



# Regional Planning Committee Agenda

Date: Wednesday, September 4, 2024  
Time: 10:00 am - 3:00 pm  
Location: Electronic Zoom Meeting

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	<b>Pages</b>
<b>1. CALL TO ORDER</b>	
<b>2. AGENDA</b>	
<b>2.1 Review of the Agenda</b>	
Late items, new items and re-ordering of the agenda	
<b>2.2 Approval of Agenda</b>	
<b>3. PUBLIC COMMENT PERIOD</b>	
<b>4. DELEGATIONS</b>	
<b>5. CORRESPONDENCE</b>	
<b>5.1 2024-08-18 Rich Brooks, Mudge Island Community Association</b>	5 - 29
<b>6. ADMINISTRATIVE COORDINATION</b>	
<b>6.1 Draft Minutes of Previous Meetings</b>	
For review and approval	
<b>6.1.1 RPC Draft Minutes of April 25, 2024</b>	30 - 35
<b>6.1.2 RPC Draft Minutes of May 24, 2024</b>	36 - 41
<b>6.2 Resolutions Without Meeting</b>	
For Information	
<b>6.3 Follow up Action List</b>	42 - 44
For review	
<b>7. BUSINESS - WORK PROGRAM ITEMS</b>	
<b>7.1 Freshwater Sustainability Strategy Implementation - Briefing</b>	45 - 49

<b>7.2</b>	<b>Bylaw Compliance and Enforcement Policy Review Updates - RFD</b>	50 - 106
	<ul style="list-style-type: none"> <li>1. That Regional Planning Committee review and provide direction on the draft Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) to Trust Council.</li> <li>2. That Regional Planning Committee review and provide direction on the draft Local Trust Committee Handling of Administrative Fairness Complaints Policy (Policy 7.1.2) to Trust council.</li> <li>3. That Regional Planning Committee review and provide direction on the draft Bylaw Compliance and Enforcement Best Practices Manual and confirm referral to Ombudsperson's Office for comment in September 2024 as per the Project Charter work plan.</li> <li>4. That Regional Planning Committee request that Trust Council approve the attached amended Project Charter at their September 2024 meeting.</li> </ul>	
<b>7.3</b>	<b>Fiscal Year 2026 Local Trust Committee Major Project Business Cases - RFD</b>	107 - 124
	<ul style="list-style-type: none"> <li>1. That the Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026 budget, business cases for the Mayne Housing Project, the North Pender Housing Project, and the Lasqueti Official Community Plan / Land Use Bylaw Review Major Projects.</li> </ul>	
<b>7.4</b>	<b>Housing Strategic Action Plan Implementation - Briefing</b>	125 - 131

**7.5 Housing Strategic Action Plan Action #26: Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels - RFD**

132 - 140

1. That the Regional Planning Committee endorse the baseline work done on the Tiny Homes on Wheels (THOW) Guide to date, and request the Tiny House working group to continue work on the Tiny Homes on Wheels Guide and companion communication materials.

2. That Action 26 of the Housing Strategic Action Plan be refined to: Advocate for Provincial and regional support for the creation of a Guide for Alternative Solutions that meet BC Building Code that would allow Tiny Homes on Wheels to Conform to BCBC, with input from building officials and professionals.

3. That the Regional Planning Committee request staff to convene a meeting with a team of technical knowledge holders, involving Islands Trust Regional Planning Team planners, representatives from First Nations, representatives from Island Health, Ministry of Housing, Capital Regional District building permitting departments, and other experts (Gord Baird of Eco-Sense.ca) to discuss and refine Tine Homes on Wheels Guide options in the Trust Area.

4. That Trustee Elliott be authorized to work with a professional designer (pro bono) to develop the Guide into an online Prezi presentation (value: \$5,000) as a communication tool to advocate for Tiny Homes on Wheels to Provincial and Regional Partners, and advance advocacy for a Guide for Alternative Solutions to BC Building Code, at the Union of BC Municipalities Convention (September 2024).

5. That the Regional Planning Committee budget for Housing Toolkit be allocated for the following communication materials for Tiny Homes on Wheels advocacy at UBCM Convention 2024: purchase of a 1-year membership of prez.com at \$7 USD/month (approx. \$100 CAD) and up to \$400 for printed materials.

6. That staff provide background materials to support a discussion at Regional Planning Committee on "Density" vs. other alternative metrics that might generate a measurable "per-unit impact analysis" of a unit of housing, in order to determine where and how many units of housing might be allowed in land use planning in the Trust Area.

7. That staff begin planning a Forum on Housing in the Southern Gulf Islands (Local Trust Committees in the Capital Regional District) for Spring 2025, and include discussion supported by the Tiny Homes on Wheels Guide to explore options for tiny homes in the Southern Local Trust Areas, and

8. That staff plan a similar Forum on Housing in the Northern Gulf Islands in Summer 2025, using the Tiny Homes on Wheels Guide to explore options for tiny home sin the Northern Local Trust Areas.

**8. BUSINESS - OTHER**

**9. BUSINESS - NEW**

**10. WORK PROGRAM**

141 - 146

For review and referral to Trust Council before each quarterly TC meeting

**11. NEXT MEETING**

Friday, November 8, 2024, from 10 a.m. to 3 p.m.

**12. CLOSED MEETING**

If desired:

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90, (quote the pertinent section here, for example, (1)(a) personal information about...) and that the recorder and staff [attend/not attend] the meeting.

**13. RISE AND REPORT**

If desired

**14. ADJOURNMENT**

\*Approximate time is provided for the convenience of the public only and is subject to change without notice.



August 18<sup>th</sup>, 2024

**Islands Trust**  
Regional Planning Committee  
C/O Gabriola Islands Trust  
700 North Road, Gabriola Island  
BC, V0R 1X3

Via e-mail (and mail) to [lpatrick@islandstrust.bc.ca](mailto:lpatrick@islandstrust.bc.ca) and [RPC@islandstrust.bc.ca](mailto:RPC@islandstrust.bc.ca)

Attention; Ms. Laura Patrick, Chair Regional Planning Committee

**RE: Proposed Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy Revisions**

Dear Laura,

As you may be aware MICA is group of elected community members from Mudge Island representing the Mudge Island community relative to working with the Islands Trust to address current bylaw infraction issues, the development of new bylaw policies, and to work with the Islands Trust in the development of potential revisions to the current Mudge Islands Bylaws.

As you may also be aware, Mudge Island has had a recent rash of by-law complaints in 2024. Through freedom of information requests, we have determined that there have been 56 complaints as of mid April and the last report we had was that there were over 70 open files. Many of the complaints appear to relate to minor infractions, some have existed for decades and could likely be addressed with some form of discretion. And some of these complaints seem specifically targeted to cause distress, frustration, worry, and financial burden on the community, with some being categorically false.

This has caused considerable angst and distress for the island residents. As mentioned, the island residents have elected the Mudge Island Community Association to collaborate with the Islands Trust and we have to say the trustees and Gabriola Islands Trust Committee members have been responsive, attentive and are working hard to hear the community voice in order to de-escalate and resolve the situation

To that end, on April 18, 2024 the Gabriola Islands Trust Council passed the following motion:

*that the Gabriola Island Local Trust Committee defer enforcement of the Mudge Island Land Use Bylaw No 228 until a full review of policies and procedures for compliance and enforcement is complete and adopted; with the exception of situations where environmental and human health and safety are a significant concern, and these would be brought to the Local Trust Committee for review.*



This was later amended at the August 8th, 2024, meeting to suspend enforcement until review of bylaws has been completed. These motions have reduced some tension.

On July 16, 2024, a Special Meeting of the Gabriola Islands Trust committee was held on Mudge Island. The meeting was attended in person by the Trustees Elliot & Yates, over 100 Mudge Island residents and Compliance and Enforcement Manager Dingman who was remote.

As recorded in the minutes of the meeting (which are available on the IT website) many of the Mudge Island Residents expressed concern that investigations were required to proceed and only enforcement would be suspended. As is noted in the minute's, the community feels investigations tend to be perceived as biased, invasive, and have proven to be extremely unpleasant experiences for the residents. The community suggested that since the bylaws are likely to be amended and that the bylaw enforcement policies will be changed, we should also pause investigations. This would arguably save the Islands Trust considerable money and resources and further reduce the stress on the community. Compliance and Enforcement Manager Dingman indicated that while the Ombudsman Special Report No 36 By law Enforcement Best Practices for Local Governments recommended that Bylaw Officers be given discretion on whether to investigate a file or not, apparently the current Bylaw and policy does not provide this discretion, Mr. Dingmans interpretation of the policy is that complaints "must" be investigated with reporting provided to Trust Council and the LTC.

We have reviewed Islands Trust council policy 5.5.1 Sec 3 which governs investigations and as you will see below, the language in the By-law uses the permissive "may", which after legal consultation would indicate that there is some discretion. Compliance and Enforcement Manager Dingman defended his position that "may" really meant "must" in the context of this document and Islands Trust policy.

#### COMMENCING INVESTIGATIONS

3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:

3.1.1 in response to written complaints of an alleged contravention made by any person;

3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;

3.1.3 bylaw contraventions appear to cause health and safety issues;

3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the Policy;

5.5.1 Bylaw Compliance and Enforcement Page 2 Islands Trust;

3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;

3.1.6 advertisements exist for apparently unlawful uses;

3.1.7 a Local Trust Committee directs staff to commence an investigation.

It appears that existing policies that are defined by the Islands Trust Council are supposed to provide an avenue for discretion by by-law enforcement officers which they seem unable or unwilling to avail themselves. We understand that you are reviewing policies in general and in this process, we would ask that you clarify this discretion's existence should you deem that our interpretation is correct. If there is a lack of clarity on when the discretion should be applied perhaps that should be included in the policy or that discretion should be applied by the by-law enforcement team. If the By-law enforcement officers need greater guidance perhaps that discretion should be granted to the Local Trust Councils to ensure community situations can be de-escalated.

We are grateful that Compliance and Enforcement Manager Dingman has drafted a Bylaw proposed policy for Gabriola and Mudge Island, The Mudge Island Community Association has in consultation with the community provided suggested edits to the proposal that we ask you review and consider presenting to Trust Council, and we advise we are in the process of planning a working session with staff and trustees on this policy. For your reference I have included attachments to those documents.

We thank you for your time and the opportunity to make this submission.

Yours truly,  
**Mudge Island Community Association (MICA)**

  
Rich Brooks, Chairman  


cc: MICA Committee Members

*The Mudge Island Community Association acknowledges that Mudge Island is traditional territory of many First Nations, including the Coast Salish peoples and the Hul'qumi'num speaking Nations. We are grateful to have the opportunity to live, learn, work and play in their traditional and unceded territories.*



July 9<sup>th</sup>, 2024

**Islands Trust**

Local Gabriola Island Trust Committee  
700 North Road, Gabriola Island  
BC, V0R 1X3

Via e-mail (and mail) to [GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca)

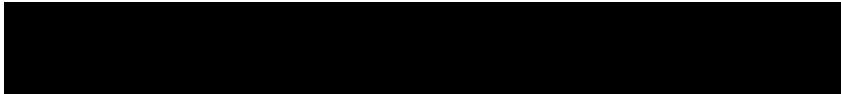
Attention; Local Trust Committee Members Trustee Mr. Peter Luckman, Chair  
Trustee Ms. Susan Yates  
Trustee Ms. Tobi Elliot

**RE: Proposed “Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy Revisions” Revisions**

On behalf of the residents of Mudge Island and The Mudge Island Community Association we would like to thank you for considering our letter of June 7, 2024, and listening to members of MICA and the community address the LTC on June 27<sup>th</sup>, 2024. We believe this to be a positive step relative to the situation on Mudge Island and the recent rash of Bylaw infraction notification letters. The community and MICA look forward to collaborating and developing a positive working relationship with the LTC and staff and moving forward with the creation of new Bylaw enforcement Policies. As we likely agree, these new Policies are a much needed first step to assist in addressing the noncompliance situations within the Mudge community and will undoubtedly form the cornerstone criteria to modifying actual LU Bylaws in the future.

As discussed, on June 27<sup>th</sup> LTC meeting, we are attaching a clean and marked copy of our suggested revisions to the proposed enforcement policy. These revisions are the result of significant community consultation, community member input, and deliberation within our committee capturing common themes and concerns from island property owners. We intentionally made targeted changes only, rather than wholesale revisions.

MICA appreciates and supports the efforts of compliance staff to formalize an enforcement policy for the Gabriola area and Mudge Island in particular. Without the policy, the current complaint system is open to abuse. Complaints can be made by anyone, with any motive, from anywhere, at any time. The sheer number and nature of the current complaints on Mudge suggests that there is an organized campaign that is exploiting the weaknesses of the current system. This campaign has resulted in enormous anxiety in the community, not only among the targets of the complaints, but also those who fear they will be next. The proposed changes, while helpful and sensible, do not assist in addressing the current spate of complaints on Mudge Island and will not measurably assist in reducing the number of enforcement actions. Our targeted suggestions would effectively reduce the number of complaints to those which are adversely impacting the community or certain of its members and which we as a community want to see enforced.



Mudge Island is a unique community. It is a remote island, accessible only by private boat. It was subdivided in the early 1970's, prior to the advent of the Islands Trust, mostly into tiny, half-acre lots. There are no stores or other amenities. We haul in our groceries and fuel and haul out our garbage. We need to travel to Gabriola or Nanaimo for supplies, medical care and education for our children. We often can't get qualified service people to come to the island to assist with construction or other projects. When we can bring them over, we often must put them up while they complete their work. As a result, we have had to develop a community where we act together to support each other and our way of life. A great example of this is the MICS Hall, where the community got together to fund the acquisition of the land and equipment and construction of the building, and through community volunteers, provides emergency medical evacuation and fire services and provides regular training to the community on the use of the vehicles and equipment. Other examples are sharing barges, and sharing the cost of services for multiple residents, such as well drilling, chimney cleaning or septic pumping.

Another aspect of the island is that we have been largely left alone. While we pay taxes to the RDN, we receive minimal on-island services. We have historically received no real oversight from government at all, whether it is the Province, Islands Trust, the RDN or otherwise. While we are subject to land use bylaws, we have had little input into them and are forced to live with bylaws which are out of touch with the reality of life on Mudge. Practically every property on Mudge is non-compliant with the bylaws in some respect, which makes all of us easy targets and which has resulted in a stressful community situation.

MICA has been given access to the response to a Freedom of Information request made by a community member which includes all the recent complaints. From it, we have compiled some aggregate data to analyze the recent complaints. It indicates that there has been a dramatic increase in the number of bylaw compliance complaints in 2024 (see attached graphs) and a shift in the types of complaint. There have been 58 complaint emails (with a total of 132 separate complaints) between January and April 2024. The use of the same wording in the complaint emails and date stamps suggests that two individuals residing on or familiar with Mudge may have made all the 2024 complaints. While the requirement in the proposed enforcement policy that there be complaints by two Mudge residents is helpful, it should go farther to require that at least one of them is a neighbor and is adversely affected by the alleged contravention. This will curtail the 'drive by' nature of the current complaints and is consistent with the best practices guide for local governments published by the BC Ombudsperson. We also suggest that the 'neighbor' must be within 100 meters of the subject property. This is to protect the anonymity of the complainant, as a requirement for the complaint to be made by an adjacent neighbor would make it too easy to identify the complainant.

In addition to the attached, other significant changes that we are requesting are to defer enforcement until the Mudge land use bylaws can be reviewed and be reconsidered. Some of the Bylaws that need to be revised include:

- Ocean setbacks. Mudge is unique among the Gulf Islands in requiring a setback of 30 meters. It is not distinguishable from Gabriola (where the required setback is 7.5 meters) on a geological or geotechnical basis, or other islands in the DeCourcy Group and, given the very small lot sizes, 30 meters is inappropriate. Similarly, there are a significant number of complaints related to decks, stairs and structures within the setback limits which are arguably non-environmentally contentious, visually non-detrimental, and are in keeping with what the community generally feels are reasonable and should be considered for revision within the current bylaw.

- Lot coverage. Again, the 10% lot coverage restriction is inappropriate, given the very small lot sizes. On a half-acre lot, this allows for a maximum ~2,200 square footprint for dwelling, deck and outbuildings etc.
- Mooring buoys. As a remote island without a public dock, a restriction on mooring buoys is particularly inappropriate and unreasonable. The fact that barge landings and docks are permitted is of little help to those with upland (non-waterfront) properties or those without the money and time to acquire the permits and build them. While restrictions on number (two per property) and ownership (property owners only) of mooring buoys are appropriate, an absolute ban is not.
- Home occupation. As a remote island, we rely on local trades, including mechanics, electricians, carpenters, tree fallers, excavators, scissor lift and other heavy equipment operators.

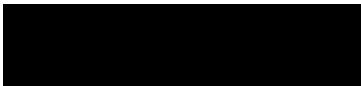
These are all matters which the community requires an amendment to the existing bylaws and should not be the subject of enforcement until they can be fully reviewed with input from the Mudge community. The community supports continued investigation and enforcement of derelict buildings, trailers and vehicles, health and safety concerns, interference with cultural heritage sites or possible environmental damage.

We thank you for your time and the opportunity to make this submission.

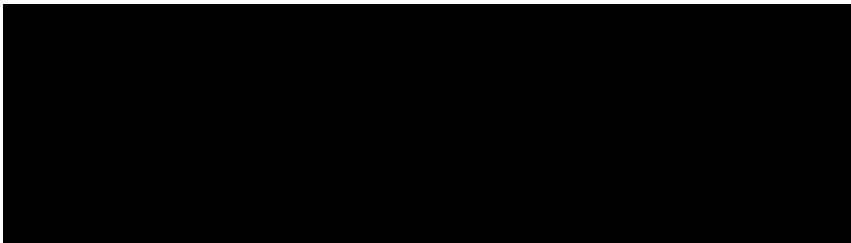
Yours truly,

**Mudge Island Community Association (MICA)**

Rich Brooks, Chairman

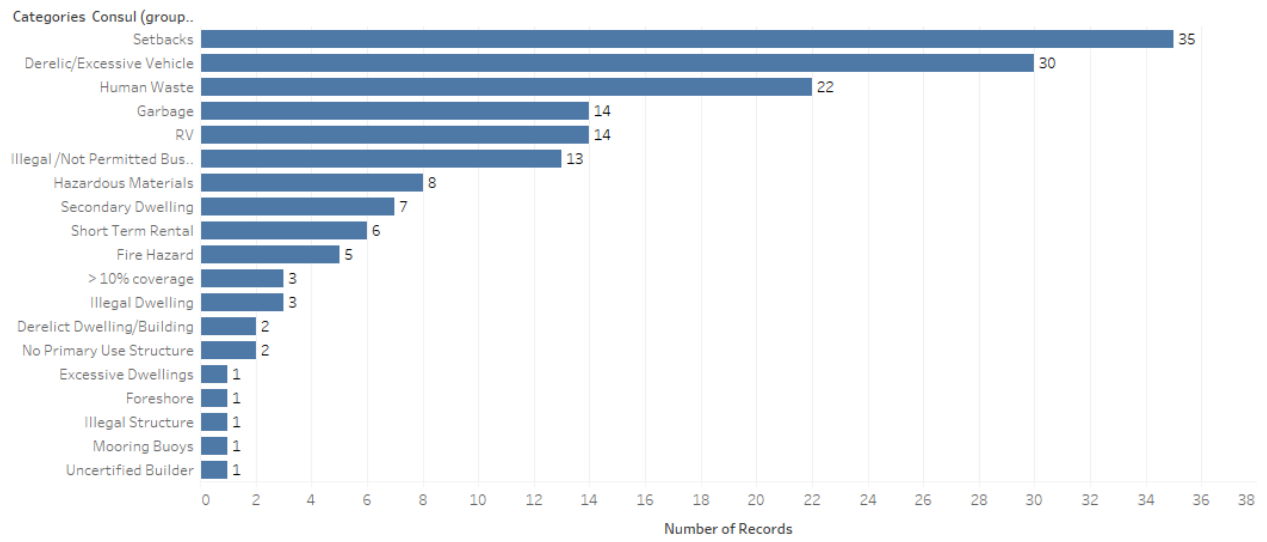


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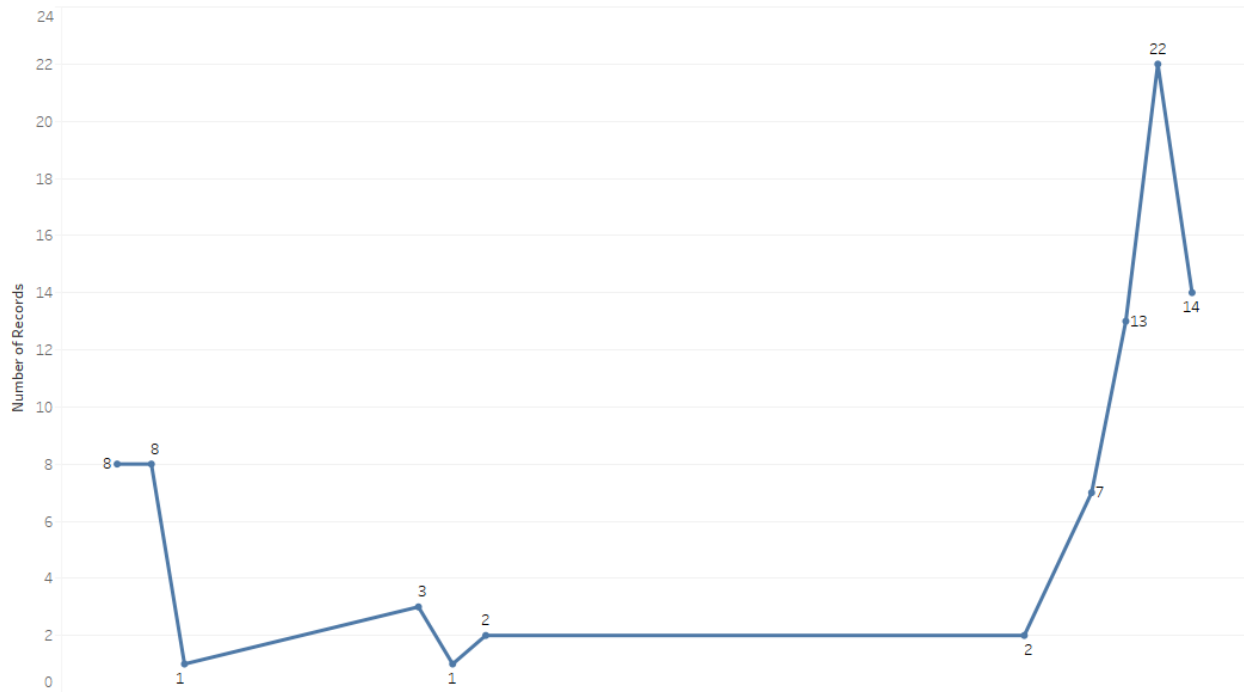


*The Mudge Island Community Association acknowledges that Mudge Island is traditional territory of many First Nations, including the Coast Salish peoples and the Hul'qumi'num speaking Nations. We are grateful to have the opportunity to live, learn, work and play in their traditional and unceded territories.*

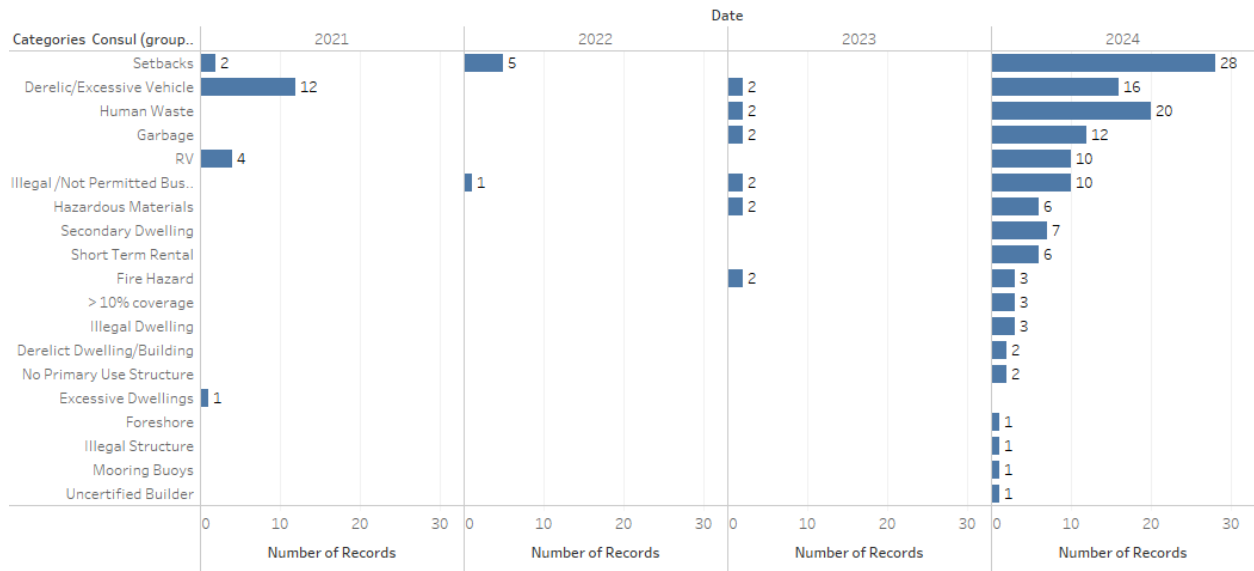
## Complaint Categories



## Trend Of Complaints



### Complaint type over time



## **TRUST COUNCIL POLICY**

Trust Council Policy 5.5.1, which is attached, provides direction to staff and Local Trust Committees on when compliance and enforcement investigations will be commenced and closed; the priority of investigation; the role of Local Trust Committees in bylaw enforcement; use of mediation; when legal action should be commenced; confidentiality of complainants; and bylaw notice debt.

However, it does not contain policies for the following:

1. Notice of Site inspections
2. Time to Comply
3. Frivolous or vexatious complaints
4. Definition of minor contraventions
5. Use of discretion

Trust Council policy states that Local Trust Committees can close files and adopt policies to address specific issues regarding compliance and enforcement, and the proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw compliance and enforcement activities.

## **PROPOSED POLICIES**

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, and when files should be closed at the discretion of staff. It also includes consideration on whether or not those subject to compliance should face enforcement or penalties if they are financially unable to comply.

This policy also contains a separate section for Mudge Island for the Local Trust Committee to consider. Mudge has no ferry service, or community dock, and there can be additional challenges and expenses when residents are being asked to comply with the adopted Land Use Bylaw. The majority of the greater policy for the Local Trust Area contained in Part A would apply to Mudge but Part B would provide those specific policies that the Local Trust Committee wishes to apply to Mudge.

## **RATIONALE FOR RECOMMENDATION**

Local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Within the Islands Trust, Local Trust Committees have been establishing such policies piecemeal and for individual issues through the adoption of standing resolutions. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

## **ALTERNATIVES**

1. That the Gabriola Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	June 17, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 17, 2024

Attachments

1. Proposed Denman Island Bylaw Enforcement Policy
2. Trust Council Policy 5.5.1

# PROPOSED

## Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective \_\_\_\_XXX\_\_\_\_\_, 2024

### Revision No. 1 Purpose

To establish policies and procedures for bylaw compliance and enforcement in the Gabriola Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., that are within the authority of the Local Trust Committee to enforce, and that will ensure policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

## PART A

### 1.0 Application

*This policy will apply to the Gabriola Island Local Trust Area and the enforcement of all applicable regulatory bylaws.*

### 2.0 Definitions & Abbreviations

**Approved septic system** – ~~one that has been~~ **a septic system that has been designed or constructed by an accredited professional, or registered with the Vancouver Island Health Authority, as appropriate at the time of construction**

*BEN – bylaw enforcement notice*

**Cultural heritage site** – a site identified by local First Nations as being of cultural significance

**Environmentally sensitive areas** - areas which are vital to the survival of biological diversity such as wildlife and marine habitat areas and wetlands

**Health & Safety concerns** – fire, unsafe construction, waste disposal, hazards relating to steep slopes or cliffs

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

~~Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs~~

~~Approved septic system – one that has been registered with the Vancouver Island Health Authority~~

### 3.0 References

Gabriola Island Land Use Bylaw No. 177

Mudge Island Land Use Bylaw No. 228

Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263

1

### 4.0 Priorities

- 4.1 Enforcement on short-term vacation rentals is a priority and proactive enforcement is authorized.
- 4.2 Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, [preservation of cultural heritage sites](#), or the lack of an approved septic system.
- 4.3 Some factors that staff can reasonably consider when deciding whether or not to investigate include:**
- [the nature of the complaint and alleged violation](#)
  - [the impact of the violation on the community](#)
  - [the impact of the violation on the complainant \(if there is one\) or other individuals](#)
  - [any general directives from the LTC<sup>1</sup>](#)

<sup>1</sup> [See Ombudsperson's Special Report No. 36, Bylaw Enforcement: Best Practices for Local Governments, p.27 \(attached as Schedule D\):](#)

[As a best practice, staff who are deciding whether or not to investigate a complaint should have guidelines to assist them in making consistent and defensible decisions. Those guidelines should define the circumstances in which staff can decide not to investigate a complaint and outline the factors staff should consider when making that decision. Some factors that local government staff can reasonably consider when deciding whether or not to investigate include:](#)

- [the nature of the complaint and alleged violation](#)
- [the impact of the violation on the community](#)
- [the impact of the violation on the complainant \(if there is one\) or other individuals](#)
- [any general directives from council](#)

[Such guidelines can be contained in the local government's broader enforcement policy \(see "Guidelines for Exercising Discretion" in The Role of Council section of this guide for more discussion\).](#)

## 5.0 Inspection

- 5.1 Bylaw Enforcement Officers are authorized under the Land Use Bylaws to enter any lot at any reasonable time to determine if regulations are being observed.
- 5.2 At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.

