



# Gabriola Island Local Trust Committee

## Regular Meeting Agenda

Date: February 20, 2025  
Time: 10:30 am  
Location: Gabriola Arts & Heritage Centre  
476 South Road, Gabriola Island, BC

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	<b>Pages</b>
<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. TERRITORIAL ACKNOWLEDGEMENT</b>	
<b>3. APPROVAL OF AGENDA</b>	
<b>4. REPORTS</b>	10:35 AM - 10:50 AM
4.1 Trustee Reports	
4.2 Chair's Report	
4.3 Electoral Area Director's Report	
4.4 First Nations Reports	
<b>5. PUBLIC COMMENTS</b>	10:50 AM - 11:05 AM
<b>6. MINUTES</b>	11:05 AM - 11:10 AM
6.1 Local Trust Committee Minutes dated January 23, 2025 – for adoption	4 - 11
6.2 Section 26 Resolutions-Without-Meeting Report - none	
6.3 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 February 12, 2025	12 - 14
<b>8. DELEGATIONS - none</b>	
<b>9. APPLICATIONS AND REFERRALS - none</b>	

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

**11. CORRESPONDENCE** 11:25 AM - 11:30 AM

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

- 11.1 Email dated January 21, 2025 from Mudge Island Community Association regarding Concerns about New Bylaw Enforcement Policy for Mudge Island 15 - 18
- 11.2 Email dated January 23, 2025 from G. McCollum regarding Corporate Dumping of Land Clearing Debris on Unoccupied Residential Land 19 - 19

**12. NEW BUSINESS - none**

**13. STAFF REPORTS** 11:30 AM - 12:00 PM

- 13.1 Compliance and Enforcement Files for Setbacks from the Sea - Staff Report 20 - 21
- 13.2 Trust Conservancy Report - none
- 13.3 Applications Report dated February 12, 2025 22 - 27
- 13.4 Trustee and Local Expense Report dated December 2024 28 - 28
- 13.5 Adopted Policies and Standing Resolutions 29 - 38
- 13.6 First Nations Relationship Building Update - none
- 13.7 Climate Change Action Update - none
- 13.8 Local Trust Committee Webpage

~ BREAK 12:00 PM - 12:30 PM ~

**14. WORK PROGRAM** 12:30 PM - 12:45 PM

- 14.1 Active Projects Report dated February 12, 2025 39 - 39
- 14.2 Future Projects Report dated February 12, 2025 40 - 40

**15. UPCOMING MEETINGS**

- 15.1 Special Meeting Scheduled for Thursday, February 27, 2025 at 10:00 am and to be held Electronically
- 15.2 Next Regular Meeting Scheduled for Thursday, April 17, 2025 at 10:30 am at the Gabriola Arts and Heritage Centre

**16. CLOSED MEETING** 12:45 PM - 1:00 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering:

- (f)law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

16.2 Recall to Order

**17. ADJOURNMENT**

1:00 PM - 1:00 PM



# Gabriola Island Local Trust Committee

## Minutes of Regular Meeting

**Date:** January 23, 2025  
**Location:** Gabriola Arts & Heritage Centre  
476 South Road, Gabriola Island, BC

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

**Staff Present:** Stephen Baugh, Island Planner  
Narissa Chadwick, Island Planner (electronic)  
Lisa Millard, Meeting Administrator/Recorder

**Others Present:** There were approximately 9 members of the public in attendance.

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 a.m.

### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Luckham acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

12.1 Annual Meeting with Real Estate Agents

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

### 4. REPORTS

#### 4.1 Trustee Reports

Trustee Elliott reported the following:

- Provided an updated report posted on the Trustee Corner section of the Gabriola Local Trust Committee page on Islands Trust website;
- Committee of the Whole is meeting twice per month to work on amendments to the draft Policy Statement in preparation for First Reading;
- Tiny Home on Wheels Steering Committee is setting up a technical panel to discuss barriers to regulating tiny homes as dwellings;
- Attended Regional Planning Committee meeting to review amendments to draft Policy 5.5.1 Bylaw Enforcement;

- Attended Islands Trust Conservancy Board meeting and highlighted election of Galiano Trustee Gauvreau as Chair; and
- Attended Financial Planning Committee meeting to review draft budget for the upcoming fiscal year.

Trustee Yates reported the following:

- New version of mapping application on Island Trust website expected to be released in February;
- Attended Salt Spring Conservancy sponsored webinar about western screech owls and highlighted importance of forest undergrowth as part of their habitat;
- Attended government to government meeting with Snuneymuxw First Nation;
- Attended Regional District of Nanaimo Recreation and Parks Master Plan meeting;
- Attended meetings with BC Ferries as a member of the Gabriola Ferry Advisory Committee and noted there will not be a multi-day shut down in 2026 as the scope of the work being done at the terminals has been reduced;
- Due to the dissolution of the Ferry Advisory Committee, a new ferry working group has been established;
- Upcoming one-on-one meeting with new CAO Rueben Bronee; and
- Met with Member of Parliament Lisa Marie Barron and discussed topics including climate change and guaranteed basic income.

