Islands Trust

Regional Planning Committee
Agenda

Date: Friday, February 7, 2025
Time: 10:00 am - 3:00 pm
Location: Electronic Zoom Meeting

Pages

1. CALL TO ORDER

2. AGENDA

2.1 Review of the Agenda

Late items, new items and re-ordering of the agenda

2.2 Approval of Agenda

3. PUBLIC COMMENT PERIOD

4. DELEGATIONS

None.

5. CORRESPONDENCE

None.

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meetings

For review and approval

6.1.1 Regional Planning Committee Draft Minutes of November 8, 2024 3 - 9

6.2 Resolutions Without Meeting

6.2.1 RPC RWM 2024-01 Refer Resolution RPC 2024-024 to Executive Committee 10 - 10

For information

6.3 Follow up Action List 11 - 13

For review

7. BUSINESS - WORK PROGRAM ITEMS

7.1 Regional Planning Committee Minutes of Sept. 4, 2024 - Discussion 14 - 21

7.2 **Approval to Submit a Grant Application to the Watershed Security Fund - Briefing** 22 - 23

7.3 **Fiscal Year 2025/26 Business Cases - Request For Decision** 24 - 30

that Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business case for Freshwater Atlas ($17,000).

7.4 **Housing Action Plan Tiny Homes On Wheels Project Management Report - Briefing** 31 - 32

7.4.1 **Tiny Homes On Wheels Project Update - Discussion**

7.5 **Housing Action Plan Housing Needs Assessments Update - Presentation**

7.6 **Bylaw Compliance and Enforcement Policy Review Draft Manual and Policy 5.5.1 - Request For Decision** 33 - 94

that Regional Planning Committee review and provide direction on changes to draft Bylaw Compliance and Enforcement Policy 5.5.1 and the draft Bylaw Compliance and Enforcement Best Practices Manual.

8. BUSINESS - OTHER

None.

9. BUSINESS - NEW

None.

10. WORK PROGRAM 95 - 101

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

11. NEXT MEETING

The next regular business meeting is on Friday, May 9, 2025, 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.

Regional Planning Committee
Minutes of a Regular Meeting

Date:	**November 8, 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 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:	Aaron Campbell, North Pender Island Local Trustee
Staff Present:	Stefan Cermak, Director, Planning Services Robert Kojima, Regional Planning Manager William Shulba, Senior Freshwater Specialist Warren Dingman, Bylaw Compliance and Enforcement Manager Rob Kroeker, Planning Services Administrative Assistant / Recorder
Others Present:	None.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. and acknowledged that participants of the meeting were attending all across the territories of the Coast Salish peoples.

2. AGENDA

2.1 Review of the Agenda

No late or new 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

5.1 2024-09-09 Mudge Island Community Association, Rich Brooks

Received for information. It was noted that the Gabriola Island Local Trust Committee recently passed their Gabriola Local Trust Committee Bylaw Enforcement Policy featuring a section specific to Mudge Island and community concerns. The meeting had strong attendance from the Mudge Island community.

5.2 2024-10-06 Chair Patrick, Community Land Trusts

Received for information.

5.3 2024-11-01 Chair Patrick, Bylaw Enforcement Duty vs. Discretion

Received for information.

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 RPC Regular Meeting Minutes of September 4, 2024

By general consent the Regional Planning Committee Minutes of September 4, 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 Regional Planning Committee Terms of Reference - Briefing

The briefing was introduced by Chair Patrick. Committee discussion included:

- Regional Planning Committee proposals must be referred through Executive Committee to go to Trust Council per Trust Council Policy 2.3.1
- Regional Planning Committee is an advisory committee to Trust Council that makes recommendations and provides direction

- any documents referred to Trust Council should have clear recommendations for actions

7.2 Planning Services Project Feasibility Assessment and Local Trust Committee Major Project Business Cases - Briefing

The briefing was introduced by Director Cermak. Committee discussion included:

- there are more projects than staff resources available
- ongoing projects are generally hitting their milestones
- a strong community sense of ownership, engagement needs, and First Nations feedback have slowed advancement of Lasqueti Official Community Plan project even with reduced scope
- relationships with First Nations are a large factor in the progress of projects
- Gabriola is advancing quickly through phases of their major project and on target to finish phase 2 by end of this fiscal year
- Gabriola work may assist in setting a template for this process
- Regional Planning Committee can recommend hiring staff or consultants
- Island Planners could mentor junior planners in major projects and delegate routine work
- options to address staff resource gap include delaying the start of one of the new major projects
- Lasqueti major project is a realistic candidate for delay

RPC 2024-022
It was MOVED and SECONDED,
that Regional Planning Committee advise Financial Planning Committee that it supports the Local Trust Committee Major Projects as submitted, and supports the Planning Services Feasibility Assessment staff report of September 27, 2024, including the assumption that adequate resources will become available through the year due to rescheduling.

CARRIED

7.3 Bylaw Compliance and Enforcement Policy Review Updates – Request For Decision

Director Cermak introduced the request for decision, indicating that the plain language version of the Bylaw Compliance and Enforcement Best Practices Manual is returned after discussion at Trust Council. Committee discussion included:

- Bylaw Compliance and Enforcement Pathway flowchart is a visual depiction of the bylaw enforcement process
- tone, readability and impression are improved for public use
- harmonize documents and align any repeated information across bylaw enforcement resources
- hyperlinks in the Manual are useful but directions should be given to find resources for residents who are not accessing resources using the internet
- prioritize community representation in the Trustee Roles and Responsibilities section

- setting the expectation that Trustees are a source of information without starting the enforcement process
- specific revisions for plain language clarity
- expected response periods for steps of the bylaw enforcement process
- improve the description of Islands Trust dispute adjudication system, Islands Trust's dispute adjudication registry, and public attendance of adjudication procedures

Discussion of Item 7.2 was paused until Manager Dingman could return to the meeting. Committee discussion continued:

- whether to capture the situation of vexatious or frivolous complaints on the Steps To Compliance flowchart
- both policies and public-facing guides should be designed clearly in plain language as stated by the Ombudsperson's report
- every process does not belong in the Best Practices Manual
- coordinating deliverables of the Bylaw Enforcement Review project
- a Special Meeting should be held to focus on these documents
- Trustees are encouraged to view other municipalities' bylaw enforcement policy documents

RPC 2024-027
It was MOVED and SECONDED,
that Regional Planning Committee request staff to schedule a special business meeting in January for the purpose of discussing the Bylaw Enforcement Best Practices Manual and policies.

CARRIED

7.4 Housing Strategic Action Plan Tiny Homes On Wheels - Briefing

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

- the proposal is to use funding for a project manager who would convene experts and prepare a detailed final report with findings and recommendations
- Regional District of Nanaimo and Capital Regional District have expressed interest and staff capacity
- project goals include examining BC Building Code regulations and developing model policy options for siting and use and regulatory approaches
- the Steering Committee should feature politicians and decision makers
- the technical working group should be experts and staff
- work is in sync with national building code updates group initiating work in 2025
- the circular nature of the existing impasse between stewards of building code and local government land use planning
- other jurisdictions such as Nova Scotia have legalized tiny homes on wheels
- discussions with tiny homes manufacturers have revealed an interest in more affordable standardized models and a willingness to provide technical advice
- Association of Vancouver Island and Coastal Communities panel session is a valuable platform

- sending this project to tender will not meet the proposed timeline
- staff cannot meet project management needs beyond administrative support
- a direct award over $5,000 must be approved by Chief Administrative Officer
- reduce the proposed budget by separating out meeting coordination actions
- information forwarded must be attached to public agendas with reporting back to Regional Planning Committee
- a direct award is supported by urgency of the request and currently available support from Regional Districts
- the project manager contract amount could be amended to less than $5,000 for separate roles of report writing and project management

RPC 2024-025
It was MOVED and SECONDED,
that Regional Planning Committee authorize the Tiny House Working Group to proceed with the amended project proposal "Convening a technical panel to explore Tiny Home Codes in the Islands Trust Area. S. Reid", and work with staff to stay within the direct award limits.

CARRIED

RPC 2024-026
It was MOVED and SECONDED,
That Regional Planning Committee request staff to invite Capital Regional District's participation in the technical panel to explore Tiny Home Codes in the Islands Trust Area.

CARRIED

7.5 Watershed Security Strategy Grant Application for Implementation of the Islands Trust Freshwater Sustainability Strategy – Request For Decision

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

- this round of Watershed Security Fund funding is open to any local government and other groups
- no matching fund requirements are indicated
- this is implementation planning by solving resourcing challenges and procuring resources to advance the Freshwater Sustainability Strategy
- a Trustee sought a clearer account of what has been produced by Freshwater Sustainability Strategy work
- initiatives include the Freshwater Atlas, Freshwater Help Desk, groundwater recharge data to be made accessible to public and staff, synchronizing definitions across bylaws and Development Permit Areas, and professional expertise on bylaw amendments and planning applications
- staff will continue to report at every Regional Planning Committee meeting
- educational material for Trustees is a deliverable of the project
- Freshwater Strategy work is critical to the Trust Area and touches policy areas like tiny homes and rainwater catchment
- the grant is an opportunity for significant funding independent of the islands' tax base

- Freshwater Footprint groundwater availability and water balance work is a balance of technical and social science to understand what water people actually use
- the potential exists for collaboration with other decision-making bodies
- is Islands Trust the best organization to host this work with regard to resources?
- watershed governance is a critical element of the strategy and needs to include a regional conversation

RPC 2024-023
It was MOVED and SECONDED,
that Regional Planning Committee request staff to add a project on watershed governance within its grant application for the Watershed Security Strategy.

