



# Mayne Island Local Trust Committee

## Regular Meeting Agenda

**Date:** March 21, 2016  
**Time:** 1:00 pm  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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|                                                                                                         | <b>Pages</b>      |
|---------------------------------------------------------------------------------------------------------|-------------------|
| 1. CALL TO ORDER                                                                                        | 1:00 PM - 1:30 PM |
| 2. APPROVAL OF AGENDA                                                                                   |                   |
| 3. TOWN HALL AND QUESTIONS                                                                              |                   |
| 4. COMMUNITY INFORMATION MEETING                                                                        |                   |
| none                                                                                                    |                   |
| 5. PUBLIC HEARING                                                                                       |                   |
| none                                                                                                    |                   |
| 6. MINUTES                                                                                              |                   |
| 6.1 Local Trust Committee Minutes Dated February 22, 2016 (for Adoption/Receipt)                        | 3 - 10            |
| 6.2 Section 26 Resolutions-without-meeting Report                                                       |                   |
| none                                                                                                    |                   |
| 6.3 Advisory Planning Commission Minutes (for Receipt)                                                  |                   |
| none                                                                                                    |                   |
| 7. BUSINESS ARISING FROM THE MINUTES                                                                    |                   |
| 7.1 Follow-up Action List Dated March 2016                                                              | 11 - 12           |
| 8. DELEGATIONS                                                                                          |                   |
| none                                                                                                    |                   |
| 9. CORRESPONDENCE                                                                                       |                   |
| <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> |                   |
| none                                                                                                    |                   |

|            |                                                                                              |                          |         |
|------------|----------------------------------------------------------------------------------------------|--------------------------|---------|
| <b>10.</b> | <b>APPLICATIONS AND REFERRALS</b>                                                            | <b>1:30 PM - 2:15 PM</b> |         |
| 10.1       | MA-RZ-2015.1 (CRD) - Staff Report - Draft Bylaws No. 168 & 169                               |                          | 13 - 38 |
|            | For consideration of First Reading                                                           |                          |         |
| <b>11.</b> | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                        |                          |         |
|            | none                                                                                         |                          |         |
| <b>12.</b> | <b>REPORTS</b>                                                                               | <b>2:15 PM - 2:45 PM</b> |         |
| 12.1       | Work Program Reports (attached)                                                              |                          |         |
| 12.1.1     | <u>Top Priorities Report Dated March 2016</u>                                                |                          | 39 - 39 |
| 12.1.2     | <u>Projects List Report Dated March 2016</u>                                                 |                          | 40 - 40 |
| 12.2       | Applications Report Dated March 2016 (attached)                                              |                          | 41 - 42 |
| 12.3       | Trustee and Local Expense Report Dated February 2016 (attached)                              |                          | 43 - 43 |
| 12.4       | Adopted Policies and Standing Resolutions (attached)                                         |                          | 44 - 47 |
| 12.5       | Local Trust Committee Webpage                                                                |                          |         |
| 12.6       | Chair's Report                                                                               |                          |         |
| 12.7       | Trustee Report                                                                               |                          |         |
| 12.8       | Trust Fund Board Report Dated March 2016                                                     |                          | 48 - 50 |
| <b>13.</b> | <b>NEW BUSINESS</b>                                                                          | <b>2:45 PM - 3:15 PM</b> |         |
| 13.1       | Bylaw Enforcement Notice (BEN) Bylaw No. 156 - Staff Report                                  |                          | 51 - 68 |
|            | For consideration to Adopt                                                                   |                          |         |
| 13.2       | Bylaw Enforcement Notice (BEN) Policy - Staff Report                                         |                          | 69 - 76 |
|            | For consideration to Adopt                                                                   |                          |         |
| <b>14.</b> | <b>UPCOMING MEETINGS</b>                                                                     |                          |         |
| 14.1       | Next Regular Meeting Scheduled for April 25, 2016, at the Agricultural Hall,<br>Mayne Island |                          |         |
| <b>15.</b> | <b>TOWN HALL</b>                                                                             | <b>3:15 PM - 3:30 PM</b> |         |
| <b>16.</b> | <b>CLOSED MEETING (Distributed Under Separate Cover)</b>                                     |                          |         |
|            | none                                                                                         |                          |         |
| <b>17.</b> | <b>ADJOURNMENT</b>                                                                           | <b>3:30 PM - 3:30 PM</b> |         |



# DRAFT

## Mayne Island Local Trust Committee Minutes of Regular Meeting

**Date:** February 22, 2016  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

**Members Present** George Grams, Chair  
Jeanine Dodds, Local Trustee  
Brian Crumblehulme, Local Trustee

**Staff Present** Gary Richardson, Island Planner  
Pat Todd, Recorder  
Miles Drew, Bylaw Enforcement Manager

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

Add: 13.2 Update on Fallow Deer

The agenda was approved as amended.

### 3. TOWN HALL AND QUESTIONS

None

### 4. COMMUNITY INFORMATION MEETING

None

### 5. PUBLIC HEARING

None

### 6. MINUTES

#### 6.1 Local Trust Committee Adopted Minutes Dated November 30, 2015 (for Receipt)

**By general consent** the Local Trust Committee meeting minutes of November 30, 2015 were adopted by Resolution without Meeting.

**6.2 Section 26 Resolutions-without-meeting Report Dated February 2016**

Received for information.

**6.3 Advisory Planning Commission Minutes for Receipt**

None

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1 Follow-up Action List Dated February 2016**

All items have been completed. Chair Grams expressed appreciation for staff efforts.

**8. DELEGATIONS**

None

**9. CORRESPONDENCE**

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

**9.1 Email Dated December 15, 2015, from I. Dow re Letter of Support for More Docks in Miners Bay**

Received for information.

**10. APPLICATIONS AND REFERRALS**

**10.1 MA-RZ-2015.1 (CRD c/o Robbins) - Staff Report**

Planner Richardson reviewed the staff report. An Environmental report has been received and circulated to the Trustees. The area does not have a Development Permit so the Capital Regional District (CRD) would be responsible for monitoring construction.

A question was asked as to whether a Development Permit could be attached to the property. Staff confirmed this was possible.

The applicant commented that the budget is based on the use of steel pilings, and that a pump-out has been considered. The price for a portable pump-out would be approximately \$5,000. There is a vaulted toilet on the upland portion.

There is a question as to adequate parking space. The Bylaw currently requires 1 space per berth.

**MA-2016-01**

**It was Moved and Seconded,**

**that** the Mayne Island Local Trust Committee request staff to draft a Land Use Bylaw and Development Permit Bylaw for rezoning application MA-RZ-2015.1 (CRD) to ensure compliance with the Environmental Assessment Report recommendations and best management practices.

**CARRIED**

Carl Bunnin, Chair, CRD Harbours Commission, questioned the engineering report. The function of a Development Permit was explained: the permit is attached to the site and would focus on environmental concerns.

Al Maxwell referred to the OCP regarding installation of a boat ramp. One has been installed at Spud Point. It was noted that a boat ramp was not included with the application.

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Short Term Vacation Rentals (STVRs) & Temporary Use Permit (TUP) Guidelines - Staff Report**

Planner Richardson reviewed the staff report. There is a comprehensive list of conditions/guidelines and draft bylaws have been attached. There is a draft bylaw to include STVR use of cottages as a Home Occupation. The owner would have to be on site and the cottage would have to be lawfully constructed.

CIM could be scheduled for March. It was recommended that the items be discussed individually for clarification of operations. It was also recommended that only one STVR be allowed per parcel.

**MA-2016-02**

**It was Moved and Seconded,**

**that** the Mayne Island Local Trust Committee give First Reading to draft Bylaw No. 165, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015.

**CARRIED**

**MA-2016-03**

**It was Moved and Seconded,**

**that** the Mayne Island Local Trust Committee give First Reading to draft Bylaw No. 166, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015, as amended.

**CARRIED**

**MA-2016-04**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee give First Reading to draft Bylaw No. 167, cited as Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2015.

**CARRIED**

**MA-2016-05**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee direct staff to arrange a public hearing for draft Bylaws 165, 166 and 166.

**CARRIED**

**MA-2016-06**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 165 and Bylaw No. 166 are not contrary to, or at variance with, the Islands Trust Policy Statement.

**CARRIED**

**MA-2016-07**

**It was Moved and Seconded.**

that the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 167 is not contrary to, or at variance with, the Islands Trust Policy Statement.

**CARRIED**

**11.2 Mayne Island BEN Bylaw No. 156 - Staff Report**

Bylaw Enforcement Manager Drew distributed Schedule A, Mayne Island Land use Bylaw No. 146, 2008 Contraventions and Penalties. The Land Use Bylaw (LUB) has been amended a number of times and Schedule A reflects these changes.

Staff reported that the practice has been to write a ticket – if the owner complies, the fine is reduced. It is now felt that the system would be improved if once an infraction is rectified, the fine would be reduced to zero except in those situations involving dumping of waste.

**MA-2016-08**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee rescinds Third Reading of proposed Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011.

**CARRIED**

**MA-2016-09**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee amend Proposed Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011, by deleting existing Schedule A and replacing it with the new Schedule A attached to the staff report dated February 10, 2016.

**CARRIED**

**MA-2016-010**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee give Third Reading to proposed Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011, as amended.

**CARRIED**

**MA-2016-11**

**It was Moved and Seconded**

that Mayne Island Local Trust Committee forward Proposed Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011 to the Executive Committee for consideration of approval.

**CARRIED**

**12. REPORTS**

**12.1 Work Program Reports (attached)**

**12.1.1 Top Priorities Report Dated February 2016**

Planner Richardson reported having met with CRD staff regarding the fallow deer problem. Staff is working on a letter to the CRD and the provincial ministry.

**12.1.2 Projects List Report Dated February 2016**

Staff met with the Riparian Area Regulations (RAR) provincial representative. Mayne Island is one of very few unresolved areas. The representative is to report to the Minister by the end of March.

It was recommended that an invitation be extended to attend the March LTC meeting.

**MA-2016-12**

**It was Moved and Seconded,**

that Mayne Island Local Trust Committee direct staff to invite the Provincial Representative of Riparian Area Regulations to attend the Local Trust Committee March meeting.

**CARRIED**

**12.2 Applications Report Dated February 2016 (attached)**

Received for information.

**12.3 Trustee and Local Expense Report Dated January 2016 (attached)**

Received for information.

**12.4 Adopted Policies and Standing Resolutions (attached)**

Received for information.

**12.5 Local Trust Committee Webpage**

Will be updated after meeting.

**12.6 Chair's Report**

Chair Grams has met with Islands Trust CAO, and they both recently attended the 2 day Leadership Academy for local government persons. Of particular interest was a seminar on First Nations Collaboration. There was discussion regarding the LNG plant. There have been a number of meetings on the Islands Trust budget for 2016-2017.

Salt Spring Island is addressing the need for industrial zoning. The population has doubled since original zoning established 40 years ago and there is an increased need for services. Current industrial zoning is primarily arts/crafts works. It is felt that industrial zoning could be re-designated to represent employment/environment impact.

**12.7 Trustee Report**

Trustee Crumblehulme has accepted the CRD request to be a Commissioner on the Economic Development Committee. The CRD has



drafted an Integrated Services Plan, which has incorporated Islands Trust Policy, and there will be a consultant hired to develop priorities and recommendations.

There will be another 'cross borders' meeting in September. Friends of San Juan Islands and the Mayne Islands Conservancy are collaborating and will make a presentation to Islands Trust Council regarding conservation for Salish Seas on Friday April 29, 2016.

Trustee Dodds has posted an extensive history of Mayne Island on face book. There will be a report about the fallow deer problem later on the agenda. A letter has been sent regarding the name changes/spelling corrections as discussed at the November meeting.

#### **12.8 Trust Fund Board Report**

None

### **13. NEW BUSINESS**

#### **13.1 Georgina Point Road - Discussion**

##### **13.1.1 Email Dated December 10, 2015 from G. Holman**

Correspondence from Mr. Holman questioned the island's satisfaction with Ministry of Transportation work on Georgina Point Road.