#### **4.2 Chair's Report**

Chair Luckham reported preparations for the March, 2025 Trust Council meeting are underway with focus on financial planning and annual budget talks.

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

Director Craig reported the following:

- Will be receiving a report from Parks and Recreation Master Plan Advisory Committee which will go out for public input in the spring;
- Tiny Homes on Wheels project will be part of a housing panel discussion at the upcoming Association of Vancouver Island and Coastal Communities meeting;
- New waste regulations for multifamily, residential businesses, institutional, and industrial properties came into effect January 1, 2025 which should reduce the amount of waste going into landfill due to pre-sorting requirement; and
- Regional District of Nanaimo's Drinking Water and Watershed Protection report has been received and is available on the Regional District's website.

#### **4.4 First Nations Reports – None**

### **5. PUBLIC COMMENTS**

A member of the public stated they represent a focus group which has identified concerns with current Development Permit Areas on Gabriola and the group would like to be invited to participate and provide feedback at the March 27, 2025 Official Community Plan Review Environment Focus Group.

A member of the public thanked the Local Trust Committee for their efforts regarding the rezoning application for a property located next to the Harmac pulp mill in Nanaimo and

indicted they have written a letter to the editor of the local newspaper and will be organizing a petition to present to the City of Nanaimo with copies to the Local Trust Committee.

A member of the public noted the GB-RZ-2022.1 (Moen) staff report states the proposed bylaw includes a requirement for connection to a rainwater collection system; however, the actual proposed bylaw language refers to connection to a freshwater system, and there is no indication if the water is required to be potable.

The Chair noted clarifications would be forthcoming when the application is discussed during the meeting.

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

- The Association submitted a letter the day prior to the meeting and asked the Local Trust Committee to review it in consideration of the points made about the closure of bylaw complaint files;
- The letter noted concern that the minutes of the November, 2024 meeting did not fully reflect the discussion and asked that the meeting recording be compared to the minutes to ensure all concerns were incorporated into the Bylaw Compliance and Enforcement Policy; and
- The Bylaw Policy was located on Islands Trust website after the letter was submitted and it appears concerns have been addressed.

A Trustee stated that the Bylaw Compliance and Enforcement Manager would be submitting a report about the status of complaints related to structures located within setbacks to the sea for the February, 2025 Local Trust Committee meeting, and that current work on files is delayed due to temporary staffing issues.

A member of the public spoke to an item of correspondence on the agenda and stated they were part of the Village Vision Planning Committee which collected data and information from groups that were formed to discuss what the village core should look like. All of the information is contained on a website being maintained by a group of citizens and they ask that Islands Trust invest approximately \$300 annually to maintain the site as it continues to be relevant to the Official Community Plan review work.

## 6. MINUTES

### 6.1 Local Trust Committee Minutes dated November 7, 2024 – for adoption

Discussion ensued about correspondence received requesting a review of the minutes compared to the meeting recording. It was clarified that the Local Trust Committee established that the policy adopted at the meeting reflects the discussion and the minutes are a suitable record of the meeting.

**By general consent**, the Local Trust Committee meeting minutes of November 7, 2024 were adopted.

### 6.2 Section 26 Resolutions-Without-Meeting Report dated January 16, 2025

Received for information.

### 6.3 Advisory Planning Commission Minutes - None

## 7. BUSINESS ARISING FROM MINUTES

**7.1 Follow-up Action List dated January 16, 2025**

Received for information.

**7.2 City of Nanaimo Rezoning – 950 and 1260 Phoenix Way, Nanaimo, BC**

The Planner summarized the reply received from City of Nanaimo staff regarding the rezoning application and noted the Local Trust Committee could send correspondence to Nanaimo City Council in advance of a public hearing.

**8. DELEGATIONS - None**

**9. APPLICATIONS AND REFERRALS**

**9.1 GB-RZ-2022.1 (Moen) - Staff Report**

The Planner summarized the staff report and highlighted the following:

- Report recommends First Reading of Bylaws No. 318 and 319 to amend the Official Community Plan and Land Use Bylaw to permit a broader range of commercial uses and two dwelling units on the subject property;
- Changes previously requested by the LTC have been incorporated into the bylaws; and
- Referrals to First Nations and other agencies will commence following First Reading.

Discussion ensued and the following comments and clarifications were recorded:

- The Planner clarified the term ‘freshwater’ is used as the bylaw requires water storage capacity but does not specify a requirement for potable water;
- There is ability to fill cisterns with groundwater when it is plentiful and hold it for future use and the term ‘rainwater’ would limit this ability;
- The proposed zone differs from the RR2 zone because it is commercial use and dwelling units would be required to be contained within the commercial building envelope with a requirement for a Provincial ground water license;
- The accessory dwelling units referred to in the bylaw are the two units located within the commercial envelope; and
- The lot coverage limitation of 40% is standard for commercial property and reflects a reduction compared to the 50% lot coverage currently permitted.

The Trustees had no questions for the applicant who was in attendance.