~~5.3~~

5.3 Before conducting an inspection, the Bylaw Enforcement Officer will determine whether it is possible to allow a resident time to comply with the bylaw without the need for an inspection.

5.4 Bylaw Enforcement Officers must provide reasonable advance notice of the inspection to the resident unless the situation is one in which the LTC has stated in a LUB or policy that notice is not necessary.

5.5 Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections.

~~5.45.6~~ If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.

~~5.55.7~~ If a Respondent provides photographic evidence, a survey, ~~or~~ a professional report or other reasonable information or evidence that confirms compliance, a site inspection is not required.

5.8 When conducting an inspection, Bylaw Enforcement Officers must be as minimally intrusive as possible, only inspect what is relevant to the bylaw being enforced, and complete the inspection in a reasonable amount of time.<sup>2</sup>

## 6.0 Enforcement Procedures

- 6.1 If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUB.
- 6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety or a cultural heritage site, there will be a demand for the Respondent to cease the use or activity immediately.
- 6.4 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and the Respondent will arrange a meeting to discuss the feasibility of such an application.
- 6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety or cultural heritage concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.

<sup>2</sup> Changes to this section are to adopt the best practices in the Ombudsperson's Special Report. See p. 32.

6.7 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

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## 7.0 Closing Files

- 7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2 If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their discretion to close the file.
- 7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety or preservation of cultural heritage.
- 7.5 If a Respondent is financially unable to comply with the LUB, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file.<sup>3</sup>
- 7.6 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work on a development permit area, ~~or work in~~ an environmentally sensitive area, a cultural heritage site or there are health and safety concerns.
- 7.7 The LTC and the Respondent will be notified when any file is closed.

## 8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1 Complaints that are false, made in bad faith, made for an improper purpose or for retaliatory purposes may be considered vexatious.
- 8.2 Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3 Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4 If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

## 9.0 Communications

- 9.1 When a file is opened and an investigation commenced, Respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.

<sup>3</sup> Some community members have expressed concern about the exercise of this discretion.

- 9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3 The Manager of Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files.
- 9.4 The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting. **Alternative:** the Manager of Compliance and Enforcement will be available during regular meeting town hall sessions to answer questions regarding bylaw enforcement.

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## 10.0 Reporting

- 10.1 The LTC will receive regular reporting for open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.
- 10.2 The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.
- 10.3 The Manager of Compliance and Enforcement will maintain the Gabriola Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

## PART B

### MUDGE ISLAND

#### 1.1 All of the policies in Part A will apply to compliance and enforcement activities on Mudge Island and the Mudge Island Land Use Bylaw with the following exceptions:

- 1.1.1 ~~Enforcement~~A file will ~~proceed only if not be opened unless~~ there are written complaints received from at least two persons ~~residing from separate properties~~ on Mudge, within 60 days of each other, one of whom resides within 100 meters of the subject property and who demonstrates that the alleged contravention has an adverse impact on them, the community or the environment<sup>4</sup>.
- 1.1.2 Enforcement on contraventions that are in environmentally sensitive areas, a cultural heritage site or concern issues of health and safety, ~~or including~~ a lack of septic services, can proceed with one written complaint from any person resident on Mudge.
- 1.1.3 For confirmed contraventions, a minimum of 180 days and up to two years will be given as time to comply unless there are immediate concerns regarding health and safety, cultural heritage or possible environmental damage.
- 1.1.4 Enforcement ~~on garden beds and driveways as structures~~ will be deferred until such time the LTC can complete a review of the LUB unless there are immediate concerns

<sup>4</sup> Consistent with Ombudsperson's Best Practices.

[regarding derelict buildings or vehicles, health and safety, preservation of cultural heritage or possible environmental damage.](#)

## **PART C Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy**

### **Appointment of Screening Officers**

Pursuant to section 7.2 of the Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263, 2011, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Manager of Compliance and Enforcement; and
- 3) Bylaw Compliance and Enforcement Assistant.

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

4

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Gabriola Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) Manager of Compliance and Enforcement. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Manager of Compliance and Enforcement, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

### **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. Voluntary compliance has been achieved with the LUB.
2. The Bylaw Violation Notice was issued to the wrong person;
3. The Bylaw Violation Notice was not completed properly.
4. The issuance of the Bylaw Violation Notice did not adhere to established Trust Council or LTC policies.
5. It is unreasonable for the person to pay the penalty;
6. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists;

7. The cost of compliance is unreasonable and the effect of non-compliance is minimal;

8. ~~7.~~ A permit exists or has been obtained that authorises the alleged contravention;

9. ~~8.~~ There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:

- a. The evidence is inadequate to show a contravention;
- b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
- c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.

10. ~~9.~~ 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. An LTC resolution has deferred enforcement on the specific contravention;
- c. The LTC has closed the file.
- d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.



<b>Policy:</b>	5.5.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 11, 1995
<b>Amendment Date(s):</b>	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
<b>Policy Holder:</b>	Director of Local Planning Services

## BYLAW COMPLIANCE AND ENFORCEMENT

### Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

### A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

### B. Policy

#### 1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

#### 2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report ["Bylaw Enforcement: Best Practices Guide for Local Governments"](#), March, 2016.

#### 3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
  - 3.1.1 in response to written complaints of an alleged contravention made by any person;
  - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;

- 3.1.3 bylaw contraventions appear to cause health and safety issues;
- 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

1

Islands Trust;

- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

#### 4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
  - 4.1.1 if no contravention existed;
  - 4.1.2 if compliance has been achieved;
  - 4.1.3 on direction of a Local Trust Committee;
  - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

#### 5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
  - 5.1.1 by specific direction of a Local Trust Committee;
  - 5.1.2 health and safety issues;
  - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
  - ~~5.1.4~~
  - 5.1.4 adverse impact on a cultural heritage site that could result in irreversible damage if not prevented in a timely fashion;
  - 5.1.5 contraventions of land use bylaws and other bylaws.

#### 6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
  - 6.2.1 provide full information and exchange of information;
  - 6.2.2 confirm facts;
  - 6.2.3 explore opportunities for compliance;
  - 6.2.4 negotiate a timeline for compliance;
  - 6.2.5 reach a compliance solution.

## **7. LEGAL ACTION**

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
- 7.1.1 issue a bylaw violation notice; or
  - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under
- 2
- the following conditions:
- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
  - 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
  - 7.3.3 Executive Committee has approved legal funding for the prosecution; and
  - 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

## **8. BYLAW NOTICE DEBT**

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

## **9. CONFIDENTIALITY**

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

## **10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES**

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

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10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.

10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

10.6 Trust Council will be informed of the volume and type of bylaw enforcement files biannually.

**C. Legislated References**

1. [Islands Trust Act](#)
2. [Offence Act](#)

**D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)

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- [BC Local Government Bylaws>Bylaw Enforcement](#)

Document comparison by Workshare 10.0 on Tuesday, July 9, 2024 10:43:53 AM

Input:	
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Description	#38273069v1<WSLegal> - Staff REport Bylaw BOD working copy
Document 2 ID	file://C:\NRPortbl\WSLegal\MCCULLOUGHJ\38344303_1.docx
Description	38344303_1
Rendering set	Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	64
Deletions	16
Moved from	4
Moved to	4
Style changes	0
Format changes	0
Total changes	88



**From:** Tobi Elliott  
**Sent:** Monday, August 19, 2024 11:46 AM  
**To:** Laura Patrick; Robert Kojima; Stefan Cermak; Warren Dingman  
**Cc:** [REDACTED]; Gabriola Island Local Trust Committee  
**Subject:** Re: Proposed Policy comments to consider for both Trust Council and the Gabriola LTC  
**Attachments:** Staff Report Bylaw - v2 MICA Suggested Revisions July 9, 2024.DOCX; Redline - First draft bylaw enforcement policy compared to v2 MICA Suggested Revisions July 9, 2024.PDF; Copy Submission of proposed policy revisions and Rationale for Revisions.pdf; IT Regional Planning Committee submission Aug 18 2024.pdf; Mail Attachment.eml

Dear Chair Patrick, Director Cermak, Planner Kojima, Manager Dingman and Richard,

I support MICA's submissions and their request to have this material considered at our next RPC meeting. There is a very strong example on Mudge Island (pop. Approx 100 year round?) for how our current bylaw enforcement and compliance regime and practices fail to meet the needs of smaller island communities, especially those with a history of little to no oversight, which have been otherwise left to their own devices for decades.

Our system resulted in a sudden increase in the number of complaints (60+) over a very short time, from a very small number of people. Because we have no system to vet or verify if complaints actually are causing hardship to neighbours, or if complaints are frivolous or vexatious, each of them has required a file opened and to be investigated, which caused a shockwave of fear, distress and uncertainty in the otherwise self-sufficient and cohesive community.

I wanted to note that the question of staff's interpretation of TC Bylaw 5.5.1, raised considerable discussion at a special meeting we held on Mudge July 16. BLE Manager Dingman attended the meeting virtually, and he answered most of the questions posed to general satisfaction, except for how much latitude staff have in interpreting section 3.1, Commencing Investigations: the question of whether investigations "may" or "must" be commenced on receiving a complaint. I would say the lack of clarity around investigations and the poor wraparound policy accounts for at least 50% of the concerns we are hearing.

The Gabriola Local Trust Committee is working with MICA on a local Bylaw Compliance and Enforcement policy drafted by staff (attached with their comments). The LTC has supported some temporary solutions not to enforce the LUB until we have this Policy enacted, and a Review of the Mudge LUB is concluded. However, the Gabriola LTC cannot do anything about Trust Council Policies that direct how investigations are begun, as this is Trust Council policy.

So I encourage discussion on this topic at our next RPC meeting, and request that the materials be added to an agenda so it can inform any recommendations we make to Council in Sept.

Thank you very much for your submission, Rich. You and MICA have worked really hard to speak on behalf of your community, and I support working together so we can develop a better process.

Trustee Tobi

PS Rich, I have attached MICA's previous 3 attachments separately.

**Tobi Elliott**

Islands Trust

Local Trustee for Gabriola, DeCourcy, Mudge Islands

Vice-Chair for Lasqueti, Mayne, Thetis & South Pender Islands

250-268-7434 -- [islandstrust.bc.ca](http://islandstrust.bc.ca)

[telliott@islandstrust.bc.ca](mailto:telliott@islandstrust.bc.ca)

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

*I am grateful to live, work and play in the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səlilwətał, SEMYOME, shíshálh, Skw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

On Aug 18, 2024, at 3:38 PM, [REDACTED] wrote:

Hello Ms. Patrick

We understand that the Islands Trust Regional Planning Committee will be meeting September 4<sup>th</sup> and we ( Mudge Island Community Association – MICA) respectively request that the Committee includes the attached letter and attachments in the addenda and consider the points raised when providing future input to Trust Council and the local LTC.

We look forward to hearing from you and if you have any questions, please do not hesitate to contact me.

Yours Truly,

Rich Brooks, Chair MICA



## **Regional Planning Committee Minutes of a Special Meeting**

**Date:** April 25, 2024  
**Location:** Electronic Meeting

**Members Present:** Laura Patrick, Salt Spring Island Local Trustee, Chair  
Sam Borthwick, Denman Island Local Trustee, Vice Chair  
Mairead Boland, Saturna Island Local Trustee  
Aaron Campbell, North Pender Island Local Trustee  
Tobi Elliott, Executive Committee Representative  
Mikaila Lironi, Lasqueti Island Local Trustee  
David Graham, Denman Island Local Trustee  
Peter Luckham, Thetis Island Local Trustee (Ex Officio)

**Member Regrets:** Alex Allen, Hornby Island Local Trustee

**Staff Present:** Stefan Cermak, Director, Planning Services  
Robert Kojima, Regional Planning Manager  
Anthony Fotino, Island Planner  
Rob Kroeker, Planning Services Administrative Assistant / Recorder

**Others Present:** None.

### **1. CALL TO ORDER**

Chair Patrick called the meeting to order at 10:03 a.m. and acknowledged that participants of the meeting were attending from all across the territories and home of the Coast Salish peoples.

### **2. AGENDA**

#### **2.1 Review of the Agenda**

No new items were presented for addition to the agenda.

#### **2.2 Approval of the Agenda**

**By general consent** the Regional Planning Committee approved the agenda as presented.

### **3. PUBLIC COMMENT PERIOD**

No members of the public were present.

### **4. DELEGATIONS**

None.

**5. BUSINESS – WORK PROGRAM ITEMS**

**5.1 Governance Review Annex 1 – Recommendations Summary - BRF**

Regional Planning Manager Robert Kojima introduced the briefing, informing Regional Planning Committee that minor updates have been applied since the Committee first saw this report in 2023 and deferred discussion. Committee discussion included:

- Staff reported that many of the recommendations were already identified in 2018 review of planning services
- Regional Planning Committee will use the meeting to go through the report in sequential order
- with the transition to CityView platform for planning applications, staff reported that a review of processes for efficiency and streamlining has been completed to assist transition
- a Trustee inquired how can CityView improve and streamline over adapting the current process for applications
- Trust Council has requested reporting on application processing time to be delivered
- Official Community Plan Terms of Reference for Salt Spring Island is available, and setting a standard for work and equitable public engagement

**5.1.1 Summary Table of Annex 1 Recommendations**

Committee discussion included:

**Section 1. Bylaws**

**Item 1. Number of Official Community Plans**

- Official Community Plans should reflect each community and flow from a community involved process
- Official Community Plans should retain individuality to represent communities they are rooted in
- efficiency should not come at the cost of individuality of islands
- values, unique heritage can be captured and inform decisions on growth
- common ground on larger issues can be achieved in Policy Statement
- what is the cost for communities to review their Official Community Plans?
- in pursuit of good engagement and bringing communities to the table, many communities devote more robust people resources than Local Trust Committees have to Official Community Plan development

**Item 2. Draft Model Official Community Plan**

- the Saturna Island Official Community Plan was suggested as a strong model document
- could artificial intelligence tools be used to compare Official Community Plans with each other, and with a model template?

- most jurisdictions that are updating Official Community Plans do so with increased engagement and attention to reconciliation versus when many Islands Trust Official Community Plans were done in the 1990s

**Item 3. Official Community Plan reviews**

- on starting reviews, projects tend to be more targeted, such as housing reviews, and as Regional Planning Team builds experience
- the new corporate planning process should identify projects at the start of the four year term for Trustees, to better guide long range planning
- it was proposed to consider freezing all Official Community Plan and Land Use Bylaw updates until they can be brought in line with the Trust Policy statement, possibly with more funding from province
- Regional Planning Committee's key role is how to structure this work so that Local Trust Committees are not just fending for money, but all fits into a longer term plan

**Item 4. Priority to Local Trust Areas experiencing growth and change**

- a Trustee asked if information is available regarding growth trends, developed and undeveloped lots – an overview allowing comparison across islands
- data organization to compare growth information across islands
- other questions include water resources, fire resiliency, climate change
- population and carrying capacity does not capture the types of growth: how can people living on islands take responsibility for existing development patterns and make change to build back ecosystems, foster equity and sustainability

**Item 5. Official Community Plan review timeframes**

- one Trustee suggested the removal of timeframes from models, citing the differences in needs and complexity between islands

**Item 7. Actions and engagement methods**

- engagement goals are similar across islands, towards fully informed communities with say in process
- methods will be different, and engaging constituents is different across diverse groups that requires meeting people where they are
- replication across Local Trust Areas is not advisable, and tailoring should be sought to island context

**Section 2. Land Use Bylaws**

**Item 8. Reduce Number of Land Use Bylaws to match Official Community Plans**

- value in format similarities and simplicity for understanding Land Use Bylaw regulations, as opposed to Official Community Plans nuanced to each island's aspirations
- standard format is helpful, as currently information in Land Use Bylaws that relates can be in different sections across the document

- one Trustee would like to see differences in regulations common to all Land Use Bylaws, for instance setbacks, arranged in a table to compare for a more holistic picture across Local Trust Areas
- the model Land Use Bylaw is being maintained and updated by staff with regard to new regulations from Province
- Trustees expressed interest in reviewing the model Land Use Bylaw and Regional Planning Manager Kojima will share with attendees following meeting

**Item 11. Concurrent updates of Land Use Bylaws and Official Community Plan updates**

- value is seen in linking Official Community Plan updates and Land Use Bylaws
- concurrent reviews assist in reflecting the needs of community best, linking community vision to regulation

**Section 3. Model Bylaws**

- resist the creation of model bylaws requiring large resources without stringent conditions and delineated use cases

**Section 4. Compliance and Enforcement**

- the Bylaw Compliance and Enforcement Review project will be returned to the next Regional Planning Committee for discussion

**Section 5. Planning Projects**

- striking an appropriate balance between reviewing applications, and planning projects
- one Trustee suggested that for Denman, project management with regard to major and minor projects is working, but struggles to see how this works also for very different islands
- staff is developing screening materials for major projects to guide planning priorities, which will be coming back to a future meeting
- budget allotment to planning is small, though it is very visible to Trust mission from constituent perspective
- strategic position to allocating planning resources thus has outsized impact

**Section 6. Development Applications**

- possible outcome of delegating Development Permits include saving time for applicant, and for trustees no longer reviewing
- challenge to delegating Development Permits is fewer reviewers, which is a failsafe; but if turned down, the decision could be appealed to the Local Trust Committee
- delegation of minor Development Variance Permits is another area of interest, minor variance would need definition and could be dealt with quickly
- reliance on professional educated staff for these decisions in the above cases is helpful to Trustees

- if delegation was adopted, informing the public of these permits in other manners than the current Local Trust Committee agenda packages
- information viewable to the public on CityView Portal may contribute to a solution, with public education about the platform forthcoming

#### **Section 7. Organization**

- Trustees value having staff on islands and this practice increases access for community
- an office in Swartz Bay area would facilitate easier access for southern islands
- Governance Committee discussion is ongoing regarding leases, and the Governance Report was written when the northern office was struggling to retain staff, while current staffing is robust
- rationale for leasing over using capital to purchase

#### **Section 8. Staff Resources**

- planners are sometimes challenged by procedural questions when they are the only one attending meetings
- the role of Chair is to protect staff and keep within the realm of their professional expertise
- value of Trustees having the opportunity to know staff, their role and their work

#### **Section 9. Planning Reports**

- trend towards shorter reports and good summarization
- pending update to eSCRIBE platform that Islands Trust uses will possibly facilitate improved access to previous reports
- challenge of finding individual staff reports in previous agendas, without direct links
- information produced is good but must be organized for access and research

#### **Annex 1 Section E. Other Observations**

Committee discussion included:

- regarding First Nations feedback, Islands Trust perspective is trying to be proactive in anticipating needs, communicating, and avoiding surprises with First Nations and Ministry staff
- a Trustee asked if CityView will provide an operational dashboard to view progress of projects and ascertain where projects stall
- internally, CityView is set up to prompt staff on step by step processes; applicants can view progress through the public-facing portal
- reporting to Local Trust Committees is still being explored as it is currently being learned by staff
- Trustees Patrick and Borthwick committed to cross referencing the Annex 1 list with Regional Planning Committee's current priorities list to report to Governance Committee or Trust Council that it has been reviewed, identifying what is embedded in current work, and what gaps if any still need to be addressed

**6. BUSINESS - OTHER**

None.

**7. BUSINESS – NEW**

None.

**8. NEXT MEETING**

The next scheduled meeting of the Regional Planning Committee is May 24, 2024.

**9. CLOSED MEETING**

The Committee did not close the meeting.

**10. RISE AND REPORT**

As the Committee did not close the meeting, there was no need for the Committee to discuss this option.

**11. ADJOURNMENT**

**By general consent** the meeting adjourned at 12:18 p.m.

\_\_\_\_\_  
Laura Patrick, Chair

Certified Correct:

\_\_\_\_\_  
Rob Kroeker, Planning Services Administrative Assistant / Recorder

**Minutes are not official until adopted at a subsequent meeting.**



## **Regional Planning Committee Minutes of a Regular Meeting**

**Date:** May 24, 2024  
**Location:** Electronic Meeting

**Members Present:** Mairead Boland, Saturna Island Local Trustee  
Aaron Campbell, North Pender Island Local Trustee  
Tobi Elliott, Gabriola Island Local Trustee (Executive Committee Representative)  
Mikaila Lironi, Lasqueti Island Local Trustee  
David Graham, Denman Island Local Trustee  
Peter Luckham, Islands Trust Council Chair and Thetis Island Local Trustee (Ex Officio Regional Planning Committee member)

**Member Regrets:** Laura Patrick, Salt Spring Island Local Trustee, Chair  
Sam Borthwick, Denman Island Local Trustee, Vice Chair

**Staff Present:** Stefan Cermak, Director, Planning Services  
Robert Kojima, Regional Planning Manager  
Anthony Fotino, Island Planner  
William Shulba, Senior Freshwater Specialist  
Warren Dingman, Bylaw Compliance and Enforcement Manager  
Clare Frater, Director, Trust Area Services  
Rob Kroeker, Planning Services Administrative Assistant / Recorder

**Others Present:** None.

### **1. CALL TO ORDER**

Acting as Chair, Trustee Elliott called the meeting to order at 10:04 a.m. and acknowledged that participants of the meeting were attending all across the territories and home of the Coast Salish peoples.

### **2. AGENDA**

#### **2.1 Review of the Agenda**

No new or late items were presented for consideration.

#### **2.2 Approval of the Agenda**

**By general consent** the Regional Planning Committee approved the agenda as presented.

### **3. PUBLIC COMMENT PERIOD**

No member of the public was present.

**4. DELEGATIONS**

None.

**5. CORRESPONDENCE**

None.

**6. ADMINISTRATIVE COORDINATION**

**6.1 Draft Minutes of Previous Meeting**

6.1.1 RPC Regular Meeting Minutes of February 16, 2024

**By general consent** the Regional Planning Committee Minutes of February 16, 2024, were adopted as presented.

**6.2 Resolutions Without Meeting (RWM)**

None.

**6.3 Follow-up Action List**

The Follow-up Action List was presented for information.

**7. BUSINESS – WORK PROGRAM ITEMS**

**7.1 Annual Report - RFD**

Director Cermak presented the Request For Decision.

**RPC 2024-007**

**It was MOVED and SECONDED,**

that Regional Planning Committee approves the attached text for inclusion in the 2023-24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

**CARRIED**

**7.2 Recommended Options for Freshwater Sustainability Strategy Implementation in FY 2025/26 - RFD**

Senior Freshwater Specialist Shulba presented the Request For Decision. Committee discussion included:

- timing of the business case with available grants

- successful application for Watershed Security Fund grant would grow the scope of the project
- watershed governance discussions occurring with Capital Regional District on Salt Spring Island
- strategic application of funding opportunities
- reporting and progress indicators of the Freshwater Sustainability Strategy
- overall scope of the Freshwater Balance project
- completed work includes aquifer mapping and groundwater recharge, technical work, and data gathering
- future work includes analyzing water demand
- the organization of multi-year projects
- a useful table layout of information can be adapted from the Housing Strategic Action Plan format to develop an implementation plan

**RPC 2024-008**

**It was MOVED and SECONDED,**

that Regional Planning Committee ask that staff provide a review and status of all past and current projects undertaken as part of the Freshwater Sustainability Strategy and report back to include in the draft implementation plan with a table similar to the Housing Strategic Action Plan.

**CARRIED**

**RPC 2024-009**

**It was MOVED and SECONDED,**

that Regional Planning Committee request staff to report back at the Regular Business Meeting of September 4, 2024 with a draft business case for the Islands Trust Area Freshwater Balance project.

**CARRIED**

**7.3 Bylaw Compliance and Enforcement Review - RFD**

Director Cermak presented the Request For Decision. Committee discussion included:

- the next stage of the project is reviewing a Bylaw Compliance and Enforcement Review draft, and then sending to Trust Council for adoption
- local control and accountability will be provided by the Bylaw Compliance and Enforcement Policy documents for each Local Trust Committee
- the Local Trust Committee Bylaw Compliance and Enforcement Policy documents will incorporate standing resolutions and other localized direction to Bylaw staff
- addressing issues that are not currently captured in policy, such as vexatious complaints
- add 'compliance' after Bylaw to Attachment 2 template title
- maintaining individuality of island policies
- best practices are drawn from across many jurisdictions
- defining roles and responsibilities more finely per Ombudsperson's report

**RPC 2024-010**

**It was MOVED and SECONDED,**

that Regional Planning Committee request staff to amend the deliverables of the project to include the development and review of a Local Trust Committee Bylaw Compliance and Enforcement Policy.

**CARRIED**

**RPC 2024-011**

**It was MOVED and SECONDED,**

that Regional Planning Committee request staff to complete the draft Local Trust Committee Bylaw Compliance and Enforcement Policy template for review at the September 4, 2024 regular business meeting.

**CARRIED**

Committee recessed at 12:02 p.m. and returned at 12:30 p.m.

**7.4 Housing Strategic Action Plan – Implementation Updates – BRF**

**7.4.1 HSAP – Community Improvement Districts – BRF**

Planner Fotino presented the briefing. Committee discussion included:

- what is to be gained by grants to improvement districts
- regional districts can apply for infrastructure grants on behalf of improvement districts
- opportunity to advocate for more water catchment resources
- modern forms of water governance and watershed management

**RPC 2024-012**

**It was MOVED and SECONDED,**

that Regional Planning Committee recommend that advocacy for improvement district access to grants be put in abeyance until further direction.

**CARRIED**

**7.4.2 HSAP – Consistent Definitions of Affordable Housing and Other Housing-related Terms – BRF**

Planner Fotino presented the briefing. Committee discussion included:

- the need to reflect housing forms that are used on islands
- prescriptive nature of definitions
- this exercise contributes to model Land Use Bylaw development
- alternative dwelling units

**7.4.3 HSAP – Communication Materials for Property Owners - BRF**

Planner Fotino presented the briefing. Committee discussion included:

- usefulness of illustrated forms for communicating information
- drawings represent limited housing forms

- inclusion of lawful alternative dwellings in this depiction, such as yurts and tiny homes
- mobile home parks
- tiny home construction standards and the BC Building Code
- Trustees proposed creating a working group to further develop and clarify advocacy and issues around the legalization of tiny homes

**7.5 OCP-LUB Status Review - BRF**

Regional Planning Manager Kojima presented the briefing. Committee discussion included:

- the Mudge Island Land Use Bylaw’s position on the Gabriola Island Local Trust Area future projects list
- opportunity to seek provincial funding for Official Community Plan reviews following the amended Trust Policy Statement

**7.6 LTC Projects Status Update - BRF**

Regional Planning Manager Kojima presented the briefing. Committee discussion included:

- some minor projects budget is traditionally underspent
- staff time for minor projects comes from assigned Island Planner time

**7.7 Applications Report - BRF**

Regional Planning Manager Kojima presented the briefing for information.

**7.8 Regional Planning Team Update – Engagement Framework - BRF**

Regional Planning Manager Kojima presented the briefing. Committee discussion included:

- this is one element of the Community Engagement Plan toolkit
- the cover photo was encouraged to depict a non-impervious surface instead
- the intention for this framework to function as a public-facing document
- promoting this work in the community
- add information to subscribe for updates by email
- equity and inclusivity as guiding principles
- diverse methods to reach more community members equitably
- the inclusion of a graphic demonstrating equity in participation principle
- add ‘equity and participation’ bullet to “goals” box

**7.9 Recommendations for Trust Council’s Strategic Plan – Kunming-Montreal COP15 Biodiversity Framework**

Director Frater presented the briefing for information.