Discussion spoke to work completed and areas still to be addressed.

##### **MA-2016-13**

##### **It was Moved and Seconded,**

that Mayne Island Local Trust Committee direct staff to draft a letter to Gary Holman to detail that completed items are satisfactory and to specify those items (guardrails) yet to be completed on Georgina Point Road.

#### **13.2 Fallow Deer**

Trustee Dodds reported the committee met in January. A Grant-in-Aid has been approved for this year to help defray costs. Efforts are underway to design a web page to increase community education. Consideration is being given to drafting a legal brief to present to the Ministry of Agriculture, who originally approved bringing the species to the island. There is a need for a plan and financial commitment to eradicate the fallow deer which are now considered an invasive species by the CRD.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for March 21, 2016 at the Agricultural Hall,  
Mayne Island**

**15. TOWN HALL**

None

**16. CLOSED MEETING (Distributed Under Separate Cover)**

None

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:26 pm.

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George Grams, Chair

Certified Correct:

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Pat Todd, Recorder

**Follow Up Action Report****Mayne Island****22-Feb-2016**

| No. | Activity                                                                                                                                                                                                                                                                                                                                            | Responsibility                            | Target Date | Status   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------|----------|
| 1   | MA-RZ-2015.1 (CRD-Anson Road Community Marina)<br>1) Draft DP bylaw amendment wording to ensure recommendations in environmental report, BMOs, washroom, and pump-out station are ensured.<br>2) Draft LUB and OCP bylaw amendment wording as required.<br>3) Ask CRD what type of materials will be used in the construction of the dock facility. | Gary Richardson                           |             | Done     |
| 2   | STVR Project<br>1) Amend draft bylaw 166 to allow for only one cottage per lot to be used as a home occupation STVR.<br>2) Draft bylaws 165, 166 and 167 updated with ist reading.                                                                                                                                                                  | Gary Richardson<br>Sharon Lloyd-deRosario |             | Done     |
| 3   | Draft letter to Gary Holman from the LTC in response to his December email saying that the work done has been good; however there remains some work to be done, including replacement of guard rails on Georgina Point Road.                                                                                                                        | Gary Richardson                           |             | On Going |
| 4   | Mayne Island LTC BEN Bylaw No. 156<br>1) rescind 3rd reading.<br>2) amend 156.<br>3) give 3rd reading as amended.<br>4) to executive committee for approval.                                                                                                                                                                                        | Miles Drew                                |             | On Going |
| 5   | Update LTC on status of Fallow Deer work being done by Clare Frater.                                                                                                                                                                                                                                                                                | Gary Richardson                           |             | Done     |
| 6   | Invite Andrew Appleton to March 21 LTC meeting to review the RAR with LTC.                                                                                                                                                                                                                                                                          | Gary Richardson                           |             | Done     |



## Follow Up Action Report

# STAFF REPORT

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**File No.:** MA-RZ-2015.1  
Capital Regional  
District

**To:** Mayne Island Local Trust Committee  
For the meeting of March 21, 2015

**From:** Gary Richardson, Island Planner

**CC:** David Marlor, Director of Local Planning Services  
Justine Starke, Acting Regional Planning Manager

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**Re:** **Proposed Zoning Amendment – Water Lease No. 112548 (DL 2070)  
and Anson Road, Horton Bay, Mayne Island**

**Owner:** Capital Regional District  
**Applicant:** Capital Regional District  
**Description:** Water Lease No. 112548 (DL 2070) and Anson Road, Horton Bay, Mayne Island

## SUPPLEMENTARY REPORT

### THE PROPOSAL:

The application is requesting that the zoning on water lease No. 112548 be changed from Water Moorage (W2) to a zone that will allow for the construction and operation of a public dock facility and boat ramp.

The applicant is also proposing improvements to the upland access (Anson Road) to service the proposed dock facility.

### BACKGROUND:

The Capital Regional District (CRD) operates a number of public dock facilities across the Southern Gulf Islands under the Southern Gulf Islands Harbours Commission service. Under this service the CRD acquired a water lot lease fronting Anson Road in

2007. There has been interest in developing a dock facility at Anson Road for several years.

The application states that there is a shortage of public dock facilities on Mayne Island and that if this facility is constructed it will serve as a key facility for Mayne Island residents, emergency access and evacuation, and act as a portal allowing transportation between Mayne and the surrounding islands. There is an existing public dock in Horton Bay owned by the Small Craft Harbours Branch of Fisheries and Oceans Canada, which from casual observation appears to be at capacity all year.

- Staff presented a [preliminary staff report](#) at the September 30, 2015 Mayne Island Local Trust Committee (LTC) meeting.

The LTC passed the following resolution at the September 30, 2015 LTC meeting:

**MA-2015-54**

*It was Moved and Seconded that the Mayne Island Local Trust Committee request staff to begin organizing the Community Information Meeting regarding MA-RZ-2015.1 subsequent to receipt of environment report currently held by the Capital Regional District.*

- A Community Information Meeting was held on November 15, 2015.
- Staff presented a [supplementary staff report](#) at the November 30, 2015 LTC meeting.

The LTC passed the following resolutions at the November 30, 2015 LTC meeting.

**MA-2015-65**

*It was Moved and Seconded that Mayne Island Local Trust Committee request applicant, Capital Regional District, to provide a report as to the cost of construction and need of a pump out station for this site.*

**MA-2015-66**

*It was Moved and Seconded that the Mayne Island Local Trust Committee directs staff to request the applicant of MA-RZ-2015.1 (Capital Regional District) to obtain a report prepared by a qualified professional to provide an environmental review of the marine area of the proposed Anson Road community dock to determine environmental values, assess impacts and recommend mitigation measures.*

- Staff presented a supplementary staff report at the February 22, 2016 LTC Meeting

The LTC passed the following resolution at the February 22, 2016 LTC meeting.

**MA-2016-01**

***It was Moved and Seconded,***

***that the Mayne Island Local Trust Committee request staff to draft a Land Use Bylaw and Development Permit Bylaw for rezoning application MA-RZ-2015.1 (CRD) to ensure compliance with the Environmental Assessment Report recommendations and best management practices.***

Further to the resolution made at the February 22, 2016 LTC meeting staff has prepared amendments to the Official Community Plan Bylaw No. 144 and Land Use Bylaw No.146 for the LTC to consider. The proposed amendments apply to both the water lease area (DL 2070) and the adjacent upland area (Anson Road).

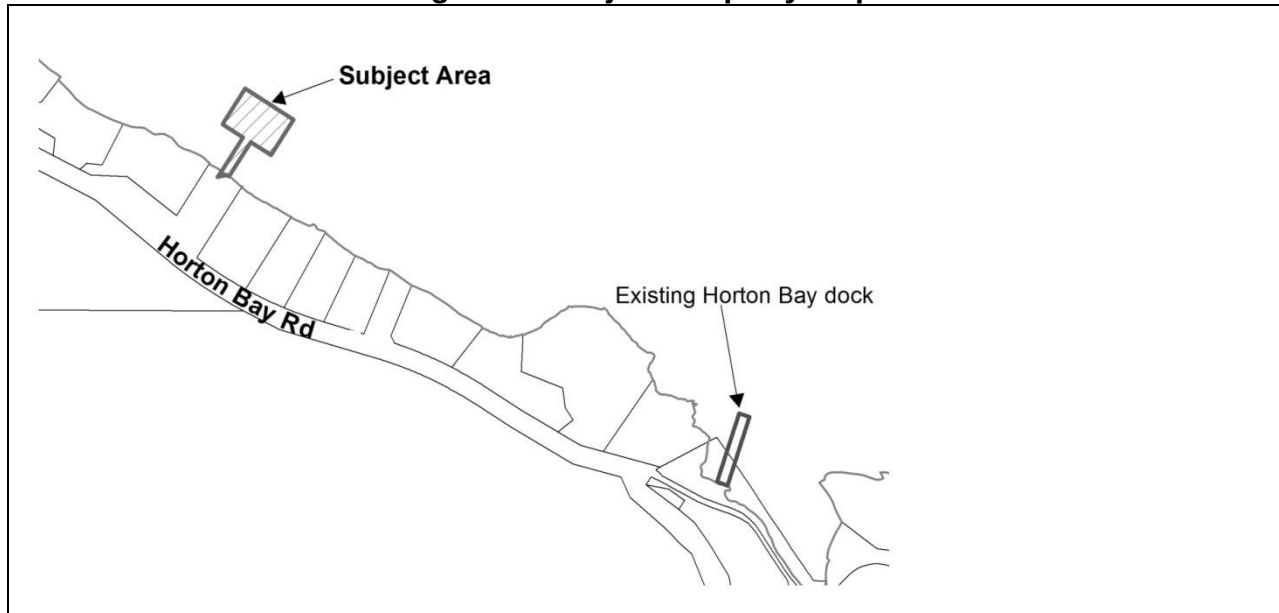
**SITE CONTEXT:**

The lease area is 0.2830 hectares in size and is located in Horton Bay. Protected by Curlew and Samuel Islands, Horton Bay, is a popular location for boaters to moor their boats to mooring buoys (as can be seen in figures 2, 3 and 4)

There is a dedicated highway (Anson Road) that provides unpaved access to the lease area from Horton Bay Road. The upland area that is to be used to access the lease slopes down from Horton Bay Road to the foreshore. The portion of Anson road closest to the lease area is saturated with water in the winter months preventing motor vehicle access. To allow all-weather access to the foreshore and sufficient off-street parking, Anson Road would need to be constructed to a higher standard.

The surrounding area consists of residential waterfront lots ranging in size from 0.3 ha to 0.5 ha.

**Figure 1: Subject Property Map**



**Figure 2: Orthophoto of Subject Area**





Figure 3: Orthophoto of Subject Area



Figure 4: Photo from Existing Access Stairs at end of Anson Road



## **STAFF COMMENTS:**

Staff has prepared two bylaws as a result of the LTC's direction. The following explains the pertinent details of the draft bylaws.

### **Draft Bylaw 168 (OCP Amendment)**

This draft bylaw proposes to amend the Mayne Island Local Trust Committee OCP in the following ways:

- 1) The bylaw establishes a new development permit area for the protection of the natural environment, specifically the marine environment. The marine portion of this proposal will be subject to this new "Marine" development permit area (DPA).

The Marine DPA contains guidelines that will need to be addressed prior to the construction of the community dock facility. The DPA guidelines are designed to minimize the impact of the dock facility on the natural environment and maintain public access along the foreshore.

The DPA guidelines address:

- Maintaining public access along the foreshore
- Minimizing impacts on sensitive ecosystems
- Avoiding shading of the seabed
- Maintaining currents and littoral drift
- Avoiding having docks resting on the seabed
- Recommending construction materials
- Minimizing the impacts of boat ramps

- 2) The bylaw also changes the Land Use designation on the upland portion of the proposal, which is a Ministry of Transportation and Infrastructure (MoTI) dedicated road, from the "Settlement Residential" designation to the "Public Service" designation. This is the most appropriate designation as it complements the proposed LUB amendment for the upland.

### **Draft Bylaw 169 (LUB)**

This draft bylaw proposes to amend the Mayne Island Local Trust Committee Land Use Bylaw in the following ways:

- 1) The draft bylaw proposes a new Community Wharf Upland (CWU) zone. The purpose of the new zone is to compliment the Community Wharf zone that will be applied to the marine area of this proposal.

The CWU zone permits the following:

- Parking for adjacent community wharf
- Washroom facilities
- Sewage pump out facilities
- Accessory uses buildings and structures.

The proposed zone also contains regulations regarding density, siting and size of buildings, and subdivision lot area requirements.

The new zone was created because there is no existing zone in the LUB that would accommodate this proposal.

- 2) The proposed bylaw also changes the zoning on the marine portion of this proposal from Water Moorage to Community Wharf. The Community Wharf zone is an existing zone that applies to other community docks on Mayne Island. It seemed appropriate to have the zoning on this dock be consistent with other community docks on Mayne Island. The existing community wharf zone allows the following permitted uses: Marine navigational aids; community wharf; docks; wharf age for sea planes, water taxis, and fishing boats; fish and seafood sales; and marine pump out facilities.