**GB-2025-001**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 318 cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024” be read a first time.

**CARRIED**

**GB-2025-002**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 319 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024” be read a first time.

**CARRIED**

**GB-2025-003**

**It was MOVED and SECONDED**

that Proposed Bylaws No. 318 and 319 be referred to First Nations, Local Governments, and agencies for comment.

**CARRIED**

**GB-2025-004**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 318 cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024” is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**GB-2025-005**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 319 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024” is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review Project Update – Memorandum**

The Planner provided an update on the Official Community Plan and Land Use Bylaw Review Project and highlighted the following:

- A capacity funding agreement has been signed with Snuneymuxw First Nation and engagement is underway, which includes staff-to-staff meetings and an upcoming workshop focused on identifying Snuneymuxw land use interests;
- A community water use survey will be coming out to get a sense of how much water is being used, where it is used, and where water related challenges are experienced on the island;
- The water balance work will support Official Community Plan review work and can inform land use bylaw changes and zoning provisions;
- A preliminary build out analysis has been done and will be included as part of the Suitable Land Analysis;
- The Suitable Land Analysis will be completed by the end of January;
- The Housing Advisory Planning Commission has been invited to participate in the Housing Focus Group session being held February 6;
- The community development permit area focus group is on the list of invitees for the Environment Focus Group session; and
- Consideration of how to integrate the Gabriola Climate 12-12-12 Climate Action information into the focus group sessions should be taken.

**GB-2025-006**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee request staff to schedule a special meeting in February, 2025 to review the Suitable Land Analysis.

**CARRIED**

**GB-2025-007**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee request staff to schedule a special meeting for February 27, 2025 and March 28, 2025, or alternative available dates, to address Official Community Plan Review topic areas.

**CARRIED**

**11. CORRESPONDENCE**

**11.1 Letter dated December 10, 2024 from S. Miller regarding refund of Development Variance Permit application fee**

Discussion ensued and the following comments were noted:

- Local Trust Committee has expressed regret regarding the process;
- The complaint was processed in accordance with the policy at the time;
- The referral to Snuneymuxw First Nation was done because the Nation specifically asked to see all Development Variance Permit applications;
- This file was opened prior to the current work on Bylaw Enforcement Policy which addresses vexatious complaints;
- There is no mechanism to refund the fee; and
- The permit has legalized the structure.

**11.2 Letter dated January 2025 from Village Vision regarding website support**

Discussion ensued and the following comments were noted:

- If the website is supporting a Local Trust Committee project, there is a possibility that project funds can be used; however, there is not a mechanism to support the website in perpetuity; and
- There might be options to capture an archival version of the website which could then be incorporated into the Official Community Plan Review project.

**GB-2025-008**

**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee request staff to look at correspondence from Village Vision from January, 2025 and advise the Local Trust Committee regarding options for support.

**CARRIED**

**12. NEW BUSINESS**

**12.1 Annual Meeting with Real Estate Agents**

A Trustee referenced previous annual meetings held with local realtors to discuss publications related to Islands Trust bylaws and jurisdiction, and to provide written materials that could be helpful to new residents.

Discussion ensued and it was determined that Trustee time and staff resources to support the proposed meetings are limited.

Trustee Yates stated she will follow up to determine if there are resources available to update the Thetis Island Sustainability Guide and produce a Gabriola version.

**13. STAFF REPORTS**

**13.1 Trust Council Meeting Highlights - December 3 - 5, 2024**

Received for information.

**13.2 Trust Conservancy Board Meeting Highlights - November 19, 2024**

Received for information.

**13.3 Trust Council Quarterly Update**

Received for information.

**13.4 Applications Report dated January 16, 2025**

Received for information.

**13.5 Trustee and Local Expense Report dated November, 2024**

Received for information.

**13.6 Adopted Policies and Standing Resolutions**

Received for information.

**13.7 First Nations Relationship Building Update – None**

**13.8 Climate Change Action Update - None**

**13.9 Local Trust Committee Webpage**

No updates required at this time.

**14. WORK PROGRAM**

**14.1 Active Projects Report dated January 16, 2025**

Received for information.

**14.2 Future Projects Report dated January 16, 2025**

Received for information.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Thursday, February 20, 2025 at 10:30 am at the Gabriola Arts and Heritage Centre**

**16. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 12:33 p.m.

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**Peter Luckham, Chair**

**Certified Correct:**

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**Lisa Millard, Meeting Administrator/Recorder**

**DRAFT**

## Follow Up Action Report

### Gabriola Island

23-May-2024

Progress	Activity	Responsibility	Dates	Status
75%	<p>1 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