**8. BUSINESS - OTHER**

None.

**9. BUSINESS – NEW**

None.

**10. WORK PROGRAM**

Received for information.

**11. NEXT MEETING**

The next scheduled meeting of the Regional Planning Committee is September 4, 2024.

**12. CLOSED MEETING**

The Committee did not close the meeting.

**13. RISE AND REPORT**

As the Committee did not close the meeting, there was no need for the Committee to discuss this option.

**14. ADJOURNMENT**

**By general consent** the meeting adjourned at 2:11 p.m.

\_\_\_\_\_  
Tobi Elliott, Chair

Certified Correct:

\_\_\_\_\_  
Rob Kroeker, Planning Services Administrative Assistant / Recorder

**Minutes are not official until adopted at a subsequent meeting.**

## Follow Up Action Report

### Regional Planning Committee

#### 01-Feb-2022

Progress	Activity	Responsibility	Dates	Status
10%	1 that Regional Planning Committee recommend staff schedule a staff-lead online education session focusing on housing challenges and solutions for Trust Council following the update of the Islands Trust Community Housing (Options) 'Toolkit'.	Anthony Fotino Robert Kojima Stefan Cermak	Target: 31-Dec-2024	In Progress

#### 09-Feb-2022

Progress	Activity	Responsibility	Dates	Status
0%	1 that Regional Planning Committee request staff develop an Islands Trust Freshwater Sustainability Strategy policy document. (Discussed Feb. 2024 - to be absorbed into an Implementation Plan)	Anthony Fotino William Shulba	Target: 30-Nov-2024	In Progress

#### 24-Aug-2022

Progress	Activity	Responsibility	Dates	Status
0%	1 that Regional Planning Committee request staff to create a Freshwater Sustainability Strategy Frequently Asked Questions document.	Anthony Fotino William Shulba	Target: 29-Dec-2023	In Progress

#### 06-Sep-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 that Regional Planning Committee request staff to prepare Terms Of Reference before the end of the current fiscal year for potential grant funding for eelgrass mapping and explore partnerships.	Stefan Cermak	Target: 31-Mar-2024	In Progress

## Follow Up Action Report

### Regional Planning Committee

16-Feb-2024

Progress	Activity	Responsibility	Dates	Status
50%	1 Staff to develop a Freshwater Sustainability Strategy implementation plan that defines the roles and responsibilities of the Regional Planning Committee, Trust Programs Committee, Trust Council and key staff, and that is operationalized through multi-year work plans, budget requests, and program-specific implementation plans.	Anthony Fotino William Shulba	Target: 08-Nov-2024	In Progress
0%	2 Staff to provide information about the implications for LTCs regarding Item 4 of the Short Term Rental Opportunities and Challenges staff report (end of legal non-conforming status).	Warren Dingman	Target: 20-Sep-2024	In Progress

## Follow Up Action Report

### Regional Planning Committee

24-May-2024

Progress	Activity	Responsibility	Dates	Status
75%	1 that Regional Planning Committee ask that staff provide a review and status of all past and current projects undertaken as part of the Freshwater Sustainability Strategy and report back to include in the draft implementation plan with a table similar to the Housing Strategic Action Plan.	Anthony Fotino William Shulba	Target: 04-Sep-2024	Completed
81%	2 that Regional Planning Committee request staff to report back at the regular business meeting of September 4, 2024 with a draft business case for the Islands Trust Area Freshwater Balance project.	Anthony Fotino Robert Kojima William Shulba	Target: 04-Sep-2024	Completed
100%	3 that Regional Planning Committee request staff to amend the deliverables of the Bylaw Compliance and Enforcement Review project to include the development and review of a Local Trust Committee Bylaw Compliance and Enforcement Policy.	Anthony Fotino Warren Dingman	Target: 04-Sep-2024	Completed
75%	4 that Regional Planning Committee request staff to complete the draft Local Trust Committee Bylaw Compliance and Enforcement Policy template for review at the September 4, 2024 regular business meeting.	Anthony Fotino Warren Dingman	Target: 04-Sep-2024	Completed



# BRIEFING

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**To:** Regional Planning Committee      **For the Meeting of:** September 4, 2024  
**From:** William Shulba, P.Geo      **Date Prepared:** August 28, 2024  
Senior Freshwater Specialist  
Planning Services  
**SUBJECT:** Islands Trust Freshwater Sustainability Strategy Implementation

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## PURPOSE:

The purpose of this briefing is to

- provide a review and status of all past and current projects undertaken as part of the Freshwater Sustainability Strategy and report back to include in the draft implementation plan with a table similar to the Housing Strategic Action Plan, and
- provide update to the requested draft business case for the Islands Trust Area Freshwater Balance project.

## BACKGROUND:

The Regional Planning Committee (RPC) moved the following resolutions at their February 16, 2024 meeting:

### RPC 2024-08

It was **MOVED** and **SECONDED**,

*that Regional Planning Committee ask that staff provide a review and status of all past and current projects undertaken as part of the Freshwater Sustainability Strategy and report back to include in the draft implementation plan with a table similar to the Housing Strategic Action Plan.*

### RPC 2024-09

It was **MOVED** and **SECONDED**,

*that Regional Planning Committee request staff to report back at the Regular Business Meeting of September 4, 2024 with a draft business case for the Islands Trust Area Freshwater Balance project.*

## ANALYSIS:

### Past Projects of the Islands Trust Freshwater Sustainability Strategy

The Islands Trust Freshwater Sustainability Strategy is a comprehensive initiative recognizing the critical importance of groundwater and surface water for the region's ecological health, community well-being, and long-term sustainability. The strategy encompasses a series of focused projects that address the goals and actions of the strategy.

To address the resolutions two attachments are provided:

1. Islands Trust Freshwater Sustainability Projects Timeline

The RPC requested staff to provide information on past projects of the FWSS and an attempt to present this in a one page document (Attachment 1). The table illustrates when the projects were in pilot/methodology phase, if they are in progress, completed, or proposed. Additionally, this table provides a view of what LTCs were included in the project.

2. Islands Trust Freshwater Sustainability Projects Actions

Actions (Attachment 2) of the FWSS were created to guide potential projects of the four programs of the strategy; Groundwater Sustainability Science (GWSS), Watershed Sustainability Science (WSSS), Cultural Knowledge and Engagement (CKE), and Freshwater Sustainability Reporting (FSR) in addition to Collaboration and Advocacy with Other Agencies. The actions contained within the FWSS were created collaboratively by the FWSS Strategic Advisory Roundtable composed of 23 individuals from various sectors, including community groups, government agencies, Indigenous Cultural Knowledge Holders, and Islands Trust staff. This group provided critical input throughout the strategy's development process, ensuring a diverse range of perspectives were considered. The Strategic Advisory Roundtable and the strategy document did not provide an action or project plan to undertake these actions. To assess strategy progress staff cross-referenced the strategic actions with previous and proposed projects.

Major projects are briefly summarized below and reports are available on the Freshwater Sustainability page here: <https://islandstrust.bc.ca/freshwater>

*Islands Trust Area Freshwater Atlas Project*

The Freshwater Atlas is a living-project that is updated on occasion with information, data, maps, and educational materials as they are developed for projects of the Freshwater Sustainability Strategy. The release of the first phases of the Freshwater Atlas are to be rolled out this fiscal year.

*Islands Trust Area Aquifer Conceptualization Project*

The *Islands Trust Area Aquifer Conceptualization Project* was a multi-year parallel process to the *Islands Trust Area Groundwater Recharge Mapping Project* that is concluding its final phases this fiscal.

*Islands Trust Area Groundwater Recharge Mapping Project*

This project was a multi-year comprehensive process that successfully concluded assessment of the spatial variability of groundwater recharge potential on all major islands and select associated islands in the Islands Trust Area. The final phases of the project are concluding this fiscal and RPC can expect a compendium report from staff that collates all reports and information from every project fiscal year into one document with staff analysis of integration opportunities with existing and future freshwater sustainability initiatives. Information and data from this project are included in the Freshwater Atlas.

*Southern Gulf Islands Groundwater Availability Assessment Project*

This project was undertaken in 2019-2021 by five local trust committees that assessed the availability of groundwater in select islands of the southern gulf islands. Since this is a region with growing water demand and limited freshwater resources; the assessment provided a preliminary analysis of how to critically assess groundwater capacity, usage, and sustainability using limited data to help to guide regional policy decisions in the region. The learnings from this project were integrated into the following groundwater science projects and these learnings will be integrated into the freshwater balance project.

### *Watershed Resiliency Mapping*

The Watershed Resiliency Mapping is a forest ecosystem analysis that focuses on the resilience of watersheds within the Islands Trust Area. This analysis is advanced only on select islands that were included in the first island tranche of the Suitable Land Analysis.

### *Seawater Intrusion Mapping*

The project summarized in the document focuses on assessing the risk of seawater intrusion into aquifers along British Columbia's coast, including the Southern Gulf Islands. This study uses GIS modeling to map susceptibility and identify areas at risk due to groundwater pumping and coastal hazards. It provides valuable data to support water management decisions, emphasizing the need to prevent seawater intrusion into freshwater aquifers, particularly in areas like the Gulf Islands where groundwater resources are crucial. The study also recommends further monitoring and updating of the model to maintain effective management practices.

### **Islands Trust Area Freshwater Balance project**

The Islands Trust Area Freshwater Balance project represents a natural and critical progression within the framework of the Islands Trust Freshwater Sustainability Strategy. Building upon the foundational work of previous projects, such as the Freshwater Atlas, Aquifer Conceptualization, Groundwater Recharge Mapping, Southern Gulf Islands Groundwater Availability Assessment, and Watershed Resiliency Mapping, the Freshwater Balance project integrates and leverages the comprehensive data and insights these initiatives have provided.

Through project planning, staff have chosen to not seek funding for the project for fiscal year 2025/26 based on staffing resources and to wait for the fiscal year 2024/25 Islands Trust Freshwater Balance Methodology project to be completed. Using the information from this fiscal years project, a business case will be forwarded to the RPC to consider an in-house consultative process over a series of workshops with staff and the Regional Planning Committee to triage priority islands to be included in the project.

### **ATTACHMENT(S):**

1. Islands Trust Freshwater Sustainability Projects Timeline
2. Islands Trust Freshwater Sustainability Projects Actions

### **FOLLOW-UP:**

Staff will follow up at the next RPC meeting to present a business case without a budget request for the Islands Trust Freshwater Balance project.

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**Prepared By:** William Shulba, P.Geo, Senior Freshwater Specialist

**Reviewed By/Date:** Stefan Cermak, August 28, 2024







## REQUEST FOR DECISION

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**To:** Regional Planning Committee      **For the Meeting of:** September 4, 2024

**From:** Anthony Fotino, Island Planner      **Date Prepared:** August 23, 2024

**SUBJECT:** Bylaw Compliance and Enforcement Policy Review Updates

### RECOMMENDATION:

1. That Regional Planning Committee review and provide direction on the draft Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) to Trust Council.
2. That Regional Planning Committee review and provide direction on the draft Local Trust Committee Handling of Administrative Fairness Complaints Policy (Policy 7.1.2) to Trust Council.
3. That Regional Planning Committee review and provide direction on the draft Bylaw Compliance and Enforcement Best Practices manual and confirm referral to Ombudsperson's Office for comment in September 2024 as per the Project Charter work plan.
4. That Regional Planning Committee request that Trust Council approve the attached amended Project Charter at their September 2024 meeting.

**DIRECTORS COMMENTS:** The draft amendments to bylaw compliance and enforcement policies and procedures advances the approved project goals and is on target meeting project deliverable timelines.

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### 1. PURPOSE:

To bring forward the draft Local Trust Committee Bylaw Compliance and Enforcement Policy update (Policy 5.5.1), draft Bylaw Compliance and Enforcement Best Practices Manual, and draft Handling of Administrative Fairness Complaints policy update (Policy 7.1.2) for the Regional Planning Committee's (RPC) review and comment. Additionally, to update the RPC on updates to the Draft Local Trust Committee (LTC) Bylaw Compliance and Enforcement Template, as there have been changes made since the May RPC meeting.

### 2. BACKGROUND

At the regular May 2024 meeting, the RPC received a report from staff providing recommendations on next steps for bylaw enforcement policies and practices using the Office of the Ombudsperson's Consultation and Training Team ('Ombudsperson') report recommending changes to Trust Council policies and Bylaw Enforcement practices and procedures. RPC adopted the following resolutions:

**RPC 2024-010**

**It was MOVED and SECONDED,**

that Regional Planning Committee request staff to amend the deliverables of the project to include the development and review of a Local Trust Committee Bylaw Compliance and Enforcement Policy.

**RPC 2024-011**

**It was MOVED and SECONDED,**

that Regional Planning Committee request staff to complete the draft Local Trust Committee Bylaw Compliance and Enforcement Policy template for review at the September 4, 2024 regular business meeting.

In terms of **RPC 2024-010**, the project charter has been updated to reflect what RPC asked for at the May 2024 regular meeting. Based on the project charter workplan, Staff are currently on schedule, as the current milestone is “Draft Policies and Manual to RPC for Review and Changes”. The Project Charter (version 2 (V2)) can be found in Attachment 5.

**3. ANALYSIS AND OPTIONS IDENTIFICATION**

Staff went through the process of drafting an updated version Trust Council policy 5.5.1 (Attachment 1) that was presented to the RPC at the May regular meeting. Specifically, there have been three notable additions to the policy based on the Ombudsperson recommendations:

- 1) Three definitions have been included in the definitions section: *Vexatious Complaint*, *Respondent*, and *Bylaw Notice*;
- 2) Use of Discretion policy has been added as Section 8; and
- 3) Frivolous, Repeat, or vexatious complaints has been added as Section 11

Trust Council Handling of Administrative Fairness Complaints Policy (7.1.2) has been amended to reflect the recommendation by the office of the Ombudsperson to identify more of a general complaints policy versus its current form. In the Ombudsperson report, it was suggested that the policy’s title and content be amended to reflect its function as a general complaints policy. The report also suggested using the Office’s Model Complaints Policy should Trust Council decide to revise the Administrative Fairness Complaints Policy. The draft changes can be found in Attachment 2. Amendments to the existing policy include:

- 1) Revising the purpose statement;
- 2) Adding “Guiding Principles”; and
- 3) Adding the Roles and Responsibilities of Organizational Staff.

The Draft Bylaw Compliance and Enforcement Best Practices Manual (Attachment 4) has incorporated all of the recommendations from the Ombudsperson report to make a more robust and transparent document. Additionally, updates have been incorporated to make it more consistent with the amendments made to Trust Council policy 5.5.1. Amendments to the manual include:

- 1) Removal of references to internal documents;
- 2) Adding references to frivolous, repeat or vexatious complaints;
- 3) Added references to the review of Trust Council and LTC policies.
- 4) Updated the hyperlinks for public available documents.

Based on feedback from LTCs, the updated Draft LTC Bylaw Compliance and Enforcement Template (Attachment 3) has been modified and expanded since the RPC reviewed it in May. Changes to the document include:

- Formatting;
- Revised Purpose Statement;
- Inclusion of definitions and abbreviations; and
- Expansion of sections five (5) through nine (9)

The Regional Planning Committee has also received feedback from the Mudge Island Community Association regarding proposed policy amendments. The feedback will be available in the correspondence section of the agenda package.

**4. ATTACHMENT(S):**

- 1) **Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy**
- 2) **Draft TC Policy 7.1.2 - Handling of Administrative Fairness Complaints Policy**
- 3) **Draft LTC Bylaw Compliance and Enforcement Template;**
- 4) **Draft Bylaw Compliance and Enforcement Best Practices Manual**
- 5) **Project Charter v.2**

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**RESPONSE OPTIONS**

**Recommendations:**

**That Regional Planning Committee review and provide direction on the draft:**

- Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1),
- Local Trust Committee Handling of Administrative Fairness Complaints Policy (Policy 7.1.2),
- Bylaw Compliance and Enforcement Best Practices manual, and
- Local Trust Committee Bylaw Compliance and Enforcement Policy Template; and confirm referral to Ombudsperson’s Office for comment in September 2024 as per the Project Charter work plan.

A resolution to help enact the recommendation:

1. That the Regional Planning Committee recommend the following changes to (name policy, manual, or template):
  - a. Item 1
  - b. Item 2
  - c. Item 3...
2. That the Regional Planning Committee forward the (name policy manual, or template) to the Ombudsperson’s Office for comment, and to Trust Council
3. That Regional Planning Committee request that Trust Council endorse the attached amended Project Charter (V2) at their September 2024 regular business meeting.

**Alternatives:**

That the RPC not make any changes’ to the draft policies, manual, or template and forward them to the Ombudsperson’s Office for comment, and to Trust Council.

Or that:

That RPC request staff to provide Trust Council with further information.

**Prepared By:** Anthony Fotino, Island Planner

**Reviewed By/Date:** Stefan Cermak, Director, Planning Services / August 27, 2024



<b>Policy:</b>	5.5.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 11, 1995
<b>Amendment Date(s):</b>	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021: September X, 2024
<b>Policy Holder:</b>	Director of Planning Services

## BYLAW COMPLIANCE AND ENFORCEMENT

### Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the Trust Area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

### A. Definitions

1. *Long-form information* means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer
2. *Vexatious complaint* means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes
3. *Respondent* means those responding to allegations of bylaw contraventions
4. *Bylaw Notice* means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act*.

### B. Policy

#### 1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

#### 2. BEST PRACTICES MANUAL

- 2.1 The Manager of Bylaw Compliance and Enforcement will maintain a best practices manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report "[Bylaw Enforcement: Best Practices Guide for Local Governments](#)", March, 2016.

#### 3. COMMENCING INVESTIGATIONS

- 3.1 Investigations are commenced on a complaint-basis, with the exception provided below.
- 3.2 Bylaw investigations may be commenced at the discretion of the Manager of Bylaw Compliance and Enforcement and an investigation file opened in one or more of the

following circumstances:

- 3.2.1 In response to written complaints of an alleged contravention made by any person that is within the jurisdiction of Islands Trust and that is not vexatious nor anonymous;
  - 3.2.2 Bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
  - 3.2.3 Bylaw contraventions appear to cause health and safety issues;
  - 3.2.4 Bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or Islands Trust siting and use permit applications;
  - 3.2.5 A referral is received from a permitting agency that identifies alleged land use bylaw contraventions;
  - 3.2.6 Advertising of unlawful uses; or
  - 3.2.7 Local Trust Committee directs staff to commence an investigation.
- 3.3 Respondents and complainants will be notified in writing if an investigation has been commenced and they will be notified in writing of the determination of an investigation.
- 3.4 Respondents may request that a determination of a contravention be reviewed by the Manager of Bylaw Compliance and Enforcement.
- 3.5 Complainants may request the Director of Planning Services to review a file if no contravention has been determined by the Manager of Bylaw Compliance and Enforcement.

#### **4. CLOSING INVESTIGATIONS**

- 4.1 Bylaw investigation files can be closed, and notice will be given, in the following circumstances:
- 4.1.1 If no contravention existed;
  - 4.1.2 If compliance has been achieved;
  - 4.1.3 On direction of a Local Trust Committee;
  - 4.1.4 If the Director of Planning Services concurs with the Manager of Bylaw Compliance and Enforcement that the contravention is of a minor character and does not suit the public interest to enforce.
  - 4.1.5 Complainants may request that a closing of a file be reviewed by the Manager of Bylaw Compliance and Enforcement.
- 4.2 Respondents and complainants will be notified in writing when a file has been closed.

#### **5. PRIORITY OF INVESTIGATION**

- 5.1 The workload for bylaw investigations will be prioritized as follows:
- 5.1.1 Health and safety issues;
  - 5.1.2 Adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
  - 5.1.3 Contraventions of land use bylaws and other bylaws.
  - 5.1.4 By specific direction of a Local Trust Committee;

#### **6. MEDIATION**

- 6.1 Efforts to gain compliance should be conducted using the principles and techniques employed in mediation.

- 6.2 Persons alleged to have committed contraventions and complainants may be invited by staff to participate in a process designed to:
  - 6.2.1 Provide full information and exchange of information;
  - 6.2.2 Confirm facts;
  - 6.2.3 Explore opportunities for compliance;
  - 6.2.4 Negotiate a timeline for compliance;
  - 6.2.5 Reach compliance solutions.

## **7. LEGAL ACTION**

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a Bylaw Compliance and Enforcement Officer may make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees if impacts of unlawful activity risk serious harm to persons or the environment.

*Offence Act* prosecutions may be recommended to the Local Trust Committees under the following conditions:

- 7.2.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.2.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.2.3 Executive Committee has approved legal funding for the prosecution; and
- 7.2.4 The long-form information has been reviewed and prepared by legal counsel.

## **8. USE OF DISCRETION**

- 8.1 Local Trust Committees may adopt discretionary enforcement policies using the following guidelines:
  - 8.1.1 The nature and urgency of the complaint or alleged contravention.
  - 8.1.2 The impact of the contravention on the complainant and community.
  - 8.1.3 Previous decisions or legal precedents on similar complaints.
  - 8.1.4 The matter appears to be a civil dispute, frivolous or vexatious in nature (see policy 11.0).
  - 8.1.5 The impact of the contravention on the complainant or other persons.
  - 8.1.6 The impact of the complaint or alleged contravention on public health, safety, or the environment.
  - 8.1.7 There are limited resources available to resolve the matter.

## **9. BYLAW NOTICE DEBT**

- 9.1 Debts incurred as the result of default on bylaw notices are payable to Trust Council and they may be cancelled if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

## **10. CONFIDENTIALITY**

10.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

## **11. FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS**

11.1 Investigations and Enforcement Files may not be opened if a complaint is considered vexatious.

11.2 Persons may be declared vexatious complainants if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur and the vexatious complainant will be advised that no further submissions will be accepted from them.

## **12. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES**

12.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be shared.

12.2 Local Trust Committees will be advised of when a bylaw investigation file has been closed.

12.3 Trustees may make a written complaint alleging a bylaw contravention.

12.4 Local Trust Committees and trustees will not be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

12.5 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement.

12.6 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

12.7 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

### **C. Legislated References**

1. [Islands Trust Act](#)
2. [Offence Act](#)

### **D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [Best Practices Manual](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)



<b>Policy:</b>	5.5.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 11, 1995
<b>Amendment Date(s):</b>	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021; <a href="#">September X, 2024</a>
<b>Policy Holder:</b>	Director of <del>Local</del> Planning Services

## BYLAW COMPLIANCE AND ENFORCEMENT

### Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the ~~trust area~~ [Trust Area](#) and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

### A. Definitions

1. *“Long-form information“* means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer
2. *Vexatious complaint* means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes
3. *Respondent* means those responding to allegations of bylaw contraventions
4. *Bylaw Notice* means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act*.

### B. Policy

#### 1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

#### 2. BEST PRACTICES MANUAL

- 2.1 The [Manager of Bylaw Compliance and Enforcement](#) ~~Manager~~ will maintain a best practices [operating](#) manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson’s report [“Bylaw Enforcement: Best Practices Guide for Local Governments”](#), March, 2016.

#### 3. COMMENCING INVESTIGATIONS

- 3.1 Investigations are commenced on a complaint-basis, with the exception provided below.
- ~~3-13.2~~ Bylaw investigations may be commenced at the discretion of the Manager of Bylaw

Compliance and Enforcement and an investigation file opened in one or more of the following circumstances:

- ~~3.1.13.2.1~~ In response to written complaints of an alleged contravention made by any person that is within the jurisdiction of Islands Trust and that is not vexatious nor anonymous;
- ~~3.1.23.2.2~~ bylaw~~Bylaw~~ contraventions appear to occur in setbacks from water bodies or in development permit areas;
- ~~3.1.33.2.3~~ bylaw~~Bylaw~~ contraventions appear to cause health and safety issues;
- ~~3.1.43.2.4~~ bylaw~~Bylaw~~ contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the Islands Trust siting and use permit applications;
- ~~3.1.53.2.5~~ A referral is received from a permitting agency that identifies alleged land use bylaw contraventions ~~associated with the permit request;~~
- ~~3.1.63.2.6~~ advertisements exist for apparently~~Advertising of~~ unlawful uses; or
- ~~3.1.73.2.7~~ a Local Trust Committee directs staff to commence an investigation.

- 3.3 Respondents and complainants will be notified in writing if an investigation has been commenced and they will be notified in writing of the determination of an investigation.
- 3.4 Respondents may request that a determination of a contravention be reviewed by the Manager of Bylaw Compliance and Enforcement.
- 3.5 Complainants may request the Director of Planning Services to ~~a~~ review a file if no contravention has been determined by the Manager of Bylaw Compliance and Enforcement.

#### 4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed, and notice will be given, in ~~one or more of the~~ following circumstances ~~and notice will be given:~~
  - 4.1.1 ~~if~~ no contravention existed;
  - 4.1.2 ~~if~~ compliance has been achieved;
  - 4.1.3 ~~or~~ On direction of a Local Trust Committee;
  - 4.1.4 ~~if~~ the Director of ~~Local~~ Planning Services concurs with the ~~Bylaw Compliance and Enforcement~~ Manager of compliance and Bylaw Compliance and Enforcement that the contravention is of a minor character and does not suit the public interest to enforce.
  - 4.1.5 Complainants may request that a closing of a file be reviewed by ~~another Bylaw Enforcement Officer or the~~ Manager of Bylaw Compliance and Enforcement.
- 4.2 Respondents and complainants will be notified in writing when a file has been closed.

#### 5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
  - ~~1.1.1~~ by specific direction of a Local Trust Committee;
  - 5.1.1 ~~health~~ Health and safety issues;
  - 5.1.2 ~~adverse~~ Adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
  - 5.1.3 ~~contraventions~~ Contraventions of land use bylaws and other bylaws.
  - 5.1.4 By specific direction of a Local Trust Committee;

## 6. MEDIATION

- 6.1 ~~Bylaw investigation efforts~~Efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited by staff to participate in a process designed to:
- 6.2.1 ~~provide~~Provide full information and exchange of information;
  - 6.2.2 ~~confirm~~Confirm facts;
  - 6.2.3 ~~explore~~Explore opportunities for compliance;
  - 6.2.4 ~~negotiate~~Negotiate a timeline for compliance;
  - 6.2.5 ~~reach a~~Reach compliance ~~solutions~~solutions.

## 7. LEGAL ACTION

- ~~1.2~~ — If unlawful activity does not cease or if compliance is not achieved, a ~~bylaw enforcement officer~~Bylaw Compliance and Enforcement Officer may:
- ~~1.2.1~~ — issue a bylaw violation notice; or
- 7.1 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees ~~or bylaw violation notices issued~~ if impacts of unlawful activity risk serious harm to persons or the environment.
- ~~7.3~~ — Offence Act prosecutions may be recommended to the Local Trust Committees under the following conditions:
- ~~7.3.1~~7.2.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
  - ~~7.3.2~~7.2.2 A long-form information may be sworn only after approval by a local trust committee; and
  - ~~7.3.3~~7.2.3 Executive Committee has approved legal funding for the prosecution; and
  - ~~7.3.4~~7.2.4 The long-form information has been reviewed and prepared by legal counsel.

## 8. USE OF DISCRETION

- 8.1 Local Trust Committees may adopt discretionary enforcement policies using the following guidelines:
- 8.1.1 The nature and urgency of the complaint or alleged contravention.
  - 8.1.2 The impact of the contravention on the complainant and community.
  - 8.1.3 Previous decisions or legal precedents on similar complaints.
  - 8.1.4 The matter appears to be a civil dispute, frivolous or vexatious in nature (see policy 11.0).
  - 8.1.5 The impact of the contravention on the complainant or other persons.
  - 8.1.6 The impact of the complaint or alleged contravention on public health, safety, or the environment.
  - 8.1.7 There are limited resources available to resolve the matter.

## **8-9. BYLAW NOTICE DEBT**

8-19.1 Debts incurred as the result of default on bylaw notices are payable to Trust Council and they may be cancelled if the Director of ~~Local~~ Planning Services and the Manager of Bylaw Compliance and Enforcement ~~Manager~~ concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

## **9-10. CONFIDENTIALITY**

10.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed ~~against the violator~~ or where a request for information is received under the *Freedom of Information and Protection of ~~Privacy Act~~ Privacy Act*.