CARRIED

RPC 2024-024
It was MOVED and SECONDED,
that Regional Planning Committee approve staff proceeding with a grant application up to $500,000, over two years, from the Watershed Security Fund, to implement key initiatives under the Islands Trust Freshwater Sustainability Strategy, including staffing, consulting, and technical resources to undertake the following projects and initiatives:

- Islands Trust Area Freshwater Footprint,
- Islands Trust Area Watershed Resiliency Mapping,
- Freshwater Sustainability Strategy Regulatory and Policy Audit,
- Freshwater Helpdesk,
- Islands Trust Freshwater Atlas,
- Freshwater Sustainability Technical Advisory Committee, and
- Watershed governance.

CARRIED

8. BUSINESS - OTHER

None.

9. BUSINESS – NEW

None.

10. WORK PROGRAM

By general consent the work program is referred to Trust Council.

11. NEXT MEETING

RPC 2024-028
It was MOVED and SECONDED,

that Regional Planning Committee adopt the meeting dates of February 7, May 9, July 18, and October 31 for the 2025 calendar year, and February 6 for the 2026 calendar year.

CARRIED

RPC 2024-029
It was MOVED and SECONDED,
that Regional Planning Committee schedule all the proposed Regional Planning Committee meeting dates as electronic meetings.

CARRIED

The next scheduled meeting of the Regional Planning Committee is February 7, 2025.

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 3:11 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
RESOLUTION WITHOUT MEETING

RESOLUTION WITHOUT MEETING NO. RWM-2024-01

The following matter is considered urgent in order to forward a significant grant application to the November 20, 2024 meeting of the Executive Committee.

Trustees were notified, via email, of the call for resolution on November 12, 2024.
Trustees were notified, via email, of the call for vote on November 12, 2024.

It was Moved by Trustee Patrick and Seconded by Trustee Boland,
that Regional Planning Committee refer the following resolution, RPC 2024-024, to the Executive Committee for confirmation of the committee's authority to approve staff to proceed with a significant grant application.

TRUSTEES CONTACTED	DATE VOTE RECEIVED	VOTE
Mairead Boland	November 12, 2024	In Favour
Tobi Elliott	November 12, 2024	In Favour
David Graham	November 12, 2024	In Favour
Laura Patrick	November 12, 2024	In Favour
Mikaila Lironi	November 13, 2024	In Favour

TRUSTEES VOTE NOT AVAILABLE
Aaron Campbell
Sam Borthwick

FINAL VOTE COUNT	5	IN FAVOUR
	0	OPPOSED

THE CHAIR, REGIONAL PLANNING COMMITTEE, DECLARED THE ABOVE RESOLUTION CARRIED PURSUANT TO SECTION 13 OF *THE ISLANDS TRUST ACT* on November 13, 2024.

________________________________ ________________________________
CORPORATE SECRETARY'S SIGNATURE RECORDER'S SIGNATURE

Islands Trust

Print Date: January 31, 2025

Follow Up Action Report

Regional Planning Committee

01-Feb-2022

Progress	Activity		Responsibility	Dates	Status
52%	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'. Since deferred in favour of Tiny Homes on Wheels comittees work.	Morgana van Niekerk Robert Kojima Stefan Cermak	Target: 31-Dec-2024	In Progress

09-Feb-2022

Progress	Activity		Responsibility	Dates	Status
100%	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)	Stefan Cermak William Shulba	Target: 30-Nov-2024	Completed

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.	Morgana van Niekerk William Shulba	Target: 29-Dec-2023	In Progress

06-Sep-2023

Progress	Activity		Responsibility	Dates	Status
80%	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	Completed

Islands Trust

Print Date: January 31, 2025

Follow Up Action Report

Regional Planning Committee

16-Feb-2024

Progress	Activity		Responsibility	Dates	Status
78%	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.	Stefan Cermak William Shulba	Target: 08-Nov-2024	In Progress
50%	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

04-Sep-2024

Progress	Activity		Responsibility	Dates	Status
0%	1	that Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project.	David Marlor Stefan Cermak	Target: 08-Nov-2024	Completed

08-Nov-2024

Progress	Activity		Responsibility	Dates	Status
100%	1	that Regional Planning Committee request staff to invite Capital Regional District's participation in the technical panel to explore Tiny Home Codes in the Islands Trust Area.	Stefan Cermak	Target: 07-Feb-2025	Completed

Follow Up Action Report

Regional Planning Committee

05-Dec-2024

Progress	Activity	Responsibility	Dates	Status
52%	1 **Trust Council Direction:** Staff to work with Regional Planning Committee to review their budget requests and provide any reductions for incorporation into the March budget. No business cases at time of request. Subsequent issue identified and business case submitted.	Stefan Cermak	Target: 31-Jan-2025	In Progress

Regional Planning Committee
Minutes of a Regular Meeting

Date:	**September 4, 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, Gabriola Island Local Trustee, 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:	
Staff Present:	Stefan Cermak, Director, Planning Services Robert Kojima, Regional Planning Manager Anthony Fotino, Island Planner William Shulba, Senior Freshwater Specialist Rob Kroeker, Planning Services Administrative Assistant / Recorder
Others Present:	Four members of the public were present.

1. CALL TO ORDER

Acting as Chair, Trustee Borthwick called the meeting to order at 10:00 a.m. and acknowledged that participants of the meeting were attending all across the territories of the Coast Salish peoples.

2. AGENDA

2.1 Review of the Agenda

Director Cermak advised that Item 7.6 is captured in Item 7.5 and can be removed.

An updated version of Item 7.5 including Director's Comments was presented for consideration.

2.2 Approval of the Agenda

By general consent the Regional Planning Committee approved the agenda as amended.

3. PUBLIC COMMENT PERIOD

Four members of the public were present. Members of the public made the following comments:

- thanking Regional Planning Committee for taking time to discuss the correspondence regarding the bylaw compliance and enforcement process on Mudge Island
- that Regional Planning Committee consider the angst created in the community by receiving bylaw enforcement letters and site visits, and exercise judgment when opening and investigating bylaw enforcement files

4. DELEGATIONS

None.

5. CORRESPONDENCE

5.1 2024-08-18, R. Brooks and Mudge Island Community Association

Regional Planning Committee reviewed the letter from Rich Brooks and the Mudge Island Community Association. Committee discussion included:

- Regional Planning Committee is tasked with reviewing Trust Council Policy 5.5.1, including how complaints are investigated and files initiated
- staff discretion and the interpretation of Trust Council Policy 5.5.1 section 3 wording "may be investigated"
- complaint-based system allows a few complainants to make many complaints
- complaints on Mudge have been the source of community grief and anxiety, and a major use of staff resources
- Trustees' job is to ensure system supports fair and just bylaw policy for all islands
- Local Trust Committees have tools to deal with issues in their own community through their bylaws

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 RPC Special Meeting Minutes of April 25, 2024

By general consent the Regional Planning Committee Minutes of April 25, 2024, were adopted as presented.

6.1.2 RPC Regular Meeting Minutes of May 24, 2024

By general consent the Regional Planning Committee Minutes of May 24, 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 Freshwater Sustainability Strategy Implementation - Briefing

Senior Freshwater Specialist William Shulba introduced the briefing. Committee discussion included:

- the briefing provides a timeline of Freshwater Sustainability Strategy work completed, ongoing, and planned; a November business case will further outline strategic approach
- Cowichan Valley Regional District groundwater strategy technical advisory committee participation, and advocating for work within Thetis Local Trust Area
- increasing the understanding of projects and justification with reporting so that communities which are funding this work can understand and support it
- the corporate planning process will contemplate how multi-year projects like Freshwater Sustainability Strategy will factor into Trust-wide plans

7.2 Bylaw Compliance and Enforcement Policy Review Updates - Request For Decision

The Request For Decision was presented by Director Cermak. Committee discussion included:

- Local Trust Committees are responsible for enforcement, and Trust Council sets Trust-wide policies on roles and responsibilities
- administrative fairness and clarity for recipients navigating the bylaw process
- Bylaw Compliance and Enforcement Manager could be given discretion in opening new files and prioritizing complaints based on staff resources, or further discretion given to investigating Bylaw Compliance and Enforcement Officers
- guidance on discretion should involve input from the Local Trust Committees, reflecting the particular situation on each island
- site inspections without receiving notice have been problematic in communities, though permitted by Community Charter, but Local Trust Committees have stipulated conditions of notice with their bylaws and standing resolutions
- Local Trust Committee Bylaw and Enforcement Policies are a further tool to give specific direction regarding notice of inspection, screening officer policies, and other enforcement policies decided at Local Trust Committee level

The Regional Planning Committee recessed for lunch at 12:08 p.m. and returned at 12:45 p.m. Committee discussion continued:

- Local Trust Committees determine approach for their communities, using tools such as the Local Trust Committee Bylaw Enforcement Policy, and Trust Council level policy is not the place for detail as nuance exists on the local level
- Ombudsperson report detailed that these are public facing documents that should be written in accessible, transparent, easily understood language
- where appropriate, proactive inspection tools can be warranted where health and safety or environmental concerns need timely addressing
- Ombudsperson's report recommends a review of current practices such that Islands Trust approach is consistent with legal and fairness principles
- approach to bylaw enforcement can be guided by Local Trust Committee policies, and described in Bylaw Compliance and Enforcement Best Practices Manual
- Best Practices Manual is the interface between policy and community members, and it should be written in plain language using the lens of a community member
- some of Ombudsperson's Complaint Handling Guide components such as handling bias and assessing complaints, are missing from Best Practices Manual
- as an example, Abbotsford set out to create all enforcement policies with a plain language approach: they made it clear that goal of all bylaw enforcement activities is voluntary compliance, and demonstrated how it will be sought
- consideration for an expert in plain language to revise the document
- utilizing Islands Trust Communications Specialist to make a plain language draft
- the problem with the Best Practices Manual lies in tone rather than in content
- restoring trust is the core goal from the Bylaw Compliance and Enforcement Review project charter
- staff are suggested to work through the Ombudsperson Complaint Handling Guide policy checklist to be certain Islands Trust has all components in policies and documents
- in regard to the Handling of Complaints Policy 7.1.2, the Ombudsperson Complaint Handling Guide self assessment checklist suggests omissions including unreasonable conduct and staff training
- plain language and clarity of escalation process for the person making a complaint are imperative
- the Handling of Complaints policy change from Administrative Fairness and its meaning in broader government context, which the Director of Legislative Services and senior management team are going to review

RPC 2024-013
It was MOVED and SECONDED,
that Regional Planning Committee request staff to amend the Bylaw Compliance and Enforcement Best Practices Manual to create a plain language version.