08-Aug-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>- Add the letter from Drs. J &amp; C Johnstone and the Foreshore Structures Report from Warren and letter regarding Dark skies (John Hall, Item 101. On GB Nov 30 2023 agenda) and letter from E. Carrington June 27 meeting, Item 4 on the FUAL from that meeting to the OCP review project file and post to the project website.</li> <li>-update the project list with a succinct and clear description of the project.</li> <li>-LTC endorsed the OCP/LUB engagement process with minor amendments and comments (see minutes of August 8, 2024 meeting).</li> </ul>	<p>Narissa Chadwick</p>		In Progress
50%	<p>2 LTC request staff to write a letter to First Nations within the LTA to indicate desire to work with them on current LTC projects and advocacy activities and provide schedule of upcoming LTC meeting dates (see minutes of Aug 8 meeting). <i>Feb. 3: Letter sent out week of Jan. 27 to capture this item, and will share information at future working group meeting.</i></p>	<p>Clare Frater Renee Jamurat Stephen Baugh</p>	<p>Target: 07-Feb-2025</p>	In Progress

## Follow Up Action Report

### Gabriola Island

05-Sep-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Inform Trustee Morrison of the Gabriola LTCs interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.	Jason Youmans		In Progress

07-Nov-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Gabriola OCP and LUB Review Project - \$10,000 of project budget allocated to engagement with Snuneymuxw First Nation. Islands Trust staff to work with Snuneymuxw First Nation staff on a capacity funding agreement.	Narissa Chadwick		In Progress
100%	2 Active Projects Report - Ecological Protection Zone project terminated, remove project from list and close out project.	Renee Jamurat Stephen Baugh	Target: 27-Jan-2025	Completed
0%	3 Adopted Policies and Standing Resolutions - request Bylaw Enforcement staff to report back on necessity of existing standing resolutions regarding bylaw enforcement.	Warren Dingman		In Progress

## Follow Up Action Report

### Gabriola Island

23-Jan-2025

Progress	Activity	Responsibility	Dates	Status
49%	1 First Reading given to Bylaw No. 318 and 319. Refer bylaw to First Nations, local governments, and agencies.	Nadine Mourao Stephen Baugh		In Progress
100%	2 Schedule special meeting in February 2025 to review the suitable land analysis.	Michelle Backe Nadine Mourao Narissa Chadwick		Completed
100%	3 Schedule a special meeting on February 27 and March 28 (or alternative available dates) for follow up on topics from OCP focus groups.	Michelle Backe Nadine Mourao Narissa Chadwick		Completed
0%	4 Staff review correspondence from Dyan Dunsmoor-Farley from January LTC meeting agenda and advise the LTC regarding options for supporting the request.	Morgana van Niekerk Narissa Chadwick Stephen Baugh		In Progress



Since the introduction of the new Policy on November 7<sup>th</sup>, 2024, the community has had little communication from the Islands Trust. We understand some community members have attempted to contact bylaw enforcement by phone & email to pursue file closures, with no success. Most community members expected that compliance officers would quickly move to resolve and close open files that do not pose any public impacts and that are consistent with the new policy criteria.

Recently, it has been brought to our attention that staff are now taking the position that non-compliant ocean setbacks fall within the environmental impact exception of the Policy. From our perspective, this situation will indeed be a significant problem for a high percentage of the active complaints/files on Mudge. We believe around 30 complaints/files may fall into this category, which will be problematic if a strict interpretation and application of the policy is applied as we understand it. This issue will raise similar concerns with the community and diverge from what the community feels the spirit of the new policy aimed to achieve, resulting in files grinding on over several years, which is not the result anyone expects. While all stakeholders are certainly concerned about significant environmental impacts, we believe that current encroachments related to water setbacks, especially those dating back prior to the 2008 agreed-upon date relating to when the 30-meter setback was introduced, should be assessed through the lens of practicality and discretion, with objective consideration if the encroachment is significantly detrimental to the environment.

~~At this point, and not to get too far ahead of ourselves, we respectfully request that the Islands Trust provide us with a current version of the rPolicy to better interpret what is intended to be adopted. As you are aware, there was significant discussion during the LTC meeting of November 7<sup>th</sup>, 2024, with the typical back-and-forth debates regarding changes giving rise to arguably some confusion relative to the final version of the Policy the LTC wished to adopt and specifically the public's expectations. Also, when we reviewed the formal minutes there appears to be some discrepancies relating to the recording of the actual meeting and the minutes recently published (pending adoption) which potentially could lead to a problematic revision and application of the Policy. Essentially, we believe it is imperative that a review of the recording be implemented, and a copy of the Policy be provided to us prior to its finalization to be consistent with a collaborative approach.~~

~~As our delegation mentioned in the January 21<sup>st</sup> LTC meeting, we still have concerns that the formal minutes from the November 7<sup>th</sup> meeting appeared to deviate slightly from the actual meeting. However, as discussed, we concur this seems to have little impact on the final adopted Policy. Our concern is that in the future, it may be difficult to reflect back and understand the intent, context, and background for the development of the final version.~~

Moving forward, we also believe that to better understand how the new Policy will and is functioning, its essential to have access to fundamental data. This data should be aggregated and anonymous and readily available for the Islands Trust LTC and MICA to track the progress and closure of files, rather than community members having to pursue time consuming and costly FOI requests. This would include the following information:

- How many complaints were initially filed since June 2023 to now,
- How many of the files have been closed to date (say January 15, 2025),

- A timeline schedule of when the community can expect all the Policy related files to be closed, and
- How many files are anticipated to remain open relative to the above reference foreshore / environmental concerns should reasonable discretion not be applied.

