviewed first by a committee.

### **Bylaw Compliance and Enforcement Review Project**

Trust Council approved the Bylaw Compliance and Enforcement Review Project Charter. The project's aim is to review and amend Islands Trust bylaw compliance and enforcement policies and procedures to be administratively fair, reasonable, and transparent, with the aim of restoring public confidence.

### **Records Management System Bylaw No. 195**

Trust Council conducted first, second, and third readings of the Records Management System Bylaw No. 195. This bylaw will update the previous Trust Council records management bylaw to reflect current best practices and standards.

### **Committee of the Whole - Meeting Procedures Bylaw Amendment No. 196**

In December 2023, Trust Council requested that staff amend the Trust Council meeting procedures bylaw wording to allow "Committee of the Whole" meetings as an option to improve operations of Trust Council. Trust Council conducted the first, second and third readings of the Meeting Procedures Bylaw Amendment No 196. Next steps are to hold a vote via Resolution Without Meeting after the conclusion of the meeting to adopt the new Bylaw.

### **Strategic Planning**

Trust Council engaged in a Strategic Planning workshop focused on goals and priorities facilitated by Cheeying Ho, Executive Director, WCS Engagement & Planning. During the session, Trust Council broke out into smaller groups to brainstorm priorities and then prioritized as a group using the results from a survey of trustees on goal topics and priorities ([see page 81 of the agenda](#)). No final decisions were made. Work on developing a new strategic plan will continue when the Islands Trust Council meets in June.

### **Media & Social Media Training Session**

Trust Council participated in a media and social media training workshop facilitated by training consultant, Jan Enns, from Jan Enns Communications Inc. This engaging and informative session focused on strategies for delivering clear, consistent and engaging messages.

### **September Trust Council to be held on Gabriola Island**

Trust Council will tentatively hold its September meeting on Gabriola Island, September 24-26, 2024, pending confirmation of accommodations and meeting space.

## 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	<p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>• Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;</li> <li>• 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;</li> <li>• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and</li> <li>• However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>• Name of the applicant and a description of the proposal in general terms;</li> <li>• The location of the proposed establishment and the subject site;</li> <li>• The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered;</li> <li>• The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and</li> <li>• How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul>
2.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	<p><b>It was MOVED and SECONDED</b> 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.</p>
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	<p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local</p>

				<p>First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>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;</li> <li>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</li> <li>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.</li> </ul>
4.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	<p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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.</li> </ul>
5.	April 11, 2019	GB-2019-040	S219 Covenant	<b>It was MOVED and SECONDED</b>

			Signatories	<p>that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>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.</p>
6.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	<p><b>It was MOVED and SECONDED</b></p> <p>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.</p>
7.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	<p><b>It was MOVED and SECONDED</b></p> <p>that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.</p>
8.	October 27, 2022	GB-2022-089	Defer enforcement on all existing non-compliant dwellings being used for residential purposes except.....	<p><b>It was MOVED and SECONDED</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>i. It is determined that there are risks to health and safety;</li> <li>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;</li> <li>iii. It is determined that there is contamination of wells or other drinking water sources;</li> <li>iv. Non-permitted residential uses are in water zones or environmentally sensitive areas;</li> <li>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.</li> </ul> <p>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.</p>

				<p>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.</p> <p>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.</p>
9.	April 18, 2024	GB-2024-022	Defer enforcement of Mudge Island Land Use Bylaw No. 228 except...	<p><b>It was MOVED and SECONDED</b> 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.</p>

# Active Projects Report

## Gabriola Island

### 1. Minor Project - Develop Ecological Protection Zone

Responsible

Dates

**Activity:**

Stephen Baugh

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.

---

### 2. Major Project - Gabriola Island Comprehensive OCP and LUB

Responsible

Dates

**Activity:**

Narissa Chadwick

- 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.

## Gabriola Island

- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.
- 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

## Gabriola Island

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
  - 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. <i>1. LTC Initiated Rezoning of Property with PID: 003-134-806</i>	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

2. <i>2. Advisory Planning Commission bylaw</i>	Responsible	Date Received
---	-------------	---------------

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

3. <i>3. Mudge Island Official Community Plan and Land Use Bylaw Review</i>	Responsible	Date Received
---	-------------	---------------

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