CARRIED

RPC 2024-014
It was MOVED and SECONDED,
that Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project.

CARRIED

RPC 2024-015
It was MOVED and SECONDED,
that Regional Planning Committee recommend the following changes:
a) Amend the notification period to two weeks
b) Policy 5.5.1: That the Manager of Compliance and Enforcement has the discretion to open files and launch an investigation based on the available resources.

CARRIED

RPC 2024-016
It was MOVED and SECONDED,
that Regional Planning Committee request that Trust Council approve the attached amended Project Charter at their September 2024 meeting.

CARRIED

7.3 Fiscal Year 2026 Local Trust Committee Major Project Business Cases – Request For Decision

Director Cermak introduced the Request For Decision. Committee discussion included:
- staff capacity challenges exist to support all proposed business cases, which is difficult to evaluate without all business cases in front of the Committee to consider
- Regional Planning Committee should evaluate on the basis of project merit, with financial considerations left to Financial Planning Committee
- available staff resources can be allocated by Regional Planning Committee
- timing with next Regional Planning Committee and the following Financial Planning Committee meeting is very close, and a special meeting could be warranted to move through outstanding business

RPC 2024-17
It was MOVED and SECONDED,
that Regional Planning Committee defer consideration of Fiscal Year 2026 Local Trust Committee business cases until all proposed business cases have been endorsed by Local Trust Committees.

DEFEATED

Committee discussion continued:
- Financial Planning Committee is aware of and will discuss potential staffing challenges regarding supporting all business cases

RPC 2024-018
It was MOVED and SECONDED,
that 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.

CARRIED

7.4 Housing Strategic Action Plan Implementation - Briefing

Director Cermak presented the briefing for information.

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 – Request For Decision

Trustee Elliott presented the Request for Decision. Committee discussion included:

- working on identifying barriers to legalizing tiny homes and mapping out the regulatory framework
- differentiating between mobile homes and tiny homes on wheels
- one blockage is that certification needs to affirm the purpose for which the structure was designed to be used, with tiny homes on wheels distinct from seasonal RVs
- some manufacturers build tiny homes to manufactured home standards
- the Request For Decision work proposes that each Local Trust Committee can look at recommendations and see what fits their community
- recalculating density measures based on environmental impact
- advocacy is outside of the Regional Planning Committee Terms of Reference, but Trust Council could be asked to do this work
- this topic is on upcoming Union of BC Municipalities agenda
- some capital from the Housing Options Toolkit is unallocated and available
- a need exists to work across jurisdictions and possibly hold forums to bring together stakeholders, such as regional districts and building inspection authorities
- the development of communications tools and forums for this project, including the hiring of a forum coordinator or other ways to utilize the Housing Strategy and Housing Options Toolkit unallocated budget
- the time sensitivity of this work amidst changing codes and regulations
- creating more security and a safer standard for islanders struggling with housing

RPC 2024-019
It was MOVED and SECONDED,
that 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 developing tools for advocacy and communications to enable Tiny Homes On Wheels in the Trust Area.

CARRIED

RPC 2024-020
It was MOVED and SECONDED,
that Regional Planning Committee 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, with a focus on enabling Tiny Homes On Wheels in the islands.

CARRIED

Committee discussion continued:

- a trustee suggested waiting until after the potential opportunity for Executive Committee to speak with Minister of Housing at Union of BC Municipalities, to use the money most strategically
- Islands Trust is best positioned to examine tiny homes challenges because of the various Local Trust Committees with their different community needs
- forums reflect need for discussions regarding specific localities, with planners, building inspectors, and regional districts moving towards specific direction in their jurisdictions
- a trustee sought the opinion of the Director of Administrative Services regarding spending these funds, noting that other forums had been hosted under Secretariat Services, and precautionary steps regarding spending should be taken

RPC 2024-021
It was MOVED and SECONDED,
That Regional Planning Committee recommends to Trust Council that it allocate the budget of $20,000, allocated to advance the Housing Strategy and Housing Options Toolkit, in order to support coordination for forums with a focus on enabling Tiny Homes in the Trust Area.

CARRIED

8. BUSINESS - OTHER

None.

9. BUSINESS – NEW

None.

10. WORK PROGRAM

By general consent the work program is referred to Trust Council.

11. NEXT MEETING

The next scheduled meeting of the Regional Planning Committee is November 8, 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 3:51 p.m.

____
Sam Borthwick, Acting Chair

Certified Correct:

____
Rob Kroeker, Planning Services Administrative Assistant / Recorder

BRIEFING

To:	Regional Planning Committee	**For the Meeting of:**	February 7, 2025
From:	**Executive Committee**	**Date Prepared:**	January 29, 2025
SUBJECT:	**Approval to Submit a Grant Application to the Watershed Security Fund**		

PURPOSE:

To confirm that Trust Council Committees have the authority to support staff to proceed with a grant application, taking into consideration the factors listed in Trust Council's Grants and Donations Administration Policy 6.5.4.

BACKGROUND:

On November 20, 2024, the Executive Committee carried the following motion:

> **EC-2024-152**
>
> that the Executive Committee confirm that Islands Trust Council committees have the authority to pass a resolution to proceed with committee-initiated grant applications before seeking staff support for grant applications, taking into consideration the factors listed in Trust Council's Grants and Donations Administration Policy 6.5.4.

The resolution was in response to the Regional Planning Committee's resolution on November 13, 2024:

> **RPC RWM 2024-01**
> THAT Regional Planning Committee refer the following resolution, RPC 2024-024 (below), to the Executive Committee for confirmation of the committee's authority to approve staff to proceed with a significant grant application.
>
> > **RPC 2024-024**
> > that Regional Planning Committee approve staff proceeding with a grant application up to $500,000, over two years, from the Watershed Security Fund, to implement key initiatives under the Islands Trust Freshwater Sustainability Strategy, including staffing, consulting, and technical resources to undertake the following projects and initiatives:
> > 1. Islands Trust Area Freshwater Footprint,
> > 2. Islands Trust Area Watershed Resiliency Mapping,
> > 3. Freshwater Sustainability Regulatory and Policy Audit,
> > 4. Freshwater Helpdesk,
> > 5. Islands Trust Freshwater Atlas
> > 6. Freshwater Sustainability Technical Advisory Committee, and
> > 7. Watershed governance

ATTACHMENT(S):

1. **None.**

FOLLOW-UP: None.

Prepared By: **Stefan Cermak, Director, Planning Services**

REQUEST FOR DECISION

To:	Regional Planning Committee	**For the Meeting of:**	February 7, 2025
From:	Director, Planning Services	**Date Prepared:**	January 27, 2025
SUBJECT:	**Fiscal Year 2025/26 Business Cases**		

RECOMMENDATION:

That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business cases for implementing the Freshwater Atlas ($17,000).

---

1 **PURPOSE:** For the Regional Planning Committee to consider fiscal year 2025/26 business cases.

2 **BACKGROUND:** The attached business case is to finalize the creation of an online Freshwater Atlas and includes the following:

- Purchasing 3D aquifer conceptualization annual software maintenance ($5,000)
- Contractor Services ($12,000) to complete the following work:
    i. Reviewing, updating, and standardizing metadata and datasets within the Freshwater Atlas to ensure consistency, accuracy, and usability for various applications.
    ii. Managing, organizing, and optimizing the Freshwater Atlas database to support efficient data retrieval, storage, and integration with other freshwater sustainability tools.
    iii. Enhancing the online interface and user experience for the Freshwater Atlas, improving accessibility and functionality for planners, researchers, and the public.
    iv. Preparing and uploading the aquifer conceptualization models to Seequent Central to enable cloud-based collaboration, visualization, and version control for groundwater data.

At its September 4, 2024 meeting, the Regional Planning Committee received an update noting that 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 Freshwater Atlas will include online public access to 3D aquifer conceptualization models providing accessibility to planners, researches, and the public.

The 3D models are hosted online by Seequent Software, using their “Seequent Central” program to ensure the data is optimized for efficient retrieval, storage, and integration into the Islands Trust Freshwater Atlas. Permanent access to, maintenance of, and hosting the 3D models in the Freshwater Atlas requires annual license costs. A contractor was already hired to assist in the tasks due to the loss of pivotal Information Services staff. The contract extension would allow completion of the tasks.

Costs for the contractor in the current fiscal were approved from underspent Information Services staff salaries. However, finance staff have since noted these are not available thus staff are proposing underspending in the purchase of building footprint data – also not advancing due to loss of key personnel.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The attached business cases advance the work program of the Regional Planning Committee, the strategic priorities of Islands Trust Council and supports Local Trust Committees.

FINANCIAL:

- Contractor extension cost - $12,000
- Annual purchase of 3D aquifer conceptualization model online hosting software - $5,000

POLICY:

Policy 6.3.1 Budget Process
Policy 6.5.3 Procurement

IMPLEMENTATION/COMMUNICATIONS:

Business Cases will be advanced to the Financial Planning Committee (February 19, 2025).

FIRST NATIONS:

Improved access to information and education.

OTHER:

4 RELEVANT POLICY(S):

Policy 6.3.1 Budget Process
Policy 6.5.3 Procurement

5 ATTACHMENT(S):

Business Case: Freshwater Atlas

<u>RESPONSE OPTIONS</u>

Recommendation:

1. That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business cases for Freshwater Atlas ($17,000).

Alternative:

1. That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business cases for Freshwater Atlas ($17,000).
    - [<u>as amended</u>]

1. Not support advancing the business case.

Prepared By: Stefan Cermak, Director, Planning Services

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).