In addition to the above, we also respectfully request that the LTC, and staff articulate to us the investigation process relative to the two official Policies in place (the initial policy of non-enforcement until a bylaw review was initiated and, the recently adopted Bylaw Enforcement Policy). We also seek clarification on the process for opening files and conducting inspections, particularly regarding the "may" or "must" ambiguity.

On behalf of the community, our goal is to have as many of the current files closed as soon as possible. This will help property owners feel more comfortable with their individual situations, relieve emotional and psychological distress, and ensure that their properties are not encumbered with Island Trust issues. Additionally, a speedy resolution to the closure of files will ensure that impacts to property values and marketability when a property owner chooses to sell their properties, will not be detrimental. Expedited resolutions will enable owners to also maintain or address any structures that may ultimately be deemed non-compliant and require action.

We are confident that once we move through the next steps of the process and receive the information outlined above, we will all have a better understanding of the significant issues that need to be addressed. This will help us consider and incorporate potential revisions to the Mudge Island Bylaws to make them functional, effective and sustainable for life going forward on our unique island.

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

Yours truly,

**Mudge Island Community Association (MICA)**

Rich Brooks, Chairman  
[Redacted]  
[Redacted]

cc: Jon McCullough, Vice Chair [Redacted]  
Susanne Jakobsen, Secretary [Redacted]  
Nigel Stoodley, IT Administrator [Redacted]  
Scott Flemming, Communications [Redacted]  
Chad Giesbrecht, [Redacted]  
Mike Bonneville [Redacted]

*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.*

**From:** Gary Mccollum [REDACTED]

**Subject:** Corporate dumping of land clearing debris on unoccupied residential land

**Date:** January 23, 2025 at 6:00:22 PM PST

**To:** Susan Yates <[syates@islandstrust.bc.ca](mailto:syates@islandstrust.bc.ca)>, Tobi Elliott <[telliott@islandstrust.bc.ca](mailto:telliott@islandstrust.bc.ca)>, [gabriolahousingsociety@gmail.com](mailto:gabriolahousingsociety@gmail.com)

Clark Pacific Ventures holds an unoccupied property on Fawn Place zoned Small Rural Residential. Clark Pacific trucks have been hauling and dumping land clearing debris from Paisley Place for several weeks.

Warren Dingman, Manager of Bylaw Compliance & Enforcement, confirms that this a legitimate use of residential lands within the Land Use Bylaw, and that any residential property on Gabriola could be used in the same manner.

It seems to me that if a company owns a residential property and uses that property to fulfill a business contract then they are operating an industrial business in a residential neighbourhood.

Trustees, will you review this situation? Please consider that any unscrupulous operator could purchase a property, regardless of size, or zoning, anywhere on Gabriola and use it in the same manner.

Gabriola Housing Society, is this the sort of actions you endorse or support with your contractors? Are you aware what has become of the debris removed from the Paisley project?

Please answer, as these are not rhetorical questions.

Gary McCollum



DATE OF MEETING: February 20, 2025  
TO: Gabriola Island Local Trust Committee  
FROM: Warren Dingman, Manager of Bylaw Compliance & Enforcement  
SUBJECT: For Information - Compliance & Enforcement Files for setback from the sea

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## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee receive this report for information only.

## REPORT SUMMARY

This report summarizes the number of enforcement files, past and present, involving possible contraventions of the siting regulations for the setback from the natural boundary of the sea, or for non-permitted structures on the foreshore, in the Gabriola Island Local Trust Area. It also provides information on development variance permits that were submitted to address such contraventions.

## BACKGROUND

The Gabriola Island Local Trust Committee adopted a compliance and enforcement policy and there have been continued concerns regarding the enforcement of those regulations that restrict the construction of structures within the setback from the natural boundary of the sea or prohibit structures on the foreshore.

## HISTORICAL FILES

Prior to 2008, the only restrictions for structures within the setback from the sea for the Gabriola Island Land Use Bylaw No. 177, were for buildings. Prior to the adoption of amendment Bylaw No. 250, structures such as decks and fences, and retaining walls, were permitted within the setback from the natural boundary of the sea. Bylaw investigations often encounter lawful non-conforming structures located within the setback from the sea. However, retaining walls were not permitted in the water zones.

The Mudge Island Land Use Bylaw No. 228 was adopted in September 2008, and it establishes a 30 metre setback from the sea that could be reduced to 7.5 metres if a qualified professional stated the frontage on the sea was adequately protected from erosion by natural bedrock. Prior to the adoption of Bylaw No. 228, the Gabriola Island Zoning Bylaw No. 7 applied to Mudge Island, and this bylaw established a 7.5 metre setback for buildings. There were no prohibitions on the siting of decks, stairs, walkways, or other structures, within the setback from the sea.