## **11. FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS**

11.1 Investigations and Enforcement Files may not be opened if a complaint is considered vexatious.

11.2 Persons may be declared vexatious complainants if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur and the vexatious complainant will be advised that no further submissions will be accepted from them.

## **10-12. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES**

10-112.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be ~~communicated~~ shared.

12.2 Local Trust Committees will be advised of when a bylaw investigation file has been closed.

10-212.3 Trustees may make a written complaint alleging a bylaw contravention.

10-312.4 Local Trust Committees and trustees ~~are will~~ are will not ~~to~~ be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

10-412.5 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement ~~in regards to specific issues~~.

10-512.6 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

10-612.7 Trust Council will be informed of the volume and type of bylaw enforcement files bi- annually.

### **C. Legislated References**

1. *Islands Trust Act*

2. [Offence Act](#)

D. **Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

- [BC Ombudsperson’s report “Bylaw Enforcement: Best Practices Guide for Local Governments”, March, 2016](#)
- [Best Practices Manual](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)

DRAFT



<b>Policy:</b>	7.1.2
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	June 11, 1994
<b>Amendment Date(s):</b>	March 9, 2001; XXXX
<b>Policy Holder:</b>	Legislative Services Manager

## HANDLING OF COMPLAINTS

### Purpose

The purpose of this policy is to ensure Islands Trust provides a fair, effective and transparent response to complaints and concerns raised by our service users. This policy sets out the procedures for receiving, reviewing, recording and responding to complaints about our service. To ensure that best effort is used to handle formal complaints regarding Islands Trust administrative practices, processes and procedures (excluding land use bylaw infractions) in a fair, equitable and timely manner in accordance with the Administrative Fairness Principles Policy.

### Guiding Principles

Islands Trust is committed to high standards of practice in our work. We value feedback and complaints from our service users and continuously strive to improve our services. Our complaints process is guided by the following principles:

<u>Accessible</u>	Islands Trust complaints process is publicly available on our website, and service users are informed of their right to complain about our organization. Complaints are accepted in a variety of ways (i.e., submission of an online complaint form, submission of an email to the appropriate manager of CAO, or mail or delivery of a letter to any Islands Trust office.)<List Ways>.
<u>Fair</u>	All complaints will be handled in a manner that is impartial and fair. Our process provides the opportunity for service users to submit relevant information and have an opportunity to be heard before the review of the complaint is finalized. We thoroughly and objectively review the complaints we receive, and are committed to keeping people informed of the progress of their complaint.
<u>Person-Focused</u>	We recognize that service users have different needs, and each person has their own unique history that they bring to the interaction with our agency. We commit to listen to our service users' concerns, treat them with dignity and respect, and maintain confidentiality throughout the complaints process.
<u>Responsive</u>	We will respond to complaints within XX business days, and will seek to resolve the complaint at the earliest opportunity. Complaints that cannot be resolved at first contact, or those that raise more serious concerns about our organization, will be forwarded for further review/investigation within XX business days. Islands Trust is committed to these time frames and will inform our service users of the progress of their complaint and reasons for any delay in the complaint resolution process.

### Roles and Responsibilities of Staff

<u>Step 1</u>	Islands Trust staff are responsible for receiving, recording and assessing complaints, and will attempt to resolve the matter if possible. At this stage, staff have responsibility for explaining the complaints process to the person reporting the concern. will forward complaints that are not resolved or that require further
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	<a href="#">review/investigation to Stage 2 of the complaints process.</a>
<b>Step 2</b>	<a href="#">Islands Trust Management are responsible for reviewing and conducting investigations of complaints that are not resolved by staff. If a complaint is not resolved to the satisfaction of the person raising the concerns following investigation, further internal review may be conducted by management. If appropriate, alternative dispute resolution (ADR) will be offered to attempt to resolve the complaint.</a>
<b>Step 3</b>	<a href="#">At any point in the complaints process, a person may choose to seek external review of the matter through the following review options: <b>Include Options</b></a>

## A. Definitions

**Formal complaints** are limited to those submitted in writing and directed to the Chief Administrative Officer (CAO).

**Islands Trust** refers to the following decision-making bodies: Trust Council, a local trust committee and the Executive Committee, as well as trustees or staff.

**Ombudsperson Office** referrals of complaints should be directed to the CAO.

**Review Bodies** include the CAO and the Executive Committee whose roles are explained in Section B.

**Verbal concerns** should be handled by trustees and staff within the spirit of this policy.

## B. Principles

1. **Confidentiality** - To protect the privacy of the complainant, formal complaints should be handled in a confidential manner by trustees and staff upon receipt from the complainant and upon referral by the CAO or the Executive Committee, unless the complainant provides a written waiver of this provision to the CAO. The complainant and complaint will be made known to the affected staff, trustees or local trust committee.
2. **Availability** - The provisions of this policy should be available to every person or organization, including Islands Trust trustees and staff affected by a decision or action of the Islands Trust.
3. **Notification** - Trustees and staff should advise parties who might be adversely affected by a decision or action of the Islands Trust, or upon request, of the provisions of this policy should they wish to dispute a matter.
4. **Acknowledgement** - All formal complaints should be acknowledged, stating the expected process and time-frame to be taken to respond to the complaint, as well as any limitations of the review process with respect to the complaint.
5. **Accountability** - All formal complaints should be responded to, with reasons, with a view to using best efforts to resolve the complaint.
6. **Ombudsperson Office** - Referrals from, requests for assistance to, or complaint file communications with the Ombudsperson, shall be directed through the CAO, or, alternatively, the Islands Trust Chairperson.

7. **Corporate secretary's Role** - The Corporate secretary is to coordinate the handling of administrative fairness complaints in an objective manner.
8. **Executive Committee's Role** - The Executive Committee's role, within the provisions of Section 4(3) of the *Islands Trust Act*, is to review matters related to the day-to-day business of the Islands Trust and activities of a local trust committee, and, in that context, it may observe, advise and offer recommendations on such matters to a local trust committee or Trust Council, and seek remedies as required in matters for which it has jurisdiction.
9. **Access to Information** - Complainants should be given access to public information that would assist them in stating their complaint in a timely manner within the provisions of the Islands Trust's Freedom of Information and Protection of Privacy bylaw(s), policies and procedures, and the *Freedom of Information and Protection of Privacy Act*.
10. **Ombudsperson Act** - Complainants, while being encouraged to utilize the provisions of this policy to have their complaints addressed by the Islands Trust, should also be advised of the services of the Ombudsperson's Office and provisions of the *Ombudsperson Act*.
11. **Scope of Authority** - The review bodies, being the CAO and Executive Committee, do not have the power to judicially review the conduct of Trust Council, a local trust committee, or a trustee or staff person and are limited to making recommendations to decision-making bodies of the Islands Trust, to modify their own decisions or actions, and to direct staff on remedial efforts appropriate to their respective personnel authority - Executive Committee to CAO and CAO to all other staff.
12. **Consultation** - It is expected that the primary purpose of this policy's processes is to maximize communication among all affected parties to a complaint.
13. **Accessibility** - The cost and complexity of the Islands Trust's administrative fairness complaint handling process should not constitute a deterrent or present unreasonable obstacles to a complainant submitting a formal complaint.
14. **Chief Administrative Officer's Role** – The CAO's role is to request staff action, as required, and to conduct reviews involving staff matters.

## C. Procedure

### 1. Receipt of Formal Complaints

1.1 **Informal Complaints** - Every effort should be made to direct verbal complaints to the appropriate Islands Trust decision-making body, trustee or staff person, and to notify the complainant of the provisions of this policy for pursuing a formal complaint.

1.2 **Formal Complaint** - Complainants should be informed that, in order to have complaints formally processed under the provisions of this policy, they must be in writing directed to the CAO for complaints regarding staff, and to the Chair for complaints regarding local trust committees or trustees.

1.2.1 **Complaint Content** - Complainants must state the specific nature of a formal

complaint and provide their name, address and phone number before complaints will be processed under the provisions of this policy.

- 1.2.2 Confidentially - Complainants must also acknowledge in writing that such complaints are not considered confidential with respect to affected staff or local trust committees.
- 1.2.3 Complaint File - A copy of the formal complaint should be forwarded to the corporate secretary, who is to open a file respecting the complaint.
- 1.2.4 Complaint Tracking - The corporate secretary is responsible for logging the complaint in an Administrative Fairness Complaint Log, and for tracking all steps of the complaint-handling process to its conclusion.
- 1.2.5 Referral - The corporate secretary will refer the formal complaint to the appropriate decision-making body, and/or trustee or staff person, for consultation in acknowledging the complaint.
- 1.2.6 Acknowledgement - The corporate secretary should acknowledge the formal complaint within 10 days, unless otherwise communicated to the complainant, in writing, advising the complainant as to whom the complaint has been referred to, the complaint handling process, expected timelines to deal with the complaint, and legal, legislative and/or policy limitations with respect to responding to the complaint.

## 2. Stage I Investigation

2.1 **Staff-Related Complaints** - Staff investigation of formal complaints, as requested by the CAO, are expected to adhere to the following process:

### 2.1.1 Referral

The CAO should refer appropriate complaints to the relevant staff person and his/her supervisor with a copy of the acknowledgement letter for the investigation within timelines provided by the CAO.

### 2.1.2 Complainant Contact

The staff person and/or supervisor should promptly contact the complainant to arrange a meeting by telephone, or, if desired by the complainant, with a view to addressing the complaint.

### 2.1.3 Investigation

The staff person should thoroughly ascertain the facts and issues, and prepare a report containing the facts, issues, and results of efforts to address the complaint in consultation with his/her supervisor.

### 2.1.4 Response

The staff person should communicate, in writing, his/her efforts to address the complaint, with reasons, to the complainant, with a copy to the CAO, corporate secretary, his/her immediate supervisor, and the appropriate decision-making body, as required.

2.2 **Decision-making Bodies** - Staff investigations at the request of the Executive Committee involving matters directly related to decisions of decision-making bodies are expected to adhere to the following process.

2.2.1 Notice to Complainant

Reasonable and timely notice, in writing, should be given to the complainant of a complaint investigation by a decision-making body.

2.2.2 Complainant Contact

If required or requested by the corporate secretary or the complainant, the complainant should be given an opportunity to provide information to support his/her position, in person, or in writing, in addition to the original written complaint.

2.2.3 Investigation

Staff reports as per clause 2.1.3 should be directed to the appropriate decision-making body with a copy to the CAO and the corporate secretary.

2.2.4 Decision

The decision-making body, in consideration of the relevant facts, issues and staff advice should determine, by resolution, its response to the complainant.

2.2.5 Response

The staff person should communicate to the complainant, in writing, the decision-making body's decision, with reasons in response to the complaint, with a copy to the CAO, the corporate secretary, and the Executive Committee.

2.3 **Trustee Related Complaints** - Must be directed to the Islands Trust Chair or the Executive Committee. The Chair or Executive Committee will refer complaints to the relevant trustee, with a copy of the acknowledgement letter for his/her investigation and response to the complainant, using steps 2.1.1 to 2.1.4. Reviews will be handled by the Executive Committee.

3. **Appeals**

3.1 **To the Chief Administrative Officer** - In the event the complainant is not satisfied with the efforts of the designated staff person and/or supervisor to address the complaint, the CAO is to address the complaint utilizing steps outlined in 2.1.1. to 2.1.4 with a copy of the written documentation to the Executive Committee, corporate secretary and appropriate staff, trustee and/or decision-making body.

## 3.2 To the Executive Committee

### 3.2.1 CAO Efforts

In the event the complainant is not satisfied with the efforts of the CAO to address the complaint, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

### 3.2.2 Decision-Making Body Efforts

In the event the complainant is not satisfied with the efforts of an Islands Trust decision-making body to address the complaint, or at the request of that decision-making body by way of resolution, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

### 3.2.3 Trustee Efforts

In the event the complainant is not satisfied with the efforts of a trustee to address the complaint, or at the request of that trustee, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

### 3.2.4 Executive Committee Review

Executive Committee review is to proceed in the following manner:

3.2.4.1 The Executive Committee should give reasonable and timely notice to persons, including the complainant, who might be affected by the review process.

3.2.4.2 The Executive Committee should advise the complainant of the Executive Committee's limited mandate as appropriate to deal with the complaint.

3.2.4.3 Persons who might be affected by the review should be given an opportunity to provide information to support their positions in addition to the original written complaint of the complainant.

3.2.4.4 A member of the Executive Committee who was involved in the local trust committee land use planning decision, resolution or bylaw complained of, or is the subject of the complaint, is not to take part in the review. The Conflict of Interest Guidelines apply to members of the Executive Committee conducting the review.

3.2.4.5 The Executive Committee, in consideration of the relevant facts, provides advice to staff and, in its scope of authority, should determine, by resolution, its response to the complainant.

3.2.4.6 The Islands Trust Chair should communicate, in writing, the Executive Committee's decision, with reasons, to the complainant, with a copy to the CAO, corporate secretary, and relevant staff and/or decision-making body.

#### 4. Coordination

- 4.1 **Tracking** - The corporate secretary is to maintain a tracking system to ensure attention is being given to all complaints and to monitor communications with the complainant.
- 4.2 **Regular Reporting** - The corporate secretary is to keep statistical and qualitative descriptions of complaints and the results of internal complaint processes, and to report quarterly to the Executive Committee and Trust Council via the CAO.
- 4.3 **Annual Reporting** - The corporate secretary is to provide information on the statistical and qualitative descriptions of complaints, including reviews, to be included in the Islands Trust's annual report.
- 4.4 **Complaint Files** - The corporate secretary is responsible for maintaining files containing documentation related to a formal complaint.
- 4.5 **Complaint Records** - All trustees and staff are to provide a record of discussions and meetings relevant to a formal complaint to the corporate secretary.

#### D. Legislated References

*Ombudsperson Act*

Policy and Procedures Manual:

Administrative Fairness Principles (7.1.1)

Bylaw Compliance and Enforcement (5.5.1)

Freedom of Information and Protection of Privacy (7.6.1)

#### E. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures n/a

# PROPOSED

## Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective \_\_\_\_XXX\_\_\_\_\_, 2024

### Version No. 1

#### Purpose

To establish policies and procedures for bylaw compliance and enforcement in the [\[name\]](#) Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1, ~~and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.~~

## PART A

### 1.0 Application

This policy will apply to the [\[name\]](#) Local Trust Area and the enforcement of all applicable regulatory bylaws.

### 2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice [\(as defined in the Local Government Bylaw Enforcement Act\)](#)

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs

Approved septic system – one that has been registered with the Vancouver Island Health Authority

### 3.0 References

[This section will cite references to the relevant LTC bylaws that are affected by the compliance and enforcement policies.](#)

### 4.0 Priorities

**4.1** [This section will contain the priorities established by LTC standing resolutions on bylaw enforcement or the deferrals established in the adopted resolutions.](#)

## 5.0 Inspection

- 5.1 Bylaw Enforcement Officers are authorized under the Land Use Bylaw to enter any lot at any reasonable time to determine if regulations are being observed.
- 5.2 At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.3 Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections and provide 24 hours notice if appropriate.
- 5.4 Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated without notice.
- 5.5 Enforcement on non-compliant short-term vacation rentals is a priority and inspections may be investigated without notice.
- 5.6 Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.
- 5.7 If a respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.8 If a respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

## 6.0 Enforcement Procedures

- 6.1 If a bylaw contravention is confirmed, ~~r~~there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUBregulatory bylaw.
- 6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the respondent to cease the use or activity immediately.
- 6.4 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss together the feasibility of such an application.
- 6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.
- 6.7 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Bylaw Compliance and Enforcement.

## 7.0 Closing Files

- 7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2 If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of [Bylaw](#) Compliance and Enforcement can use their discretion to close the file.
- 7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.

~~The LTC will be notified when any file is closed.~~

## 8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1 Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.
- 8.2 Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3 Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4 If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

## 9.0 Communications

- 9.1 When a file is opened and an investigation commenced, ~~r~~Respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.
- 9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3 If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of [Bylaw](#) Compliance and Enforcement.
- 9.4 The Manager of [Bylaw](#) Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

## 10.0 Reporting

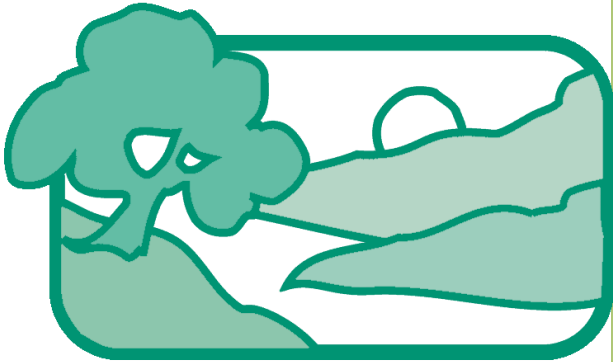
**10.1** The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.

**10.2** The Manager of [Bylaw](#) Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.

**10.3** The Manager of [Bylaw](#) Compliance and Enforcement will maintain ~~the Bylaw~~ [the Bylaw Compliance and Enforcement Policy](#) and will report to the LTC if amendments are recommended or required.

Bylaw Compliance & Enforcement  
*Best Practices Manual*

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Islands Trust

July-September 2024

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## Definitions

**Bylaw Notice** means a ticket, with penalty, issued under the Local Government Bylaw Notice Enforcement Act

**Formal eComplaints** are limited to those submitted in writing and directed to the Chief Administrative Officer (CAO).

**Islands Trust** refers to the following decision-making bodies: Trust Council, a local trust committee and the Executive Committee, as well as trustees or staff.

**Ombudsperson Office** referrals of complaints should be directed to the [Islands Trust Chief Administrative Officer \(CAO\)](#). Review Bodies include the CAO and the Executive Committee whose roles are explained in Section B.

**Respondent** means those responding to allegations of bylaw contraventions

**Vexatious Complaint** means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes.

## **Roles and Responsibilities**

### **Trustees**

- Policy Development and Approval: Trustees of the Islands Trust are primarily involved in the governance aspects, including setting policies that guide bylaw enforcement. They approve bylaws that regulate land use and community planning within the Trust Area.
- Strategic Oversight: Trustees oversee the general strategic direction of the Trust, ensuring that bylaw enforcement aligns with the broader goals of conservation and sustainable community development.
- Community Representation: Trustees also represent the interests and concerns of their constituents in matters related to bylaws and their enforcement, acting as a liaison between the community and enforcement officers.

### **Staff**

- Bylaw Compliance and Enforcement Officers: These are specialized staff responsible for the practical aspects of enforcing the bylaws approved by the Trustees. Their duties include investigating complaints, gathering evidence, and ensuring compliance through educational and regulatory means.
- Planning Staff: While not directly involved in enforcement, planning staff play a critical role in interpreting the bylaws and providing recommendations to both the public and enforcement officers. They ensure that the enforcement practices align with the planning objectives set by the Trustees.
- Administrative Support: This includes staff members who assist in the administration of bylaw enforcement, such as processing complaints, maintaining records, and supporting communication between the public, trustees, and enforcement officers.

### **Roles in Context**

- Cooperation and Communication: Effective bylaw enforcement within the Islands Trust requires ongoing communication and cooperation between Trustees and staff. While Trustees provide the legislative framework and policy direction, staff members carry out these policies through direct enforcement and support roles.

## Introduction

### What is the purpose of the Islands Trust Bylaw Compliance & Enforcement program?

The **purpose** of the Bylaw Compliance and Enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws. The policy is to establish the procedures for effectively and fairly receiving, reviewing, recording, and responding to bylaw complaints, and addressing possible and confirmed bylaw violations within the Islands Trust. The **goal** of the Bylaw Compliance & Enforcement process is for the violator to gain compliance with these regulations through the relevant action (for example, by moving a structure, obtaining a variance permit, or discontinuing a use that is not permitted).

The goal of the policy is to establish the procedures for effectively and fairly receiving, reviewing, recording, and responding to bylaw complaints, and addressing possible and confirmed bylaw violations within the Islands Trust. The Islands Trust has legal authority to enforce bylaws under several pieces of legislation, primarily the Islands Trust Act and the Local Government Act of BC.

The Bylaw Compliance & Enforcement program **investigates alleged or apparent contraventions** of the land use bylaws of the Local Trust Committees (LTCs) comprising the Islands Trust. The regulations are found in LTC Land Use Bylaws; in Development Permit Areas within Official Community Plans; siting and use permit bylaws for Denman and Hornby; and and in the Salt Spring Island Soil Deposit and Removal Bylaw. For an overview of the BCE Process, refer to the BCE Process Overview Flow Chart.

Islands Trust Council policy 5.5.1 Bylaw Compliance & Enforcement can be found [here](#).

Item B.2.1 of the policy indicates that the Manager of Compliance and Enforcement (Manager) will maintain this best practices and procedures operating manual in accordance with the administrative fairness principles outlined in the [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#).

### What initiates a Bylaw Compliance & Enforcement case file?

Like all local governments [in British Columbia](#), the Islands Trust uses a '**complaint-based**' Bylaw Compliance & Enforcement process. This means that almost all case files result from complaints from individuals in the community. This system gives priority to those bylaw infractions of greatest concern to island communities. There is no residency nor citizenship requirement to be a complainant.

Trust Council's policies also allow a Bylaw Compliance & Enforcement Officer (BCEO) to initiate a case file **without a complaint if:**

- bylaw contraventions appear to cause health and safety issues;
- bylaw contraventions appear to occur in setbacks from water bodies;
- bylaw contraventions appear to occur in development permit areas;
- bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the Islands Trust;
- a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- advertisements exist for apparently unlawful uses;
- a Local Trust Committee directs staff to commence an investigation

### How can complaints be sent to the Islands Trust?

Anyone who wishes to make a complaint can:

- complete the Bylaw Compliance & Enforcement Complaint form on the Islands Trust web site at <https://islandstrust.bc.ca/mapping-resources/report-a-concern/>;
- send an e-mail to [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca) ;
- mail or deliver a letter to any of the Islands Trust offices;
- complete a [complaint form](#) at any of the Islands Trust offices.

**Complaints must be submitted in writing.** verbal complaints are not sufficient to open a file. Staff will support anyone with language issues, such as English as their second language or illiteracy, by transcribing the complainant's information.

### Confidentiality

Complainants must identify themselves. Anonymous complaints will not be accepted. Every effort will be made to ensure confidentiality to the complainant. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under Freedom of Information legislation.

Note that we also receive referrals from other agencies (typically regional districts) when they receive a complaint in which that agency recognizes that the nature of the complaint is within the jurisdiction of the Islands Trust.

### What is not a complaint?

Many common queries or messages from the public are not complaints [about an unlawful use or activity](#). Some individuals simply want to understand an aspect of the pertinent land use bylaw or OCP. They may be considering taking some action on their property and want to know if the LUB allows such activity. In this case, a case file is not opened.

A sample response:

You can find the Land Use Bylaws for Denman Island here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/denman/bylaws/>

If you would like assistance in understanding any particular aspect of the Denman Island Land Use Bylaw #186, please call the Gabriola Island office of the Islands Trust to ask to speak with a planner: 250-247-2063 or email [denmanplanner@islandstrust.bc.ca](mailto:denmanplanner@islandstrust.bc.ca)

However, if the person is wondering if their issue or concern in regards to a property within the Islands Trust Area is an apparent contravention of a LUB, then it should be treated as a complaint as BCE work or investigation will be required to be able to answer that question. Essentially, all complaints result in a case file being opened.

Note also that once informed of a possible contravention or offence against a Local Trust Committee bylaw, Islands Trust cannot decline to open a case file or decline to conduct an investigation because a complainant has changed their mind. Complainants cannot “withdraw” their complaint as they are not victims of the offence.

### Vexatious or Frivolous complaints

If complaints or complainants are designated as vexatious or frivolous by policy, the decision will be communicated to the complainant in writing, outlining the nature of any restrictions on communications, reasons for the restrictions, and when the restrictions would be reconsidered. Any such restriction does not prevent or limit other necessary contact with staff that is unrelated to the person’s complaints.

### How is compliance achieved?

Compliance is sought through a **combination of education, mediation and enforcement** techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

### How are Bylaw Compliance and Enforcement case files closed?

Case files can be closed in one or more of the following circumstances:

- if no contravention exists ~~as determined by according to the judgement of the investigating assigned~~ BCEO;
- if compliance has been achieved ~~as determined by the investigating according to the judgement of the assigned~~ BCEO;
- on direction of a Local Trust Committee;
- ~~as directed by Trust Council or Local Trust Committee policies;~~
- if the Director ~~of~~ Planning Services (DPS) concurs with the Manager that the contravention is of a minor character and does not suit the public interest to enforce.

## A.-General Bylaw Compliance & Enforcement Practices

1. **All written complaints** directed to the Bylaw Compliance & Enforcement office **are acknowledged and recorded**, whether they result in an investigation file being opened or not. Note that the date of the complaint is the date that Islands Trust receives the complaint. It is not the date on the letter or other paper submitted. It is also not the date that staff review the material. For example, if a complaint is sent on a weekday evening or a weekend when the office is not open, it is not the date that staff return to the office the following day or Monday but rather the date of the submission.

A Tapis file and an e-file on the EDM will be created for all written complaints received with an identified complainant except those that are seen to be malicious. No physical file will be created for complaints to be referred to another agency. A physical file will be created for all other complaints.

2. **A preliminary review of the complaint is undertaken** to identify if the complaint is within the jurisdiction of the land use bylaws for the respective Local Trust Area (LTA).
  - 2.1 If no apparent or potential contravention exists, the Complainant is asked to supply further pertinent information or is advised that no apparent or potential contravention exists and a record of the enquiry filed. The Complainant is referred to the appropriate agency where possible.
  - 2.2 If an apparent or possible violation exists, the Manager of Compliance and Enforcement (Manager) will direct the Bylaw Compliance & Enforcement Administrative Assistant (BCEAA) to open a Bylaw Compliance & Enforcement file and will assign it to a BCEO.

3. On receipt of a file, **the BCEO will conduct a file analysis** to determine the extent of the apparent or potential violation and what may be required to achieve compliance with the bylaw. They may consult with the Manager, Islands Trust planners, and the DLPS or seek legal advice when necessary. If case file analysis cannot begin within 3 working days due to workload, the officer will consult with the Manager.

3.4. [BCEO will review all relevant compliance and enforcement policies that have been adopted by Local Trust Committees or Trust Council.](#)

4.5. Typically, **the assigned BCEO will conduct a site inspection** of the property, the purpose of which is to:

4.4.5.1 establish a relationship with the Respondent.

4.2.5.2 gain an awareness and visual understanding of the property and surrounding neighbourhood.

4.3.5.3 acquire photographs of the property and the possible contravention.

4.4.5.4 gather information such as what has been built on the property, if anything, and/or what is occurring on the property that would draw a complaint. This means asking questions and investigating. BCEOs have the legal authority to conduct an inspection, sometimes with notice, but for most of the land use bylaws, no notice is required. Stating this authority to inspect is the only firm message that a Respondent needs to receive.

5.6. **What BCEOs do not do:**

5.4.6.1 be confrontational, over-bearing or disrespectful.

### What is a case file analysis?

Research conducted to answer the following:

- What are the issues relevant to the Islands Trust?
- What does the applicable bylaw state regarding the issue(s)?
- What are the specific circumstances (setback, height requirement, permitted uses, issues of non-conformity, etc.)?
- What questions need to be asked and answered?

~~5.3.6.2~~ issue orders. BCEOs have no authority to issue stop work orders or order a property owner what they can do with their property. Ultimately, only the Local Trust Committee can do this through the passing of bylaws. However, BCEOs can request that all work stop until they have had time to fully review the regulations and investigate the work done, or until the Respondent applies for a permit. Respondents will comply with a request the majority of the time.

~~5.4.6.3~~ give on-site determinations or decisions about contraventions. Making decisions on site can lead to Respondents believing that BCEOs are not reviewing all of the evidence; or are biased; or are pre-disposed to accuse them of a contravention or wrong-doing. As well, BCEOs are not qualified like a biologist, or some other qualified environment professional, to determine if such works are doing environmental damage in a sensitive ecosystem.

~~5.5.6.4~~ issue Bylaw Violation Notices or Bylaw Violation Warning Notices. This may be seen as showing pre-judgement of the facts, can lead to confrontation, and reduces the likelihood of open communication.

~~6.7.~~ When visiting properties, **BCEOs should refrain from making determinations or decisions on the spot.** Respondents should be informed that BCEOs are there to gather information only, and that they will receive a written response regarding their case.

