



Islands Trust

**Hornby Island Local Trust Committee
Bylaw Enforcement Notification Bylaw No.
159, 2019**

Consolidated for convenience effective September 13, 2024 and is not to be construed as a legal document.

For reference to the original bylaw and amendments please contact:

Islands Trust – Gabriola Island Office
700 North Road
Gabriola, BC, V0R 1X3
(250) 247-2063

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 159**

**A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN
THE HORNBY ISLAND LOCAL TRUST AREA**

WHEREAS the Hornby Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Hornby Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Hornby Island Local Trust Area;

NOW THEREFORE the Hornby Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Hornby Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A” and “B” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition

- to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedules "A" and "B" as attached to this bylaw;
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules "A" and "B" as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,
- (1) pay the penalty, or
 - (2) request dispute adjudication
- by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.
- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:
- (1) Regional Planning Manager;
 - (2) Bylaw Compliance and Enforcement Manager;
 - (3) Bylaw Compliance and Enforcement Officer;
 - (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*".

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Hornby Island Land Use Bylaw No. 150, 2014 Contraventions and Penalties

(b) Schedule B – Hornby Island Local Trust Committee Siting and Use Permit Bylaw No. 168, 2021
Contraventions and Penalties

READ A FIRST TIME	THIS	24 TH	DAY OF	MAY	,2019
READ A SECOND TIME	THIS	24 TH	DAY OF	MAY	,2019
READ A THIRD TIME	THIS	24 TH	DAY OF	MAY	,2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		5 TH	DAY OF	JUNE	,2019
ADOPTED	THIS	24 TH	DAY OF	JANUARY	,2020

SECRETARY

CHAIR

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following penalties apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300.00 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.3	Fail to permit inspection	\$500.00	\$400.00	\$800.00	Yes	100%
3.2	Prohibited use, building, or structure	\$500.00	\$400.00	\$800.00	Yes	100%
3.3	Non Permitted Siting	\$500.00	\$400.00	\$800.00	Yes	100%
3.4.	Fail to comply with height regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fail to comply with Home Occupation regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fail to comply with Bed and Breakfast regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.7	Fail to comply with Vacation Home Rental regulations	\$500.00	\$400.00	\$800.00	Yes	100%
3.8	Fail to comply with Secondary Suite regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.9	Over height Fence	\$350.00	\$250.00	\$650.00	Yes	100%
3.10	Fail to comply with Screening regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.11	Fail to comply with temporary dwelling regulations	\$500.00	\$400.00	\$800.00	Yes	100%
3.12	Storage of Derelict automobiles, vessels, or mechanical equipment	\$500.00	\$400.00	\$800.00	Yes	100%
4.1	Fail to comply with sign regulations	\$350.00	\$250.00	\$650.00	Yes	100%
5	Fail to comply with parking regulations	\$350.00	\$250.00	\$650.00	Yes	100%
8.1-8.27	Non Permitted Use in Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%
8.1-8.27	Non Permitted siting, height, size or lot coverage in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
8.1-8.27	Non Permitted Density Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following penalties apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300.00 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.1-8.27	Fail to comply with Site Specific regulations in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
9.1-6	Fail to obtain a Development Permit	\$500.00	\$400.00	\$800.00	Yes	100%

Schedule B
HORNBY ISLAND SITING AND USE PERMIT BYLAW NO. 168, 2021
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3	Fail to obtain Siting and Use Permit	\$500.00	\$400.00	\$800.00	Yes	100%