Since 2004, there have been 15 development variance permit applications submitted requesting a reduction in the setback from the sea, and 7 were submitted after the opening of a bylaw enforcement file. Eleven variance permits have been issued, two were denied, and there are two applications in process. Only one development variance permit has been issued on Mudge in order to reduce the setback from the natural boundary of the sea.

There are 26 closed enforcement files for the foreshore or possible contraventions of the siting regulations for the setback from the natural boundary of the sea for the Local Trust Area. The files would have been closed because there was no evidence found of a contravention, compliance was achieved by the removal of structures, or a variance permit was issued as previously noted.

**OPEN FILES**

There are 33 files open for possible foreshore contraventions, which may also include contraventions for structures located within the setback from the sea, and 23 of those files are on Mudge. There are currently no open development variance permit applications for Mudge Island and only two for Gabriola. There are seven open files where Bylaw Violation Notices have been issued and a penalty assessed, and this has resulted in only one development variance permit application being issued. However, several compliance agreements have been signed and compliance should be achieved without further enforcement action.

The complaints for these structures usually reference decks that have been constructed within the setback from the sea or for decks and stairs constructed on the foreshore. Six of the current files involve seawalls or retaining walls that are sited along the natural boundary of the sea or that are on the foreshore.

One property on Mudge Island continues to be subject to litigation as the court ordered removal of unlawful structures has not occurred. There has been no litigation for the Gabriola Island files.

**RATIONALE FOR RECOMMENDATION**

There are no general trends that are of concern to bylaw staff. There have been a large number of files opened in 2024 for Mudge Island regarding concerns with structures located within the setback from the sea, and many of those files still need to be fully investigated in order to determine if there are unlawful structures. Ideally, this work will be completed within the next six months.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	February 4, 2025
Reviewed By:	Renée Jamurat, Regional Planning Manager	February 5, 2025



# Gabriola Local Trust Committee Open Applications Report

Print Date: February 12, 2025

## Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
GB-DP-2021.1	Centre Stage Holdings Ltd.	5/20/2021	0 STOKES RD	PID: 003-134-806 DP application for protection of development from hazardous conditions DPA6, relating to subdivision application.
Planner		Status		Most Recent Completed Activity
Sonja Zupanec		In Abeyance		Generate Complete Application Letter

## Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
GB-DVP-2022.3	Thomas Pink	6/23/2022	1160 THE STRAND, GABRIOLA, BC	PID: 008-828-067 Shoreline protection variance. Civic address: 1160 The Strand, Gabriola Island, BC.
Planner		Status		Most Recent Completed Activity
Margot Thomaidis		Waiting for Revisions		Waiting for Revisions

## Gabriola

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240299	Michael Apps	11/7/2024	1140 THE STRAND, GABRIOLA, BC	Rock revetment to prevent further damage to the shoreline.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Under Review	Generate Complete Application Letter	

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Application Number	Applicant Name	Date Received	Address	Purpose
GB-DVP-2022.4	Mark & Gail Woodside		1170 THE STRAND, GABRIOLA, BC	PID: 008-828-059 Foreshore protection variance. Civic address: 1170 The Strand, Gabriola Island, BC.
Planner		Status	Most Recent Completed Activity	
Margot Thomaidis		Under Review	Generate Complete Application Letter	

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## Gabriola

### Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2024.1	Talyn Martin	1/10/2024	0 SOUTH RD	PID: 004-633-989 seeking a rezoning from industrial to commercial in order to build a year-round community food hub at 465 South Rd. on Gabriola.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Waiting for Revisions	Generate Notice of Revisions	

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Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240091	Nigel Gray	6/18/2024	793 LOCKINVAR LANE	Proposed rezoning to add propane tank storage and delivery as a site specific permitted use.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Local Trust Committee	Assign to LTC Meeting	

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## Gabriola

Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2023.1	John Steil	6/13/2023	0 DESCANSO BAY	PID: 025-798-090 and 025-798-103 renovation and expansion of ferry terminal at Descanso Bay Ferry Terminal on Gabriola Island.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Local Trust Committee	Waiting for APC Response	

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Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2022.1	Kent Moen	6/7/2022	750 TIN CAN ALLEY, GABRIOLA, B	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		In Progress Rezoning	Generate & Send Notice of LTC Decision	

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## Gabriola

### Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
PLSUB20240307	Madeline Ani (Madro	11/15/2024	381 SPRUCE AVE, GABRIOLA, BC	Lot line adjustment to address the existing well pump house being bisected by the current property boundary between 381 and 291 Spruce Avenue.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Administrative Approval	Generate and Send Referral Response Form

Application Number	Applicant Name	Date Received	Address	Purpose
GB-SUB-2024.1	Scott Stevenson	3/13/2024	Seymour Rd.	PID: 027-086-500 subdivision to create 11 lots at Lot 20, Section 8 on Gabriola Island.

Planner	Status	Most Recent Completed Activity
Sonja Zupanec	Administrative Approval	Generate and Send Referral Response Form

Application Number	Applicant Name	Date Received	Address	Purpose
GB-SUB-2024.2	Scott Stevenson	4/30/2024	0 STOKES RD	subdivision to create 2 lots at NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666 on Gabriola Island.