<table>
<tr><th colspan="2">TO BE COMPLETED BY INITIATOR</th></tr>
<tr><td>Requested by (Committee or Operational Unit):

Regional Planning Committee*</td><td rowspan="4"><u>Budget Source</u> (select all that apply):

☐ Specific Project Funding (select all that apply)
X Third Party Contractors
☐ Staff Travel Expense
☐ Staff Overtime Expense
☐ New Staff Member – Temporary for project
X Computer Hardware/<u>Software</u>

☐ Furniture & Equipment

X Computer Hardware/<u>Software</u>/Supplies

☐ New Staff Resources (see Staff Costing Tool)
☐ Permanent
☐ Temporary
Temp Duration: ____________________

☐ Other – please describe: ________________________</td></tr>
<tr><td>Department:

Planning Services</td></tr>
<tr><td>Name of Request:

Freshwater Atlas – ArcGIS Technical Support and 3D Aquifer Conceptualization Model Online Hosting Software Annual Maintenance</td></tr>
<tr><td>$ Value of Request (indicate by fiscal year <u>and</u> total if project is multi-year):

$17,000 –
• $5,000 - annual software cost
• $12,000 – contractor extension cost</td></tr>
<tr><td>Regional Planning Committee Resolution*:

(date – resolution)

<u>STAFF DRAFT RECOMMENDATION TO RPC</u>:

February 7, 2025 – That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business cases for implementing the Freshwater Atlas ($17,000).</td><td>Funding Required for (date range):
$5,000 - software cost (annual staring 2025/26)
$12,000 – contractor extension cost (April 1 – June 30, 2025)</td></tr>
<tr><td colspan="2">TIE TO ISLANDS TRUST GUIDING DOCUMENTS:</td></tr>
</table>

At its December 2021 meeting, Trust Council received the Islands Trust Freshwater Sustainability Strategy (FWSS). The development of the Freshwater Sustainability Strategy addressed Trust Council Strategic Plan Item 2.4 "Develop a regional freshwater management strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision making, and accounts for the impacts of climate change on island water resources"

At its March 2024 meeting, Trust Council approved the Regional Planning Committee's top three priorities, including implementing the Freshwater Sustainability Strategy (FWSS).

Implementation of the FWSS is an action in the draft Islands Trust Council 2025-2028 Strategic Plan.

ISSUE/OPPORTUNITY:

At its September 4, 2024 meeting, the Regional Planning Committee received an update noting that 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 Freshwater Atlas will include online public access to 3D aquifer conceptualization models providing accessibility to planners, researches, and the public.

The 3D models are hosted online by Seequent Software, using their "Seequent Central" program to ensure the data is optimized for efficient retrieval, storage, and integration into the Islands Trust Freshwater Atlas. Permanent access to, maintenance of, and hosting the 3D models in the Freshwater Atlas requires annual license costs.

A contractor is currently working to assist with the following tasks:

- Reviewing, updating, and standardizing metadata and datasets within the Freshwater Atlas to ensure consistency, accuracy, and usability for various applications.
- Managing, organizing, and optimizing the Freshwater Atlas database to support efficient data retrieval, storage, and integration with other freshwater sustainability tools.
- Enhancing the online interface and user experience for the Freshwater Atlas, improving accessibility and functionality for planners, researchers, and the public.
- Preparing and uploading the aquifer conceptualization models to Seequent Central to enable cloud-based collaboration, visualization, and version control for groundwater data.

The contractor was hired due to the loss of pivotal Information Services staff who could have performed the above tasks. Costs for the contractor in the current fiscal were approved from underspent Information Services staff salaries. However, finance staff have since noted these are not available thus staff are proposing underspending in the purchase of building footprint data – also not advancing due to loss of key personnel.

At its November 8, 2024 meeting, the Regional Planning Committee requested staff to proceed with a grant application for up to $500,000 over two years, from the Watershed Security Fund, to implement key initiatives with the FWSS. Some of the initiatives will be benefit having the 3D modelling available in the Freshwater Atlas.

PROJECTED RESULTS/DELIVERABLES:

The Freshwater Atlas is an essential communication tool for the Islands Trust Freshwater Sustainability Strategy, that hosts information, data, and mapping from several projects including but not limited to the Islands Trust Area Groundwater Recharge Mapping project, watershed resiliently mapping, and the current Islands Trust Freshwater Footprint project. The Islands Trust Area Aquifer Conceptualization project is an integral component to the technical aspects of the FWSS and have generated 3D hydrogeological models that, when included online in the Freshwater Atlas via Seequent Central, will improve accessibility and functionality for planners, researches, and the public. Integrating the 3D models with existing Freshwater Atlas mapping and information will provide an intuitive and engaging experience for education outreach, research, and land-use planning.

RISK ASSESSMENT:

If long-term funding is not provided for annual software license costs, the 3D models will not be hosted in a publicly accessible domain. In the absence of the 3D models being hosted and managed by the required online software, the 3D models will only be able to be accessed via desktop software that requires powerful desktop computers and lowers the equity of access due to the cumbersome nature of the desktop software for the end user.

A contractor is currently cleaning and managing the Freshwater Atlas metadata and database. The contractor is then tasked with developing the online user experience. These deliverables will not be achieved next fiscal without concluding the contract.

ALTERNATIVES CONSIDERED:

Option 1A: Do not purchase the annual software maintenance licence

- Benefits – Not spend $5,000 annually
- Risks – Lose an affective communications tool that models' years of data used to implement Trust Council strategic priorities
- Financial implications – save $5,000 in annual budget. Annual software costs will be captured in Information Services annual software budget
- Resource requirements – Staff will archive the 3D models; Communications may be required
- Other implications- reduced collaboration opportunities; missed learning opportunities

Option 1B: Do not extend current contract

- Benefits – Not spend $12,000
- Risks – Must cancel current contract. Negative impact on current work.
- Financial implications – save $12,000
- Resource requirements – Staff will need to cancel the current contract. Unknown impact of current work and how to salvage.
- Other implications-

Option 2A: Purchase the annual software maintenance licence

- Benefits – Continues the use of the 3D modelling software
- Risks – Modelling software may change over time; Annual maintenance costs may rise
- Financial implications – Annual subscription required.
- Resource requirements – The data requires managing, organizing, and optimizing to support efficient retrieval, storage, and integration with other freshwater sustainability tools
- Other implications – Increased collaboration opportunities; increase learning opportunities; Professional tool used to produce high quality interactive models

Option 2B: Extend current contract

- Benefits – continues current work; completes tasks; advances strategic priorities
- Risks – difficult to review tasks except to see final product online
- Financial implications – Annual subscription required.
- Resource requirements – The data requires managing, organizing, and optimizing to support efficient retrieval, storage, and integration with other freshwater sustainability tools

- Other implications – Increased collaboration opportunities; increase learning opportunities; Professional tool used to produce high quality interactive models

CRITICAL SUCCESS FACTORS:
The Islands Trust Area Aquifer Conceptualization project has been an integral component of related projects such as Islands Trust Groundwater Recharge Mapping project that has led to regulatory changes in the Islands Trust Area. Including the 3D models is an integral part of the Freshwater Atlas and will provide access to information to support addressing public inquiries as well as aiding in decision making. Open and public access to these data will facilitate initiatives identified within the grant application to the Watershed Security Fund and support on-going freshwater stewardship.

RECOMMENDED OPTION:

That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget a business cases for Freshwater Atlas ($17,000).

The Freshwater Atlas and software costs assist staff in developing intuitive and interactive models that will enhance the online interface with freshwater sustainability tools improving accessibility and functionality for planners, researches, and the public.

COST/BENEFIT ANALYSIS:
Costs:
- Learning Curve – staff time may need to be dedicated to courses, tutorials, or training
- Maintenance and Updates – annual subscription required

Benefits:
- An online Freshwater Atlas helps to communicate Trust Council's strategic priority to implement the FWSS.
- Professional and industry-grade software that can be of benefit to land-use applicants and their consultants
- Integrating 3D models with the Freshwater Atlas helps to communicate Trust Council's strategic priority to implement the FWSS.

PURCHASING PROCEDURE:

Purchase order.
Contract Extension

PROPOSED IMPLEMENTATION STRATEGY:

Starting early FY 2025/26 the Freshwater Atlas will begin transfer to its online platform in congruence with uploading the 3D models.

STAFF RESOURCING:

Staff purchase of annual software: <4 hours (includes information services, finance, planning, and management)

Staff contract management: ~ 20 hours. The data requires managing, organizing, and optimizing to support efficient retrieval, storage, and integration with other freshwater sustainability tools.

Support staff will include communications, administration, finance, and management.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

An online Freshwater Atlas will require communications and orientation. 3D aquifer models have been used to communicate to various agencies and partners. Ongoing commitment to use of the models will continue and enhance these relationships.

(*proposed) Requested by: Regional Planning Committee

Prepared by Director, Planning Services / January 31, 2025

(*to be) Reviewed by: Regional Planning Committee / February 7, 2025

Convening a Steering Committee and Technical Panel to Explore Tiny Home on Wheels Enablement in the Islands Trust Area

PROJECT MANAGEMENT REPORT - January 30th, 2025

The following is a summary of the Tiny Homes on Wheels enablement project as it currently stands, related to progress on the project, the financial status of the project and project risks. Project management is comfortable with progress to date and with risk mitigation

1. Progress Report:

The project was initiated on December 2nd, 2024. Notwithstanding the holiday break, the project has made reasonable and appropriate progress to date. Progress is being reported in bullet point format (for brevity) across milestones, challenges, and scope and timeline changes.