~~7.8.~~ **Compliance and Enforcement for Islands Trust has developed into a multi-stage process** which means there are multiple contacts with Respondents before they receive a determination that they are contravening a land use bylaw. This process reduces conflict with Respondents and encourages voluntary compliance. Progressive discipline or enforcement measures should be followed with a verbal warning, a written warning, and then assess penalties only if necessary or pursue legal action.

~~8.9.~~ Based on evidence collected and a review of the pertinent LUB or OCP, the **BCEO will determine if there is, or has been, a contravention.**

~~8.19.1~~ If no contravention of local trust committee bylaws exists, the Respondent and the Complainant is so advised and the case file is closed.

~~8.29.2~~ If a contravention exists, the Respondent will be asked to cease the activity, land use or construction immediately.

~~9.10.~~ The **BCEO will attempt to achieve voluntary compliance** with the bylaw by negotiation within 90 days if possible. –The BCEO may issue a bylaw violation warning notice (**BWN**) or a bylaw violation notice (**BNV**) in local trust areas where a Bylaw Enforcement Notification (**BEN**) bylaw has been adopted by the local trust committee. See the Bylaw Compliance & Enforcement Notice and Dispute Adjudication section for more detailed information.

~~9.4.10.1~~ If an administrative application such as a land use variance application has been submitted by the Respondent and there is a reasonable likelihood of success, the BCEO will refrain from enforcement during the application process.

~~10.11.~~ **Where activity has not ceased or where compliance is not achieved:**

~~10.4.11.1~~ The BCEO will escalate to appropriate next steps which may include issuing a BVN, sending a ~~Notice of Unpaid BVN~~[Notice of Unpaid BVN](#), sending a demand letter via lawyers, or recommending legal action to the Local Trust Committee.

~~10.211.2~~ If legal action is contemplated, the Director of Planning Services will need to approve a ~~Legal Services Request~~[Legal Services Request](#).

~~10.311.3~~ If injunctive action is recommended by the lawyers, the Manager will present a staff report to the Local Trust Committee and Executive Committee recommending whether or not injunctive proceedings should proceed. The report will include the lawyer's file analysis, the estimated costs for litigation, and the likelihood of success.

~~10.411.4~~ Upon Executive Committee approval, the DLPS, through legal counsel, will initiate legal proceedings.

## B. Case File Management Practices

### Complete record of activities, communications, evidence, events and reports

BCEOs will include in the Bylaw Compliance & Enforcement case file a record of all pertinent activity including photos from site visits, correspondence (letters and emails) and conversation notes. A Bylaw Compliance & Enforcement case file consists of all material within a physical file folder, electronic documents on the area network (EDM) and [relevant databases](#).

For the management of photographic records, all site visit or site inspection photographs should be placed in a folder documenting the date taken and the identity of the bylaw officer who took the photographs.

Any photographs received from either the complainant or the respondent should be placed in a folder that documents who submitted the material.

### Documents – electronic & physical files

Any physical document, received or created, relating to a bylaw investigation will be included in the physical Bylaw Compliance & Enforcement case file folder. Any electronic document, received or created, relating to a Bylaw Compliance and Enforcement case file will be included on the EDM.

Bylaw Compliance & Enforcement case files will be retained as per the Islands Trust Records Management policy. That policy states that the case files are selectively retained after 10 years of being closed. The criteria for retaining case files are whether they set precedents or are significant. Those case files that do not set precedents or are not significant can be deleted (e-files) or destroyed (physical files). At the time of closing a file, the BCEO and the Manager of Compliance and Enforcement will indicate on the physical file their recommendation of retention or destruction. After 10 years of storage, the Manager decides whether to retain or destroy the record.

### Public access to records

As Bylaw Compliance & Enforcement files contain confidential information and pertain to law enforcement, a member of the public is required to submit a Freedom of Information and Protection of Privacy [request](#) in order to obtain any information from a file.

Note that Section 19 of the *Local Government Bylaw Notice Enforcement Act* indicates that “Hearings must be open to the public”.

## C. Case File Communications Practices

### Communications with Complainants

1. When a Complainant completes an [online complaint form](#), they receive an automatic response which thanks them for their complaint and advises them that they will be contacted shortly with an update.
2. Once the complaint has been received and reviewed by the Manager, Complainants are advised whether a Bylaw Compliance & Enforcement case file has been opened (and therefore an investigation will occur); or if their information is added to a currently open file; or if a file is not opened. The BCEAA sends this message (letter or email) using the signature block of the assigned BCEO. If the Complainant has provided an email address, they will be notified by email; if they have only provided a mailing address, they will be notified by mail.

See the Response to Complainant template used when a case file is opened. It is adapted for communication with a Complainant when a file is reopened or there is a currently open file or is not opened.

Note, however, that a complaint received by another agency (typically regional districts) and referred to Islands Trust does not result in a response to the original complainant, as they may not have provided explicit permission to share their personal information (name/ mailing address/email address). As well, there is no need to provide a formal response to the other agency that provided the referral. The BCEO will communicate with that referral agency if appropriate.

3. Complainants will be updated by the BCEO at the time of significant activities such as:
  - a. a file is put on hold (and the reason for the abeyance is provided);
  - b. an LTC decision;
  - c. a file has moved to litigation (and the significance that the identity of the complainant may become public information);
  - d. a file is closed;
  - e. upon request.

### Communications with Respondents

1. When a file is opened, the BCEAA will send an email (using the signature block of the assigned BCEO) to the property owner/respondent except when a file is opened which will result in a referral to another agency in which case no communication with the property owner is necessary.
2. Once a BCEO has confirmed by inspection or other means that a contravention of a bylaw has occurred or is occurring, the BCEO will send a letter to the Respondent. This letter includes the following:
  - a. The **reason** the letter is being sent (“Pursuant to my inspection/telephone call of [date]”);

- b. What the **problem** is using a statement of what has been observed;
- c. An **explanation** how the pertinent bylaw is being or has been contravened by quoting the bylaw—including the sections that are being violated and the definitions of words from the bylaw;
- d. Outline of the **solutions** available to comply with the bylaw;
- e. Explanation of the possible **consequences** for not complying;
- f. A **deadline** for taking next step or fully complying—this deadline may have already been negotiated with the Respondent but in any case should be reasonable and not excessive;
- g. Written in an **easily readable** manner including a clear and logical flow.

### Communications with Trustees

1. A Local Trust Committee or any individual local trustee is not to be involved in any aspect of the investigation of a complaint or the preparation of any Bylaw Compliance & Enforcement report. However, a local trustee may file a bylaw violation complaint just as any member of the public can.
2. Upon opening a case file, the BCEAA will send an email to the relevant local trustees advising of the general nature of the complaint, the name of the street/road (not the complete address), and the case file number unless the complaint is to be referred to another agency in which case no communication with the local trustees will be made. A print and a PDF of the email will be placed in the file.

Sample Email:

XX Island Local Trustees,

Bylaw Compliance & Enforcement file XX-BE-20XX.X regarding XX [Violation Type] on XX [Road/Street Name], XX Island, was opened today [or on X DATE].

3. The Local Trust Committee will be kept informed about the status of an investigation only at the Committee’s request.

### Biannual Reporting to Trust Council

The DLPS submits two reports to Trust Council biannually. These reports will contain information that the local trust committees may place on their LTC agenda if desired. Trust Council reports are reviewed at the Executive Committee meeting prior to the Trust Council meeting.

The two reports presented to every second Trust Council meeting are the Bylaw Compliance & Enforcement Statistical Report and the confidential Bylaw Compliance & Enforcement Litigation Report. These two reports are presented at the March meeting for the reporting period August to December of the previous year and at the September meeting for the reporting period January to July of the same year.

Report	Purpose
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<b>Bylaw Compliance &amp; Enforcement Statistical Report</b>	Provides a summary of ongoing Bylaw Compliance & Enforcement projects as well as statistics for the number of open, new and closed files; the violation types of the open files; and the length of time the open files have been opened.
<b>Bylaw Compliance &amp; Enforcement Litigation Report</b> (In Camera)	Provides the status and other details of current Bylaw Compliance & Enforcement litigation activities (but not legal opinions). This staff report includes the report from the Litigation database in the Local Planning Services section of the Islands Trust applications. Costs are not captured as any financial information needs to be obtained from Finance.

### Local Trust Committee Reports

Local Trust Committees may request, by resolution, Bylaw Compliance & Enforcement staff to report on specific issues. Upon such a request, the DLPS will coordinate with the Manager, the relevant BCEO and the RPM on how and when to report.

### Communications with Planning Staff

1. The BCEAA will send an email at the time the file is opened to the relevant Regional Planning Manager (RPM), the relevant Planner and the assigned BCEO advising of the general nature of the complaint or alleged contravention, the name of the street/road, and the case file number. A print and PDF of the email will be placed in the file. This email message can be combined with the email to the local trustees.
2. The RPM will be notified of joint investigations conducted with other agencies (including bylaw investigations originating with another agency).
3. The RPM will be advised of any Executive Committee directions to approve litigation.
4. The BCEAA will email the biannual statistical report for Trust Council to the RPMs.

### Communications with Potential Property Buyers / Real Estate Agents

Potential property buyers or Real Estate Agents or the general public occasionally contact the Islands Trust Bylaw Compliance & Enforcement office to ask if there are any Bylaw Compliance & Enforcement issues associated with a specific property. The following standard replies from the BCEAA should be used to answer these questions:

**If there are No Current Violations:**

Thank you for contacting the Islands Trust. I can confirm that there are no current Bylaw Compliance & Enforcement proceedings at XXX Street/Road, XXX Island.

**If there are Current Violations:**

Thank you for contacting the Islands Trust.

There is a bylaw investigation underway at XXX Street/Road, XXX Island. You may wish to contact the current owner for details.

Please note that once an investigation has been initiated, the disclosure of information by Islands Trust is subject to the *Freedom of Information and Protection of Privacy Act*. If you wish to submit a request under that *Act*, please see this webpage for information: <http://www.islandstrust.bc.ca/how-do-i/make-an-foi-freedom-of-information-request/>.

Note that we do not provide information about previous complaints or investigations. That information would require a Freedom of Information/Protection of Privacy request.

DRAFT

## D. Bylaw Enforcement Notices and Dispute Adjudication System

### Overview

#### *Local Government Bylaw Notice Enforcement Act*

In October 2003, British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw contraventions: the [Local Government Bylaw Notice Enforcement Act](#). As well, the [Bylaw Notice Enforcement Regulation](#) provides direction.

Prior to the *Local Government Bylaw Notice Enforcement Act* there were four main strategies used by local governments to deal with a contravention of a bylaw:

1. seek voluntary compliance;
2. issue an “offence notice” for infractions which seeks voluntary payment of a prescribed penalty;
3. issue a municipal ticket information (MTI) and initiate formal court proceedings by swearing an information and issuing a summons;
4. initiate litigation through the Supreme Court.

The legislation is designed to enable the creation of a simple, cost-effective administrative system for enforcing bylaw contraventions. The two main features of this system are a simple “front-end” notification (ticket) process for initiating enforcement, and a locally managed “back-end” venue for a quasi-judicial adjudicator to hear ticket disputes.

Under the *Act*, local governments may establish a local government Bylaw Enforcement Notice and Dispute Adjudication system which replaces the provincial court as the venue for resolving disputes of bylaw contraventions. The *Act*, and the authority it provides to establish an adjudication system, applies to municipalities, regional districts and Local Trust Councils by regulation.

#### **Implementation Bylaw**

Section 3 of the *Act* allows a local government to use a notice to impose administrative penalties for designated bylaw contraventions. In order to do so, the local government must pass a bylaw that implements a Bylaw Enforcement Notice and Dispute Adjudication (BEN) system. For an example, see the Galiano Island Local Trust Committee [Bylaw Enforcement Notification Bylaw No. 228, 2011](#).

#### *This bylaw must:*

- designate the **bylaw contraventions** that may be dealt with by a bylaw notice;
- establish the amount of the administrative **penalty** for each contravention;
- set the **period** within which a recipient may **pay** the administrative penalty **or dispute a bylaw notice/request a review**;
- establish a bylaw notice **dispute adjudication system** to resolve bylaw notice disputes.

#### *Local government may also include the following in the implementation bylaw:*

- establish a position of **Screening Officer** (SO);

- designate classes of persons that may be appointed as SOs and specify their **powers, duties and functions**;
- provide the SO the **authority to enter into compliance agreements** for specified bylaw contraventions and any terms to be included in the compliance agreement;
- establish the **grounds** on which the SO **may reduce the amount** of the administrative penalty;
- establish a means of calculating the **amount of the reduction** of the administrative penalty;
- establish **a fee payable to file a request for adjudication**;
- provide for an **early payment discount** of administrative penalties;
- set out **any additional grounds** on which an SO or adjudicator is authorized **to cancel a penalty notice**;
- set the **period** within which a **recipient must respond** to a SO's decision.

#### Islands Trust Areas that have adopted a BEN Bylaw:

Ballenas-Winchelsea – Bylaw 34 (adopted 2019)  
 Denman – Bylaw 232 (adopted 2019)  
 Gabriola – Bylaw 263 (adopted 2012)  
 Galiano – Bylaw 228 (adopted 2012)  
 Gambier – Bylaw 116 (adopted 2013)  
 Hornby – Bylaw 159 (adopted 2020)  
 Mayne – Bylaw 156 (adopted 2016)  
 North Pender – Bylaw 188 (adopted 2011)  
 Salt Spring – Bylaw 446 (adopted 2012)  
 South Pender (adopted 2019)  
 Thetis – Bylaw 90 (adopted 2011)

#### Islands Trust Areas that have not adopted a BEN Bylaw:

Lasqueti  
 Saturna (pending)

#### Ownership of Records

All records produced pursuant to the implementation and administration of the BEN system are owned by Islands Trust, which is responsible for preserving these records in accordance with existing obligations imposed by provincial legislation. These records include, but are not limited to:

- copies and records of issued Bylaw Violation Notices (BVNs) and Bylaw Warning Notices (BWNs);
- records of paid administrative penalties;
- copies of adjudicator decisions;
- copies of documents relating to the collection of any unpaid penalty, such as Certificates of Amounts Owed.

## Procedures

### Management of the Bylaw Enforcement Notice process within TAPIS

The BCEAA and the BCEOs maintain information within the TAPIS database of all Bylaw Violation Notices issued. TAPIS includes a record of:

- BVNs (ticket numbers/issuing officer/date issued/BE file number/respondent name/respondent address/ deadline dates)
- penalty amounts and due dates (including early and late payment amounts and dates);
- compliance agreement dates (request received/signed/final term);
- adjudication dates (requests received/hearing);
- SO decisions and dates;
- Notice of Unpaid BVN dates (sent/received by respondent/ corresponding payment due date);
- Certificate of Amounts Owing dates (issued/suspension deadline/suspension request received/court appearance);
- debt collection dates (sent to and returned from collection agency);
- payment amounts and date received.

The BCEOs are responsible for monitoring of all Bylaw Violation Notices issued and identifying BVNs that are eligible to be moved to the next step in the process. There currently is no ability within TAPIS to search for a BVN or to generate reports of the status of BVNs.

## Enforcement of Bylaws with Bylaw Violation Notices

### Bylaw Violation Warning Notices (BWN)

A warning notice is an informal tool which may be used instead of a letter.

Warning notices should be issued with a compliance deadline of no less than 45 days prior to a Bylaw Violation Notice being issued. Ideally, a warning letter in the form of a determination letter or demand letter, should be sent first with a compliance deadline of no less than 90 days.

On rare occasions there may be a serious bylaw contravention (such as garbage dumping), and therefore the issuing of a BVN before a warning, but those will have to be dealt with on a case by case basis, and with the consultation and approval of the Manager.

However, for Salt Spring, the enforcement of the Soil Removal and Deposit Bylaw may require that no warnings be issued, especially if dumping and removal occurs when a permit is required and not just registering of the work, and the contravention involves work done within required setbacks from watercourses and waterbodies.

### Bylaw Violation Notices (BVN)

A violation notice is a formal enforcement tool. Booklets of BVN tickets are administered by the BCEAA.

#### *When to Issue a BVN*

In local trust areas which have adopted a BEN bylaw, a BVN may be issued after any of the following:

- a verbal warning;
- a demand letter;
- a warning notice;
- exceptional circumstances as outlined by the Manager.

Note that BVNs must be written within six months of the occurrence of a contravention.

#### *Commencing the Process*

Formal Bylaw Compliance & Enforcement action begins with the completion of a BVN by a BCEO.

The penalty notice informs the recipient of:

- the bylaw contravention;
- the penalty for the contravention; and
- how to pay the penalty or dispute the notice.

#### *A BVN must contain the following information:*

- the name of the person;
- the specific bylaw contravention alleged to have occurred;
- the amount of the penalty that the recipient is liable to pay;
- the amount of a discount for early payment;
- the amount of a surcharge for late payment;
- the consequences of failing to respond to the BVN;

- methods of paying the penalty;
- how to dispute the notice.

Although the *Local Government Bylaw Notice Enforcement Act* requires that the above information be included on a penalty notice, local government may organize or supplement this information as they see fit. The penalty notice may also be electronically generated or hand written on a pre-printed form. A BVN is not invalid if it is not signed by the BCEO.

***Criteria to consider when deciding to issue a BVN are:***

- Might the BVN prompt the recipient to comply with the bylaw? Sometimes subjecting a recipient to any formal procedure, however simple, will encourage compliance. If in the judgement of the BCEO issuing a BVN may result in compliance then it may be appropriate to issue one. In making this decision the BCEO should consider the size of the penalty relative to the potential revenue the violator may collect by continuing the violation or the costs that may be incurred by complying. If either the revenue or the costs are significant some other Bylaw Compliance & Enforcement procedure may be warranted.
- If the likely defence is something that a BCEO cannot easily dispute or there is some complicated argument on a point of law, the BCEO should consider deferring ticket issuance with support from the Manager.
- The notice may not be issued more than six months after the contravention is alleged to have occurred.
- The BCEO should be able to explain the reasons that a BVN was considered an effective enforcement tool in any particular situation where it is utilized.

***Delivering the BVN***

The penalty notice may be delivered by personal delivery or by mailing it to the person responsible for the contravention.

If mailed, the local government may presume that it was received by the person on the 7th day after mailing. In the event that the intended recipient claims not to have received the BVN, the BCEO must verify the address and reissue a copy of the BVN.

***On receipt of BVN***

Once the BVN is received or is presumed to have been received, it becomes legally effective. There are four possible scenarios:

- a. The recipient does not respond.
- b. The recipient claims that the BVN was not received.
- c. The recipient pays the BVN.
- d. The recipient disputes the BVN.

**a. If a recipient does not respond:**

If a recipient does not respond within 28 days they are levied a surcharge for being late in payment. As well, the penalty amount, including the surcharge, is immediately due and payable and can be recovered. In this case a Notice of Unpaid BVN must be delivered to the recipient that indicates the amount owing under the bylaw notice and how and where payment may be made.

Collection procedures may not be started until 28 days after this Notice of Unpaid BVN is received or presumed to have been received.

**b. If a recipient claims that the BVN was not received:**

If a recipient of a Notice of Unpaid BVN indicates within 21 days after the date the notice is received or presumed received that the BVN was not received, then a copy of the original BVN is reissued and delivered.

**c. If the recipient pays the BVN:**

- For penalties paid within 14 days of receiving notice, the penalty is reduced by 25%.
- Penalties paid after 14 days are for the full penalty amount.
- For penalties paid more than 28 days after receiving notice, a late payment surcharge of 50% is added.
- Finance clerk needs the BVN information to complete the payment; including the file number and copy of the BVN.
- Bylaw staff need to contact the Finance Clerk before completing any E-Transfers for payment as the security question and password details are required and backup paperwork is required for audit purposes.
- Where a member of the public wants to pay a BVN ticket by E-transfer please do the following:
  - Send them an email and cc [accountsreceivable@islandstrust.bc.ca](mailto:accountsreceivable@islandstrust.bc.ca) with the information below (blue information adjusted to provide the correct information) and attach a copy of the BVN ticket to the email:
  - As requested, here is the information you need for your e-transfer:
    - Payee: John Doe
    - Amount: \$225.00
    - Security Question: What is the file number?
    - Security Password: GBBE2020 (all caps, no punctuation or spaces)
    - Click on the URL link below when you are ready to proceed. The instructions are provided once the link is open.
    - <http://www.islandstrust.bc.ca/how-do-i/make-a-payment/>
    - Upon our receipt of your e-transfer, you will receive notification that funds have been received by Islands Trust. That notification is your receipt.

**Commented [SC1]:** this may change with Cityview for Bylaw Enforcement

**d. If the recipient disputes the BVN:**

The person named on the notice has 14 days to request to dispute the penalty notice (BVN). They cannot dispute the BVN after 14 days unless the Manager allows an exception. The

process starts with the recipient of a BVN (typically the property owner) requesting to dispute the BVN. Upon receiving such a request, the BCEAA or BCEO notifies the Manager and indicates whether the request arrived within the two-week “window” after the disputant has received, or is deemed to have received, a BVN.

The *Interpretation Act* has an impact on determining the dates when a notice is deemed received and when a period for responding or paying has come to an end. Note that “at least” 14 days is, in effect, 1 day longer than “within” 14 days. As well, if the resulting due date should fall on a weekend or public holiday when the office is not normally open to the public, then the effective due date is the Monday after the weekend or the next day that the office would normally be open to the public.

DRAFT

## Dispute Adjudication of Bylaw Violation Notices

### Overview

The BVN Dispute Adjudication system provides for the determination of disputes in respect of whether:

- the contravention alleged in a BVN occurred as alleged; or
- the terms and conditions of a compliance agreement were observed or performed.

A challenge to the validity of the local government bylaw or a claim that enforcement of the bylaw infringed on the Charter Rights of the disputant must be initiated as a separate matter in the Supreme Court of BC.

Also refer to the [Local Government Toolkit for Bylaw Dispute Adjudication](#) presentation which provides detailed information for a local government to implement a dispute adjudication system. The [Local Government Bylaw Notice Enforcement Act](#) and the [Bylaw Notice Enforcement Regulation](#) provide direction as well.

### Parties Involved

The process of disputing a notice involves five parties:

1. The Disputant (the individual disputing the notice)
2. The Bylaw Compliance & Enforcement Officer (the Islands Trust employee authorized to issue the notice)
3. The Screening Officer (the Islands Trust employee designated as a Screening Officer under the relevant Local Trust Council's BEN bylaw)
4. The Bylaw Compliance & Enforcement Administrative Assistant (the Islands Trust employee who arranges the dispute adjudication hearing)
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld)

### General Dispute Procedure

#### Step One

A recipient of a BVN notifies Islands Trust in writing of their request to dispute the BVN.

They can do this in a number of ways:

1. They can complete and submit the Adjudication Request Form that is on the bottom of the BVN. Forms can be delivered, mailed or faxed to any of the Islands Trust offices on Salt Spring Island, Gabriola Island or in Victoria.
2. The request can also be completed online at [disputing a bylaw violation notice](#).
3. The recipient can send correspondence (letter or email) indicating that they wish to dispute the BVN.

#### Step Two

An individual will be designated as the SO for the dispute. Normally this would be the Manager except for BVNs issued by the Manager in which case the respective RPM would be the SO. Currently, disputes in the Ballenas-Winchelsea, Denman, Gabriola, Galiano, Gambier, Mayne, North Pender, South Pender and Thetis LTAs are the LTAs that have a BEN

bylaw and the Manager is the officer that is normally assigned to any file opened for that LTA.

The SO will review the BVN, including possible discussions with the relevant BCEO. The SO may request a formal Issuing Officer Report from the BCEO. The SO will review the dispute request and will cancel or confirm the BVN.

#### Step Three

If the SO confirms the BVN:

- The SO will discuss their decision with the disputant by phone, in person or in writing.
- The SO may offer a Compliance Agreement with the recipient and subsequently reduce or cancel the penalty when the terms of the agreement are fulfilled.

#### Step Four

If the disputant continues to want a formal dispute adjudication, then the SO:

- requests an Issuing Officer Report (if not already created);
- creates a Screening Officer Report (if not already created);
- provides the two reports to the BCEAA and requests the BCEAA to arrange a formal dispute adjudication hearing.

At the formal adjudication hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

#### The Role of the Screening Officer

Screening Officers provide a first opportunity to respond to a BVN dispute in an informal setting. An SO may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of formal dispute adjudication.

Each Local Trust Committee (LTC) that has adopted a BEN bylaw has also developed an SO policy in order to provide guidelines for SOs during the BVN screening process. SOs are required to provide recipients with a fair opportunity to be heard. They may choose to take notes of their conversation with the recipient. The SO Checklist template provides information in regards to the essential aspects of such a conversation.

The following are some guidelines for SOs that are included in the checklist:

- identify yourself as a Screening Officer;
- clarify that your authority to make a determination is based upon authority granted by the local government;
- listen carefully to the recipient's information and make notes that summarize the information that is provided;
- make a decision to cancel or uphold the notice and explain this to the recipient;
- record your decision in the file.

### **The Decision of the SO**

As stated in Step 2, when a recipient of a BVN requests to dispute it, the SO reviews the BVN and may:

1. **cancel** the notice for various reasons; or
2. **confirm** the notice and either :
  - o refer it to an **adjudicator** unless the request for dispute adjudication is withdrawn; or
  - o enter into a **compliance agreement** with the person.

The decision of the SO is documented in the Screening Officer Report.

The SO must inform the recipient of the decision. The *Act* does not specify how this is to be done. It could be done orally, if that makes sense in the circumstances. For example, if the penalty notice is to be cancelled, directly informing the recipient of that is probably sufficient. However, if the penalty is being confirmed and the recipient is still expressing dissatisfaction, providing a written notice of the decision would be required.

### **Cancellation of a BVN**

The **SO may cancel a BVN** as prescribed in the LTC cancellation policy if:

- 1) Compliance is achieved
- 2) Is not consistent with established policies
- 3) the contravention did not occur as alleged;
- 4) the penalty notice does not meet the requirements set out in the *Act*;
- 5) the BVN was issued to the wrong person;
- 6) an exception specified in the bylaw or related enactment exists;
- 7) a permit exists which authorises the alleged violation;
- 8) the grounds for cancellation authorized by a local trust committee are satisfied;
- 9) 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 BCEO relied on incorrect information in issuing the BVN;
  - c) the BVN was not completed properly.
- 10) it is not in the public interest to proceed to adjudication for one of the following reasons:
  - a) the Bylaw has changed since the BVN 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.

### **Compliance Agreement (CA)**

The local government may also authorize by bylaw an SO to enter into a Compliance Agreement with a person who has received a BVN.

A Compliance Agreement will include:

- acknowledgement of the contravention of the bylaw and acceptance of the liability for the contravention;

- remedies or conditions on future actions to be performed within a designated period of time;
- a mechanism for confirming that the terms of the agreement have been complied with;
- a reduction or waiving of the penalty at the conclusion of that period if the terms of the agreement are fulfilled; and
- the duration of the compliance agreement.

If a recipient of a BVN enters into a compliance agreement and observes or performs all the terms of the agreement, including payment of the reduced amount, then the amount of the penalty is deemed to have been paid in full.

If the SO believes that the terms have not been complied with, he or she may rescind the compliance agreement. The SO must notify the recipient of that fact by regular mail. Within 14 days of receiving, or presumed to have received, that notice of rescission from the SO, the recipient may pay the penalty or request that an adjudicator determine whether the recipient has complied with the terms of the Compliance Agreement. If the recipient does neither within that period of time, the full penalty plus the surcharge for late payment is immediately due and payable by the recipient to the local government.

#### **Formal Dispute Adjudication**

Islands Trust operates its own Dispute Adjudication Registry by contracting directly with the current agency designated by the Province, that being the Ministry of Attorney General (MAG), to provide adjudicators. MAG has created a sub-roster of adjudicators who are comfortable with local government land use bylaws.

Once a disputant confirms that they wish to have a formal Dispute Adjudication Hearing, the Manager or the BCEO will notify the BCEAA who will arrange the dispute adjudication hearing. The Islands Trust adjudication 'package' typically includes the BVN, the request to dispute the BVN, the Issuing Officer Report and the Screening Officer Report. The package is to be sent to the Disputant at least one week prior to the adjudication hearing date. The package is also to be sent to the Adjudicator at least one week prior to the adjudication hearing. Refer to the BCEAA Office Procedures Manual for details.