Buildings are also permitted in the Community Wharf zoning. The LTC may want to discuss uses and buildings permitted in the Community Wharf zoning to determine if any uses should be added or removed. Some of the permitted uses and buildings have not been requested in the application and the LTC may want to exclude these from the zoning for this site. This is a discussion that the LTC and staff can have at the March 21, 2016 LTC meeting.

## Definition

This proposed facility is intended to be a community wharf and the existing definition in the LUB that applies to existing community wharves ensures the facility cannot become a commercial marina if ownership changes.

The LUB contains the following definition of Community Wharf

*“Community Wharf” means boat mooring facilities which are operated and administered by a regional district and its bodies are used for the provision of small craft moorage spaces for area residents, and for which user fees may be charged.*

This definition fits nicely with what is being proposed and ensures that the moorage facility will continue to be a community facility. No further definition is required.

## Parking

The upland portion of this proposal is dedicated public road. Even though the proposed zoning refers to it as, “upland area for community wharf use,” it is still a dedicated road area and considered a public highway. The upland area appears to have sufficient area

for the upland uses including parking; however the LUB requires off street parking and clearly off street parking cannot be provided on a public highway. This will either need to be addressed by amending the LUB or considering a variance. A development variance permit would ensure that the variance is not enshrined in the LUB; however, it requires another application to be made.

## **Communications and Consultation**

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Draft bylaws have been prepared and ready for consideration of First Reading. Staff will now initiate bylaw referrals to agencies. Staff will also initiate engagement with any First Nations with an interest in the area for OCP the amendments. The following First Nations have been identified as having an interest in the Mayne Island Local Trust Area:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout
- Tsawwassen First Nation
- Tseycum First Nation

The LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected by an OCP bylaw. The LTC should consider if it wishes to undertake additional consultation than that identified above and direct staff accordingly.

## **Staff Comments**

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Draft Bylaw 168 achieves protection of the natural environment and natural processes by placing the marine area in a DPA for the protection of the natural environment.

The OCP designation on the upland is amended to support the change in zoning.

Although MoTI is not subject to local government bylaws, any other group or individual using the land by lease, permit or some other means of permission is subject to the land use bylaw regulations. This is why staff has recommended that zoning be placed on the upland that reflects the proposed use.

Options:

- 1) Proceed as drafted. This will ensure the proposal proceeds as staff has recommended.
- 2) Proceed no further. If this option is chosen the file will be closed.
- 3) Proceed as amended. The LTC may direct staff to proceed in a different way than is recommended.
- 4) Send to the Advisory Planning Commission for comment.

**RECOMMENDATIONS:**

1. **THAT** the Mayne Island Local Trust Committee give draft bylaw 168 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016” first reading.
2. **THAT** the Mayne Island Local Trust Committee give draft bylaw 169 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2016” first reading.
3. **THAT** the Mayne Island Local Trust Committee forward draft bylaw 168 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016” and draft bylaw 169 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2016” to the advisory planning commission for review and comment.
4. **THAT** the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 168 is not contrary to or at variance with the Islands Trust Policy Statement.
5. **THAT** the Mayne Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 169 is not contrary to or at variance with the Islands Trust Policy Statement.

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Prepared and Submitted by:

*Gary Richardson*

March 10, 2016

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Date

Justine Starke  
Acting Regional Planning Manager

Date  
March 14, 2016

Attached:     Draft Bylaw 168 (OCP)  
                 Draft Bylaw 169 (LUB)  
                 Policy Statement Checklist Draft Bylaw 168  
                 Policy Statement Checklist Draft Bylaw 169

**DRAFT**

**MAYNE ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 168**

\*\*\*\*\*

**A BYLAW TO AMEND THE MAYNE ISLAND OFFICIAL  
COMMUNITY PLAN BYLAW NO. 144, 2007**

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

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

**1. CITATION**

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016”.

**2. SCHEDULES**

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

**3. SEVERABILITY**

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20. \_\_\_\_\_

PUBLIC HEARING HELD this                      day of                      , 20.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL  
DEVELOPMENT this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20.

DEPUTY SECRETARY

CHAIR



**Mayne ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW No. 168**  
**SCHEDULE 1**

A. Bylaw No. 144, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007” is amended as follows:

1. Section 2.8 Development Permit Areas is amended by adding two new Subsections, 2.8.5 and 2.8.6, which are to be inserted immediately following Subsection 2.8.4 as follows:

**“2.8.5 Development Permits for the Protection of the Natural Environment**

**Designation**

This development permit area applies to all areas designated as Marine Development Permit Area on Schedule C.

**Authority**

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the purpose of protecting the natural environment, its ecosystems and biological diversity.

**Objectives**

The objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of marine areas.
2. To manage development to minimize disruption of natural processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the marine environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.
5. To adapt to the anticipated effects of climate change.

**General Applicability**

A development permit is required for the construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

## **Work Not Requiring a Permit (Exemptions)**

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- b) Removal of invasive plants on a small scale within the Development Permit Area.
- c) emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
  - Forest fire, flood and erosion protection works;
  - Protection, repair or replacement of public facilities;
  - Clearing of an obstruction from a culvert, dock wharf or stream.
- d) The installation of mooring buoys.

### **2.8.6 Guidelines**

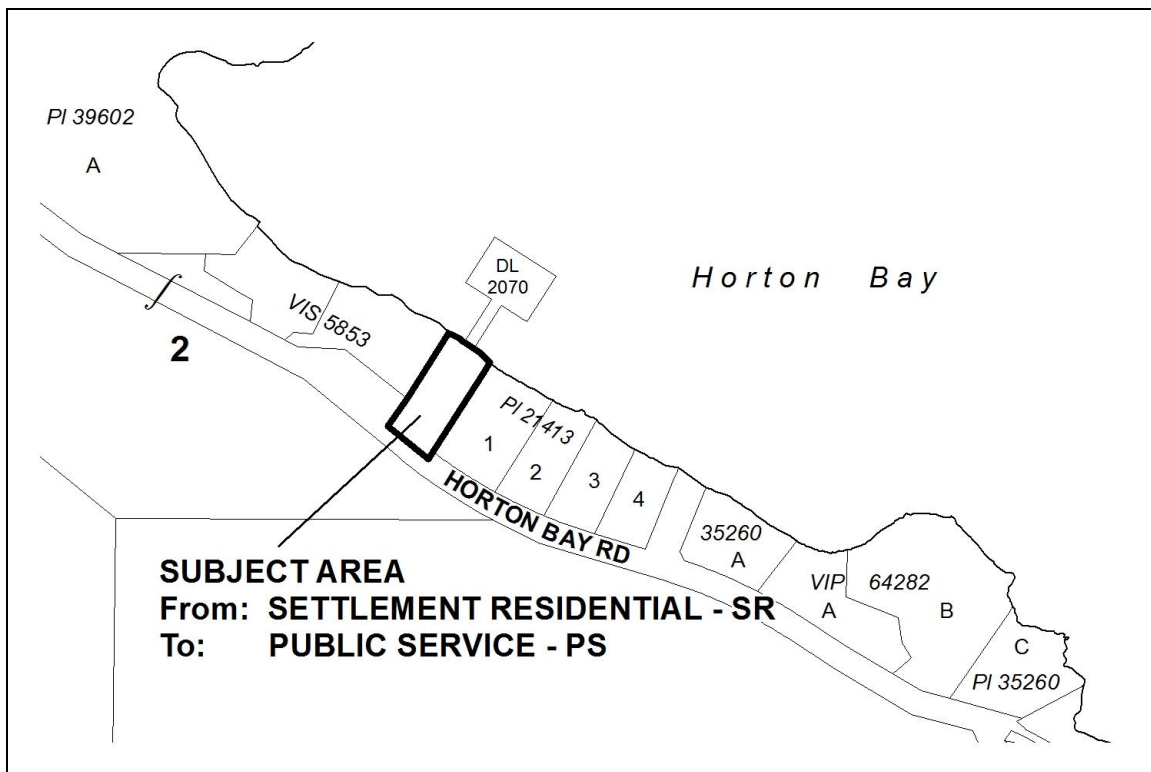
1. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
2. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
3. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.
4. Docks should be constructed in a manner that minimizes shading of the seabed.
5. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
6. Piers and pilings and floating docks are preferred over solid-core piers.
7. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.

8. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.
2. Amending Mayne Island Official Community Plan Map, Schedule “B” Land Use Designations by changing the designation of a portion of Mayne Island, Cowichan District from the “Settlement Residential (SR)” designation to the “Public Service (PS)” designation as shown on Plan No. 1, which is attached to and forms part of this bylaw.
3. Amending Mayne Island Official Community Plan Map, Schedule “C” Development Permit Areas by:
  - a. Designating the area described as District Lot 2070 as a Marine Development Permit Area, as shown on Plan No. 2, which is attached to and forms part of this bylaw; and
  - b. Adding to the legend that lists types of Development Permit areas a new “Marine (M)” development permit area.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

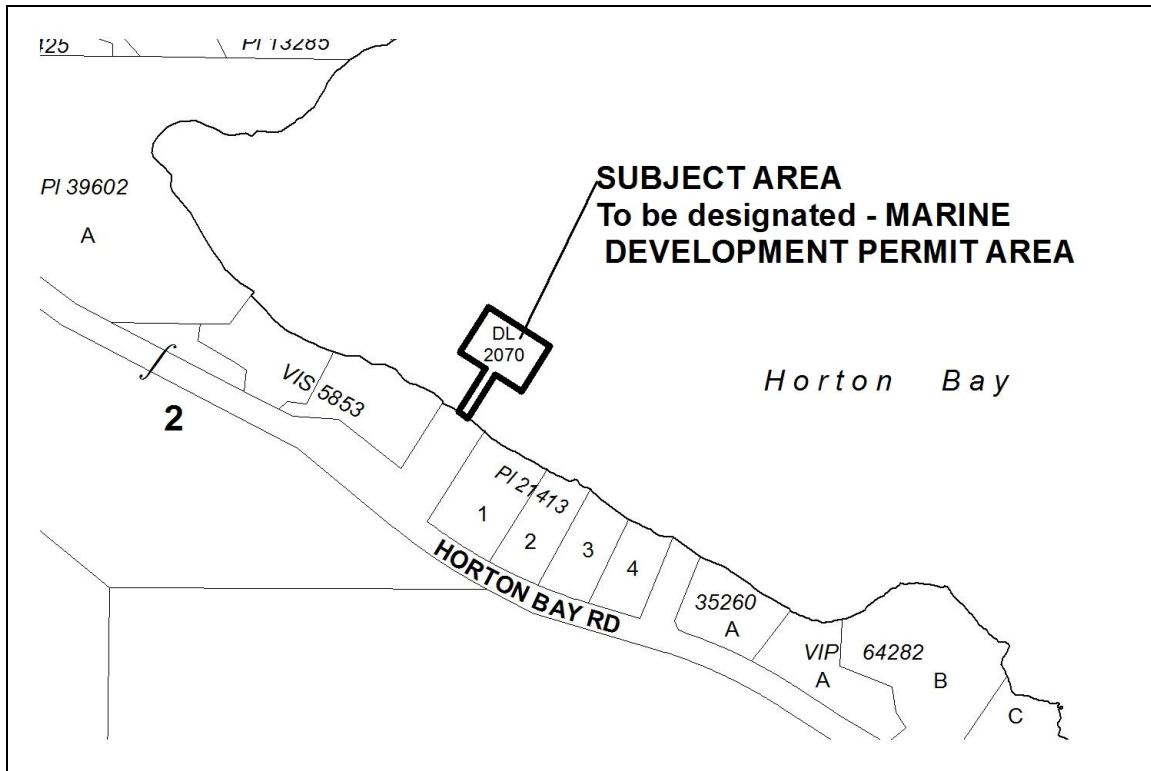
PLAN NO.1



MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

PLAN NO.2



# DRAFT

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 169

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### A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW, 146, 2008

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The Mayne Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw, 146, 2008,” is amended as follows:

2.1 Schedule “A” – Land Use Bylaw text is amended by adding “Community Wharf Upland CWU” in Section 4.1 after “Comprehensive Development Two CD2”.

