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### **B.C. Supreme Court Decision Confirms Validity and Applicability of Gabriola Island Land Use Bylaw**

Ləkʷəŋən, METULIYE/Victoria, BC – The Supreme Court of British Columbia has issued a decision confirming the validity and applicability of Gabriola Island Land Use Bylaw No. 177 and the authority of the Gabriola Island Local Trust Committee to regulate land use.

The case addressed the use of a well located on a residentially zoned property accessory to commercial uses on a separate property. The Court found that this use is not permitted under Gabriola Island Land Use Bylaw No. 177. Under the Bylaw, a use may only be accessory to a permitted principal use on the same property.

In its May 29, 2026 decision, the Court also found that the use is not protected as a lawful non-conforming use under the *Local Government Act*. Lawful non-conforming use status can apply when the use existed before a bylaw was put in place that prohibits that use, and has continued without interruption. In this case, the Court determined that the property owner had failed to establish that the well was used as a water supply source for any use on the other property prior to a land use bylaw prohibiting that use. Furthermore, even if it had been established that the well was being used as a water supply source for a use on the other property prior to the land use bylaw, that use had long ago ceased and therefore was discontinued.

“Land use bylaws are adopted through public planning processes and reflect community decisions about how land should be used, including decisions intended to protect the groundwater that Gabriola Island residents depend on,” said Trustee Patrick, Chair of the Gabriola Island Local Trust Committee. “The responsibility for developing a sustainable water solution for a commercial operation rests with the property owner. Islands Trust staff are available to provide information on the planning processes involved.”

In accordance with Islands Trust policies, enforcement actions such as legal action are undertaken when Islands Trust receives complaints from community members or when proactive investigations have been initiated in response to specific circumstances. Islands Trust’s enforcement approach prioritizes education and voluntary compliance. Efforts are made to investigate complaints, educate violators, and provide opportunities for voluntary compliance. Various options are available for achieving compliance with bylaws, and reasonable timelines are provided for resolution. Legal action is taken as a last resort.

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Islands Trust is a special-purpose government representing over 30,000 people living within the Islands Trust Area and 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to many Coast Salish Peoples who have called this place home since time immemorial. Islands Trust is responsible for preserving and protecting the Islands Trust Area and its unique amenities and environment through conservation-oriented land use planning and regulation, education, and cooperation with First Nations and other agencies. The Islands Trust Area covers the islands and waters between the British Columbia mainland and

southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

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