A. Key Milestones:
- Formation of Steering Committee
- Assignment of Chairperson role for the Steering Committee
- Completion of Steering Committee Terms of Reference document
- Finalization of Technical Panel Meeting date of Thursday February 13, 2025
- Completion of 93% of all screening interviews for potential Technical Panel members
- Securing of meeting location for Technical Panel Meeting on February 13, 2025
- Completion of second draft of Technical Panel Charter document
- Completion of first draft of Technical Panel Workshop Agenda document

B. Key Challenges:
- Determining the ideal composition for the Steering Committee and the Technical Panel has been challenging for such a short-term project. Also, identifying the Chairperson for the Steering Committee took some time and delayed the start of the Project. Collaboration with members of the SC to troubleshoot different professional profiles helped to overcome this challenge for the Technical Panel.
- Project manager got sick at the start of 2025. SC members and the project's administrative assistant, Rob Kroeker, stepped in to assist. Normally this would not be notable, however, given the tight timelines on this project, it ended up being a material event.
- Getting the most specific issues defined for the Technical Panel and gathering the relevant legacy documentation remains a critical challenge for this project. The best solutions to manage this risk is to work with the SC in ensuring all issues are defined prior to the Technical Panel Workshop (in the Technical Panel Charter document), to conduct interviews with each Technical Panel Member to clearly define all issues, and to confirm issues at the start of the Technical Panel Workshop with the Technical Panel itself.

C. Changes to Project Scope or Timeline:
- There are no changes to the project scope or timeline to confirm at this time.

2. Financial Report:

The project remains on budget and there are no material financial risks at this time.

3. Risk Report:

This project is on a tight timeline and limited budget. As the project is to be completed by March 31st, 2025 the single biggest risk to the project is the timeline. Project management is focused on ensuring that the project continues to hit key milestones on the assigned timelines. Holding the Technical Panel Meeting on February 13 keeps the project on schedule, however any risk of delay to this Technical Panel Meeting on February 13 would pose a significant risk to the overall timelines of the project. Completion of the Technical Panel Charter and selection of the Technical Panel members are critical activities that would ensure the Technical Panel Meeting occurs on February 13.

In addition to this risk, the next biggest risk to the Project is scope creep. For such a small project ($16,000) on such a short timeline, it is critical to maintain the project's scope. Project management is maintaining the scope in all respects to the project as it currently stands, and will continue to do so.

No other significant risks have been identified at this stage for this project.

REQUEST FOR DECISION

To:	**Regional Planning Committee**	**For the Meeting of:**	**February 7, 2025**
From:	**Planning Services**	**Date Prepared:**	**January 24, 2025**
SUBJECT:	**Bylaw Compliance & Enforcement Policy Review – Draft Manual and Policy 5.5.1**		

RECOMMENDATION:

1. **That Regional Planning Committee review and provide direction on changes to draft Bylaw Compliance and Enforcement Policy 5.5.1 and the draft Bylaw Compliance and Enforcement Best Practices Manual.**

DIRECTOR COMMENTS: Trust Council most recently supported Regional Planning Committee's (RPC) request for a plain language version of the best practices policy document and approved inclusion of a Local Trust Committee (LTC) Bylaw Compliance and Enforcement policy in the project charter. The plain language document is attached for Regional Planning Committee's further consideration. Staff have made extensive revisions to Policy 5.5.1, focusing on incorporating the recommendations of the Ombudspersons office. RPC reviewed part of the policy at their last meeting and staff are recommending that RPC continue with its review of these policy changes.

1. PURPOSE

To bring back draft Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) and the draft Bylaw Compliance and Enforcement Best Practices Manual for further review by the Regional Planning Committee.

2. BACKGROUND

In September 2023, Trust Council directed that "the recommendations from the Office of Ombudsperson Report titled: 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust', dated August 2023, be implemented, and that staff develop an associated work plan and project charter and refer to the Regional Planning Committee." The project charter was subsequently amended by Trust Council to also include development of "a Local Trust Committee Bylaw Compliance and Enforcement Policy Template".

Context

The legislated authority for Bylaw Officers to enforce LTC bylaws and to inspect property stems from Section 419 of the *Local Government Act,* via section 24(2) of the *Islands Trust Act*, which permits an LTC, by bylaw, to enforce its bylaws and to authorize staff to enter, at all reasonable times, on any property, to inspect and determine whether regulations are being met. All Local Trust Committees have adopted *Infraction Investigations Bylaws* to authorize enforcement of bylaws and authorize Bylaw

Officers to inspect properties at reasonable times. Many LTC Land Use Bylaws also authorize site inspections using the same or similar language.

Trust Council has adopted Policy 5.5.1 (Bylaw Compliance and Enforcement) to provide direction to staff on bylaw enforcement processes, procedures, and communications. Many Local Trust Committees have also adopted specific policies by means of standing resolutions to provide specifics of how LTC bylaws are to be enforced, prioritized, and reviewed within respective local trust areas.

Regional Planning Committee Resolutions

At the September 2024 meeting, RPC received a report from staff providing recommendations on next steps for bylaw enforcement policies and practices review. RPC adopted the following resolutions:

RPC 2024-013
It was MOVED and SECONDED,
that Regional Planning Committee request staff to amend the Bylaw Compliance and Enforcement Best Practices Manual to create a plain language version. **CARRIED**

RPC 2024-014
It was MOVED and SECONDED,
that Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project. **CARRIED**

RPC 2024-015
It was MOVED and SECONDED,
that Regional Planning Committee recommend the following changes:
a) Amend the notification period to two weeks
b) Policy 5.5.1: That the Manager of Compliance and Enforcement has the discretion to open files and launch an investigation based on the available resources.
CARRIED

At the November 8th meeting, RPC reviewed the Bylaw Compliance & Enforcement Best Practices & Procedures Manual, with the only resolution being:

RPC 2024-027
It was **MOVED** and **SECONDED**,
that Regional Planning Committee request staff to schedule a special business meeting in January for the purpose of discussing the Bylaw Enforcement Best Practices Manual and policies.

At the January 20, 2025 special meeting, RPC worked through part of revised Policy 5.5.1 and made a number of revisions:

RPC 2025-001
It was MOVED and SECONDED,
that Regional Planning Committee request staff to make the following changes to the Bylaw Compliance and Enforcement draft Trust Council Policy 5.5.1 as documented in the notes of the January 20, 2025 Regional Planning Committee meeting.

The revisions are tracked in an attached table (Attachment 3).

Trust Council Bylaw Compliance and Enforcement Policy

Since the last meeting staff have incorporated the revisions made by RPC to Policy 5.5.1. Two versions of the revised policy are also attached, one clean version and a blacklined version comparing the current and revised policies (Attachments 1 and 2 respectively). At the January 20th meeting, RPC reviewed and made changes up to Section B.7.

Best Practices Manual

The draft Best Practices Manual is attached (Attachment 4). As no specific direction was provided at the last RPC meeting, no substantial changes have been made to this version. The version discussed at the earlier meeting included:

1. Acronyms removed
2. Staff-oriented instructions removed
3. Revised for plain language
4. Addition of a section for Appeal of Bylaw Compliance and Enforcement Officers Decisions:

a. Appeal of Bylaw Enforcement Officer Decisions - For discretionary decisions of a BEO, appeals may be considered by the Director of Planning Services. In considering appeals of interpretation of regulations, the Director may convene a review panel consisting of the Director and Regional Planning Managers. Such requests must be made in writing, outlining reasons for the appeal such as error of fact, omissions, or new evidence.

b. Review of conduct of Bylaw Enforcement Officers – complaints regarding the conduct or behaviour of a BEO shall be reviewed by the Director, Planning Services. Such requests must be made in writing, outlining reasons for the review request. If the complainant is not satisfied with the Director's response, a formal administrative fairness complaint may be submitted.

As the Manual is intended as a public document that provides a plain language summary of bylaw enforcement policies and procedures, significant portions of the Manual are derived from and summarize policies and procedures established in Trust Council Bylaw Compliance and Enforcement Policy 5.5.1. Consequently, staff are recommending that substantive changes to Policy 5.5.1 be completed by RPC prior to finalizing the Manual.

Administrative Fairness Complaints

In September, RPC requested staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project. This work had not been started due to lack of staff resources at the time. Since then, staff have reviewed the Office of the Ombudsperson documents and have drafted procedures for review of Bylaw Compliance and Enforcement Office conduct. These have been included in Policy 5.5.1 as a new section 9. Staff consider it to be optimal to include these procedures into Policy 5.5.1 rather than re-writing Policy 7.1.2 (Handling of Administrative Fairness Complaints). As drafted, a person not satisfied with these review procedures may still submit an administrative fairness complaint under Policy 7.1.2 (or pursue recourse through the Office of the Ombudsperson).

3. NEXT STEPS

Staff are requesting the RPC to provide direction on further changes to draft policy 5.5.1 and the draft plain language best practices manual.

The LTC Enforcement Policy template is also attached (Attachment 6) for RPC review and direction.

Staff will submit documents to the Ombudspersons Office for comment upon endorsement from the RPC.

Following endorsement by Trust Council, staff will implement changes by reviewing and updating letter templates, posting the Manual, and implementing training for officers.

4. ATTACHMENT(S):

1) **Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy**
2) **Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy – Blacklined Version**
3) **RPC amendments from January 20, 2025 special meeting**
4) **Draft Bylaw Compliance and Enforcement Best Practices Manual – plain language edition;**
5) **Table Summarizing the Recommendations of the Office of the Ombudsperson report**
6) **Local Trust Committee Bylaw Enforcement Policy Template**
7) **Project Charter v.3**

Prepared By:	**Robert Kojima, Regional Planning Manager**
Reviewed By/Date:	**Warren Dingman, Manager of Bylaw Compliance and Enforcement**
Reviewed By/Date	**Stefan Cermak, Director Planning Services, January 29, 2025**

Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	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: XXXX, 2025
Policy Holder:	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 committee bylaws.