#### **Adjudicators**

The Adjudicator has no discretion to reduce or waive the penalty amount. The Adjudicator also has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The Adjudicator must proceed on the basis that the bylaw is legally valid.

An Adjudicator may not be an employee or an elected official of a municipality and may not hear a matter if he or she is reasonably apprehended to have a bias or an interest in relation to the outcome of that matter.

#### **Adjudication Procedures**

Section 18 of the *Local Government Bylaw Notice Enforcement Act* provides some direction in regards to Adjudication Procedures.

For example, the adjudicator must provide the parties to the dispute with an opportunity to be heard:

- in person or by an agent,
- in writing (including by fax or email), or
- by video conference, audio conference, telephone or other electronic means. If the disputant chooses this method, they must pay the LTC the amount by which the LTC's adjudication cost is increased because of this manner of hearing.

Section 19 of the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public". The Ministry of Attorney General has confirmed that local governments have total discretion on how to interpret and apply Section 19. They have suggested that this may take the form of online publication or other means of public access depending on the capacity of the local government and the volume of decisions.

#### *Evidence*

The technical and legal rules of evidence do not apply and an adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person. The adjudicator may accept evidence in any manner, such as orally, in writing or electronically.

The standard of proof for resolving a dispute is proof on a balance of probabilities.

#### *Determination*

The adjudicator can determine one of four possibilities:

1. If the contravention identified in the BVN occurred as alleged (BVN confirmed), the penalty set out in the BVN is immediately due and payable.
2. If the contravention identified in the BVN did not occur as alleged, the BVN is dismissed (cancelled).
3. If the disputant did not observe or perform the terms of the compliance agreement, the penalty set out in the BVN is immediately due and payable.
4. If the disputant did observe or perform the terms of the compliance agreement, the penalty set out in the BVN is deemed to have been paid.

If the disputant fails to appear, the adjudicator must order that the BVN is upheld and that the penalty is immediately due and payable to the LTC. Note that the amount is the full amount of the penalty, not the reduced amount they would have paid if they had paid within the same 14 day window of opportunity. In other words, once the disputant requests formal adjudication and the adjudication hearing is set, the early discount is lost.

#### *Notice of Adjudication Outcomes*

**An adjudicator** who hears a dispute in respect of a bylaw notice or the rescission of a compliance agreement **must provide their written decision to the local government** that issued the bylaw notice,

- (a) for a hearing in person or a hearing by telephone, **within one business day** after deciding the dispute, and

(b) for a hearing in writing, **within 5 business days** after the date the adjudicator receives the written materials for the dispute.

The adjudicator's decision **must be in writing and should include:**

- the name of the disputant;
- the facts relating to the penalty notice;
- a summary of the screening officer's decision;
- the issues raised by the parties;
- a summary of the evidence provided by each party in support of each issue;
- the adjudicator's assessment of each issue; and
- the adjudicator's final decision.

There are no provincial standards for the adjudicator's written decisions and there is no provincial or Islands Trust form to use at this point. Islands Trust can create a form if desired.

The BCEAA will then provide to the Disputant a **Notice of Decision** of the adjudication outcome that:

- identifies the BVN;
- provides the Adjudicator's decision;
- states that the fine that is due and payable;
- states that the administrative fee is also due and payable;
- provides methods of payment; and
- states that if the property remains non-compliant that further BVNs may be issued.

As previously stated, the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public" but the *Act* doesn't specifically indicate that the adjudication hearing decisions must be made public. Islands Trust has not developed a best practices in this regards at this point.

#### **Cost**

The Islands Trust Registry is responsible for the administrative work and costs of the dispute adjudication system including the remuneration and expenses of adjudicators and the securing of venues. The Islands Trust Registry charges an administrative fee of \$25 payable by a disputant who is unsuccessful in a dispute adjudication. The fee is added to the debt only when and if the disputant is unsuccessful. If the disputant is successful, no fee is charged.

#### **Judicial Review**

The determination of an adjudicator is final and conclusive and is not open to review in a court except on a question of law or lack of jurisdiction. If a failed disputant or the Islands Trust believes that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*. An application for judicial review must be made within 30 days of the adjudication decision.

## E. Collection of BVN Penalties

The local government may collect a penalty that has become due and payable, which occurs in the following circumstances:

- the recipient did not pay the penalty within the fixed period of time (28 days) as determined in the applicable bylaw and 28 days have passed since a Notice of Unpaid BVN is received (hand delivery) or presumed to have been received (7 days after mailing);
- the SO confirmed the penalty and the recipient did not seek adjudication;
- the adjudicator ordered that the penalty is immediately due and payable to the local government.

## Certificate of Amounts Owning

An amount due and payable to a local government may be recovered by filing a Certificate of Amounts Owning (CAO) in the prescribed form in the Provincial Court. The local government may not obtain a certificate if the amount became due and payable more than two years prior.

The certificate must be signed by the corporate officer or delegate of the corporate officer and must include all of the following information:

1. the details of the bylaw notice, including the date and place of the contravention;
2. the total amount owing and, separately, the amount of the penalty, any surcharges that apply (late payment) and the \$25 fee for adjudication if applicable;
3. the name of the person;
4. the date that the penalty became due and payable;
5. whether the amount outstanding is payable because of:
  - a. a determination of an adjudicator
  - b. a default such as:
    - i. the person not responding to a BVN;
    - ii. the person to whom a copy of a BVN is reissued and delivered does not respond within the required period;
    - iii. the person not requesting adjudication upon receiving notice that the compliance agreement is rescinded;
    - iv. the person who requests or requires a dispute adjudication fails to appear at the adjudication or fails to respond to the adjudication notice.

A Notice letter is mailed to the Respondent (property owner) conveying the CAO. The named person has 30 days from the filing date of this certificate to make an application to the court to suspend it.

Section 26(4) states that a Certificate of Amounts Owning is of the same effect, and proceedings may be taken on it, as if it were a judgment of the Provincial Court for the recovery of a debt.

## Registration of Judgments Arising from a Bylaw Notice

Registering a Certificate of Judgment against land owned by a Debtor prevents the Debtor from selling or mortgaging the land unless the debt owed to the Creditor is paid off. A Certificate of Judgment is effective for two years, after which a new Certificate of Judgment must be obtained and filed.

A Certificate of Judgment is obtained from the court registry for a fee of \$30.00. That Certificate of Judgment is registered against the debtor's property for a fee of \$25.00 at the Land Title and Survey Authority. To register a Provincial Court Judgment on title to land, the court registrar signs the bottom half of the "Application Registration" form. The top half of the form is filed in the land title office.

The procedural details (including fees) need to be discussed with the local Provincial Court registry. They may not be familiar with section 26 of the Local Government Bylaw Notice Enforcement Act.

The Legislative Clerks are Commissioners for taking Affidavits and have electronic accounts to file documents (such as covenants and permits) with Land Titles.

To release the registration of the Certificate of Judgment, a Trustee is the authorized signatory for Form C of the Land Title Act, Section 233 – Release, General Instrument.

## Bylaw Enforcement Review - Charter v2

Regional Planning Committee (RPC)

RPC Endorsement Date: 02-16-2024

**Purpose:** To resolve bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust Bylaw Enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence.

**Background:** Islands Trust Council requested that the Office of the Ombudsperson undertake a review of enforcement policies and practices and provide recommendations at the March 2023 Trust Council meeting. In August 2023 the Office of the Ombudsperson's Consultation and Training Team submitted the 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust' report. At the September 2023 Trust Council meeting directed that the recommendations of the report be implemented, that staff develop a work and project charter and was referred to the Regional Planning Committee.

### Deliverables

- Revisions to Bylaw Compliance and Enforcement Policy 5.5.1
- Revisions to the Handling of Administrative Fairness Complaints Policy 7.1.2
- Revisions to Bylaw and Enforcement Best Practices and Procedures Manual ('the Manual')
- A public Bylaw Complaints and Enforcement document
- Updates and revisions to Bylaw Enforcement forms, templates and documents
- Training and information for Bylaw Enforcement Officers and other relevant staff
- Communications team work with planning staff to post regular Bylaw Compliance Review project updates to Islands Trust website.
- [Development and review of an LTC Bylaw Enforcement Policy](#)

### In Scope

- Review the Report, compile recommendations
- Review current Trust Council policies
- Review the Manual
- Compile and review all LTC bylaw enforcement standing resolutions and policies
- Review selected policies of other relevant local governments
- Report to RPC with proposed revisions for direction
- Provide regular updates and recommended revisions to Trust Council
- Implement changes to policies and practices
- A legal review of draft documents

### Out of Scope

- Amendments to bylaws
- Public consultation
- Referrals to LTCs
- External consultants

### IAP2 Public Engagement Level:

- Inform
- Consult
- Involve
- Collaborate

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### Workplan Overview

Deliverable/Milestone	Target Date
Draft Project Charter to RPC for review and endorsement	Feb 2024
RFD to Trust Council	Mar 2024

<i>RPC review of preliminary policy revisions</i>	May 2024
<i>Briefing to Trust Council</i>	June 2024
<i>Draft policies and manual to RPC for review and changes</i>	Sept 2024
<i>Referral of draft revisions to Ombudsperson's office for comment</i>	Sept 2024
<i>Briefing to Trust Council</i>	Sept 2024
<i>Final RPC review and referral to Trust Council</i>	Nov 2024
<i>Endorsement by Trust Council</i>	Dec 2024
<i>Implementation</i>	Jan – Mar 2025

<b>Project Team</b>	
<i>Stefan Cermak, DPS</i>	Project Champion
<i>Robert Kojima, RPM</i>	Project Manager
<i>Warren Dingman, Manager C &amp; E</i>	Project Manager
<i>Anthony Fotino</i>	RPC Planner
<i>David Marlor, DLS</i>	Advisor
<b>Director Approval:</b> <i>Stefan Cermak</i> <b>Date:</b> 02-16-2024	<b>RPC Endorsement:</b> Resolution #: 2024-001 <b>Date:</b> 02-16-2024

<b>Budget</b>		
<b>Budget Sources: N/A – no budget has been assigned</b>		
<b>*legal review included in scope by RPC 02-16-2024</b>		
Fiscal	Item	Est. Staff hours*
2023-24	Project initiation	20
2024-25	- Preliminary analysis and review	40
	- Drafting of policy revisions	50
	- Final policy	20
	- Updates to manuals and templates	40
	- Implementation	40
	- Contingency	40
	<b>Total</b>	<b>250</b>

\*excludes any admin support, attendance at RPC/TC meetings, staff receiving training



## REQUEST FOR DECISION

**To:** Regional Planning Committee      **For the Meeting of:** September 4, 2024  
**From:** Robert Kojima, Regional Planning Manager      **Date Prepared:** August 21, 2024  
**SUBJECT:** Fiscal Year 2026 Local Trust Committee Major Project Business Cases

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### RECOMMENDATION:

That the Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026 budget, business cases for the Mayne Housing Project, the North Pender Housing Project, and the Lasqueti OCP / LUB Review Major Projects.

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**1 PURPOSE:** For the Regional Planning Committee to consider fiscal year 2026 business cases requested by local trust committees.

**2 BACKGROUND:**

In 2022 Trust Council amended Policies 5.9.1 (The Best Management Practices for Delivery of Local Planning Services Policy) and 6.2.1 (Priority Setting/Review Guidelines) to support the systematic update of OCPS and LUBs, co-ordination of LTC projects, realistic expectations for volume and timing of project completion, and the fair, efficient and equitable allocation of staff and financial resources for major LTC projects.

The policies specifically established that:

- Staff will maintain a checklist of the “health” of official community plans, and will use this to recommend to Trust Council, via Regional Planning Committee, prioritization of OCPs for review and update as part of Trust Council’s budget process. A copy of the table is attached as Attachment 3 for RPC’s reference.
- A set of criteria will be used by Regional Planning Team staff to recommend to Trust Council via the Regional Planning Committee prioritization of these projects. A table with relevant criteria is attached as Attachment 2.
- Staff resources will limit the number and type of major policy/regulatory work that can start in any one year. This limit will also be considered when recommending OCP/LUB reviews.

#### Prioritization of Major Projects

To date three LTCs have endorsed and forwarded business cases to RPC. Additional business cases are anticipated to be endorsed over the next several weeks. Attached are endorsed business case proposals for Mayne and North Pender Housing projects (these are for the second year of on-going initiatives) and a business case for Lasqueti OCP/LUB review, which would be a

new project. In addition a number of business cases for Major projects are anticipated pending endorsement by LTCs, these business cases will be brought to the next RPC meeting.

The following table summarizes the business cases and the requested budget allocations:

LTC	Project	Amount requested	Endorsed or Pending	On-going or new project
DE	Housing Review	\$12,000	Pending	On-going
GB	OCP/LUB Review	\$30,000	Pending	On-going
GM	OCP/LUB amendments	\$10,000	Pending	New
MA	Housing Options	\$8,000	Endorsed	On-going
LA	OCP/LUB Review	\$15,500	Endorsed	New
NP	Housing Access and Affordability	\$8,000	Endorsed	On-going
SS	OCP / LUB Update	\$131,000	Pending	On-going
Total		\$214,500		

\*Phase 2 of a multi-year housing review initiative

The attached table provides a more detailed evaluation criteria for consideration of Major Projects requested by LTCs (Attachment 2).

While all the proposed business cases address priority issues and would update older OCPs and LUBs, there is not currently anticipated to be sufficient staff assigned to the Regional Planning Team to support all the proposed business cases for both on-going and new LTC Major Projects. This may result in either delays to commencing new projects until an on-going project is completed, or continuing to rely on Island Planners to manage major projects.

### 3 IMPLICATIONS OF RECOMMENDATION

**ORGANIZATIONAL:** The attached business cases support local trust committees' work programs.

**FINANCIAL:** The attached business cases total xxx.

**POLICY: Trust Council** Policies 5.9.1 (The Best Management Practices for Delivery of Local Planning Services Policy) and 6.2.1 (Priority Setting/Review Guidelines)

**IMPLEMENTATION/COMMUNICATIONS:**

Business Cases will be advanced to the Financial Planning Committee.

**FIRST NATIONS:**

First Nations engagement have been included in the business cases.

### 4 RELEVANT POLICY(S):

- Policy 6.3.1 Budget Process
- Policy 6.5.3 Procurement
- Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services
- Policy 6.2.1 Priority Setting/Review Guidelines

### 5 ATTACHMENT(S):

1. MA, LA, NP Business Cases
2. Major Project Review Table
3. OCP / LUB Tracking Table

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## **RESPONSE OPTIONS**

### **Recommendation:**

That the Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026 budget business cases for Major Projects for the Mayne Housing Project, the North Pender Housing Project, and the Lasqueti OCP / LUB Review

### **Alternatives:**

1. That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026 budget business cases with recommended amendments for:
2. That Regional Planning Committee defer consideration of Fiscal Year 2026 LTC business cases until all proposed business cases have been endorsed by LTCs.

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**Prepared By:** Robert Kojima, Regional Planning Manager



Islands Trust

**Budget Funding Request  
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

**TO BE COMPLETED BY INITIATOR**

<p><b>Requested by:</b></p> <p><b>Mayne Island Local Trust Committee</b></p> <hr/> <p><b>Department:</b></p> <p><b>Planning Services</b></p> <hr/> <p><b>Name of Request:</b></p> <p><b>Mayne Island Housing Options Project (Year 2 of project)</b></p> <hr/> <p><b>\$ Value of Request (indicate by fiscal year and total if project is multi-year):</b></p> <p><b>FY 2026: \$8000</b> <b>FY 2025: \$10,000</b></p>	<p><b>Budget Source</b> (select all that apply):</p> <p><input type="checkbox"/> <b>Specific Project Funding</b> (select all that apply)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Third Party Contractors</li> <li><input type="checkbox"/> Staff Travel Expense</li> <li><input type="checkbox"/> Staff Overtime Expense</li> <li><input type="checkbox"/> New Staff Member – Temporary for project</li> <li><input type="checkbox"/> Computer Hardware/Software</li> </ul> <p><input type="checkbox"/> <b>Furniture &amp; Equipment</b></p> <p><input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b></p> <p><input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent</li> <li><input type="checkbox"/> Temporary Temp Duration: _____</li> </ul> <p><input checked="" type="checkbox"/> <b>Other – please describe: _community engagement, First Nations engagement, public hearing, legal contingency</b></p>
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<p><b>Date of Submission to Finance:</b></p> <p><b>LTC resolution: July 29, 2024</b></p>	<p><b>Funding Required for (date range): Apr 2025 to Dec 2025</b></p>
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**TIE TO ISLANDS TRUST GUIDING DOCUMENTS:**

Islands Trust Council [Strategic Plan 2018-2022](#). Objective: Strengthen Housing Affordability Throughout the Islands Trust Area. In June 2023, [Islands Trust Council amended the Strategic Plan](#) to:

- “Prioritize elements of the strategic plan that support land use decision making”, and
- “Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.”

**ISSUE/OPPORTUNITY:** This on-going project (current phase commenced May 2024) is intended to address the need for an increase in housing options. The Mayne Island LTC has been engaged in reviewing housing options for the past four years. This request is to support the continuation of the current phase of the Mayne Island housing project. This phase includes First Nations and community consultation, and OCP and LUB updates to increase housing options.

The first phase of this project supported the Islands Trust’s Strategic Plan Goal to “Strengthen housing affordability throughout the Trust Area” by:

- Contributing to the creation of a Trust Wide Housing Toolkit
- Amending the Mayne bylaws to permit flexible housing, and providing a model for other bylaws
- Demonstrating the value of suitable land analysis contributing to suitable land analysis being done for all Trust Area to contribute to their housing project

Phase 2 (current phase) would support the Islands Trust’s Strategic Plan Goal to “Strengthen housing affordability throughout the Trust Area” by:

- Utilizing the Islands Trust Housing Toolkit
- Amending Mayne OCP and LUB to permit further housing options, specifically expanded secondary suites areas, expanded flex housing areas and density bonuses for land for affordable housing
- Contributing to the design of more model bylaws for housing
- Supporting the CRD’s Gulf Islands Housing Strategy actions related to increasing housing options
- Demonstrating the value of partnership building with non-profits and the Capital Regional District in the development of housing

**PROJECTED RESULTS/DELIVERABLES:** The project will include exploring and implementing LUB and OCP amendments to support actions identified in the Draft Housing Action Plan for the following:

- Expanded opportunities to build Secondary Suites and Accessory Dwelling Units
- Increased Opportunities for Non Profit Housing Development
- Permitting Alternative Housing Approaches
- Reducing Ecological Footprint of New Builds

In the 2025 fiscal year work involves First Nations and community consultation, evaluation of options and bylaw drafting. The proposed FY2026 request (\$8,000) would fund any further engagement, the bylaw process, including a public hearing, communications materials, and includes a small contingency for a legal opinion.

**RISK ASSESSMENT:** There are several contingencies that could negatively affect the project outcome or deliverables:

1. Lack of staff resources: the regional planning team may not be able to support the project due to other on-going projects or staff shortages
2. First Nations’ capacity and timing may not align with project timelines
3. The LTC may choose to not proceed with amendments
4. Costs may exceed the budget due to consultation or other factors

**ALTERNATIVES CONSIDERED:**

**Option 1:** Staff time and funding are not be allocated to the project: under this alternative the project does not proceed to the bylaw phase, or the LTC considers completing the work as a ‘minor project’

**Option 2:** Reduced funding: This may limit the ability to complete the project in the next fiscal.

**CRITICAL SUCCESS FACTORS:** Near term success if relevant amendments to the OCP and LUB are adopted. Longer term success would be measured through improvements to housing options, accessibility and affordability.

**RECOMMENDED OPTION:** The recommended option is to fund the second year of the project as a Major LTC Project at the requested amount of \$8,000 for the coming fiscal year. This provides sufficient funding to complete the bylaw phase with continued project management by a Regional Planning Team planner.

**COST/BENEFIT ANALYSIS:**  
Quantitative Analysis: \$8,000 for fiscal year 2025

- Consultation ( First Nations, partners, community, communications) - \$2,000
- Public hearing - \$2,000
- Communications - \$2,000
- Legal Contingency - \$2,000

Qualitative Analysis: project would contribute to and benefit from efficiencies associated with similar projects in other LTAs.

**PURCHASING PROCEDURE:** N/A

**PROPOSED IMPLEMENTATION STRATEGY:**

Early engagement with First Nations - COMPLETED	June 2024
Engage partners (eg. Habitat for Humanity, CRD, MIHS) - COMPLETED	June 2024
LTC review of analysis, issues and opportunities – ON-GOING	Sept-Dec. 2024
Community Consultation as needed – ON-GOING	Sept – Dec 2024
Bylaw Drafting	Jan – March 2025
Bylaws Readings/ Referrals/ Public Hearing	April – Sept 2025
OCP Amendments to EC/Province	October 2025
Final Adoption	TBD

**STAFF RESOURCING:**  
 0.25 FTE Regional Planning Team Project Manager  
 0.10 FTE Planning Team Support (RPM)  
 0.10 Other support (Admin, communications, mapping, SIRA)

**CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:** N/A

**Requested by** (Committee or Business unit): Mayne Island Local Trust Committee

**Prepared by** (name, title)/date: Narissa Chadwick, Island Planner

**Reviewed by** (name, title)/date: Robert Kojima, Regional Planning Manager



**Budget Funding Request  
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR	
<b>Requested by (Committee or Operational Unit):</b> <b>Lasqueti Island Local Trust Committee</b>	<b>Budget Source</b> (select all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Specific Project Funding</b> (select all that apply)               <ul style="list-style-type: none"> <li><input type="checkbox"/> Third Party Contractors</li> <li><input checked="" type="checkbox"/> Staff Travel Expense</li> <li><input checked="" type="checkbox"/> Staff Overtime Expense</li> <li><input type="checkbox"/> New Staff Member – Temporary for project</li> <li><input type="checkbox"/> Computer Hardware/Software</li> </ul> </li> <li><input type="checkbox"/> <b>Furniture &amp; Equipment</b></li> <li><input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b></li> <li><input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool)               <ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent</li> <li><input type="checkbox"/> Temporary</li> <li>Temp Duration: _____</li> </ul> </li> <li><input checked="" type="checkbox"/> <b>Other – please describe:</b> _____                For fiscal year 2025-26:               <ul style="list-style-type: none"> <li>- Community consultation, shoreline value mapping exercise, First Nations consultation, support for advisory bodies, and contingency</li> </ul> </li> </ul>
<b>Department:</b> <b>Planning Services</b>	
<b>Name of Request:</b> Phase 1 Lasqueti Island OCP and LUB Review - Major Project	
<b>\$ Value of Request</b>  \$15,500	
<b>Date of Submission to Finance:</b>	<b>Funding Required for (date range):</b> <b>April 1, 2025 – March 31, 2026</b>
<b>TIE TO ISLANDS TRUST GUIDING DOCUMENTS:</b> <i>(Indicate how the proposed project/activity/work ties to Trust Council's strategic plan, Policy Statement directives, Council Bylaws, work programs, the Trust's object, etc. Provide relevant reference, along with hyperlinks to external documents where available.)</i>	
The most recent Islands Trust Council <a href="#">Strategic Plan 2018-2022</a> contains objectives to: <ul style="list-style-type: none"> <li>- Preserve, protect and advocate for forest and terrestrial ecosystems</li> </ul>	

- To preserve and protect marine ecosystems
- Mitigate and adapt to climate change impacts
- Strengthen Housing Affordability Throughout the Islands Trust Area

This project would support the achievement and implementation of these objectives in the Lasqueti Local Trust Area.

**ISSUE/OPPORTUNITY:** *(What issue are you trying to resolve with this initiative, or what opportunity has been identified that would benefit Islands Trust by undertaking this initiative? What are the future needs? What organizational objectives are being addressed? Include background information that decision makers will need to properly assess this request.)*

The Lasqueti Island Local Trust Committee would like to build on the work completed to date regarding minor updates to the OCP and LUB by undertaking a fulsome review of the Official Community Plan (OCP) and Land Use Bylaw (LUB) to inform necessary updates, estimated to be completed in the next three fiscal years. This project will fill gaps that were not addressed in the existing project to review the OCP. The existing project is a minor project with a limited scope which has resulted in some emerging issues not being addressed. This project will seize opportunities to improve communication and relationships with First Nations, and engage with the Island community in order to address future housing needs, climate change, shoreline planning, and work towards Islands Trust strategic goals.

Phase 1 of this project is proposed to include community consultation, First Nations engagement and staff analysis to inform the future re-write of the OCP and LUB in the subsequent fiscal year.

As a Major Project, the initiative would be managed by the Regional Planning Team.

**LA-2024-005**

**It was MOVED and SECONDED**

that the Lasqueti Local Trust Committee direct staff to prepare a business case for the 2025/26 budget that includes:

1. Completion of any unfinished items from the OCP/LUB Review Project - Charter version 6.1, dated May 2024
2. Items 2, 3, and 4 from the Future Projects Report, dated April 29, 2024
3. Land Use Bylaw review and potential revisions arising from OCP amendments.
4. An updated community vision statement.

CARRIED?

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**PROJECTED RESULTS/DELIVERABLES:** *(How does this address the issue/opportunity described above? Indicate how results of this work will impact decision-making by trustees or staff. Will this work result in better decisions, more efficient decision-making, more efficient completion of work, better public perception, etc. Consider all possible results from undertaking this work.)*

Benefits: The project, when completed would result in a new OCP and LUB that would address First Nations concerns and interests; enhance the protection of marine, forest and terrestrial ecosystems; strengthen policies to support affordable housing; enhance resiliency to climate change; and take proactive action on managing mooring buoys. This will also result in greater clarity to applicants and staff when evaluating planning applications and development proposals.

Anticipated Deliverables could include:

Funding Request for <b>Proposed Phase 1 (2025/26):</b>	When	Estimated Budget
Consultation, Confirming Topics		

First Nations engagement and consultation to confirm their interests, concerns and recommendations regarding future land use planning on Lasqueti Island and necessary policy and regulatory updates ;	Spring/Summer/Fall 2025	\$8,000
APC and Community engagement and consultation to map community values along the shoreline of Lasqueti Island; draft a new vision statement for the OCP and gauge support for Phase 2 review topics and necessary policy and regulatory updates;	Summer 2025 to Winter 2026	\$5,000
Staff analysis and recommendations	Winter/Spring 2026	\$1,000
Phase 2: OCP and LUB Drafting and Community and FN Engagement,	<p align="center"><b>Future Business Cases to be prepared for work extending beyond the 2025-26 Fiscal Year.</b></p> <p><b>Proposed Phase 2 (2026/27):</b></p> <ul style="list-style-type: none"> <li>- Ongoing community engagement;</li> <li>- Update the OCP and LUB to align with the model bylaw template; the Regional Conservation Plan, and Coastal Douglas-Fir Toolkit;</li> <li>- Update OCP objectives, policies advocacy policies and LUB regulations related to subdivision, housing, feral sheep, conservation targets, climate change, and Short-term Vacation Rentals and Tourism;</li> <li>- Develop a management plan for mooring buoys and access to the shoreline in Scottie Bay;</li> <li>- Develop a marine conservation designation and zone.</li> </ul>	
Phase 3: Legislative Review and Bylaw Readings	<p align="center"><b>Future Business Cases to be prepared for work extending beyond the 2025-26 Fiscal Year.</b></p>	

**RISK ASSESSMENT:** *(List and discuss potential risk factors associated with this work, if identified. List and discuss the options that exist to mitigate identified risks.)*

There are several contingencies that could negatively affect the project outcome or deliverables:  
Financial implications –

- Costs may exceed the budget due to consultation, change of scope, or other unanticipated factors.

Resource requirements –

- Staff resources: The regional planning team may not be able to support the project due to other on-going projects or limited staff capacity. In addition, it is anticipated that overtime hours may be required for any engagement events and business meetings that occur outside of regular business hours.
- It is estimated that the following staff and support is needed for this project: Regional Planning Team Planner = 450 hrs; Lasqueti Planner up to 40 hours; Regional Planning Manager = 10 hrs; Senior Indigenous Relations Advisor = 20 hrs; Admin = up to 100 hrs subject to other approved major projects; GIS = 20 hrs; Communications = 40 hrs.
- Unanticipated timing delays or extensions due to change of scope, trustee or staff availability/capacity, coordination with other IT projects, or other factors.
- Overtime hours have not been estimated at this time, however it is reasonable to expect based on a project of this kind.