2.1 Schedule “A” – Land Use Bylaw text is amended by adding the following immediately after Section 5.26:

**“5.27 Community Wharf Upland (CWU) Zone**

The purpose of the Community Wharf Upland Zone is to provide for and regulate upland uses required to support adjacent *Community Wharf*.

**Permitted Uses**

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Parking for adjacent community wharf;
- (b) Washroom facilities;
- (c) Sewage pump out facilities;
- (d) Accessory uses, buildings and structures.

**Density**

(2) The maximum lot coverage is 35%.

**Siting and Size**

(3) The minimum setback for any building or structure is:

- (a) 8 metres (26 feet) from any front, rear, or exterior side lot line;
- (b) 5 metres (16.4 feet) from any interior side lot line;

(4) The maximum height for any building or structure is 5 metres (16.5 feet).

### Subdivision Lot Area Requirements

(5) The minimum lot area is 0.4 hectares (1 acre).”

- 2.2 Schedule “B” – Zoning Map, is amended by changing the zoning classification of area described as DL 2070 from Water Moorage (W2) to Community Wharf (W4), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as are required to effect this change.
- 2.3 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Mayne Island, Cowichan District, from Settlement Residential (SR) to Community Wharf Upland (CWU), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as are required to effect this change.

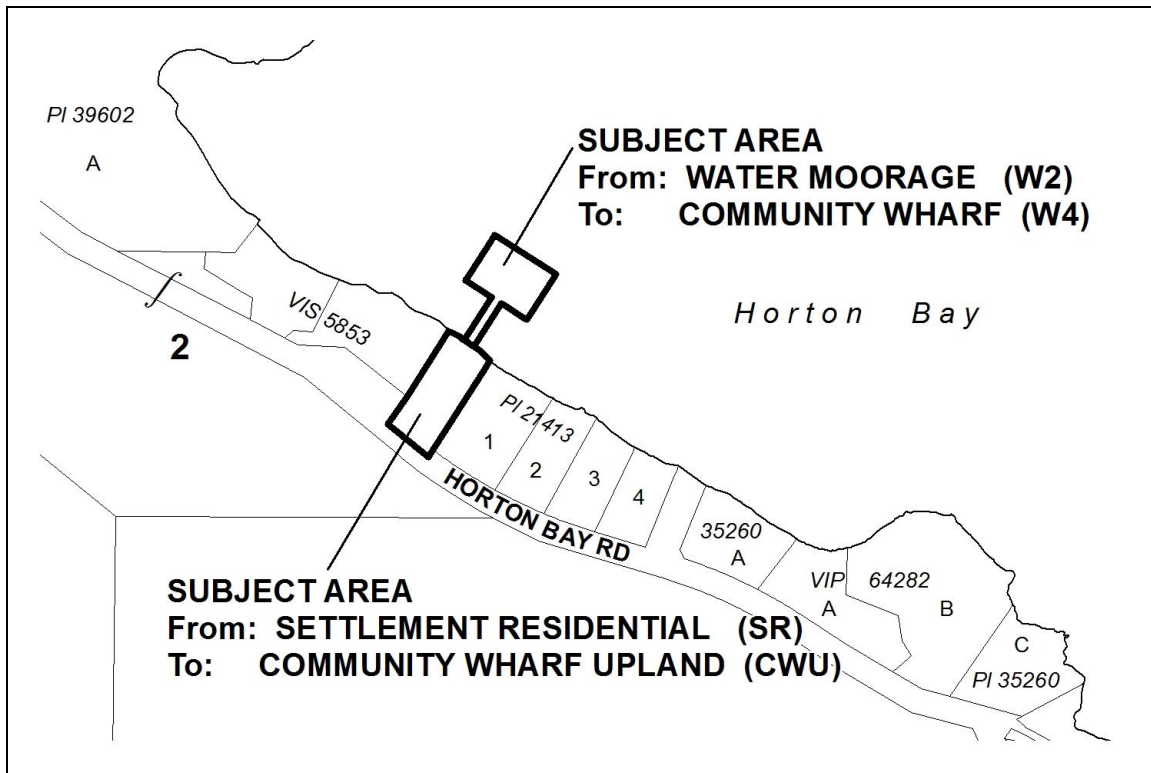
|                                                               |       |        |       |        |
|---------------------------------------------------------------|-------|--------|-------|--------|
| READ A FIRST TIME THIS                                        | _____ | DAY OF | _____ | 20____ |
| PUBLIC HEARING HELD THIS                                      | _____ | DAY OF | _____ | 20____ |
| READ A SECOND TIME THIS                                       | _____ | DAY OF | _____ | 20____ |
| READ A THIRD TIME THIS                                        | _____ | DAY OF | _____ | 20____ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | _____ | DAY OF | _____ | 20____ |
| ADOPTED THIS                                                  | _____ | DAY OF | _____ | 20____ |

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 169**

**Plan No. 1**







## **POLICY STATEMENT CHECK LIST (DIRECTIVES ONLY)**

File No: MA-RZ-2015.1 (CRD)  
Bylaws 168 (OCP) and 169 (LUB)

**PURPOSE-** The following table provides planning staff with an efficient and effective means to evaluate bylaws to ensure that they are consistent with the policies within the Policy Statement.

**POLICY STATEMENT** - The Policy Statement (Consolidated April 2003) is comprised of several parts. Parts I and II, outline the purpose as well as the Islands Trust object and guiding principles. Parts II, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities. There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council - statements about Trust Council's position or philosophy on various matters,
- Directive Policies - policies that direct Local Trust Committees and island municipalities to address certain matters, and
- Recommendations – recommendations to other government agencies, non-government organizations, property owners, residents and visitors.

**POLICY CHECK LIST (DIRECTIVES ONLY)** - The Policy Statement Checklist (Directives Only) is based on the Directive Policies from the Policy Statement. The Directive Policies require the Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and the island municipalities to address certain a matters in their official community plan in a way that implements the policy of Trust Council. Staff use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality applications and proposals for their consistency with the Island Trust Policy Statement. The table identifies whether or not the referral addresses and is consistent with the policies within the Policy Statement as follows:

- ✓ identifies that the bylaw is CONSISTENT with the policy from the Policy Statement.
- N/A means the policy is not applicable to the bylaw.

✕ identifies that the bylaw is INCONSTSTENT (contrary or at variance) with the policy from the Policy Statement.

**Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:**

**Part III Policies for Ecosystem Preservation and Protection**

| CONSISTENT | POLICY       | POLICY                                                                                                                                                                                   |
|------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                        |
| N/A        | <b>3.1.3</b> | the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.                                   |
| N/A        | <b>3.1.4</b> | the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity. |
| N/A        | <b>3.1.5</b> | the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                 |
| N/A        | <b>3.2.2</b> | the protection of unfragmented forest ecosystems <sup>15</sup> within their local planning areas from potentially adverse impacts of growth, development and land-use.                   |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                              |
| N/A        | <b>3.3.2</b> | means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                     |
| ✓          | <b>3.4.4</b> | the protection of sensitive coastal areas.                                                                                                                                               |
| ✓          | <b>3.4.5</b> | the planning for and regulation of development in coastal regions to protect natural coastal processes.                                                                                  |

**PART IV: Policies for the Stewardship of Resources**

| CONSISTENT | POLICY | POLICY |
|------------|--------|--------|
|------------|--------|--------|

<sup>15</sup> Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

|            |              |                                                                                                                                               |
|------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                      |
| <b>N/A</b> | <b>4.1.4</b> | the identification and preservation of agricultural land for current and future use.                                                          |
| <b>N/A</b> | <b>4.1.5</b> | the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses. |
| <b>N/A</b> | <b>4.1.6</b> | the use of adjacent properties to minimize any adverse affects on agricultural land.                                                          |

| <b>CONSISTENT</b> | <b>POLICY</b> | <b>POLICY</b>                                                                                                                                                                                                                                                                                              |
|-------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>N/A</b>        | <b>4.1.7</b>  | the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.                                                    |
| <b>N/A</b>        | <b>4.1.8</b>  | land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.                                                                                                                                                                |
| <b>N/A</b>        | <b>4.1.9</b>  | the use of Crown lands for agricultural leases.                                                                                                                                                                                                                                                            |
|                   | <b>4.2</b>    | <b>Forests</b>                                                                                                                                                                                                                                                                                             |
| <b>N/A</b>        | <b>4.2.6</b>  | the need to protect the ecological integrity on a scale of forest stands and landscapes.                                                                                                                                                                                                                   |
| <b>N/A</b>        | <b>4.2.7</b>  | the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.                                                                                          |
| <b>N/A</b>        | <b>4.2.8</b>  | the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.                                                                                                                                                                |
|                   | <b>4.3</b>    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                             |
|                   | <b>4.4</b>    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                |
| <b>N/A</b>        | <b>4.4.2</b>  | measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for. |
| <b>N/A</b>        | <b>4.4.3</b>  | measures that ensure water use is not to the detriment of in-stream uses                                                                                                                                                                                                                                   |

|     |               |                                                                                                                                                                         |
|-----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>4.5</b>    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                              |
| ✓   | <b>4.5.8</b>  | The needs and locations for marine dependent land uses.                                                                                                                 |
| ✓   | <b>4.5.9</b>  | the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.                                          |
| ✓   | <b>4.5.10</b> | the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments. |
| ✓   | <b>4.5.11</b> | opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.                                            |
| N/A | <b>4.6.3</b>  | <b>Soils and Other Resources</b> - the protection of productive soils.                                                                                                  |

**Directive Policies:** Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

**PART V: Policies for Sustainable Communities**

| CONSISTENT | POLICY       | POLICY                                                                                                                                                                                                            |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                        |
| N/A        | <b>5.1.3</b> | the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                     |
| N/A        | <b>5.2.3</b> | Policies related to the aesthetic, environmental and social impacts of development.                                                                                                                               |
| N/A        | <b>5.2.4</b> | any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character. |
| N/A        | <b>5.2.5</b> | means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.                                                                                |

|     |       |                                                                                                                                                                                                                                                  |
|-----|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A | 5.2.6 | the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.                                                            |
|     | 5.3   | <b>Transportation and Utilities</b>                                                                                                                                                                                                              |
| N/A | 5.3.4 | the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.                                                                                 |
| N/A | 5.3.5 | the impacts of road location, design, construction and systems.                                                                                                                                                                                  |
| N/A | 5.3.6 | the designation of areas for the landing of emergency helicopters.                                                                                                                                                                               |
| N/A | 5.3.7 | the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.                                                  |
|     | 5.4   | <b>Disposal of Waste</b>                                                                                                                                                                                                                         |
| N/A | 5.4.4 | the identification of acceptable locations for the disposal of solid waste.                                                                                                                                                                      |
|     | 5.5   | <b>Recreation</b>                                                                                                                                                                                                                                |
| N/A | 5.5.3 | the prohibition of destination gaming facilities such as casinos and commercial bingo halls.                                                                                                                                                     |
| ✓   | 5.5.4 | the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas. |

**Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following**

| CONSISTENT | POLICY | POLICY                                                                                                                                                                                                                                        |
|------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ✓          | 5.5.5  | the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages. |
| N/A        | 5.5.6  | the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.                                                                       |

|     |       |                                                                                                                                                                                                                                              |
|-----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |       |                                                                                                                                                                                                                                              |
| N/A | 5.5.7 | the planning for bicycle, pedestrian and equestrian trail systems.                                                                                                                                                                           |
|     | 5.6   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                         |
| N/A | 5.6.2 | the identification, protection, preservation and enhancement of local heritage.                                                                                                                                                              |
| N/A | 5.6.3 | the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.                                                                                                                     |
|     | 5.7   | <b>Economic Opportunities</b>                                                                                                                                                                                                                |
| N/A | 5.7.2 | economic opportunities that are compatible with conservation of resources and protection of community character.                                                                                                                             |
|     | 5.8   | <b>Health and Well-being</b>                                                                                                                                                                                                                 |
| N/A | 5.8.6 | their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services. |

| POLICY STATEMENT COMPLIANCE |                                                                   |
|-----------------------------|-------------------------------------------------------------------|
| ✓                           | COMPLIANCE WITH TRUST POLICY                                      |
|                             | NOT IN COMPLIANCE WITH TRUST POLICY<br>for the following reasons: |