Guiding Principles

The following principles are intended to align with the mandate of the Islands Trust, adhere to the best practices outlined by the BC Office of the Ombudsperson, and ensure procedural fairness in all enforcement actions:

1. **Fairness and Impartiality**: Apply bylaws consistently, ensuring decisions are unbiased and equitable for diverse island communities.
2. **Transparency and Communication**: Provide clear, accessible information about enforcement policies, processes, and outcomes with understandable and meaningful reasons for the decision(s) made throughout the bylaw investigation and enforcement process to foster trust and understanding.
3. **Focus on Education and Compliance**: Emphasize public education and voluntary compliance with bylaws.
4. **Procedural Fairness**: Ensure timely notification of alleged infractions, offer opportunities to Respondents to be heard throughout the process, and guarantee unbiased decision-making.
5. **Proportionality and Discretion**: Tailor enforcement actions to the severity and context of the infraction, with a focus on voluntary compliance.
6. **Efficiency**: Prioritize significant violations that impact environmental sustainability or community safety, while streamlining processes for minor cases.
7. **Engagement and Inclusivity**: Collaborate with island communities to ensure enforcement practices reflect local values and consider marginalized populations.
8. **Accountability and Oversight**: Regularly review enforcement activities and maintain oversight to uphold public confidence and encourage local trust committees to update and align bylaws and to identify opportunities to make bylaws clear and coherent.
9. **Respect for Privacy**: Safeguard the confidentiality of Complainants and individuals involved in enforcement actions, in compliance with privacy laws.

Roles and Responsibilities

Islands Trust Council provides overall policy direction, approves budgets, and reviews performance through regular reporting.

Executive Committee provides oversight of enforcement across all local trust areas, and approving funding for litigation when requested by local trust committees.

Local trust committees (LTC) adopt and amend bylaws and are authorized to direct enforcement of their bylaws, ensuring that bylaws reflect community values through adoption of specific LTC enforcement policies and direction to staff on significant cases and potential litigation.

Local Trustees represent the interests and concerns of their constituents and may be asked to provide information to Complainants or Respondents, but are not directly involved in bylaw enforcement investigations.

Members of the Public and Complainants are encouraged to submit accurate complaints in good faith, engage respectfully with staff, and uphold the confidentiality of enforcement processes.

Bylaw Compliance and Enforcement Officers (Officers) are responsible for investigating complaints, communicating clearly with Respondents, determining if there is a contravention, and applying progressive enforcement actions proportionally, with an emphasis on education and compliance.

The Manager of Bylaw Compliance and Enforcement (Manager) is responsible for the overall administration of the bylaw enforcement program, including supervising Bylaw Compliance and Enforcement Officers, ensuring adherence to policies and procedures, and providing expertise on complex or sensitive cases. The Manager coordinates with other departments, ensures alignment with legal and regulatory requirements, and reports on enforcement activities to senior management and elected officials.

Senior Management ensures staff have the resources and training needed for effective enforcement, facilitates communication among interested and affected parties, oversees adherence to policy, and reviews complaints regarding the conduct of Bylaw Compliance and Enforcement Officers.

Planners and **Regional Planning Managers** assist in the interpretation of bylaws and ensuring consistency with planning objectives. They support Bylaw Compliance and Enforcement Officers by providing information on the intent and application of bylaws, and contribute to resolving compliance issues by providing compliance options to Respondents and local trust committees.

Legal Counsel supports local trust committees and staff by providing legal opinions on interpretation, advice on potential litigation, and representation in cases of litigation.

A. Definitions

1. *Bylaw Notice* means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act.*
2. *Determination Letter* means written decision provided to respondents on the outcome of an investigation summarizing supporting evidence, actions to achieve voluntary compliance, consequences of non-compliance, and information on the Respondent's rights to respond or dispute the determination.
3. *Discretion in Administrative Decision-making* means the application of the power to choose between two or more possible courses of action using professional judgment and expertise
4. *Frivolous complaint* means a complaint not having any serious purpose or value, often lacking in merit.
5. *Long-form information* means a complaint sworn before a Provincial Court judge by a Bylaw Compliance and Enforcement Officer.
6. *Notice Letter* means a written document sent to a Respondent once an investigation file is opened summarizing the potential violation and providing contact information for the

assigned Bylaw Compliance and Enforcement Officer.

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

8. *Vexatious complaint* means a complaint made solely for retaliatory or in bad faith intended to cause harassment, or otherwise forms part of a pattern of conduct by the Complainant that amounts to an abuse of the complaint process.

B. Policy

1. OBJECTIVE

1.1 The objective of this policy to establish clear procedures, expectations and standards for Islands Trust's bylaw compliance and enforcement program. The goal of the bylaw compliance and enforcement program is to achieve bylaw compliance through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance by a commitment to corrective action as soon as reasonably possible, and the cessation of unlawful activity.

2. COMMENCING INVESTIGATIONS

2.1 Complaint-based investigations are commenced as follows:

- 2.1.1 Complaints must be made in writing by email, through an on-line complaint form or portal, by mail, or delivered in-person.
- 2.1.2 Anonymous complaints are not accepted.
- 2.1.3 Complaints meeting the definition of a frivolous, repeat, or vexatious are not accepted.
- 2.1.4 All written complaints will be acknowledged in writing and recorded.

2.2 Where a written complaint has not been received, investigations may be commenced in one or more of the following circumstances:

- 2.2.1 By direction of a local trust committee;
- 2.2.2 Bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
- 2.2.3 Bylaw contraventions appear to cause health and safety issues;
- 2.2.4 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;
- 2.2.5 A referral is received from a permitting agency that identifies alleged bylaw contraventions; or
- 2.2.6 Advertising of unlawful uses;.

3. INVESTIGATION AND PROGRESSIVE ENFORCEMENT

3.1 After receiving a complaint, it will be reviewed to determine whether or not it potentially falls within the local trust committee's jurisdiction.

3.2 A complaint that does not fall within the jurisdiction of a local trust committee may be referred to another agency with jurisdiction or the Complainant may be directed to the agency with jurisdiction.

3.3 If the Manager determines that there is no potential violation, the Complainant will be informed and given the opportunity to provide more information.

3.4 If the Manager determines that there is a potential violation, a file is opened, and the Respondent will receive a Notice Letter, providing a summary of the issue, contact details of the assigned Officer, and encouraging the Respondent to contact the Officer. The Complainant will be notified that a file has been opened.

3.5 The Officer will investigate the potential violation, including:

- 3.5.1 Reviewing all relevant bylaws, policies, and procedures.
- 3.5.2 Arranging a site inspection. Site inspections will be conducted in accordance with the policies in Section 4 below.
- 3.5.3 Hearing from the Respondent and potentially from the Complainant.
- 3.5.4 Reviewing evidence gathered from a site inspection and relevant bylaws.
- 3.5.5 Reviewing all relevant infraction and legal history.
- 3.5.6 Consulting with the Manager, planners, and Regional Planning Manager.
- 3.5.7 Reporting potentially problematic, inconsistent or contentious issues to the LTC.
- 3.5.8 Seeking legal advice where required.

3.6 Based on the outcome of the investigation, the Officer will make a determination if there is a contravention.

3.7 Respondents will be notified in writing of the determination of an investigation. A Determination letter will include:

- 3.7.1 The purpose of the letter, referencing any relevant investigations or prior communications.
- 3.7.2 The Respondent's name, address, and the property address involved.
- 3.7.3 Specific bylaw regulation(s) violated and summarize supporting evidence, including facts and documentation.
- 3.7.4 Outline actions to achieve voluntary compliance, along with reasonable deadlines and monitoring processes.
- 3.7.5 Potential consequences of non-compliance and information on the Respondent's rights to respond or dispute the determination.
- 3.7.6 The Officer’s contact details and any resources to assist with compliance.
- 3.7.7 Copies of supporting evidence.

3.8 A Respondent may request that a determination of a contravention be reviewed by the Manager.

3.9 Complainants may request a review of a file by the Manager where the investigation has determined that there is no contravention.

3.10 If either a Respondent or Complainant is not satisfied with the review of a determination by the Manager, a written complaint may be submitted to the Director of Planning Services. The Director may make a determination singly or in consultation with the relevant Regional Planning Manager and planner.

3.11 Voluntary compliance may involve a Respondent requesting time to comply; or requesting that enforcement be paused, subject to local trust committee policies, while proceeding with an application that would have a reasonable likelihood of success in legalizing the contravention.

3.12 Where a local trust committee has adopted a Bylaw Enforcement Notification Bylaw, and voluntarily compliance is not forthcoming within a reasonable time, or there is an immediate threat to health or safety or the natural environment, or an LTC has adopted a relevant enforcement policy, an Officer may issue a Bylaw Warning Notice or a Bylaw Violation Notice.

3.13 Where Bylaw Enforcement Notices have proven ineffective in achieving compliance, or where a local trust committee has not adopted a Bylaw Enforcement Notification Bylaw, or where a contravention is considered sufficiently egregious, an Officer may recommend that a local trust committee undertake legal action to achieve compliance.

3.14 Complainants can request information about an open bylaw enforcement file at any time. The Complainant will be updated by the Officer if:

3.14.1 The file is put on hold, along with the reason for this action.
3.14.2 The local trust committee has made a decision regarding the file.
3.14.3 The file has moved to litigation at which time the identity of the Complainant may become public information.
3.14.4 The file is closed.

4. INVESTIGATIVE APPROACH AND CONDUCT

4.1 Officers, staff, and managers will uphold principles of accountability, impartiality, integrity, protection, respectfulness and service, to complement the required skills, education, and behavioral competencies listed in job profiles and within the Oath of Employment.

4.2 Officers, staff, and managers shall develop, maintain, and apply skills such as control of non-verbal communications, active listening, and building rapport with constituents.

4.3 When determining the appropriate and fair investigative approach and enforcement actions, the Officer should consider each person's unique circumstances. This includes:

4.3.1 Conducting investigations with an understanding of the specific context and circumstances of the individual or property owner involved.
4.3.2 Respecting cultural differences, provide accommodations for individuals with disabilities, and ensure accessibility for those facing language barriers during the investigative process.
4.3.3 Ensuring investigations are proportionate to the nature of the complaint and violation, considering factors such as the person's ability to comply, any hardships they may face, and their willingness to cooperate.
4.3.4 Exercising discretion when determining the scope and approach to an investigation, providing flexibility such as extended timelines or alternative solutions when warranted by an individual's circumstances.
4.3.5 Ensuring investigations will be free from bias or discrimination based on race, gender, age, disability, socio-economic status, or other protected characteristics.