Planner	Status	Most Recent Completed Activity
Sonja Zupanec	Administrative Approval	Generate and Send Referral Response Form

## Gabriola

### Temporary Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLTUP20240310	Michael McNally	11/19/2024	1595 HESS RD, GABRIOLA, BC V0	Original TUP was issued in 2022 and we are seeking to renew it for another three years.

  

Planner	Status	Most Recent Completed Activity
Marlis McCargar	Under Review	Add Optional Referrals

Application Number	Applicant Name	Date Received	Address	Purpose
GB-TUP-2023.5	Geneen & Alex	10/16/2023	868 CHICHESTER RD, GABRIOLA,	PID: 006-985-742 temporary use permit for short-term rental at 868 Chichester Rd W on Gabriola Island.

  

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Local Trust Committee	Record LTC Decision/Update FUAL

# Islands Trust

LTC EXP SUMMARY REPORT F2025  
Invoices posted to Month ending December 2024

620 Gabriola	Invoices posted to Month ending December 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	680.00	0.00	680.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	2,300.00	2,319.55	-19.55
65210-620	LTC - Local Exp - APC Meeting Expenses	2,000.00	0.00	2,000.00
65220-620	LTC - Local Exp - Communications	200.00	369.00	-169.00
TOTAL LTC Local Expense		<u>4,500.00</u>	<u>2,688.55</u>	<u>1,811.45</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	77,000.00	14,606.70	62,393.30
73001-620-4105	Gabriola Ecological Protection Zone	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
TOTAL Project Expenses		<u>79,000.00</u>	<u>14,606.70</u>	<u>64,393.30</u>

## Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	<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.	August 8, 2024	GB-2024-066	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 replace standing resolution GB-2024-023 with the following: 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, and a targeted review of Land Use Bylaw No. 228 is undertaken by the Gabriola Local Trust Committee; with the exception of enforcement of derelict trailers and vehicles, health and safety concerns, interference with archeological heritage sites, or possible environmental damage that are a significant concern, and these would be brought to the Local Trust Committee for review.</p>
10.	November 7, 2024	GB-2024-075	Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy	<p>Bylaw Compliance &amp; Enforcement Policy No. 1, effective November 7, 2024. Version No. 1</p> <p>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., and that are within the authority of the Local Trust Committee to enforce, and that will ensure polices and procedures are efficient, transparent, reasonable, and consistent with local community standards.</p> <p>PART A 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 &amp; Abbreviations BEN – bylaw enforcement notice LUB – Land Use Bylaw LTC – Local Trust Committee Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area</p>