Islands Trust

Print Date: March 14, 2016

## Top Priorities

### Mayne Island

| No. | Description                | Activity                                                                               | R/Initiated | Responsibility  | Target Date |
|-----|----------------------------|----------------------------------------------------------------------------------------|-------------|-----------------|-------------|
| 1   | Commercial Land Use Review | Existing OCP policies and LUB regulations being reviewed.                              | 27-Apr-2015 | Gary Richardson | 31-Jul-2016 |
| 2   | STVR Review                | Public Hearing to be arranged for April 21, 2016 for Proposed Bylaws 165, 166 and 167. | 23-Feb-2015 | Gary Richardson | 21-Mar-2016 |
| 3   | Fallow Deer Eradication    |                                                                                        | 26-Jan-2015 | Gary Richardson | 30-Mar-2015 |

## Projects

### Mayne Island

| No. | Description                          | Activity                                                                                                                                                                                                                                               | R/Initiated |
|-----|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1   | Climate Change Adaptation            | Consider regulatory changes and implementation of new DPA authority                                                                                                                                                                                    | 02-Mar-2009 |
| 2   | Riparian Area Regulations            | Project moved from Top Priorities pending ombudsperson report response and Ministry decision on SSI bylaw. Staff to prepare a report and recommendations on how to proceed once SSI bylaw decision made and Ministry response to ombudsperson complete | 26-Jan-2015 |
| 3   | Road issues                          |                                                                                                                                                                                                                                                        | 27-Jun-2012 |
| 4   | Density on large lot remainders      | to review covenants on remainder lots and review zoning to density of dwellings and cottages                                                                                                                                                           | 30-Sep-2015 |
| 5   | Bylaw enforcement notification bylaw | to consider adopting BEN bylaw                                                                                                                                                                                                                         | 30-Sep-2015 |





Islands Trust

Print Date: March 14, 2016

## Applications

### Rezoning

| File Number                                                                                                                  | Applicant Name                                                                            | Date Received | Purpose                                                     |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------|
| MA-RZ-2015.1                                                                                                                 | CAPITAL REGIONAL DISTRICT<br>Integrated Water Services<br><b>Planner:</b> Gary Richardson | 21-Jul-2015   | REZONING WATER LEASE No. 112548 District Lot 2070 /ANSON RD |
| <b>Planning Status</b>                                                                                                       |                                                                                           |               |                                                             |
| <b>Status Date:</b> 12-Mar-2016<br>Staff report and draft bylaws prepared for March 21, 2016 LTC Mtg for LTSs consideration. |                                                                                           |               |                                                             |
| <b>Status Date:</b> 16-Feb-2016<br>Staff report prepared for February 22, 2016 LTC Mtg.                                      |                                                                                           |               |                                                             |
| <b>Status Date:</b> 23-Nov-2015<br>Nov 15, 2015 CIM held.                                                                    |                                                                                           |               |                                                             |

| File Number                                                                                            | Applicant Name           | Date Received | Purpose                                                                                |
|--------------------------------------------------------------------------------------------------------|--------------------------|---------------|----------------------------------------------------------------------------------------|
| MA-RZ-2015.2                                                                                           | Mayne Island Resort Ltd. | 20-Nov-2015   | 494 ARBUTUS DR<br><br>Rezone SL 1 to allow some retail. SL 17 - 20 to allow mixed use. |
| <b>Planner:</b> Gary Richardson                                                                        |                          |               |                                                                                        |
| <b>Planning Status</b>                                                                                 |                          |               |                                                                                        |
| <b>Status Date:</b> 16-Feb-2016<br>Preliminary staff report to be prepared for March 21, 2016 LTC Mtg. |                          |               |                                                                                        |
| <b>Status Date:</b> 24-Nov-2015<br>opened file, processed fee, notified LTC and gave to planner.       |                          |               |                                                                                        |

### Temporary and Industrial Use Permit

| File Number   | Applicant Name               | Date Received | Purpose                                        |
|---------------|------------------------------|---------------|------------------------------------------------|
| MA-TUP-2016.1 | Mildred and Eric C. Leathers | 24-Feb-2016   | TUP to continue use of studio as a B & B unit. |

## Applications

**Planner:** Gary Richardson

### **Planning Status**

---

**Status Date:** 12-Mar-2016

Preliminary staff report to be prepared for April 25, 2016 LTC Mtg for LTCs consideration.

**Status Date:** 24-Feb-2016

Application & Fee received. File opened.

***Islands Trust***  
LTC EXP SUMMARY REPORT F2016  
Invoices posted to Month ending February 2016

| 645 Mayne                      | Invoices posted to Month ending February 2016 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|--------------------------------|-----------------------------------------------|-----------------|-----------------|-----------------|
| 65000-645                      | LTC "Trustee Expenses"                        | 750.00          | 107.57          | 642.43          |
| <b>LTC Local</b>               |                                               |                 |                 |                 |
| 65200-645                      | LTC - Local Exp - LTC Meeting Expenses        | 1,500.00        | 1,131.96        | 368.04          |
| 65210-645                      | LTC - Local Exp - APC Meeting Expenses        | 750.00          | 231.78          | 518.22          |
| 65220-645                      | LTC - Local Exp - Communications              | 300.00          | 1,024.00        | -724.00         |
| 65230-645                      | LTC - Local Exp - Special Projects            | 750.00          | 818.18          | -68.18          |
| <b>TOTAL LTC Local Expense</b> |                                               | <u>3,300.00</u> | <u>3,205.92</u> | <u>94.08</u>    |
| <b>Projects</b>                |                                               |                 |                 |                 |
| 73001-645-3005                 | Mayne RAR                                     | 2,500.00        | 0.00            | 2,500.00        |
| 73001-645-4053                 | Mayne Density & STVR Review                   | 2,000.00        | 0.00            | 2,000.00        |
| 73001-645-4059                 | Mayne Commercial Land Use Review              | 2,000.00        | 1,807.70        | 192.30          |
| <b>TOTAL Project Expenses</b>  |                                               | <u>6,500.00</u> | <u>1,807.70</u> | <u>4,692.30</u> |

# Mayne Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

Updated: July 25, 2012

| No | Meeting Date     | Resolution No.                                       | Issue                                                   | Policy and Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|------------------|------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | October 1, 2007  | MA-LTC-70-07                                         | Guidelines for Use When Considering Funding for Reports | The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2. | February 7, 2011 | MA-LTC-13-11<br>This resolution repeals MA-LTC-90-09 | STVRS Bylaw Enforcement                                 | <p>1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement:</p> <ol style="list-style-type: none"> <li>1. They are advertised on the internet, newspapers or other media;</li> <li>2. They are not managed by the property owner;</li> <li>3. More than one dwelling on the lot is simultaneously made available for STVR;</li> <li>4. While the property is rented persons are permitted to stay in tents or trailers;</li> <li>5. There are issues related to health and safety;</li> <li>6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR;</li> <li>7. The owner of the property uses more than one property on Mayne Island as a STVR.</li> </ol> <p>2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property.</p> <p>3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> <p>This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.</p> |

| No | Meeting Date     | Resolution No.                 | Issue                                     | Policy and Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----|------------------|--------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | May 2, 2011      | MA-LTC-44-11                   | Options for adopting In Camera Minutes    | It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public .                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4. | February 1, 2012 |                                | Special Occasion Liquor License referrals | That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration. |
| 5. | July 25, 2012    | MA-LTC-34-12<br>x-ref #2 above | STVR Bylaw enforcement policy             | That Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in Staff Report dated June 26, 2012 until the project to review use of second dwellings for Short Term Vacation Rentals is complete.                                                                                                                                                                                                                                                                                                                                     |

## **GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS**

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of  
October 1, 2007.**

**ISSUE:** What guidelines should an LTC employ when purchasing a report for LTC and public use?

### **BACKGROUND:**

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

### **CONSIDERATIONS:**

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

## **GUIDELINES**

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
  - (a) The agenda of the conference or workshop
  - (b) A list of presenters and the topics they represented
  - (c) A summary of each topic discussed
  - (d) A copy of all papers presented at the conference
  - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
  - (f) A summary of any follow-up actions identified by the conference
  - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.



## **Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality March 2016**

### **Denman Island**

- **Settlement Lands**

The Trust Fund Board has agreed to share costs with the Denman Conservancy Association with respect to developing a covenant and management plan for the “Settlement Lands”. The Board has policy that allows for cost sharing with covenant applicants where there is financial need. The Board recognizes the complexity of the issues involved on this particular property and acknowledges the exceptional contributions that the DCA have made to the acquisition and management of protected areas on Denman.

- **Cross-Island Trail**

Islands Trust Fund staff participated in an on-site meeting to look at options for where the cross-island trail will be located in the vicinity of the Lindsay-Dickson Nature Reserve. While the Board has agreed in principle to a possible route using an existing trail in the nature reserve, the Board is not in favour of using an undisturbed right of way adjacent to the nature reserve. ITF will continue to work with regional district planning staff and community representatives to identify the optimal trail location.

- **Denman Island Park and Protected Area**

The Islands Trust Fund is seeking an arrangement with the Province to ensure on-going protection of an ecologically sensitive area of the Crown land adjacent to Inner Island Nature Reserve that has been incorporated into the Denman Island Park. The Province has rejected the option of a conservation covenant and has instead suggested a Partnership Agreement for monitoring the stream and beaver pond. ITF will be contacting BC Parks to discuss such an agreement.

- **Inner Island Nature Reserve**

The Islands Trust Fund is participating in the investigation of a trespass involving cutting of nine large trees in the nature reserve and adjacent Provincial Park reported last month

- **Morrison Marsh**

The Islands Trust Fund is talking with BC Parks about rerouting the trail connecting with Boyle Point Provincial Park to avoid trespass over private property.

### **Thetis Island**

- **Fairyslipper Forest**

The acquisition of this property and other land on Thetis Island continues to be a priority of the Islands Trust Fund, working closely with our partners Thetis Island Nature Conservancy and Cowichan Community Land Trust. ITF has submitted a comprehensive application to Environment Canada’s Habitat Stewardship Program for Species at Risk. If successful, this along with the pledges and contributions generated by the dynamic fundraising program could enable



the completion of the first significant protected areas on Thetis Island. If this land is acquired the next step would be development of a Management Plan to ensure protection of the identified values and to address management objectives, such as signage and public access. The management planning process will be carried out in consultation with the community.

## **Salt Spring Island**

- **Manzanita Ridge Nature Reserve**

The Trust Fund Board approved the addition of an appendix which forms part of the management plan for the Manzanita Ridge Nature Reserve. The reserve is owned by the Salt Spring Island Conservancy. TFB co-holds a conservation covenant on the property with the Salt Spring Island Local Trust Committee. The new appendix clarifies public access issues. These issues do not relate to the terms of the covenant.

- **Property management activities**

Work on Salt Spring Island properties has included placing covenant boundary marker posts (to better define the areas for monitoring and in case of violations), replacing the beach access stairs and topping danger trees at the Ruby Alton Nature Reserve. Activities to implement the McFadden Creek Nature Reserve Management Plan have begun.

## **Galiano Island**

- **Galiano Island Conservancy – Opportunity Fund grant**

The Trust Fund Board approved an Opportunity Fund grant of \$2,000 to the Galiano Conservancy Association for costs associated with legal review of a sustainable forestry covenant on Galiano Island. This grant will support the development of covenants as a tool to balance resource management and conservation objectives.

