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## **B.C. Supreme Court Finds in Favour of Gabriola Island Local Trust Committee**

Ləkʷəŋən, METULIYE/Victoria, BC – The Supreme Court of British Columbia has ruled in favour of the Gabriola Island Local Trust Committee (LTC), upholding previous adjudication decisions related to enforcement of Gabriola Island’s land use bylaw.

The case concerned a judicial review of two bylaw violation notices issued in relation to a property zoned Large Rural Residential (LRR). The notices addressed the siting of a structure within the minimum setback area, and noise and hours of operation of a home-based business after 8:00 p.m. The Court found that the adjudicators’ decisions to uphold the bylaw violation notices were reasonable, and that the adjudicators’ decisions were transparent and consistent with the existing legal framework.

In addition, the Court dismissed arguments that the issuance of the bylaw violation notices constituted an abuse of process. The Court also found that the adjudication process for a bylaw violation notice does not engage s. 11(b) or (d) of the Canadian Charter of Rights and Freedoms. The petitions were dismissed in their entirety and costs were awarded to the Gabriola Island Local Trust Committee.

“Islands Trust makes every effort to encourage voluntary compliance with bylaws,” said Trustee Patrick, Chair of the Gabriola Island Local Trust Committee. “This decision affirms Islands Trust’s authority to enforce its land use bylaw and supports the role of local trust committees in preserving and protecting the Islands Trust Area.”

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

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

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