			<p>Respondent – a property owner whose property is subject to a bylaw enforcement complaint</p> <p>Health &amp; Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs, dumping of sewage</p> <p>Vexatious - complaints that are made in bad faith or for retaliatory purposes or that are considered frivolous, may be considered vexatious; or repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process</p> <p>3.0 References</p> <p>Gabriola Island Land Use Bylaw No. 177</p> <p>Mudge Island Land Use Bylaw No. 228</p> <p>Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263</p> <p>4.0 Priorities</p> <p>4.1 Enforcement on short-term vacation rentals is a priority and proactive enforcement is authorized.</p> <p>4.2 Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas; or other environmentally sensitive areas; or there are concerns about health and safety; or the lack of an approved septic system; or if it is determined that there is contamination of wells or other drinking sources.</p> <p>4.3 Enforcement on limited public markets will be deferred when they are operated indoors contrary to section B.6.2 of the LUB. Operators will be provided with information regarding the applicable land use regulations.</p> <p>5.0 Inspection</p> <p>5.1 At the start of any investigation, Bylaw Enforcement Officers will determine if entry to the property is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.</p> <p>5.2 Bylaw Enforcement Officers will give 30 days notice for inspection of any property unless there is consent for a site inspection at less than 30 days.</p> <p>5.3 Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated without notice pursuant to section A.3.2.1 of the LUB.</p> <p>5.4 If a Respondent has indicated that they will work towards compliance,</p>
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				<p>and have agreed on a time to comply, a site inspection is only required to confirm compliance.</p> <p>5.5 Site inspections will be limited to the use or structure subject to complaint unless there is work observed in development permit areas, or other environmentally sensitive areas, or there are concerns regarding health and safety.</p> <p>5.6 If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, or other reliable evidence, a site inspection is not mandatory.</p> <p>6.0 Enforcement Procedures</p> <p>6.1 If a bylaw contravention is confirmed, and there is no agreement on a deadline for compliance, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply. Notice may also be given that enforcement action will be escalated if there is no compliance at the deadline, and this may include the use of the BEN system or a request for legal action.</p> <p>6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable request for time to comply from Respondents, but the term cannot be for more than one year.</p> <p>6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.</p> <p>6.4 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas.</p> <p>6.5 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Bylaw Compliance and Enforcement.</p> <p>7.0 Closing Files</p> <p>7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant uses a false name, the file will be closed.</p> <p>7.2 If the contravention is for a minor structure that has only received one written complaint, the file can be closed.</p> <p>7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Bylaw Compliance and Enforcement, can use their discretion to close the file.</p> <p>7.4 If a contravention has been identified that is subject to deferred</p>
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				<p>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.</p> <p>7.5 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work on a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.</p> <p>7.6 The LTC will be notified when any file is closed.</p> <p>8.0 Vexatious Complaints</p> <p>8.1 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.</p> <p>9.0 Communications</p> <p>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.</p> <p>9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.</p> <p>9.3 The Manager of Bylaw Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files.</p> <p>9.4 The Manager of Bylaw Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.</p> <p>9.5 Bylaw staff will be available during regular LTC meeting public comment sessions to answer questions regarding bylaw enforcement.</p> <p>10.0 Reporting</p> <p>10.1 The LTC will receive regular reporting on bylaw compliance and enforcement files.</p> <p>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.</p>
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			<p>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.</p> <p><b>PART B</b>  <b>MUDGE ISLAND</b>  All policies in Part A will apply to compliance and enforcement of the Mudge Island Land Use Bylaw with the following exceptions:</p> <p><b>1.1 Priorities</b></p> <p>1.1.1 Enforcement of the Mudge Island Land Use Bylaw No. 228 will be deferred until a full review of policies and procedures for compliance and enforcement is complete and adopted, and a targeted review of Land Use Bylaw No. 228 is undertaken by the Gabriola Local Trust Committee; with the exception of enforcement of derelict trailers and vehicles, health and safety concerns, interference with archeological heritage sites, or possible environmental damage that are a significant concern, and these would be brought to the Local Trust Committee for review.</p> <p>1.1.2 Enforcement will not proceed for siting contraventions involving structures that predate 2008. Property owners will be able to repair and maintain these structures as long as they did not expand the contravention.</p> <p>1.1.3 Enforcement will not proceed regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a permitted principal use and both parcels are held under common ownership.</p> <p><b>1.2 Inspection and Enforcement Procedures:</b></p> <p>1.2.1 Subject to section 1.1.1, enforcement will proceed only if there are written complaints received from two property owners residing on separate parcels located in the immediate neighbourhood; and where the contraventions are causing a nuisance or an adverse effective in the neighbourhood.</p> <p>1.2.2 Enforcement on contraventions that are in environmentally sensitive areas, concern issues of health and safety, or interfere with archeological heritage sites, will proceed if there is a written complaint from any person.</p> <p>1.2.3 There will be 30 days notice for site inspections unless there is consent for an earlier date, or there are concerns about contraventions in environmentally sensitive areas, and issues of health and safety.</p> <p>1.2.4 For confirmed contraventions, a minimum of 180 days will be given to</p>
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				<p>comply unless there are immediate concerns regarding health and safety or possible environmental damage.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1) Regional Planning Manager;</li> <li>2) Manager of Compliance and Enforcement; and</li> <li>3) Bylaw Compliance and Enforcement Assistant.</li> </ol> <p>Screening Officer Powers and Duties  The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Gabriola Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. The contravention did not occur as alleged.</li> <li>2. The contravention no longer exists.</li> <li>3. The Bylaw Violation Notice was issued to the wrong person.</li> <li>4. The Bylaw Violation Notice was not completed properly.</li> </ol>
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				<ol style="list-style-type: none"><li>5. The issuance of the Bylaw Violation Notice did not adhere to established Trust Council or LTC policies.</li><li>6. It is unreasonable for the person to pay the penalty.</li><li>7. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists.</li><li>8. A permit exists or has been obtained that authorizes the alleged contravention.</li><li>9. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:<ol style="list-style-type: none"><li>a. The evidence is inadequate to show a contravention;</li><li>b. Incorrect information was relied upon in issuing the Bylaw Violation Notice;</li><li>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.</li></ol></li><li>10. It is not in the public interest to proceed to adjudication for one of the following reasons:<ol style="list-style-type: none"><li>a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;</li><li>b. An LTC resolution has deferred enforcement on the specific contravention;</li><li>c. The LTC has closed the file;</li><li>d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.</li></ol></li></ol>
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## Gabriola Island

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

Responsible

Dates

**Activity:**

Narissa Chadwick

To identify and prioritize the community values and vision that will inform the review of Gabriola Island's Official Community Plan and Land Use Bylaw through engaging First Nations, the Gabriola community, community organizations and other relevant groups. The 2024/25 Gabriola Island OCP and LUB Comprehensive Review will address a number of issues of importance to the Gabriola Community. In Phase 1 (2023/24), community engagement helped to identify the vision and values of the community. The next phases of the project will build upon this work with focused engagement on specific topic areas, undertake a water balance assessment and drafting of OCP policies related LUB changes. The project will result in a new Official Community Plan and Land Use Bylaw for Gabriola Island.

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## Future Projects Report

### Gabriola Island

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

2. <i>2. Mudge Island Official Community Plan and Land Use Bylaw Review</i>	Responsible	Date Received
<p>Comprehensive review or targeted amendments to Mudge Island OCP and LUB.</p>		