- **Property management activities**

Work has included invasive plant removal, native species plantings and a cormorant nesting survey at Trincomali Nature Sanctuary, trail maintenance at Vanilla Leaf Land Nature Reserve and invasive alien species control for Laughlin Lake Nature Reserve

## **Bowen Island**

- **NAPTEP**

The Islands Trust Fund is implementing an outreach plan to promote the Natural Area Protection Tax Exemption Program (NAPTEP) to property owners on Bowen Island. A briefing has been provided to Bowen Island Municipal Council on the communication program and addressing a concern about the distribution of any recapture charges. An information session was held on Bowen on March 2<sup>nd</sup>, and a webinar hosted March 8<sup>th</sup>.

- **Fairy Fen Nature Reserve**

Trail rerouting work has taken place to avoid disturbance of a sensitive area.

## **Property Management Activities on other Islands**

- **Lasqueti**

A survey and trespass restoration work was carried out at the Mount Trematon Nature Reserve. Boxes are being installed for hooded mergansers at the John Osland Nature Reserve.

- **Penders**  
Interpretive panels are being developed for the kiosk installed at Medicine Beach Nature Sanctuary.
- **Gabriola**  
Trail and driveway maintenance and invasive plant removal are being carried out at the Elder Cedar Nature Reserve.
- **Mayne**  
The revision of the Horton Bayviary Nature Reserve Management Plan has been completed and approved by all parties of the conservation covenant.

## **Trust Fund Board Membership**

Julie Glover, a provincially-appointed member of the Trust Fund Board since 2012, recently completed her second term. The second term of Dereck Atha, who has been a member since 2010, expires in June. The term of our other appointed member, Ron Bertrand, concludes in 2018.

The Trust Fund Board has up to three appointed members. Appointments are made by the Minister of Community Sport and Cultural Development. Interested individuals must apply to the Board Resourcing and Development Office (BRDO) online at <http://www.brdo.gov.bc.ca/apply.asp>. A vacancy is advertised for three weeks on the BRDO website. ITF will also post the vacancy on its own website, and has the option of running an ad in island newspapers. At the end of the advertising period, it is understood that the Trust Fund Board will be provided with a list of applicants and can provide its own recommendation to BRDO.

## **Species at Risk**

The Islands Trust Fund has provided input to the Ministry of Forests, Lands and Natural Resource Operations on the development of implementation plans for Northern Goshawks and Marbled Murrelets. We also provided input to the Canadian Wildlife Service for the management plan process for Band-tailed Pigeon and Great Blue Heron.

## **Coastal Douglas-fir and Associated Ecosystems Conservation Partnership**

The Trust Fund Board, as a partner agency of the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP), has agreed to submit a funding proposal to the Real Estate Foundation of BC and to hold funds on behalf of the CDFCP, and if the proposal is successful, to support its ongoing work to protect ecosystems. We are pleased to be in a position to offer this service.

*Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.*

# STAFF REPORT

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March 3, 2016

**File No.:** Bylaw No. 156, 2011

**To:** Mayne Island Local Trust Committee  
For Meeting March 21, 2016

**From:** Miles Drew  
Bylaw Enforcement Manager

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**Re:** Final Adoption of Bylaw Enforcement Notice Bylaw

## THE PROPOSAL:

This report recommends that the Mayne Island Local Trust Committee adopt Bylaw No. 156, 2011.

## STAFF COMMENTS:

### Authority to Adopt

On February 22, 2016, the Mayne Island Local Trust Committee gave third reading to the attached Bylaw No. 156 and referred it to the Executive Committee for approval. Executive Committee approval was given on March 9, 2016. As this is an administrative Bylaw it does not require the approval of the Minister. The Mayne Island Local Trust Committee may now adopt the Bylaw.

### Next Steps

The last steps to be taken by the Mayne Island Local Trust Committee before Bylaw Violation Notices can finally be issued are:

- approve required bylaw notices;
- appoint Screening Officers and adopt necessary policies to direct the Screening Officers.

## RECOMMENDATION:

That the Mayne Island Local Trust Committee adopt Bylaw No. 156 the "Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011".

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Prepared and Submitted by:

Miles Drew,  
Bylaw Enforcement Manager

March 3, 2016

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Date

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 156, 2011**

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

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

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

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

Citation

1. This Bylaw may be cited as “Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 156, 2011”.

**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 North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Mayne 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 Schedule “A” 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 Schedule “A” 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 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 Surcharge set out in column A3 of Schedule “A” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” 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 141 West 14th Street, North Vancouver, BC, V7M 1H9.
- 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 Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw 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" 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 Schedule "A" 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 Enforcement Coordinator;
- (b) Bylaw 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 – Mayne Island Land Use Bylaw No. 146, 2008 Contraventions and Penalties.

|                                                               |      |        |          |      |
|---------------------------------------------------------------|------|--------|----------|------|
| READ A FIRST TIME THIS                                        | 25th | DAY OF | April    | 2012 |
| READ A SECOND TIME THIS                                       | 25th | DAY OF | April    | 2012 |
| READ A THIRD TIME THIS                                        | 22nd | DAY OF | February | 2016 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 9th  | DAY OF | March    | 2016 |
| ADOPTED THIS                                                  | 21st | DAY OF | March    | 2016 |

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                           | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 3.2.1                | Keeping Of Non Permitted Animals                                                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.2.2                | Non Permitted Disposal/Storage Of Hazardous/Toxic Waste                                                                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 50%                                                 |
| 3.2.3                | Non Permitted Rental/Sale Of Personal Watercraft                                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.2.4                | Non Permitted Fin Fish Aquaculture                                                                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.2.5                | Non Permitted Bridges/Causeways/Tunnels                                                                                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.2.6                | Non Permitted Marina Restricted To Member Of Private Club                                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.2.7                | Non Permitted Retail Sale/Wholesaling Of Groundwater Extracted On Mayne Island                                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.3.2                | Building/Structure Exceed Height Restriction Or Within Setbacks                                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.3.3                | Non Permitted Building/Structure Within Setback To Natural Boundary Of Sea                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.3.4                | Non Permitted Building/Structure With Underside Of Floor System Lower Than 1.5 Metres Above Natural Boundary Of Sea/Natural Watercourse | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.3.5                | Non Permitted Building/Structure Within Setback To Natural Boundary Of Watercourse                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.3.6                | Non Permitted Feature Projecting Into Required Setback                                                                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.5.1                | Building/Structure Accessory To Dwelling Used For Human Habitation                                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.5.2                | Non Permitted Building/Structure On Lot Prior To Construction Of Principal Dwelling/Commencement Of Principal Residential Use           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.6.2                | Non Permitted Home Occupation                                                                                                           | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.3                | Home Occupation Not Entirely Conducted In Dwelling Unit/Permitted Accessory Building                                                    | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.4                | Home Occupation Exceeds Maximum Combined Floor Area                                                                                     | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.5                | Fail To Retain Residential Appearance On Home Occupation Premises                                                                       | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.6                | Home Occupation Not Operated By Person Permanently Residing In Dwelling Or Exceeds Non-Resident Employees                               | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.7                | Inadequate Landscape Screen/Fence For Exterior Storage Of Home Occupation                                                               | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                     | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 3.6.8                | Home-Based Guest Accommodation Exceeds Maximum Bedrooms/Guests Or Breakfast Served Or Recreational Equipment Rented To Non Guests | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.9                | Area Of Home Occupation Used To Prepare/Serve Food Exceeds Floor Area Restriction                                                 | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.10               | Area Of Home Occupation Used For Sales And Storage Of Goods For Sale Exceed Floor Area Restriction                                | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.6.11               | Noise From Home Occupation Heard At Lot Line/Natural Boundary Of Sea                                                              | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 3.7.1                | Fence Exceeds Height Restriction In Required Setback                                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.8.1                | Non Permitted Landscape Screen                                                                                                    | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 3.9.1                | Non Permitted Use Of Recreational Vehicles As Dwelling/Cottage                                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.12.1(a)            | Exceed Floor Area For Retail Sales Ancillary To BC Licensed Winery/Cidery                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.12.1(b)            | Exceed Floor Area For Food And Beverage Service Lounge Ancillary To BC Licensed Winery/Cidery                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13(1)              | Non Permitted Secondary Suite                                                                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13(2)              | Non Permitted Additional Suite                                                                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13(3)              | Non Permitted Secondary Suite with Cottage                                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13(4)              | Secondary Suite Outside Principal Dwelling                                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13.5               | Home Occupation in Suite                                                                                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13.6               | No Separate Suite Entrance                                                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13.7               | No Water Catchment System                                                                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.13.8               | Suite too Large                                                                                                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.1                | Non Permitted Use In Settlement Residential Zone                                                                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.2                | Exceed Maximum Number Of Dwelling Units In Settlement Residential Zone                                                            | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.3                | Exceed Maximum Number Of Cottages In Settlement Residential Zone                                                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.4                | Exceed Maximum Number Of Accessory Buildings In Settlement Residential Zone                                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.5                | Exceed Maximum Lot Coverage Restriction In Settlement Residential Zone                                                            | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.6                | Exceed Maximum Floor Area Restriction For Cottages In Settlement Residential Zone                                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.7                | Encroachment Into Setbacks In Settlement Residential Zone                                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |



**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.1.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Settlement Residential Zone        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.1.9                | Exceed Height Restriction For Accessory Building/Structure In Settlement Residential Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.1                | Non Permitted Use In Rural Residential One Zone                                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.2                | Exceed Maximum Number Of Dwelling Units In Rural Residential One Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.3                | Exceed Maximum Number Of Cottages In Rural Residential One Zone                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.4                | Exceed Maximum Number Of Accessory Buildings In Rural Residential One Zone                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.5                | Exceed Maximum Lot Coverage Restriction In Rural Residential One Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.6                | Exceed Maximum Floor Area Restriction For Cottages In Rural Residential One Zone          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.7                | Encroachment Into Setbacks In Rural Residential One Zone                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Rural Residential One Zone         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.2.9                | Exceed Height Restriction For Accessory Building/Structure In Rural Residential One Zone  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.1                | Non Permitted Use In Rural Residential Two Zone                                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.2                | Exceed Maximum Number Of Dwelling Units In Rural Residential Two Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.3                | Exceed Maximum Number Of Accessory Buildings In Rural Residential Two Zone                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.4                | Exceed Maximum Lot Coverage Restriction In Rural Residential Two Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.6                | Encroachment Into Setbacks In Rural Residential Two Zone                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.7                | Exceed Height Restriction For Dwelling Unit In Rural Residential Two Zone                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.8                | Exceed Height Restriction For Accessory Building/Structure In Rural Residential Two Zone  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.9                | Exceed Maximum Floor Area Restriction For Dwelling Unit In Rural Residential Two Zone     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.3.10               | Exceed Maximum Floor Area Restriction                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>  | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | For Accessory Building In Rural Residential Two Zone                           |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.4.1                | Non Permitted Use In Miners Bay Rural Comprehensive Zone                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.2                | Exceed Maximum Number Of Dwelling Units In Miners Bay Rural Comprehensive Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.3                | Exceed Maximum Number Of Cottages In Miners Bay                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.4                | Exceed Maximum Number Of Accessory Buildings In Miners Bay                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.5                | Exceed Maximum Lot Coverage Restriction In Miners Bay                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.6                | Exceed Maximum Floor Area Restriction For Cottages In Miners Bay               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.7                | Encroachment Into Setbacks In Miners Bay                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.8                | Non Permitted Siting Of Feeding Troughs And Manure Piles                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.9                | Exceed Height Restriction For Dwelling Unit/Cottage In Miners Bay              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.4.10               | Exceed Height Restriction For Accessory Building/Structure In Miners Bay       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.1                | Non Permitted Use In Rural Zone                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.2                | Exceed Maximum Number Of Dwelling Units In Rural Zone                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.3                | Exceed Maximum Number Of Cottages In Rural Zone                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.4                | Exceed Maximum Number Of Accessory Buildings In Rural Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.5                | Exceed Maximum Lot Coverage Restriction In Rural Zone                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.6                | Exceed Maximum Floor Area Restriction For Cottages In Rural Zone               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.7                | Encroachment Into Setbacks In Rural Zone                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.8                | Non Permitted Siting Of Feeding Troughs And Manure Piles                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.9                | Exceed Height Restriction For Dwelling Unit/Cottage In Rural Zone              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.10               | Exceed Height Restriction For Accessory Building/Structure In Rural Zone       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.5.13               | Fail To Meet Site Specific Regulations In Rural Zone                           | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.6.1                | Non Permitted Use In Upland Zone                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.2                | Exceed Maximum Number Of Dwelling                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>   | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Units In Upland Zone                                                            |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.6.3                | Exceed Maximum Number Of Cottages In Upland Zone                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.4                | Exceed Maximum Number Of Accessory Buildings In Upland Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.5                | Exceed Maximum Lot Coverage Restriction In Upland Zone                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.6                | Exceed Maximum Floor Area Restriction For Cottages In Upland Zone               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.7                | Encroachment Into Setbacks In Upland Zone                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.8                | Non Permitted Siting Of Feeding Troughs And Manure Piles                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.9                | Exceed Height Restriction For Dwelling Unit/Cottage In Upland Zone              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.6.10               | Exceed Height Restriction For Accessory Building/Structure In Upland Zone       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.1                | Non Permitted Use In Agricultural Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.2                | Exceed Maximum Number Of Dwelling Units In Agricultural Zone                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.3                | Exceed Maximum Number Of Cottages In Agricultural Zone                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.4                | Exceed Maximum Number Of Accessory Buildings In Agricultural Zone               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.5                | Exceed Maximum Lot Coverage Restriction In Agricultural Zone                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.6                | Exceed Maximum Floor Area Restriction For Cottages In Agricultural Zone         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.7                | Encroachment Into Setbacks In Agricultural Zone                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.8                | Exceed Height Restriction For Dwelling Unit/Cottage In Agricultural Zone        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.7.9                | Exceed Height Restriction For Accessory Building/Structure In Agricultural Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.1                | Non Permitted Use In Settlement Commercial Zone                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.2                | Exceed Maximum Floor Area Ratio In Settlement Commercial Zone                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.3                | Exceed Maximum Number Of Accessory Buildings In Settlement Commercial Zone      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.4                | Exceed Maximum Lot Coverage Restriction In Settlement Commercial Zone           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.5(a)             | Apartment Residential Use Not Located Within Principal Building In Settlement   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                 | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Commercial Zone                                                                                               |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.8.5(b)             | Apartment Residential Use Exceeds Maximum Floor Area Restriction Of Building In Settlement Commercial Zone    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.5(c)             | Apartment Residential Use Not Located Above Ground Floor Of Building In Settlement Commercial Zone            | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.5(d)             | Apartment Residential Use Not Provided With Separate Entrance From Ground Level In Settlement Commercial Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.5(e)             | Apartment Residential Use Does Not Meet Minimum Floor Area Requirements In Settlement Commercial Zone         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.6                | Encroachment Into Setbacks In Settlement Commercial Zone                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.7                | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Settlement Commercial Zone        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.8                | Exceed Height Restriction For Accessory Building/Structure In Settlement Commercial Zone                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.8.10               | Inadequate Landscape Screen For Lots With Commercial Uses In Settlement Commercial Zone                       | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.8.11               | Fail To Meet Site Specific Regulations In Settlement Commercial Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.9.1                | Non Permitted Use In Commercial Tourist Accommodation Zone                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.9.2                | Exceed Maximum Lot Coverage Restriction In Commercial Tourist Accommodation Zone                              | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.3                | Exceed Maximum Floor Area Ratio Restriction In Commercial Tourist Accommodation Zone                          | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.4                | Exceed Maximum Units And Maximum Total Floor Area In Commercial Tourist Accommodation Zone                    | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.5                | Exceed Maximum Floor Area Of Any Tourist Accommodation Unit In Commercial Tourist Accommodation Zone          | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.6                | Exceed Maximum Floor Area Of Accessory Retail Sales Uses In Commercial Tourist Accommodation Zone             | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.7                | Exceed Maximum Accessory Employee Housing Units In Commercial Tourist Accommodation Zone                      | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.9.8                | Exceed Maximum Floor Area Of Accessory Employee Housing In Commercial Tourist Accommodation Zone          | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.9                | Exceed Maximum Accessory Dwelling Units In Commercial Tourist Accommodation Zone                          | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.10               | Exceed Maximum Buildings Accessory To Tourist Accommodation Uses In Commercial Tourist Accommodation Zone | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.11               | Encroachment Of Building/Structure Into Setback In Commercial Tourist Accommodation Zone                  | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.12               | Exceed Maximum Height Restriction Of Building/Structure In Commercial Tourist Accommodation Zone          | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.9.14               | Fail To Meet Site Specific Regulations In Commercial Tourist Accommodation Zone                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.1               | Non Permitted Use In Service Commercial Zone                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.2               | Exceed Maximum Number Of Principal Buildings/Accessory Dwelling Units In Service Commercial Zone          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.3               | Exceed Maximum Number Of Accessory Buildings In Service Commercial Zone                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.4               | Exceed Maximum Floor Area Ratio Restriction In Service Commercial Zone                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.5               | Exceed Maximum Lot Coverage Restriction In Service Commercial Zone                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.6               | Encroachment Into Setbacks In Service Commercial Zone                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.7               | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Service Commercial Zone       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.8               | Exceed Height Restriction For Accessory Building/Structure In Service Commercial Zone                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.10              | Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Service Commercial Zone           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.11              | Non Permitted Storage Of Hazardous Materials In Service Commercial Zone                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.10.12              | Inadequate Landscape Screen For Lots With Commercial Uses In Service Commercial Zone                      | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.10.13              | Fail To Meet Site Specific Regulations In                                                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                      | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Service Commercial Zone                                                                                            |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.11.1               | Non Permitted Use In Automotive Commercial Zone                                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.2               | Exceed Maximum Number Of Principal Buildings/ Accessory Dwelling Units In Automotive Commercial Zone               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.3               | Exceed Maximum Number Of Accessory Buildings In Automotive Commercial Zone                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.4               | Exceed Maximum Floor Area Ratio Restriction In Automotive Commercial Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.5               | Exceed Maximum Lot Coverage Restriction In Automotive Commercial Zone                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.6               | Encroachment Into Setbacks In Automotive Commercial Zone                                                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.7               | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Automotive Commercial Zone             | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.8               | Exceed Height Restriction For Accessory Building/Structure In Automotive Commercial Zone                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.11              | Stored Materials Not Located Within Buildings/Enclosed Storage Areas In Automotive Commercial Zone                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.11.12              | Inadequate Landscape Screen For Lots With Commercial Uses In Automotive Commercial Zone                            | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.12.1               | Non Permitted Use In Country Guest House Commercial Zone                                                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.2               | Exceed Maximum Lot Coverage Restriction In Country Guest House Commercial Zone                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.3               | Exceed Maximum Number Of Guest Houses Permitted In Country Guest House Commercial Zone                             | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.4               | Exceed Maximum Number Of Accessory Dwelling Units Permitted In Country Guest House Commercial Zone                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.5               | Exceed Maximum Number Of Accessory Restaurants Located Within A Guest House In Country Guest House Commercial Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.6               | Exceed Maximum Number Of Accessory Buildings In Country Guest House Commercial Zone                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.5               | Encroachment Into Setbacks In Country                                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                    | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Guest House Commercial Zone                                                                                                      |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.12.6               | Exceed Height Restriction For Guest House/Dwelling Unit In Country Guest House Commercial Zone                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.7               | Exceed Height Restriction For Accessory Building/Structure In Country Guest House Commercial Zone                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.8               | Exceed Height Restriction For Accessory Building/Structure Used For Agricultural Purposes In Country Guest House Commercial Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.12.13              | Inadequate Landscape Screen For Outdoor Storage Areas And Tourist Accommodation Uses In Country Guest House Commercial Zone      | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.12.14              | Fail To Meet Site Specific Regulations In Country Guest House Commercial Zone                                                    | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 5.13.1               | Non Permitted Use In Industrial One Zone                                                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.2               | Exceed Maximum Number Of Principal Buildings Or Accessory Dwelling Units In Industrial One Zone                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.3               | Exceed Maximum Number Of Accessory Buildings In Industrial One Zone                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.4               | Exceed Maximum Floor Area Ratio Restriction In Industrial One Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.5               | Exceed Maximum Lot Coverage Restriction In Industrial One Zone                                                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.6               | Encroachment Into Setbacks In Industrial One Zone                                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.7               | Waste Transfer Station Uses Closer than 15 metres                                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.8               | Exceed Height Restriction For Principal Building/Accessory Dwelling Unit In Industrial One Zone                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.9               | Exceed Height Restriction For Accessory Building/Structure In Industrial One Zone                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.11              | Stored Parts, Machinery And Equipment Not Located Within Buildings Or Enclosed Storage Areas In Industrial One Zone              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.12              | Storage Of Toxic\ Noxious\ Explosive\ Odorous\ Radioactive Materials In Industrial One Zone                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.13              | Storage Of Goods, Materials And Equipment Within 7.5 Metres Of Watercourse/Wetland/Water Body                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                   | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.13.14              | Waste Transfer on Lot less than 0.4 Hectare                                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.13.15              | Fail to Screen Industrial\Warehouse\Storage\Highways Maintenance Use                                            | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.13.16              | Fail To Meet Site Specific Regulations In Industrial One Zone                                                   |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.14.1               | Non Permitted Use In Community Service Zone                                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.14.2               | Exceed Maximum Lot Coverage Restriction In Community Service Zone                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.14.3               | Encroachment Into Setbacks In Community Service Zone                                                            | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.14.4               | Exceed Height Restriction For Any Principal Building/Structure In Community Service Zone                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.14.5               | Exceed Height Restriction for Accessory Building                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.14.7               | Fail To Meet Site Specific Regulations In Community Service Zone                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.1               | Non Permitted Use In Local Community Service Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.2               | Exceed Maximum Lot Coverage Restriction In Local Community Service Zone                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.3               | Encroachment Into Setbacks In Local Community Service Zone                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.4               | Exceed Height Restriction For Any Principal Building/Structure In Local Community Service Zone                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.6               | Exceed Height Restriction for Accessory Building                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.15.7               | Fail To Meet Site Specific Regulations In Local Community Service Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.16.1               | Non Permitted Use In Transportation Service Zone                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.16.2               | Exceed Maximum Lot Coverage Restriction In Transportation Service Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.16.3               | Encroachment Into Setbacks In Transportation Service Zone                                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.16.4               | Exceed Height Restriction For Any Principal Building/Structure In Transportation Service Zone                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.16.5               | Exceed Maximum Combined Floor Area Restriction For All Accessory Commercial Uses In Transportation Service Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |



**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                            | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.16.6               | Exceed Height Restriction for Accessory Building                                                         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.17.1               | Non Permitted Use In Community And Regional Park Zone                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.17.2               | Exceed Maximum Lot Coverage Restriction In Community And Regional Park Zone                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.17.3               | Encroachment Into Setbacks In Community And Regional Park Zone                                           | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.17.4               | Exceed Height Restriction For Any I Building/Structure In Community And Regional Park Zone               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.17.6               | Fail To Meet Site Specific Regulations In Community And Regional Park Zone                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.19.1               | Non Permitted Use In Resource Conservation Zone                                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.19.2               | Exceed Maximum Lot Coverage Restriction In Resource Conservation Zone                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.20.1               | Non Permitted Use In Water Protection Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.21.1               | Non Permitted Use In Water Moorage Zone                                                                  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.21.2               | Exceed Height Restriction For Any Structure In Water Moorage Zone                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.21.3               | Fail To Meet Site Specific Regulations in Water Moorage Zone                                             | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.22.1               | Non Permitted Use In Water Commercial Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.22.2               | More Than One Building/Building Exceeds Maximum Floor Area Restriction In Water Commercial Zone          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.22.3               | Exceed Height Restriction For Any Structure In Water Moorage Zone                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.22.4               | Fail To Provide Off-street Parking Or Parking Not Located On Adjacent Upland Lot In Water Moorage Zone   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.23.1               | Non Permitted Use In Community Wharf Zone                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.23.2               | Exceed Height Restriction For Any Building/Structure Constructed On Dock In Community Wharf Zone         | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.23.3               | Building/Structure Exceeds Maximum Floor Area Restriction In Community Wharf Zone                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.23.4               | Fail To Provide Off-street Parking Or Parking Not Located On Adjacent Upland Lot In Community Wharf Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                                      | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.25.1               | Non Permitted Use In Senior Citizens Housing Comprehensive Development One Zone                                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.2               | Exceed Maximum Number Of Permitted Duplexes In Senior Citizens Housing Comprehensive Development One Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.3               | Exceed Maximum Floor Area Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.4               | Exceed Maximum Number/Floor Area Of Attached Carports Per Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.5               | Exceed Maximum Combined Floor Area Of All Accessory Buildings In Senior Citizens Housing Comprehensive Development One Zone                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.6               | Permitted Accessory Uses Sited In More Than One Building In Senior Citizens Housing Comprehensive Development One Zone                             | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.7               | Encroachment Of Building/Structure Into Setbacks In Senior Citizens Housing Comprehensive Development One Zone                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.8               | Exceed Maximum Height Restriction Of Dwelling Unit In Senior Citizens Housing Comprehensive Development One Zone                                   | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.9               | Exceed Maximum Height Restriction Of Any Accessory Building/Structure In Senior Citizens Housing Comprehensive Development One Zone                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.25.11              | Inadequate Landscape Screen For Accessory Buildings And Structures And Parking Areas In Senior Citizens Housing Comprehensive Development One Zone | \$100.00                         | \$75.00                                                       | \$50.00                                            | Yes                                                  | 100%                                                |
| 5.26.1               | Non Permitted Use In Comprehensive Development Two Zone                                                                                            | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.2               | Exceed Maximum Lot Coverage Restriction In Comprehensive Development Two Zone                                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.3               | Exceed Maximum Floor Area Restriction In Comprehensive Development Two Zone                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.4(a)            | Exceed Maximum Floor Area Restriction Of Tourist Accommodation Uses In Comprehensive Development Two Zone                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                                                 | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.26.4(b)            | Exceed Maximum Floor Area Restriction Of Residential Uses In Comprehensive Development Two Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.4(c)            | Exceed Maximum Floor Area Restriction Of Retail Sales Uses In Comprehensive Development Two Zone                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.4(d)            | Exceed Maximum Floor Area Restriction Of Combined Restaurant, Office, Personal Service, Medical And Dental Clinic Uses In Comprehensive Development Two Zone  | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.5               | Exceed Maximum Floor Area Restriction Of Any Tourist Accommodation Unit In Comprehensive Development Two Zone                                                 | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.6               | Exceed Maximum Number Of Tourist Accommodation Units In Comprehensive Development Two Zone                                                                    | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.7               | Exceed Maximum Number Of Residential Dwelling Units In Comprehensive Development Two Zone                                                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.8               | Exceed Maximum Floor Area Of Any Residential Dwelling Unit In Comprehensive Development Two Zone                                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.9               | Exceed Maximum Number Of Accessory Employee Housing Units In Comprehensive Development Two Zone                                                               | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.10              | Exceed Maximum Floor Area Of Any Accessory Employee Housing Unit In Comprehensive Development Two Zone                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.11              | Exceed Maximum Number Of Accessory Dwelling Units In Comprehensive Development Two Zone                                                                       | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.12              | Exceed Maximum Floor Area Of Any Accessory Dwelling Unit In Comprehensive Development Two Zone                                                                | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.13              | Encroachment Of Building/Structure Into Setbacks In Comprehensive Development Two Zone                                                                        | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.14              | Exceed Maximum Height Restriction Of Building Containing Tourist Accommodation Units/Accessory Dwelling Unit/Restaurant In Comprehensive Development Two Zone | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.15              | Exceed Maximum Height Restriction Of Residential Dwelling Unit In Comprehensive Development Two Zone                                                          | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.16              | Exceed Maximum Height Restriction Of Any Accessory Building/Structure In                                                                                      | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |

**Schedule A**  
**MAYNE ISLAND LAND USE BYLAW NO. 156, 2011**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                             | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Comprehensive Development Two Zone                                                                                        |                                  |                                                               |                                                    |                                                      |                                                     |
| 5.26.17              | Non Permitted Use In Area A On Schedule 5.26(a) In Comprehensive Development Two Zone                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.18              | Non Permitted Use In Area B On Schedule 5.26(a) In Comprehensive Development Two Zone                                     | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 5.26.20              | Inadequate Parking For Residential Use In Comprehensive Development Two Zone                                              | \$300.00                         | \$225.00                                                      | \$150.00                                           | Yes                                                  | 100%                                                |
| 6.2.1                | Non Permitted Animated/Flashing/Noise-Making Sign                                                                         | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 6.2.2                | Non Permitted Third Party Sign                                                                                            | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 6.3.2                | Sign Pertaining To Lease/Sale/Status Of Lot/Building/Name Of Owner/Address Exceeds One Square Metre In Area               | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 6.3.3                | Election Candidate Sign Not Removed Within 48 Hours Of Date Of Election                                                   | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 6.5.1                | Non Permitted Number/Area Of Signs                                                                                        | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 6.5                  | Obsolete Sign Not Removed From Premises Within Thirty Days Of Becoming Obsolete                                           | \$250.00                         | \$175.00                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 7.1.1                | Fail To Provide Off-road Parking On Lot                                                                                   | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 7.1.2                | Restrictive Covenant Not Registered For Off-road Parking Near Lot On Which Use/Building/Structure Being Served Is Located | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 7.2.1                | Manoeuvring Aisle Does Not Meet Size Requirements                                                                         | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 7.2.2                | Parking Space Does Not Meet Size Requirements                                                                             | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |
| 7.4                  | Fail To Provide Minimum Parking Spaces                                                                                    | \$250.00                         | \$187.50                                                      | \$125.00                                           | Yes                                                  | 100%                                                |

# STAFF REPORT

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**Date:** March 3, 2016

**File No.:** Bylaw No. 156, 2011

**To:** Mayne Island Local Trust Committee  
For Meeting March 21, 2016

**From:** Miles Drew, Bylaw Enforcement Manager

**CC:**

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**Re:**                   **Appointment of Screening Officers**  
                          **Designation of Screening Officer Powers and Duties**  
                          **Bylaw Violation Notice Cancellation Policy**  
                          **Stipulation of the Form of Violation Notice**

## THE PROPOSAL:

This report will recommend to the Mayne Island Local Trust Committee that it:

1. appoint screening officers;
2. designate the powers and duties of specific screening officers by adopting the attached policy;
3. authorize the reasons for cancellation of a bylaw violation notice by adopting the attached policy; and
4. approve the form of violation notice to be used (attached).

## STAFF COMMENTS

Section 7 of the Bylaw Enforcement Notification Bylaw (quoted below) requires that the Local Trust Committee (LTC) appoint screening officers. The powers and duties of screening officers are described in section 7 of the bylaw which is listed below. These powers and duties include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw enforcement coordinator and regional planning managers to be appointed as screening officers. As very low numbers of BVNs will be issued there is no need at this time to appoint bylaw enforcement officers as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw enforcement assistant to relay information about BVNs and the process will ensure that

the public has immediate access to information. The bylaw enforcement coordinator is designated as a screening officer with full powers and duties. To avoid any perceived conflict of interest when BVNs are issued by the bylaw enforcement coordinator, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to senior staff to ensure that whatever agreement is made fully complies with the requirements of bylaws.

## **Bylaw No. 156**

### **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 Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw 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" 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 Schedule "A" as attached to this bylaw.

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

Section 9 of Bylaw No. 156 requires that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that staff recommends be used. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

## **RECOMMENDATION:**

Staff recommends that the Mayne Island LTC make the following resolutions:

1. The Mayne Island Local Trust Committee appoints the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to Mayne Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 156, 2011;
2. The Mayne Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy attached to staff report dated March 3, 2016; and
3. The Mayne Island Local Trust Committee stipulates that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 156, 2011.

**ATTACHMENTS:**

Attachment 1 – Screening Officers’ Powers and Duties Policy

Attachment 2 – Bylaw Violation Notice

Prepared and Submitted by:

Miles Drew  
Bylaw Enforcement Manager

March 3, 2016

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## Mayne Island Local Trust Committee

# **Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy March 3, 2016**

### **Appointment of Screening Officers**

Pursuant to section 7.2 of the Mayne Local Trust Committee Bylaw Enforcement Notification Bylaw No. 156, 2011, the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Enforcement Coordinator; and
- 3) Bylaw Enforcement Assistant

### **Screening Officer Powers and Duties**

The powers and duties of the screening officer are contained in section 7.3 of the bylaw. However, it is the direction of the Local Trust Committee that these powers and duties only are carried out in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 156, 2011;
- 2) **Bylaw Enforcement Coordinator.** In respect to Bylaw Violation Notices issued by Bylaw Enforcement Officers, only the Bylaw Enforcement Coordinator, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 156, 2011;
- 3) **Bylaw Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator and Bylaw Enforcement Officers, the Bylaw Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of Bylaw No. 156, 2011.

## **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) the Bylaw Violation Notice was issued to the wrong person;
- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
  - a) The evidence is inadequate to show a contravention;
  - b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
  - c) The Bylaw Violation Notice was not completed properly;
- 5) 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) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

## DRAFT - FRONT



Islands Trust

No.

**BYLAW VIOLATION NOTICE**

**THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:**

ISSUED TO:

|                              |                       |                 |
|------------------------------|-----------------------|-----------------|
| NAME OF PERSON OR COMPANY    |                       |                 |
| ADDRESS                      |                       |                 |
|                              |                       |                 |
| LEGAL DESCRIPTION            |                       |                 |
| DATE<br>YYYY   MM   DD       | TIME<br>HH:MM   AM/PM | LOCATION ISSUED |
| BYLAW NAME                   |                       |                 |
| BYLAW NUMBER                 |                       | SECTION         |
| DESCRIPTION OF CONTRAVENTION |                       |                 |
|                              |                       |                 |
|                              |                       |                 |
| ISSUING OFFICER NAME:        |                       | SIGNATURE       |

**THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:**

Discounted rate If paid within 14 days \$ \_\_\_\_\_

If paid within 15-28 days \$ \_\_\_\_\_

If paid after 28 days\* \$ \_\_\_\_\_

\*See reverse for additional information on late payments

**METHOD OF DELIVERY:**

- ☐ In Person  
☐ By Mail



Islands Trust

**✓ Select:**

- ☐ **COMPLIANCE AGREEMENT REQUEST**  
☐ **ADJUDICATION REQUEST**

To negotiate a compliance agreement or dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).

**See the reverse side of this ticket for addresses and additional information.**

|                 |                        |
|-----------------|------------------------|
| Bylaw Notice #: | Date of Issue:         |
| Name:           |                        |
| Postal Address: |                        |
| City/Island:    | Province: Postal Code: |
| Daytime Phone # | Email Address:         |
| Signature:      |                        |

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

75

DRAFT - FRONT

ALLEGED OFFENDER'S COPY

## COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
  - ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.
- 

## PAYMENT INFORMATION

**PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE**  
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
  - ▶ Do not send cash in the mail.
  - ▶ Payment must be received within the noted time limits to receive the discounted amounts.
  - ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
  - ▶ Failure to pay promptly will result in additional penalties being added.
  - ▶ Overdue fines may be subject to collection process.
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## DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
  - ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).
  - ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.
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## CONTACT US

**Phone:** 250-405-5175  
**Fax:** 250-405-5155

**Email:** [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca)  
**Web:** [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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## ISLANDS TRUST OFFICES

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Victoria, BC V8R 1H8

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