Other implications –

- In a scenario where the current proposed OCP bylaw does not get adopted prior to commencement of this project, staff would be unable to proceed until the existing project is substantially completed (i.e. bylaw is forwarded to Minister for adoption). This would be due to limited staff resources to both complete an existing project and initiate a new project concurrently.
- First Nations' capacity, interest/priority, and timing may not align with project timelines.
- Project will not be completed prior to the current LTC term ending, and new elected officials may have different priorities outside of the scope of this project. In this scenario, staff would not prepare a business case until the new LTC requests a review of land use bylaws.
- Once the project is underway, the LTC may choose to not advance the draft bylaw to readings.

**ALTERNATIVES CONSIDERED:** *(What other options/alternative courses of action were considered? List and discuss each alternative separately. Each option must be supported by a succinct and realistic presentation of the benefits, risks, financial implications, resource requirements and other implications to allow for an informed decision among the options. One option should reflect the status quo - i.e. do nothing - and the anticipated results of that action.)*

Option 1: Status quo - Staff time and funding are not allocated to the project and the work does not proceed this fiscal year.

Benefits – Staff time will be focussed to completing existing projects and LTC meeting business, and any new approved minor projects. The Regional Planning Team may provide a checklist for all OCPs and prioritize reviews through the Regional Planning Committee (re: Policy 5.9.1, section B.1.3).

Risks – Restricted time left in LTC term to take on a major project in another fiscal year.

Financial implications – Trust Council does not budget funding for this project.

Resource requirements – none.

Other implications – Regional Planning Team time would be allocated to major projects for other Local Trust Areas.

Option 2: Proceed with specific priority aspects of this request as a Minor LTC Project. This would limit the project budget to a maximum of \$5,000 per fiscal year and limit the scope of the project so that not all LTC identified issues would be addressed.

Benefits – More chance of success to complete the project within the LTC term.

Risks – New changes that come up through the process would be out of scope. Would not address all the LTC's requested items. Could be a challenge to conduct fulsome engagement with First Nations and the community given the limits of minor project resources. Over time, could result in numerous minor projects which may be a less efficient use of staff time when compared to a single major project.

Financial implications – Budget is less than a major project and can likely be accommodated within the minor project budget through Planning Services.  
Resource requirements – May still require time of other support staff.  
Other implications – Will delay addressing some LTC identified issues with bylaw amendments. Would not allow for all interrelated factors and topics to be considered in a single project.

**CRITICAL SUCCESS FACTORS:** *(What related factors have been identified that are important to the success of completing this work/initiative? Which of these factors are considered critical to the success of this initiative? Discuss outcomes if critical success factors are not met.)*

The following are identified as critical for this project to be successful:

- Completion of the current minor project to amend the Lasqueti OCP
- Sufficient capacity and interest from First Nations to engage on the project
- Staff capacity in the Regional Planning Team and staff support

The project would be considered successfully completed if relevant amendments to the OCP and LUB are adopted. Success could be measured over the longer term through measurables such as:

- Improved relations with First Nations and updated policy and regulatory bylaws to address their interests and concerns;
- Observation of stable and healthy terrestrial and marine ecosystems.

**RECOMMENDED OPTION:** *(State your recommendation, referencing the options discussed earlier, and summarise why you chose it over others.)*

The recommended option is to fund the initiative as a Major LTC Project at the requested amount of \$15,500 for the coming fiscal year. This provides sufficient funding for consultation and for project management by a Regional Planning Team planner. The alternative is for the LTC to proceed, with only some of the work, as a Minor Project. If taken on as a minor project, the project scope would be reduced.

**COST/BENEFIT ANALYSIS:** *(Discuss both quantitative and qualitative considerations of this initiative. Quantitative discussion should include financial costs as well as benefits (savings). Qualitative considerations include non-quantifiable costs and benefits.)*

Quantitative Analysis: \$15,500 for fiscal 2025-26 for Year 1

- Consultation (APC, First Nations, stakeholders, community, communications) – \$13,000
- Staff analysis and recommendations – \$1,000
- Contingency –10% contingency of the total fiscal year cost – \$1,500

Qualitative Analysis:

- Undertaking the project may include benefits such as improved First Nations relations and implementation of actions towards effective reconciliation, enhanced protection of marine, forest and terrestrial ecosystems;
- The project may also strengthen policies to support affordable housing; and enhance resiliency to climate change.

**PURCHASING PROCEDURE:** *(Describe any purchasing processes that will be needed to support this initiative (i.e. Direct Award, RFP, ITQ to qualified vendor) if goods or services need to be procured for the work. If this is for new staff hiring, indicate likely hiring method (i.e.: external competition, government-restricted internal competition, etc.)*

Not applicable if the work is done in-house by staff. However there may be other financial services required such as legal review and capacity work agreements, as identified through a work program.

<p><b>PROPOSED IMPLEMENTATION STRATEGY:</b> <i>(What are the specific features of the “roll-out” of the recommended solution? What is the <u>timeline</u> and anticipated <u>date of completion</u> for this initiative?)</i></p> <p>The project is proposed to be completed over three fiscal years, with Year 1 primarily consisting of consultation and review of options, Year 2 consisting of drafting, review and adoption of OCP and LUB bylaws, and Year 3-4 consisting of the legislative process review and adoption.</p>
<p><b>STAFF RESOURCING:</b> <i>(What staff resources will be needed to achieve success on this initiative? Estimate how many hours of staff time will be required, by staff level/role. Comment on the reasonability of expected staff hours when assessed in conjunction with other work underway or planned.)</i></p> <p>The project would be managed by an Island Planner assigned from the Regional Planning Team, estimated at 450 hours, with support from the Lasqueti Island Planner (up to 40 hours), RPM (up to 10 hours), admin support (up to 100 hours subject to other approved major projects) and support from the Senior Indigenous Relations Advisor (40 hours), GIS staff (20 hrs) and communications staff (40 hrs).</p>
<p><b>CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:</b> <i>(Discuss proposed change management requirements, communications needed, involvement with others. Are there any concerns related to these? If so, how will these be addressed? Have other stakeholders been identified?)</i></p> <p>This project will involve communications with the Lasqueti Island community and with First Nations. The budget request will support the communications and engagement with these communities.</p>

**Requested by** (Committee or Business unit): Lasqueti Island Local Trust Committee

**Prepared by:** Stephen Baugh, Island Planner / June 24, 2024

**Reviewed by:** Renée Jamurat, Regional Planning Manager / June 28, 2024

## OCP/LUB Review Project

Lasqueti Island Local Trust Committee

Date: June 2024

**Purpose:** To review and update the Lasqueti Official Community Plan policies and Land Use Bylaw regulations pertaining to First Nations interests, subdivision, housing, short term vacation rentals, conservation, and protection of the natural environment. Outcomes of this project will include a new OCP and LUB as well as a management plan for Scottie Bay.

**Background:** The LTC identified several topics as priorities for policy and regulation development in May 2024 stemming from engagement for a previous OCP project. It is understood that additional public engagement as well as engagement with First Nations on the identified topics will be required prior to developing specific policy and regulatory language.

Project Team	
Regional Planning Manager	Project Sponsor
Regional Planning Team Planner	Project Manager / Planner
Senior Indigenous Relations Advisor	IT First Nations Liaison
Island Planner	Planner Support
Legislative Clerk	Legislative Process / Bylaw Review

Budget		
Fiscal	Item	Cost
2025-26	First Nations Engagement	\$8,000
2025-26	Community Engagement	\$5,000
2025-26	Staff analysis and recommendations	\$1,000
2025-26	Contingency	\$1,500
2025-26	<b>Total</b>	<b>\$15,500</b>
2026-27	OCP and LUB Drafting and Consultation	TBD
2027-28	OCP and LUB Legislative Review and Adoption	TBD



Islands Trust

**Budget Funding Request  
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

**TO BE COMPLETED BY INITIATOR**

<b>Requested by (Committee or Operational Unit):</b> <b>North Pender Island Local Trust Committee</b>	<b>Budget Source</b> (select all that apply):  <input type="checkbox"/> <b>Specific Project Funding</b> (select all that apply) <input type="checkbox"/> Third Party Contractors <input type="checkbox"/> Staff Travel Expense <input type="checkbox"/> Staff Overtime Expense <input type="checkbox"/> New Staff Member – Temporary for project <input type="checkbox"/> Computer Hardware/Software  <input type="checkbox"/> <b>Furniture &amp; Equipment</b>  <input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b>  <input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool) <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary Temp Duration: _____  <input checked="" type="checkbox"/> <b>Other – please describe:</b> _____ For fiscal year 2026: - On-going community consultation, on-going First Nations consultation, Bylaw amendments, and legal contingency
<b>Department:</b> <b>Planning Services</b>	
<b>Name of Request:</b> North Pender LTC Housing Access and Affordability Project	
<b>\$ Value of Request:</b>  <b>Fiscal Year 2026 - \$8,000</b> <b>Fiscal year 2025 - \$15,000</b>	
<b>Date of Submission to Finance:</b> LTC resolution: July 26, 2024	<b>Funding Required for (date range):</b> <b>April 1, 2025 – March 31, 2026</b>

**TIE TO ISLANDS TRUST GUIDING DOCUMENTS**

Islands Trust Council [Strategic Plan 2018-2022](#). Objective: Strengthen Housing Affordability Throughout the Islands Trust Area. In June 2023, [Islands Trust Council amended the Strategic Plan](#) to:

- “Prioritize elements of the strategic plan that support land use decision making”, and
- “Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.”

**ISSUE/OPPORTUNITY:**

The North Pender Island Local Trust Committee has identified access to affordable housing as a priority issue. A Budget Funding request was submitted to Trust Council last year and approved in the amount of \$15,000 for fiscal year 2025 for a Major Project to engage in community consultation, to consult with First Nations, to engage with stakeholder groups, to review housing options and to undertake amendments to the OCP and LUB and development of a housing action plan to improve access to affordable housing in the community.

Work is currently underway on the project, with community and First Nations consultation, and a review of housing options scheduled to be completed by the end of the fiscal year (March 31, 2025). The LTC is requesting funding of \$8,000 for the subsequent phase of the project, which would involve bylaw drafting, readings, public hearing, on-going community and First Nations consultation, along a contingency for any legal questions.

This project would be consistent with Islands Trust Council Strategic Plan Goal to “Strengthen housing affordability throughout the Trust Area”. It is also utilizing the recent completed housing toolkit prepared on behalf of the Regional Planning Committee. A Housing Strategy for the Southern Gulf Islands was recently adopted by the CRD Board. Housing related initiatives are currently underway in several other local trust areas and this project would apply and build on options, experiences and lessons from those initiatives.

**PROJECTED RESULTS/DELIVERABLES:** the project would result in amendments to the OCP and LUB that would provide opportunities and options for greater housing diversity and affordability. A Housing Action Plan that includes non-bylaw actions may also be developed.

**RISK ASSESSMENT:** There are several contingencies that could negatively affect the project outcome or deliverables:

1. Lack of staff resources: the regional planning team may not be able to support the project due to other on-going projects or staff shortages. Currently preliminary work is being undertaken by the Island Planner.
2. First Nations’ capacity and timing may not align with project timelines.
3. The LTC may choose to not proceed with amendments.
4. Costs may exceed the budget due to consultation or other factors.

**ALTERNATIVES CONSIDERED:****If the project is not funded for Fiscal 2026:**

Option 1: Proceed with the initiative as a Minor LTC Project – this would limit the project budget to a maximum of \$5,000 for the fiscal year.

Option 2: Defer: the completion of project could be deferred to a future fiscal year.

**CRITICAL SUCCESS FACTORS:** The project would be considered successfully completed if relevant amendments to the OCP and LUB are adopted. Ultimate success would be measured over the longer term through improvements to housing options, accessibility and affordability.

**RECOMMENDED OPTION:** The recommended option is to fund the initiative at the requested amount of \$8,000 for the coming fiscal year. This provides sufficient funding to complete the project.

**COST/BENEFIT ANALYSIS:**

Quantitative Analysis: \$8,000 for fiscal 2026 for:

- On-going community consultation - \$2,000
- On-going First Nations consultation - \$2000
- Public hearing - \$2,000
- Legal contingency - \$2,000

Qualitative Analysis: project would benefit from efficiencies associated with similar projects in other LTA and build on those experiences.

**PURCHASING PROCEDURE: N/A**

**PROPOSED IMPLEMENTATION STRATEGY:** The project is proposed to be completed over two fiscal years, with final year consisting of on-going consultation, drafting and review of bylaws, legislative process, and implementation.

**STAFF RESOURCING:** The project would be managed by a planner assigned from the Regional Planning Team, estimated at 0.25 FTE, with support from the RPM (up to 0.10 FTE), admin support (0.10 FTE) and support from the Senior Indigenous Relations Advisor, the Senior Freshwater Specialist, mapping and communications staff as needed.

**CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: N/A**

**Requested by** (Committee or Business unit): North Pender Island Local Trust Committee

**Prepared by** (name, title)/date: Robert Kojima, July 12, 2024

**Reviewed by** (name, title)/date:

**Major Project Review Table**

Last updated August 23, 2024

LTC	Proposed Project	Business case request	Estimated RPT Planner allocation	On-going or new project	Date of last major project or bylaw update	Priority issues that would be addressed	Date of OCP or LUB	Trust Council Strategic Priority	Data, toolkit, or model bylaw available	On-going Project: has successfully met milestones	Notes
BW											
Denman	Housing Review	\$ 12,000	0.25	on-going	2015 - tourist accomation	Housing	2009 (OCP and LUB)	Housing Affordability	Yes	Yes	<i>scope amended in May would be third year of project</i>
Gabriola	OCP/LUB Review	\$ 30,000	0.50	on-going	2015 - OCP Review	Housing, DPA	1998, updated in 2011	Multiple	Yes	Yes	<i>scope amended in May would be third year of project</i>
Galiano											
Gambier	OCP/LUB Targeted	\$ 10,000	0.33		minor review 2024	First Nations, shoreline, ecosystems	2001/2004	Multiple	Yes	new	<i>To complete minor project from 2024</i>
Hornby											
Lasqueti	OCP/LUB Review	\$ 15,500	0.33	New	minor updates- 2024	Housing, climate change, shoreline, First Nations	2006	Housing Affordability, FN relationships	Yes	new	<i>To follow minor project from 2024</i>
Mayne	Housing Options	\$ 8,000	0.25	on-going	2017 - commercial land use	Housing	2009 (OCP) 2007 (LUB)	Housing Affordability	Yes	Yes	<i>Phase 2 of a multi-year housing review</i>
North Pender	Housing Affordability	\$ 8,000	0.25	on-going	2019 - LUB Review	Housing	2008 (OCP) 2023 (LUB)	Housing Affordability	Yes	Yes	<i>Island Planner currently managing project</i>
Salt Spring	OCP / LUB Update	\$ 131,000	1.00	on-going	2008 OCP Review	Housing, [other?]	2008 (OCP), 1999 (LUB)	Housing Affordability	Yes	No	<i>Business Case pending</i>
Saturna											
South Pender											
Thetis											
		\$ 214,500	2.9								

RPT planner time (est. April 2025)

2.5

OCP/LUB Status

Last updated

August 23, 2024

LTC	Bylaw area	OCP adoption date	LUB adoption date	OCP major update	LUB major update	Over 15 Years Since Major Update	10-15 years Since Major Update	Total Population	Population Growth	Notes	Staff Recommendations
BW	BW	2013	2013	no	no	No	Yes	Negligible	n/a	<i>small islands: adopted just over 10 years ago, no updates recommended</i>	
Denman	Denman	2009	2009	no	no	Yes	Yes	Medium	Low	<i>Housing project to result in amendments to OCP and LUB</i>	<i>OCP and LUB Review following completion of housing project</i>
Gabriola	Decourcy	2001	2001	no	no	Yes	Yes	Low		<i>small island, no known issues</i>	
Gabriola	Mudge	2008	2007	no	2018	Yes (OCP)	Yes (OCP)	Low		<i>Current issues with zoning and enforcement</i>	<i>Review and update bylaw as a Minor Project</i>
Gabriola	Gabriola	1997	1999	2011	no	Yes	Yes	High	Low	<i>On-going major project to review both OCP and LUB</i>	<i>Current project scheduled to be completed in 2026</i>
Galiano	Galiano	1995	1999	2012	2014	No	Yes (OCP)	Medium	High	<i>New OCP or LUB limited by PMFLA</i>	<i>Consider a targeted Forest lands review prior to an OCP review</i>
Gambier	Gambier	2001	2004	on-going	on-going	Yes	Yes	Low	High	<i>Targeted OCP and LUB on-going; Major project requested</i>	
Gambier	Gambier Associated Islands	2009	2013	no	no	Yes (OCP)	Yes	Low		<i>no known major issues</i>	
Gambier	Keats	2002	2002	no	no	Yes	Yes	Low		<i>shoreline project on-going</i>	
Gambier	Bowyer and Passage	2009	2011	no	no	Yes (OCP)	Yes	Low		<i>small islands: no known issues</i>	<i>any update should incorporate into GM assoc. bylaw</i>
Hornby	Hornby	2016	2016	no	no	No	no	Medium	Low	<i>STVR review on-going</i>	
Lasqueti	Lasqueti	2006	2006	on-going	on-going	Yes	Yes	Low	Medium	<i>On-going OCP review minor project, Major project requested</i>	
Mayne	Mayne	2007	2009	2015	2015	No	No	Medium	High	<i>On-going minor LUB amendments and Housing Review</i>	
North Pender	North Pender Associated Islands	2003	2004	2013	2013	No	No	Low		<i>Updates in 2013 and amendments to Sidney Island regulations in 2023</i>	
North Pender	North Pender	2008	2023			Yes (OCP)	Yes (OCP)	High	Medium	<i>Recently completed LUB</i>	<i>OCP review following housing project</i>
Salt Spring	Salt Spring	2008	1999	on-going	on-going	Yes	Yes	High	Low	<i>on-going targeted review project</i>	
Salt Spring	Piers Island	1982	2003			Yes	Yes	Low		<i>Piers significantly built-out</i>	
Salt Spring	Prevost & Associated Islands		1972			Yes	Yes	Negible		<i>no known issues</i>	
Saturna	Saturna	2001	2019			Yes (OCP)	Yes (OCP)	Low	High	<i>On-going Minor Project - Housing Review as</i>	<i>OCP review following housing project</i>
South Pender	South Pender	2011	2017			No	Yes (OCP)	Low	Medium	<i>On-going minor amendments projects</i>	
Thetis	Thetis Associated Islands	2014	2014	no	no	No	No	Low		<i>No know issues</i>	
Thetis	Thetis	2011	2011	no	no	No	Yes	Low	Medium		
Thetis	Valdes		1998	no	no	Yes	Yes	Negible		<i>Rural Land Use Bylaw still in place, significant First Nations interests</i>	

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**To:** Regional Planning Committee      **For the Meeting of:** September 4, 2024  
**From:** Anthony Fotino, Island Planner      **Date Prepared:** August 22, 2024  
**SUBJECT:** Update to Housing Strategy and Housing Strategy Action Plan

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**PURPOSE:**

To provide an update to Regional Planning Committee (RPC) regarding implementation actions undertaken to date on the Trust Council endorsed Housing Strategic Action Plan.

**BACKGROUND:**

Housing Action Plan

At its November 15, 2023 meeting, the Regional Planning Committee endorsed the draft Trust Council Housing Strategic Action Plan including proposed priority actions and referred it to Trust Council for approval. At its meeting in December, Trust Council adopted the [Housing Strategic Action Plan](#).

At the May 24, 2024 meeting, Staff provided a briefing to the RPC to update the implementation actions to date on the Housing Strategic Action Plan.

Attachment 1 provides RPC with an implementation update, identifying the status of actions undertaken to date, as well as presenting endorsed future actions. Specifically, since the last update, there have been updates to actions 2, 4, 24, and 26.

Housing Needs Report

The Province released updated guidelines for Housing Needs Reports in addition to the Housing Needs Report Calculator in mid July 2024. The guidelines indicate that at least an interim housing needs report will need to be submitted no later than January 1, 2025.

Staff have since drafted the Request for Proposal (RFP) to procure a consultant to undertake interim reports for each of the LTA's. The RFP was posted on BC Bids on Monday August 12<sup>th</sup>, 2024 and will need to be up for bid for 3 weeks. Once all proposals have been submitted, they will be assessed by staff. Staff will then meet with the Province, after which the winning bidder will be notified. Staff will then hold a kick-off meeting with the consultant to start the process.

Communicate to Property Owners

At the last RPC meeting in May 2024, Staff's update was that:

*Digital communication materials have been created to put on the Islands Trust website that inform property owners of what i) housing actions can be taken on their property ii) and which jurisdictions regulate different actions.*

Staff also recommended that this communication material be included in the welcome package that is sent out by Trust Area Services to new property owners across the Trust. This was approved by Executive Committee at their August meeting.

#### Regional Planning Team

The Regional Planning Team has continued to work on housing related initiatives:

- An updated Model Land Use Bylaw incorporating housing definitions has been completed
- Community Engagement Toolkit: an Engagement Framework document has been completed and a template engagement plan is being developed
- CRD Housing Strategy coordination: a recent meeting was held with CRD staff to discuss the CRD Rural Housing Program (<https://getinvolved.crd.bc.ca/crd-rural-housing-program>). A further meeting has been scheduled to work on coordination of on-going housing related initiatives including development of more qualitative data.
- The Suitable Land Analysis has been updated and the GIS revised to improve database and software issues and the mapping presentation. Versions for LTAs with current Major Projects have been run and are currently undergoing quality control review with planners. The next step will be to for project managers to schedule workshops with local trustees to review and potentially prioritize specific layers.

#### **ATTACHMENT(S):**

Attachment 1: Housing Strategic Action Plan – Implementation Update – September 2024

#### **FOLLOW-UP:**



Staff will continue to its work to implement the Housing Strategy and complete the actions in the Strategic Action Plan according to the timeline set out, subject to availability of staff resources.








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**Prepared By:** Anthony Fotino, Island Planner

**Reviewed By/Date:** Robert Kojima, Regional Planning Manager, Southern Team  
Stefan Cermak, Director of Planning Services

**Attachment 1: Housing Strategic Action Plan – Implementation Update – September 2024**

 = Completed  
 = In Progress

2023-2024 – HOUSING STRATEGIC ACTION PLAN – Actions Update			
Q	Actions	Details	Status
Q3	Action 3: Update Housing Affordability webpage (including by posting the Housing Options Toolkit) and support awareness of housing affordability advocacy	-Now posted to the Housing Affordability page: Housing Options Toolkit (HOT), Housing Strategic Action Plan (HSAP), HOT and HSAP News Releases -IT planner workshop on HOT happened January 11, 2024 - <a href="#">Advocacy Letter page</a> (Housing section) link added to <a href="#">Housing Affordability</a> page	
	Action 27: Advocate to Province to enable improvement districts (that serve the IT) to access infrastructure grants	- Item placed into abeyance by RPC at May 24, 2024 meeting until further action necessary	
Q4	<b>Action 4:</b> Communicate to property owners what housing actions (e.g., secondary suites etc.) can be taken under existing bylaws and constraints that are beyond an LTC’s authority to address, e.g. Building Code	- Digital communication materials have been created to put on the Islands Trust website that inform property owners of what i) housing actions can be taken on their property ii) and which jurisdictions regulate different actions.  - Approved at Executive Committee at their August meeting.	  
	Action 7: Identify consistent housing definitions & recommend LTCs to adopt	-Staff have compiled a list of all housing definitions from all bylaws and are incorporating the definitions into the Model Land Use Bylaw to produce consistent definitions that are align with new Provincial definitions	
	Action 11: Apply for funding to incorporate new data on social and economic implications of housing location into suitable land analysis; pilot approach	-funding applied for and received by Salt Spring to undertake this work as part of complete communities grant	
	<b>Action 24:</b> Work with Regional Districts to facilitate the development and implementation of affordable housing strategies for the islands	-this is underway and ongoing (in Capital Regional District, and conversations occurred with Comox Valley RD; future regions RD Nanaimo and Cowichan Valley RD).  -Meeting with CRD held on August 1 <sup>st</sup>	

	Action 22: Work with Indigenous Nations to address their interests in Action Plan	-letter drafted to initiate this work, will be sent shortly	
	Action 31: Review of provincial housing regulations 2023/2024	-Toolkit updated and memos sent to LTCs	
	Action 25: Advocate to Provincial Health to develop support and guidance for unplumbed sewage disposal such as composting toilets and alternative water solutions	-UBCM resolution drafted for AVICC consideration re Ministry of Health to update the Manual of Composting Toilet and Greywater Practice & provide funding for demonstration projects and pro-d	
<b>2024/25</b>			
Q1	<b>Action 2:</b> Updates to Housing Needs Reports - grant received from Province for all LTCs	Province has released updated guidelines for Housing Needs Reports. Currently working to draft RFP and get it out on BC Bids. Report due to the province by January 1, 2025 at the latest.	
	Action 21: Trust Council to identify if there are specific circumstances where they want to hold land for housing in a manner consistent with its mandate		
	<b>Action 26:</b> Advocate to Province for Prov and regional level changes to support wheeled tiny homes	- Taken on by a group of Trustees at the May RPC meeting. Anticipate an update at the September meeting	
	For Action 23 in Q3 24/25– consider if \$ is needed for roundtable – and ask for it at Trust Council		
Q2	<b>Action 2:</b> Updates to Housing Needs Reports - grant received from Province for all LTCs	RFP has been posted on the BC Bids website. Posting will be up until September 1, 2024, at which time submissions will be assessed	
	Action 21: Trust Council to identify if there are specific circumstances where they want to hold land for housing in a manner consistent with its mandate		
	Action 26: Advocate to Province for Prov and regional level changes to support wheeled tiny homes	- Taken on by a group of Trustees at the May RPC meeting. Anticipate an update at the September meeting	
	For Action 23 in Q3 24/25– consider if \$ is needed for roundtable – and ask for it at Trust Council		
	Action 11: Apply the methodology to incorporate new data on social and economic implications of housing location into suitable land analysis; apply from Salt Spring pilot approach		
Q3	Action 1: Updates to Housing Profiles for all LTCs		
	Action 9: Create a model engagement process for LTCs	Regional Planning Team creating a model engagement process	
	Action 23: Hold a regional interagency cooperation staff roundtable		

	Action 25: Advocate to Provincial Health to develop support and guidance for unplumbed sewage disposal and alternative water solutions		
	For Action 23 in Q2 25/26: (Hold a regional interagency cooperation elected officials roundtable) – consider if \$ needed and ask for it from TC		
	Action 12: Apply for funding (e.g. through Real Estate Foundation of BC) to undertake work with First Nations to incorporate indigenous interests into suitable land analysis; pilot approach		
Q4	Action 6: Prioritize funding to LTC housing projects to update bylaws		
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms		
	Action 10: Undertake suitable land analysis using existing evidence-based research data		
	Action 11: Pilot approach to incorporate new data on social and economic implications of housing location into suitable land analysis		
	Action 12: Undertake work with First Nations to identify ways to incorporate indigenous interests into suitable land analysis and pilot it		
	Action 15: Develop communications on pre-development steps and costs for community organizations & affordable housing application process (Tools 11-12)		
	Action 18: Terms of Reference and Water Management Plan Template including proof of water guidance (Tools 14-16)		
	For Action 23 in Q2 25/26: (Hold a regional interagency cooperation elected officials roundtable) – start planning agenda etc		
	Action 28: Advocate for provincial government to fund growth-limits assessment like groundwater availability studies		

	Action 30: Advocate for ongoing provincial funding to help address housing need in the Islands Trust		
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Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Jan-Mar

<b>FUTURE ACTIONS TIMELINE - FROM THE HOUSING STRATEGIC ACTION PLAN</b>			
<b>2025/26 ACTIONS</b>			
Q1	<i>Work underway to meet future action completion timelines</i>		
Q2	Action 23: Hold a regional interagency cooperation elected officials roundtable		
Q3	<i>Work underway to meet future action completion timelines</i>		
Q4	Action 2: Updates to Housing Profiles for all LTCs when new data available from: Census (release Feb 2026)		
	Action 6: Prioritize funding to LTC housing projects that will result in effective and/or innovate bylaws increasing housing options (Official Community Plan and Land Use Bylaw) and updates to older zoning provisions		
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms		
<b>2026/2027 ACTIONS</b>			
Q1	<i>Work underway to meet future action completion timelines</i>		
Q2	<i>Work underway to meet future action completion timelines</i>		
Q3	Action 5. Islands Trust Policy Statement amendments to provide affordable housing vision		
Q4	Action 6: Prioritize funding to LTC housing projects that will result in effective and/or innovate bylaws increasing housing options (Official Community Plan and Land Use Bylaw) and updates to older zoning provisions		
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms		
	Action 10: Undertake suitable land (for development) analysis using evidence-based research data that the Islands Trust has		





## REQUEST FOR DECISION

**To:** Regional Planning Committee      **For the Meeting of:** September 4, 2024

**From:** Trustee Boland,  
Trustee Campbell,  
Trustee Elliott      **Date Prepared:** August 26, 2024

**SUBJECT:** Islands Trust Housing Strategic Action Plan Action #26: Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels

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### RECOMMENDATIONS:

1. RPC endorse the baseline work done on the THOW Guide to date, and request the Tiny House working group to continue work on the THOW Guide and companion communication materials;
2. Action 26 of the Housing Strategic Action Plan be refined to: Advocate for Provincial and regional support for the creation of a Guide for Alternative Solutions that meet BC Building Code that would allow Tiny Homes on Wheels to Conform to BCBC, with input from building officials and professionals;
3. Staff to convene a meeting with a team of technical knowledge holders, involving Islands Trust Regional Planning Team planners, representatives from First Nations, representatives from Island Health, Ministry of Housing, Capital Regional District building permitting departments, and other experts (Gord Baird of Eco-Sense.ca) to discuss and refine THOW Guide options in the Trust Area;
4. Trustee Elliott be authorized to work with a professional designer (pro bono) to develop the Guide into an online Prezi presentation (value: \$5,000) as a communication tool to advocate for Tiny Homes on Wheels to Provincial and Regional Partners, and advance advocacy for a Guide for Alternative Solutions to BC Building Code, at the Union of BC Municipalities Convention (Sept 2024);
5. RPC budget for Housing Toolkit be allocated for the following communication materials for THOW advocacy at UBCM Convention 2024: purchase of a 1-year membership of [prezi.com](https://prezi.com) @ \$7 USD/Month (approx. \$100 CAD) and up to \$400 for printed materials;

6. Staff provide background materials to support a discussion at Regional Planning Committee on “Density” vs. other alternative metrics that might generate a measurable “per-unit impact analysis” of a unit of housing, in order to determine where and how many units of housing might be allowed in land use planning in the Trust Area;
7. Staff begin planning a Forum on Housing in the Southern Gulf Islands (LTCs in the Capital Regional District) for Spring 2025, and include discussion supported by the THOW Guide to explore options for tiny homes in the Southern LTAs, AND
8. Staff plan a similar Forum on Housing in the Northern Gulf Islands in Summer 2025, using the THOW Guide to explore options for tiny homes in the Northern LTAs.

**DIRECTORS COMMENTS:** This RFD was prepared without staff advice and was provided to staff the day before agenda publication so Director comments are provided in the context of limited time. Many of the proposed resolutions are outside the Regional Planning Committee purview as set out in the terms of reference in Trust Council’s Council Committee System and Terms of Reference Policy, and the Regional Planning Team does not have sufficient staff resources to accomplish the recommended breadth of activities. Accordingly, should RPC desire that Islands Trust action the activities in the recommended motions staff recommend the following:

- Resolution 2: RPC recommend that Trust Council makes changes to its Housing Strategic Action Plan.
- Resolutions 3, 4, 5: RPC recommend that Executive Committee direct the proposed advocacy, communication and inter-governmental activities as they fall within the Executive Committee purview as set out in Trust Council’s Executive Committee Terms of Reference Policy . A motion requesting trustees undertake work of unionized staff would likely violate the BCGEU collective agreement
  - Note: Executive Committee has already requested a meeting with the Minister of Housing at the UBCM Convention in September 2024 regarding amendment of the Building Safety Standard Act regarding Tiny Homes, and asked staff to work with designated Trustees to frame requests and supply supporting materials.
- Resolutions 7, 8: RPC recommend to Trust Council that implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan and that Trust Council prioritize implementation of Objectives 23, 24 and 26.

The current approved budget of \$20,000 for Housing Strategy and Housing Options Toolkit remains unallocated and available.

1. **PURPOSE:**

To brief Regional Planning Committee (RPC) on work done to date on Action 26 of Trust Council’s Housing Strategic Action Plan, and to request input from RPC on the draft *Guide to Regulatory Approval for Legal Tiny Homes on Wheels* (“THOW Guide”), and to request endorsement and discuss next steps, including potential expenditure of RPC funds.

1. **BACKGROUND:** At its May 24, 2024 meeting, RPC discussed the Implementation of Trust Council’s Housing Strategic Action Plan (HSAP). Trustees decided to form a Tiny House working group to develop an approach for **Action 26: Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels**, under Objective I) Advocate for Policy Changes that will Address Housing Challenges on the Islands. At its November 15, 2023 meeting, Regional Planning Committee endorsed the draft HSAP, which includes a list of objectives, and a priority table of actions to be completed on a quarterly basis (see attachment 1), which it forwarded to

Trust Council for approval. At its December 2023 quarterly meeting, Trust Council approved the HSAP.

The Tiny House working group comprised of Trustees Boland, Campbell and Elliott met over the summer and developed a map on the systems mapping platform **Plectica.com** in order to understand the maze of regulatory barriers and changes needed to allow Tiny Homes on Wheels (THOWs) as a legitimate housing form in the Trust Area. A working draft of the “THOW (Tiny Homes on Wheels) Guide” can be viewed here: <https://www.plectica.com/maps/QZ77PAEBW>. Please contact Trustees Boland or Elliott if you have trouble navigating the interface, as it takes some getting used to.

### **Rationale for the THOW Guide: A Map through the Maze**

One desired outcome for the THOW Guide is to identify potential pathways for legalizing and regulating the use of THOWs as full-time permanent dwellings in the Trust Area. The draft THOW Guide provides a fairly comprehensive overview of the four areas decision makers would need to address in order to regulate Tiny Homes on Wheels: Servicing, Zoning, Certification/Standards and Tenure. For LTCs undertaking a Housing Project or OCP Review, the THOW Guide would provide a map through the maze of obstacles and barriers to regulating THOWs as affordable, low-impact forms of housing, by addressing commonly asked questions and providing definitions and frameworks to support a conversation.

There has been ample research on the challenges and issues around increasing housing options in the Islands Trust Area, and study and documentation on the regulatory obstacles to legalizing Tiny Homes on Wheels. Many useful conclusions and proposals already exist. Our work has been mainly to examine the recommendations that exist, to talk with experts with insight into regulatory frameworks in which legal THOWs already function, and attempt to create pathways through that landscape to provide options for Islands Trust decision makers to discuss with other agencies (ie. Regional Districts and Provincial Agencies).

The reality is that many people are living in Tiny Homes on Wheels (THOWs) and trailers in the islands, but many live “under the radar” because these homes are not recognized as a “dwelling” by Regional Districts and Health Authorities. People living in THOWs are often more at risk from housing insecurity due to the fact their dwellings are not legal dwellings. This leads to lack of reporting for fear of bylaw enforcement, which results in unknown numbers of people living insecurely, further removes them from emergency and social services, and adds to the sense of impermanence many community members face with respect to their homes.

Most of the obstacles—some of which are real barriers, and some are perceived—come from the fact that THOWs are challenging to define and categorize because *they are designed to be both moveable (as a vehicle) and as a dwelling for full time living (as a house)*. So they do not generally fit Recreational Vehicle standards, and have limits to how closely they conform to BC Building Code. Most, if not all, Building Permitting Authorities will not issue a permit on a “house” of any size if it is on a movable chassis.

Adopting a generally universal standard specific to THOWs is critical to upholding health and safety standards. From the report by BC Housing Research Centre, *Tiny Homes - An Alternative to Conventional Housing*: “As for moveable tiny homes, there are no existing guidelines in place to regulate their design and construction for permanent living. To address this, the construction industry can adopt a new standard specific to tiny houses on wheels via an industry-standard certifying body such as the CSA. This standard would differentiate the unit from recreational vehicles and park models, and ensure the structure is designated as a permitted dwelling unit for

full-time living. This would allow municipalities to open their doors to tiny houses without authorizing other seasonal and motorized models.” See figure 1 below:

One common discussion point that will need to be addressed at each LTC contemplating allowing THOWs is: *Can a Local Trust Committee define THOWs as a legitimate dwelling in their OCPs, even if the building permitting Authority (Regional District) will not issue permits for a house on a chassis?* A common framework of understanding among agencies is needed in order to identify problems and solutions and come to agreement, which is why this THOW Guide came to be.

This THOW Guide pulls together information from a number of valid sources:

- 2022 report completed for the Salt Spring Island Housing Action Task Force “Should Tiny Homes be Allowed/Encouraged on Saltspring? A subjective study for the Housing Action Program Taskforce (HAPTF)” by Maïkan (Forest) Bordeleau;
- the Islands Trust’s **Housing Options Toolkit (Tool 3)**, with examples of zoning models such as Tiny Home Villages
- 2021 report by BC Housing Research Centre Tiny Homes—An Alternative to Conventional Housing;
- BC Building Code (BCBC), Volumes 1 and 2
- Nova Scotia Building Code (Tiny Homes)

The most useful document with the most comprehensive information we found was Bordeleau’s 50-page report. Bordeleau analyzed the BC Building Code and listed some alternative solutions that could achieve the performance defined by the code’s objectives and functional statements. These arguably should be acceptable to building permitting authorities. Bordeleau’s report also compared the relative environmental costs and benefits of conventional homes vs tiny homes, covered in a later section (see “A Unit of Housing: “Density” vs. Per-Unit Impact Analysis”) and is the rationale for **Recommendation 6**.

The Plectica map represents the content of a regulatory THOW Guide. Work remains to clarify the options from a technical standpoint, and to identify what limits and strategies might be needed for different Local Trust Committee Areas, i.e. Denman/Hornby with Siting and Use Permits, vs. Local Trust Areas with Regional Districts permitting new construction. The Plectica Map allows us to build a common framework for understanding and to collaborate as new material is discovered, but it should not be the communication tool for other agencies, or advocacy to the Province. This is therefore the rationale for **Recommendations #1 & 3**:

*RPC endorse the baseline work done on the THOW Guide to date, and request the Tiny House working group to continue work on the THOW Guide and companion communication materials, AND,*

*Staff convene a meeting with a team of technical knowledge holders, involving Islands Trust Regional Planning Team planners, representatives from First Nations, representatives from Island Health, Ministry of Housing, Capital Regional District building permitting departments, and other experts (Gord Baird of Eco-Sense.ca) to discuss and refine THOW Guide options in the Trust Area.*

### **Advocacy to the Province = Communicating What We Need**

Action 26 calls for Islands Trust to: *Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels.* However, advocacy to the Province calling for amendments to Part 9 (Residential Building) of the BC Building Code to allow tiny homes, has been ongoing for many years (2018-2022). The Ministry of Housing returned a 2022 UBCM request with the

response that it would not amend the BC Building Code (see last section *Further Background on Advocacy for Tiny Homes*). **RPC should clearly articulate what changes it wishes the Islands Trust to advocate to the Province for, in order to allow Tiny Homes on Wheels in the Trust Area.**

Some options include:

- the Nova Scotia Approach: NS amended their Building Code to accommodate small foundationed dwellings with short lofts, loft ladders allowing modified ceiling heights, directives on lofts used for sleeping rooms, alternatives for stairways, and egress, AND made a policy statement that small trailered dwellings are *not* covered by Code but rather under vehicle regulations;
- a recommendation of the Salt Spring Island Housing Task Force was to evaluate opportunities for an **alternative building approval process**;
- a recommendation in the BC Housing report *Tiny Homes—An Alternative to Conventional Homes* was for local and provincial governments to: “Reassess affordable housing strategies and include tiny homes in the provincial building code and **in official community plans**”
- the Minister responsible for the Islands Trust Area could allow Tiny Homes on Wheels to be considered legitimate dwellings in the Trust area, under the following conditions: that buildings meet or exceed the performance required by Division B in the areas defined by the objectives and functional statements attributed to the applicable acceptable solutions in Part 9 of the BC Building Code, with the exception of the following sections (list sections), that THOWs meet standards for electrical and fire safety, and are hooked up to an approved septic or composting toilet system.

The approach we recommend, based on our research to date, is advocacy to the Province should centre on creating a “Manual of Alternative Solutions for Tiny Homes on Wheels to Meet BC Building Code” or something similar. The BC Building Code allows for Alternative Solutions that meet the Code’s Functional Statements and Objectives. “BCBC Functional Statements (A 3.2) and Objectives to limit danger (Division A 2.2) must be cited in requesting approval of alternative solutions.” (p. 36, Bordeleau, 2022). Example: Part 9, Division B Part 3.4.2.4 An “alternative solution” to “Least distance between exits” would be: *Due to small sq. footage, THOWs can have multiple doorways as required by code, with the distance between them generally less than provided for by code, with no added danger.* (Bordeleau, 2022). A Manual that lists possible and common Alternative Solutions for THOWs to meet and conform to BC Building Code would be immensely helpful to Owner-Builders who are not large-scale manufacturers, but are capable of building a residential structure to code. This is the rationale for **Recommendation #2:**

*Action 26 of the Housing Strategic Action Plan be refined to: Advocate for Provincial and regional support for the creation of a Guide for Alternative Solutions that meet BC Building Code that would allow Tiny Homes on Wheels to Conform to BCBC, with input from building officials and professionals.*

### **Advocacy to Regional Partners = Communicating What We Want**

Understanding the regulatory landscape is only half the puzzle. Decision makers need to be able to assess the needs of their communities, and communicate with partners and other agencies so we can cooperate on solutions. The Plectica Map is a great tool for collaboration, however it is not a great presentation or communication tool. We’d like to translate the content into a presentation-style communication platform that is more adaptable than a PDF or printed brochure, using the website **Prezi.com**.

Prezi allows users to stay wide, or go deep with information and graphics. A brochure-style presentation will articulate high-level questions such as *What are Tiny Homes*, and *Why do they make sense in rural and remote communities, or from an environmental point of view?* This top-

level model will illustrate the broad strokes of the regulatory landscape to orient aspiring THOW owners and planners. Users can either have a quick scan through the Guide at a surface level, or dig as deep as they wish for more technical information and sources. The four sections: *Tenure, Services, Certification/Standards and Zoning* will allow potential tiny home owners, planners and other interested parties to wend their own path through the maze and look for answers.

This is the rationale for **Recommendations #4 & 5:**

*Trustee Elliott be authorized to work with a professional designer (pro bono) to develop the Guide into an online Prezi presentation (value: \$5,000) as a communication tool to advocate for Tiny Homes on Wheels to Provincial and Regional Partners, and advance advocacy for a Guide for Alternative Solutions to BC Building Code, at the Union of BC Municipalities Convention (Sept 2024)*

*RPC budget for Housing Toolkit be allocated for the following communication materials for THOW advocacy at UBCM Convention 2024: purchase of a 1-year membership of [prezi.com](https://prezi.com/pricing/) @ \$7 USD/Month (approx. \$100 CAD) <https://prezi.com/pricing/>, and up to \$400 for printed materials.*

#### **A Unit of Housing: “Density” vs. Per-Unit Impact Analysis**

Upholding the Object of the Trust is central to our planning functions, therefore consideration of environmental impact, how development impacts First Nations interests, and preservation of the unique forms and amenities of the communities of the Trust Area must be factored.

Further work is needed to clarify how the Islands Trust wishes to define “density” – i.e. a unit of housing. The typical term, “density” applies most often to the dominant form of housing in the Trust Area: a detached, single-family dwelling. An example of a change in approach is the introduction by Mayne Island of Flexible Housing, which permits additional dwelling units within a combined maximum floor area. Tiny homes on wheels are typically much smaller (< 500 sq ft), consume less building materials, cause less impact environmentally, and disturb the soils less because they do not require an excavated foundation. These factors led us to ask: “Is ‘density’ the best descriptor to use when describing more and less desirable forms of housing, if it doesn’t take into account the relative impact?”

Bordeleau’s report (2022) compares the average consumption of materials and services (water, power, waste) of typical tiny home dwellers to conventional house dwellers, and conservatively estimates that a THOW’s impact on the available land and resources is approx. 20% that of conventional houses. We tend to agree with Bordeleau’s conclusion that per unit/person, the impact of tiny homes is likely about 1/5th that of conventional homes. Discussion Point for RPC and LTCs: *Beyond “density”, what kind of metric could generate a measurable “impact analysis” of a unit of housing, in order to better determine where and how many units of housing should be allowed in land use planning schemes?*

This is the rationale for **Recommendation #6:**

*Staff provide background materials to support a discussion at Regional Planning Committee on “Density” as a unit of housing, and any alternative metrics that might generate a measurable “per-unit impact analysis” of a unit of housing, in order to better determine where and how many units of housing might be allowed in land use planning in the Trust Area.*

#### **Looking Ahead: Strengthening Housing Affordability in the Trust Area**

There are several LTCs with active Housing Projects or OCP reviews. We recommend that RPC consider advancing the initiative developed last term (2018-2022) to hold Housing Forums to bring together agencies to discuss Strategies to Address Housing Need in the Trust Area. This is the rationale for **Recommendations #7 & 8:**

*Staff begin planning a Forum on Housing in the Southern Gulf Islands (LTCs in the Capital Regional District) for Spring 2025, and include discussion supported by the THOW Guide to explore options for tiny homes in the SGIs; AND THAT Staff plan a similar Forum on Housing in the Northern Gulf Islands in Summer 2025, using the THOW Guide to explore options for tiny homes in the Northern LTAs.*

The draft THOW Guide can also support work on several other Actions of the HSAP: Action 13 *Encourage LTCs (through communications from staff) to update OCPs to facilitate housing to address need*, Action 14: *Encourage LTCs (through communications from staff) to create opportunities through zoning for housing forms that address need (Objective D)*, and Action 25 *Advocate to Island Health to develop support and guidance for unplumbed sewage disposal such as composting toilets and alternative water solutions such as graywater recycling and rainwater catchment*. Advocacy on ecologically responsible alternatives for servicing and management of wastewater is critical to the success of regulating THOWs as a viable housing solution in the Trust Area.

#### **Further Background on Advocacy for Tiny Homes**

In 2021, the BC Housing Research Centre produced a report *Tiny Homes—An Alternative to Conventional Homes*, which challenged the Province’s assertion that it’s fairly simple to build tiny homes under the current code. This report’s findings demonstrate that tiny homes—although currently challenged by existing codes, standards, financing and insurance—can be a viable typology for the “missing middle” and for individuals who aspire to attain detached single-family homeownership.

A resolution of UBCM in 2022 called on the Province of BC to amend Part 9 of the BC Building Code to allow for tiny homes as permanent dwellings:

*Be it resolved that UBCM ask the Province of BC to review the BC Building Code to address barriers such as, but not limited to, egress, headroom and window and door size, and to recognize, allow and provide building requirements for tiny homes; and be it further resolved that the Province should incorporate these changes into Part 9 of the BC Building Code that would define tiny houses as allowable permanent dwellings, and thus permit them to be constructed where local government official community plans and zoning bylaws deem them appropriate.*

The response from the Ministry of Housing was as follows:

*The BC Building Code establishes minimum life-safety measures such as structural integrity, smoke alarms, means of egress, and ventilation, and health measures like plumbing. Reducing or removing these measures compromises the health and safety of building occupants. The Building Code has no limit on how small a house can be built, provided it meets the minimum standard for the protection of people and protection of the environment. Several manufacturers in BC have successfully designed and installed tiny homes that meet the safety standards of the Building Code. While some tiny homes are built to be permanently sited on a foundation and connected to services, others are built as a trailer with wheels and designed to be movable. Tiny homes on wheels have unique considerations such as connections to potable water, utilities, and sewage disposal.*

## 2. IMPLICATIONS OF RECOMMENDATION

### ORGANIZATIONAL:

**FINANCIAL:** For fiscal 2024/25, \$30,000 was approved for Regional Planning Committee to advance its Housing Strategy and Housing Options Toolkit, based on endorsement of both RPC and Trust Council in November/December 2023. The THOW Working group does not have information on how much of the budget remains unspent as of August 2024.

**POLICY:** This project is tied to the Islands Trust Council [Strategic Plan 2018-2022](#) Objective 4.4: “Strengthen Housing Affordability throughout the Islands Trust Area”. In June 2023, Islands Trust Council extended the 2018-2022 Strategic Plan and extended it to:

- “Prioritize elements of the strategic plan that support land use decision making”, and
- “Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.”

### IMPLEMENTATION/COMMUNICATIONS:

The Housing Strategy Action Plan, Housing Options Toolkit and (draft) Tiny Home on Wheels Guide have numerous feasible deliverables including: refining the suitable land analysis, refining definitions of housing and density in OCPs, developing tools to support decision makers in identifying housing options and strategies, hosting regional roundtables, developing communication and advocacy materials. All of these materials help elected officials to strengthen housing affordability throughout the Islands Trust Area as per the Strategic Plan.

**FIRST NATIONS:** First Nations representatives should be invited to review the THOW Guide, and to participate and share their perspectives on housing in the Islands Trust Area at any future Forums. A reconciliation lens on housing would support forms of housing and development that reduce or minimize the impacts on lands and First Nations soils, and prioritize access for housing for First Nations and Indigenous Peoples. As there is no need to dig foundation sites for Tiny Homes on Wheels, THOWs generally have less impact on the natural environment and Indigenous soils. As options for housing are increased and strategies are developed in collaboration with Nations, Local Trust Committees can set aside dwelling units for First Nations and Indigenous people as a priority access.

### OTHER:

## 3. RELEVANT POLICY(S):

## 4. ATTACHMENT(S):

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## RESPONSE OPTIONS

### Recommendations:

1. RPC endorse the baseline work done on the THOW Guide to date, and request the Tiny House working group to continue work on the THOW Guide and companion communication materials;
2. Action 26 of the Housing Strategic Action Plan be refined to: Advocate for Provincial and regional support for the creation of a Guide for Alternative Solutions that meet BC Building Code

to allow Tiny Homes on Wheels to Conform to BCBC, with input from building officials and professionals;

3. Staff convene a meeting with a team of technical knowledge holders, involving Islands Trust Regional Planning Team planners, representatives from First Nations, representatives from Island Health, Ministry of Housing, Capital Regional District building permitting departments, and other experts (Gord Baird of Eco-Sense.ca) to discuss and refine THOW Guide options in the Trust Area;
4. Trustee Elliott be authorized to work with a professional designer (pro bono) to develop the Guide into an online Prezi presentation (value: \$5,000) as a communication tool to advocate for Tiny Homes on Wheels to Provincial and Regional Partners, and advance advocacy for a Guide for Alternative Solutions to BC Building Code, at the Union of BC Municipalities Convention (Sept 2024);
5. RPC budget for Housing Toolkit be allocated for the following communication materials for THOW advocacy at UBCM Convention 2024: purchase of a 1-year membership of [prezi.com](https://prezi.com) @ \$7 USD/Month (approx. \$100 CAD) and up to \$400 for printed materials;
6. Staff provide background materials to support a discussion at Regional Planning Committee on “Density” vs. other alternative metrics that might generate a measurable “per-unit impact analysis” of a unit of housing, in order to determine where and how many units of housing might be allowed in land use planning in the Trust Area;
7. Staff begin planning a Forum on Housing in the Southern Gulf Islands (LTCs in the Capital Regional District) for Spring 2025, and include discussion supported by the THOW Guide to explore options for tiny homes in the Southern LTAs;
8. Staff plan a similar Forum on Housing in the Northern Gulf Islands in Summer 2025, using the THOW Guide to explore options for tiny homes in the Northern LTAs.

#### **Alternative: No Alternatives**

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**Prepared By: Trustee Boland, Trustee Campbell, Trustee Elliott**

**Reviewed By/Date:**

## Active Projects Report

### Regional Planning Committee

#### 1. *Bylaw Compliance and Enforcement Review*

**Activity:**

RPC endorsed project charter and work plan Trust Council agenda.

#### Responsible

Anthony Fotino  
Robert Kojima  
Stefan Cermak  
Warren Dingman

#### Dates

Rec'd: 13-Mar-2024  
Target: 31-Mar-2025

#### 2. *Implement the Housing Strategic Action Plan*

**Activity:**

Strategic Plan Goal: Strengthen housing affordability throughout the Islands Trust Area

Trust Council Adopted Housing Strategic Action Plan on December 2023. Includes Implementation Plan.

#### Responsible

Anthony Fotino  
Robert Kojima  
Stefan Cermak

#### Dates

Rec'd: 12-Feb-2020  
Target: 31-Mar-2025

## Regional Planning Committee

### 3. Implement the Fresh Water Sustainability Strategy

#### Responsible

#### Dates

**Activity:**

Strategic Plan Goal: Protect quality and quantity of fresh water resources of the Trust Area

Feb. 16, 2024: RPC has requested staff to draft an Implementation Plan that defines the roles and responsibilities of the RPC, Trust Programs Committee, Trust Council and key staff that is operationalized through multi-year work plans, budget requests, and program-specific implementation plans.

Strategic Plan item #2.4: FWSS-completed and presented to Trust Council in December 2021. A webpage devoted to implementation of the Freshwater Sustainability Strategy is being developed.

Strategic Plan item #2.5 - Map and develop water budgets for groundwater aquifers in the Trust Area. Grant funding to develop water budgets are still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for southern gulf islands.

Anthony Fotino  
Stefan Cermak  
William Shulba

Rec'd: 12-Feb-2020  
Target: 31-Mar-2025

# Future Projects Report

## Regional Planning Committee

1. <i>Shoreline Marine Planning</i>	Responsible	Date Received
<p>Trust Council - 2015-2018 Strategic Plan Item</p> <p>Conduct a working group session to brainstorm possible directions.</p> <p>Updated: Feb. 21, 2024: Strategic Plan item #2.2 - Map the extent of eelgrass and kelp beds throughout the Trust Area. Phase 1 of mapping received March 2023. Phase 2 mapping business case not supported by RPC due to funding concerns. RPC requested staff to develop a terms of reference if and when grant funding becomes available.</p>		09-Nov-2017
2. <i>Preserve, protect and advocate for forest and terrestrial ecosystems</i>	Responsible	Date Received
<p>1. Map contiguous tracts of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems (Completed March 31, 2020) (2018-2022 Strategic Plan item 1.1).</p> <p>2. Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (2018-2022 Strategic Plan item 1.2).</p> <p>Updated Feb. 21, 2024: Strategic Plan item #1.1: Model CDF Protection DPA. SS LTC developed communications materials but changed to Wildfire DP (which could protect some CDF). At present, no future work planned.</p>		12-Feb-2020

## Future Projects Report

### Regional Planning Committee

3. <i>Preserve and protect marine ecosystems</i>	Responsible	Date Received
<p>1. Map the extent of eelgrass and kelp beds throughout the Trust Area (2018-2022 Strategic Plan item 2.2). Phase 1 (GIS and aerial data review) done. Phase 2 - groundtruthing - feasible next step.</p> <p>2. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore (2018-2022 Strategic Plan item 2.3). Received Consultants Report.</p>		12-Feb-2020
4. <i>Protect quality and quantity of fresh water resources of the Trust Area</i>	Responsible	Date Received
<p>1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 2.5)</p> <p>2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 2.6 ).</p> <p>3. -Develop an Islands Trust Freshwater Sustainability Strategy policy document and recommendations for implementation of the Freshwater Sustainability Strategy</p>		12-Feb-2020
5. <i>Strengthen housing affordability throughout the Islands Trust Area</i>	Responsible	Date Received

## Future Projects Report

### Regional Planning Committee

Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:

12-Feb-2020

1. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iii).  
Received Consultants Report.
2. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iv).
3. Develop model bylaws to address the use of building stratas as a tool for affordable housing (2018-2022 Strategic Plan item 4.4 v).

#### 6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

1. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. (2018-2022 Strategic Plan item 3.2).

12-Feb-2020

#### 7. *Update the model strategy for antennae systems*

Responsible

Date Received

09-Feb-2022

#### 8. *Develop healthy, resilient island communities*

Responsible

Date Received

Work on a suite of projects that will employ two lenses: mitigating and adapting to the effects of climate change; and managing growth by cultivating equitable, inclusive, and resilient communities and the natural environment.

27-Apr-2023

## Regional Planning Committee

### 9. *Strengthen Relations with First Nations*

Responsible

Date Received

Strategic Plan item #4.8: Heritage Conservation Overlay Mapping. Phase 1 complete.  
Phase 2 not started due to loss of key staff, loss of key consultants, and feedback from various First Nations. At present, no future work planned.

21-Feb-2024