5. SITE INSPECTIONS

5.1 **Entry with Notice:** When entry onto private property is required to investigate a bylaw complaint, Officers will provide prior written notice to the property owner or occupier, except in cases described below. Notice will include the purpose of the visit, applicable authority under provincial legislation, bylaws and policies, and proposed timing.

Entry will occur only during reasonable hours, with efforts to minimize disruption and ensure respect for the property and its occupants. Investigations will focus exclusively on the specific alleged bylaw contraventions outlined in the complaint unless other observations pose an immediate risk to public health, safety, or the environment. Officers should answer reasonable questions related to the purpose of the visit and the bylaw complaint investigation process.

5.2 **Entry without Notice:** In exceptional circumstances, where prior notice is not feasible or where immediate entry is required to address urgent concerns about health, safety, or the environment, Officers may enter property as authorized under the *Local Government Act*. Officers will document the justification for entry without notice, specifying the urgency and applicable legal authority, and will notify the property owner or occupier as soon as practicable following the visit.

5.3 **Legal Compliance and Fairness:** Property entries will comply with the *Charter of Rights and Freedoms*, applicable provincial legislation, and local trust committee bylaws and policies. To ensure fairness, investigations will be limited to the specific subject matter of the complaint except where the Officer observes issues that pose a risk to health, safety or the environment.

5.4 **Documentation:** Officers will maintain records of all property entries, including notice provided (or reasons for its omission), observations made, and actions taken.

5.5 **Reasonableness and Accountability:** Property entry practices will aim to balance enforcement needs with respect for individual privacy and property rights. Officers will act reasonably and proportionately, prioritizing voluntary compliance and education wherever possible.

6. CLOSING INVESTIGATIONS

6.1 Bylaw investigation files will be closed in the following circumstances:
- 6.1.1 It is determined that no contravention exists;
- 6.1.2 Compliance has been achieved;
- 6.1.3 On direction of a local trust committee; or
- 6.1.4 If the Director of Planning Services concurs with the Manager that the contravention is of a minor nature, impacts are minimal, or it is not in the public interest to enforce.
- 6.1.5 Complainants may request that the closing of a file be reviewed by another Officer or the Manager.

6.2 Respondents, Complainants and the local trust committee will be notified in writing when a file has been closed and the reason for closing the file.

6.3 Bylaw investigation files will not be reopened once closed. If a similar complaint is made a new investigation will be commenced.

7. PRIORITY OF INVESTIGATION

7.1 As bylaw enforcement resources are limited, investigations will be prioritized as follows:
- 7.1.1 By specific direction of a local trust committee;
- 7.1.2 Where there are health and safety concerns;
- 7.1.3 Where adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion; and
- 7.1.4 Other contraventions of land use bylaws and other bylaws.

8. VOLUNTARY COMPLIANCE AND MEDIATION

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

8.2 Persons alleged to have committed contraventions and Complainants may be invited by staff to participate in a process designed to:
- 8.2.1 Provide full information and exchange of information;
- 8.2.2 Confirm facts;
- 8.2.3 Explore opportunities for compliance;
- 8.2.4 Negotiate a timeline for compliance;
- 8.2.5 Reach compliance solutions.

9. REVIEWING THE CONDUCT OF BYLAW COMPLIANCE AND ENFORCEMENT OFFICERS

9.1 A person concerned about the conduct of an Officer, who is unable to resolve the concern with the Officer or informally with the Manager, may submit a written complaint to the Manager.

9.2 If the person is not satisfied with the response of the Manager, or the complaint involves the Manager, a review may be requested by submitting a request in writing to the Director of Planning Services.

9.3 Complaints may be submitted by email or mail, setting out the issue or concern, providing any evidence, and any remedies requested. Complaints will be recorded, and confidentiality and privacy protected.

9.4 Written complaints will be acknowledged with 10 business days, and acknowledgements will include information about who will be reviewing the complaint, contact information, a summary of the review process, and an estimated timeline.

9.5 Complaints will receive a preliminary assessment, the reviewing staff person will contact the Complainant to obtain any additional information, and seek early resolution where possible.

9.6 Assessment of complaints will be guided by principles of administrative fairness, and be conducted in a fair, timely and impartial manner.

9.7 Investigation of complaints should: define the issue or concern, gather evidence, maintain confidentiality, notify all affected persons, hear from all relevant persons, adhere to a timeline, and include an assessment of any risks. All steps in the investigation shall be documented, including all evidence gathered and considered.

9.8 The staff member conducting the investigation shall provide a written summary of the issues raised by the Complainant, how the investigation was conducted, the evidence considered, analysis in the context of standards and policies, the conclusion, reasons for the conclusion, and any actions taken or proposed to be taken.

9.9 The Complainant should be given an opportunity to comment on preliminary conclusions, and be given any information about appeal of the conclusions.

9.10 The written summary and conclusions shall be provided to the Complainant, affected staff member(s), and shall be filed.

9.11 Resolution of complaints may include:

9.11.1 A more detailed explanation of the Officer's actions;
9.11.2 Reconsideration of a decision, cancellation of a penalty, or closing of a file;
9.11.3 Recommended changes to policies and procedures;
9.11.4 Acknowledgement of an error and an apology; and
9.11.5 A conclusion that the Officer's conduct was proper.

9.12 If the Respondent is not satisfied with the Director's response, a formal administrative fairness complaint may be submitted following Administrative Fairness Principles in Trust

Council Policy 7.1.1 and the Handling of Administrative Fairness Complaints in Trust Council Policy 7.1.2.

9.13 The Director may determine that a person who makes repeated, unfounded and vexatious complaints about the conduct of an Officer or Manager be notified that no further submissions will be accepted from them on the subject of a specific investigation**,** and will be directed to other avenues, including but not limited to, the Office of the Ombudsperson.

10. BYLAW ENFORCEMENT NOTICES AND DISPUTE ADJUDICATION

10.1 Local trust committees wishing to establish a Bylaw Enforcement Notice and Dispute Adjudication system must adopt a Bylaw Enforcement Notification (BEN) Bylaw which:

- 10.1.1 Designates the bylaw contraventions that may be dealt with by a bylaw notice;
- 10.1.2 Establishes the amount of the administrative penalty for each contravention;
- 10.1.3 Sets the period within which a recipient may pay the administrative penalty or dispute a bylaw notice/request a review;
- 10.1.4 Establishes a bylaw notice dispute adjudication system; and
- 10.1.5 Establishes and designates screening Officers.

11. LEGAL ACTION

11.1 If unlawful activity does not cease or if compliance is not achieved, an Officer may make recommendations to the local trust committee, including taking civil action or closing the investigation without compliance.

11.2 Immediate legal action may be recommended to local trust committees if impacts of unlawful activity pose serious risk to persons or the environment.

11.3 *Offence Act* prosecutions may be recommended to the local trust committees under the following conditions:

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

12. LOCAL TRUST COMMITTEE ENFORCEMENT POLICIES

12.1 Local trust committees may adopt discretionary enforcement policies or procedures applying within a Local Trust Area. LTC policies should be consistent with Trust Council Policy and the legislated authority of the LTC. In adopting an enforcement policy, an LTC should consider the following:

- 12.1.1 Prioritizing or deferring enforcement based on scarce resources, the impacts of certain types of contraventions, and community priorities;
- 12.1.2 Establishing procedures and timing for property inspections;
- 12.1.3 Enforcement of types of contraventions without complaint;
- 12.1.4 The length of time for Respondents to comply, timing for issuing of Bylaw Warning Notices, and timing for issuance of Bylaw Violation Notices;
- 12.1.5 Discretion in closing files, including the nature and urgency of the complaint or

alleged contravention, the circumstances of the Respondent, and the impact of the contravention on the Complainant and community;

12.1.6 Regular reporting to the LTC on open files; and

12.1.7 Communications between trustees and the Manager.

13. BYLAW NOTICE DEBT

13.1 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 concur that contraventions on the subject property no longer exist, and/or it is not in the interest of Islands Trust to pursue the debt.

14. CONFIDENTIALITY

14.1 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*.

15. FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS

15..1 Persons may be declared vexatious Complainants if the Director of Planning Services and the Manager concur that the person has made complaints which meet the definition for a vexatious complaint. In such an instance, the Complainant will be notified that no further submissions will be accepted from them on the subject of the complaints, however this does not prevent the Complainant from making complaints on different matters.

15.2 The Manager may refuse to open a file for a complaint considered to be frivolous, repeat, or one made by a declared vexatious Complainant.

16. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

16.2 The local trust committee will be notified when a bylaw investigation file is opened, the notification will include the type of contravention and the street name where it is alleged to be occurring, but the name and address of the Complainant and alleged violator will not be included in the notification.

16.3 Local trust committees will be notified when a bylaw investigation file has been closed.

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

16.5 Local trust committees and trustees will not be involved in the investigation of a complaint, the preparation of bylaw enforcement reports, the issuance of Bylaw Notices, or in the adjudication process.

16.6 Local trust committees should adopt enforcement policies to prioritize compliance and enforcement, to direct proactive enforcement, and to establish specific procedures.

16.7 Local trust committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

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

17. BEST PRACTICES MANUAL

17.2 The Manager will maintain a public best practices manual that outlines practices, processes and procedures in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016 or in subsequent updated versions of the same reference material.

C. Legislated References

15. Islands Trust Act
16. Local Government Act
17. Offence Act

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

- Local Trust Committee Bylaw Compliance and Enforcement Policy Template (attached)
- BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016
- Best Practices Manual
- BC Local Government Bylaws>Bylaw Enforcement
- Local Trust Committee Compliance and Enforcement Policy Template
- Administrative Fairness Principles in Trust Council Policy 7.1.1
- Handling of Administrative Fairness Complaints in Trust Council Policy 7.1.2.

Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	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; XXXX, 2025
Policy Holder:	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~~Trust Area and its unique amenities and environment for the benefit of residents of the ~~trust area~~Trust Area and of the province generally by ensuring compliance with ~~Local Trust Committees' Bylaws.~~ local trust committee bylaws.

Guiding Principles

The following principles are intended to align with the mandate of the Islands Trust, adhere to the best practices outlined by the BC Office of the Ombudsperson, and ensure procedural fairness in all enforcement actions:

1. **Fairness and Impartiality**: Apply bylaws consistently, ensuring decisions are unbiased and equitable for diverse island communities.
2. **Transparency and Communication**: Provide clear, accessible information about enforcement policies, processes, and outcomes with understandable and meaningful reasons for the decision(s) made throughout the bylaw investigation and enforcement process to foster trust and understanding.
3. **Focus on Education and Compliance**: Emphasize public education and voluntary compliance with bylaws.
4. **Procedural Fairness**: Ensure timely notification of alleged infractions, offer opportunities to Respondents to be heard throughout the process, and guarantee unbiased decision-making.
5. **Proportionality and Discretion**: Tailor enforcement actions to the severity and context of the infraction, with a focus on voluntary compliance.
6. **Efficiency**: Prioritize significant violations that impact environmental sustainability or community safety, while streamlining processes for minor cases.
7. **Engagement and Inclusivity**: Collaborate with island communities to ensure enforcement practices reflect local values and consider marginalized populations.
8. **Accountability and Oversight**: Regularly review enforcement activities and maintain oversight to uphold public confidence and encourage local trust committees to update and align bylaws and to identify opportunities to make bylaws clear and coherent.
9. **Respect for Privacy**: Safeguard the confidentiality of Complainants and individuals involved in enforcement actions, in compliance with privacy laws.

Roles and Responsibilities

Islands Trust Council provides overall policy direction, approves budgets, and reviews performance through regular reporting.

Executive Committee provides oversight of enforcement across all local trust areas, and approving funding for litigation when requested by local trust committees.

Local trust committees (LTC) adopt and amend bylaws and are authorized to direct enforcement of their bylaws, ensuring that bylaws reflect community values through adoption of specific LTC enforcement policies and direction to staff on significant cases and potential litigation.

Local Trustees represent the interests and concerns of their constituents and may be asked to provide information to Complainants or Respondents, but are not directly involved in bylaw enforcement investigations.

Members of the Public and Complainants are encouraged to submit accurate complaints in good faith, engage respectfully with staff, and uphold the confidentiality of enforcement processes.

Bylaw Compliance and Enforcement Officers (Officers) are responsible for investigating complaints, communicating clearly with Respondents, determining if there is a contravention, and applying progressive enforcement actions proportionally, with an emphasis on education and compliance.

The Manager of Bylaw Compliance and Enforcement (Manager) is responsible for the overall administration of the bylaw enforcement program, including supervising Bylaw Compliance ~~A~~and Enforcement Officers, ensuring adherence to policies and procedures, and providing expertise on complex or sensitive cases. The Manager coordinates with other departments, ensures alignment with legal and regulatory requirements, and reports on enforcement activities to senior management and elected officials.

Senior Management ensures staff have the resources and training needed for effective enforcement, facilitates communication among interested and affected parties, oversees adherence to policy, and reviews complaints regarding the conduct of Bylaw Compliance and Enforcement Officers.

Planners and **Regional Planning Managers** assist in the interpretation of bylaws and ensuring consistency with planning objectives. They support Bylaw Compliance and Enforcement Officers ~~enforcement officers~~ by providing information on the intent and application of bylaws, and contribute to resolving compliance issues by providing compliance options to Respondents and local trust committees.

Legal Counsel supports local trust committees and staff by providing legal opinions on interpretation, advice on potential litigation, and representation in cases of litigation.

A. Definitions

1. *Bylaw Notice* means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act.*
2. *Determination Letter* means written decision provided to respondents on the outcome of an investigation summarizing supporting evidence, actions to achieve voluntary compliance, consequences of non-compliance, and information on the Respondent's rights to respond or dispute the determination.
3. *Discretion in Administrative Decision-making* means the application of the power to choose between two or more possible courses of action using professional judgment and expertise
4. *Frivolous complaint* means a complaint not having any serious purpose or value, often lacking in merit.
5. ~~1.~~ *Long-form information* means a complaint sworn before a Provincial Court judge by a Bylaw Compliance ~~A~~and Enforcement Officer.
6. *Notice Letter* means a written document sent to a Respondent once an investigation file is opened summarizing the potential violation and providing contact information for the

assigned Bylaw Compliance and Enforcement Officer~~officer~~.

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

8. *Vexatious complaint* means a complaint made solely for retaliatory or in bad faith intended to cause harassment, or otherwise forms part of a pattern of conduct by the Complainant that amounts to an abuse of the complaint process.

B. Policy

~~**1. COMPLIANCE**~~

~~1.1 Compliance is sought~~

1. OBJECTIVE

1.1 The objective of this policy to establish clear procedures, expectations and standards for Islands Trust's bylaw compliance and enforcement program. The goal of the bylaw compliance and enforcement program is to achieve bylaw compliance 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.

~~**15. 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.~~

2. ~~3.~~ COMMENCING INVESTIGATIONS

~~3.1 Bylaw~~

2.1 Complaint-based investigations are commenced as follows:

2.1.1 Complaints must be made in writing by email, through an on-line complaint form or portal, by mail, or delivered in-person.

2.1.2 Anonymous complaints are not accepted.

2.1.3 Complaints meeting the definition of a frivolous, repeat, or vexatious are not accepted.

2.1.4 All written complaints will be acknowledged in writing and recorded.

~~2.1~~2.2 Where a written complaint has not been received, 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~~

2.2.1 By direction of a local trust committee;

~~2.1.1~~2.2.2 Bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;

~~2.1.2~~2.2.3 ~~3.1.3 bylaw~~Bylaw contraventions appear to cause health and safety issues;

~~2.1.3~~2.2.4 ~~3.1.4 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;

2.2.5 ~~3.1.5 a~~A referral is received from a permitting agency that identifies alleged ~~land use~~ bylaw contraventions~~ associated~~; or

2.2.6 Advertising of unlawful uses;.

3. INVESTIGATION AND PROGRESSIVE ENFORCEMENT

3.1 After receiving a complaint, it will be reviewed to determine whether or not it potentially falls within the local trust committee's jurisdiction.

3.2 A complaint that does not fall within the jurisdiction of a local trust committee may be referred to another agency with ~~the permit~~jurisdiction or the Complainant may be directed to the agency with jurisdiction.

3.3 If the Manager determines that there is no potential violation, the Complainant will be informed and given the opportunity to provide more information.

3.4 If the Manager determines that there is a potential violation, a file is opened, and the Respondent will receive a Notice Letter, providing a summary of the issue, contact details of the assigned O~~o~~fficer, and encouraging the Respondent to contact the O~~o~~fficer. The Complainant will be notified that a file has been opened.

3.5 The Officer will investigate the potential violation, including:

3.5.1 Reviewing all relevant bylaws, policies, and procedures.

3.5.2 Arranging a site inspection. Site inspections will be conducted in accordance with the policies in Section 4 below.

3.5.3 Hearing from the Respondent and potentially from the Complainant.

3.5.4 Reviewing evidence gathered from a site inspection and relevant bylaws.

3.5.5 Reviewing all relevant infraction and legal history.

3.5.6 Consulting with the Manager, planners, and Regional Planning Manager.

3.5.7 Reporting potentially problematic, inconsistent or contentious issues to the LTC.

3.5.8 Seeking legal advice where required.

3.6 Based on the outcome of the investigation, the O~~o~~fficer will make a determination if there is a contravention.

3.7 Respondents will be notified in writing of the determination of an investigation. A Determination letter will include:

3.7.1 The purpose of the letter, referencing any relevant investigations or prior communications.

3.7.2 The Respondent's name, address, and the property address involved.

3.7.3 Specific bylaw regulation(s) violated and summarize supporting evidence, including facts and documentation.

3.7.4 Outline actions to achieve voluntary compliance, along with reasonable deadlines and monitoring processes.

3.7.5 Potential consequences of non-compliance and information on the Respondent's rights to respond or dispute the determination.

3.7.6 The Officer's contact details and any resources to assist with compliance.

3.7.7 Copies of supporting evidence.

~~2.2~~3.8 A Respondent may request~~;~~ that a determination of a contravention be reviewed by the Manager.

~~3.1.6 advertisements exist for apparently unlawful uses;~~

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

3.9 ~~4.~~ Complainants may request a review of a file by the Manager where the investigation has determined that there is no contravention.

3.10 If either a Respondent or Complainant is not satisfied with the review of a determination by the Manager, a written complaint may be submitted to the Director of Planning Services. The Director may make a determination singly or in consultation with the relevant Regional Planning Manager and planner.

3.11 Voluntary compliance may involve a Respondent requesting time to comply; or requesting that enforcement be paused, subject to local trust committee policies, while proceeding with an application that would have a reasonable likelihood of success in legalizing the contravention.

3.12 Where a local trust committee has adopted a Bylaw Enforcement Notification Bylaw, and voluntarily compliance is not forthcoming within a reasonable time, or there is an immediate threat to health or safety or the natural environment, or an LTC has adopted a relevant enforcement policy, an O~~o~~fficer may issue a Bylaw Warning Notice or a Bylaw Violation Notice.

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3.14 Complainants can request information about an open bylaw enforcement file at any time. The Complainant will be updated by the ~~Bylaw Compliance and Enforcement~~ Officer if:

- 3.14.1 The file is put on hold, along with the reason for this action.
- 3.14.2 The local trust committee has made a decision regarding the file.
- 3.14.3 The file has moved to litigation at which time the identity of the Complainant may become public information.
- 3.14.4 The file is closed.

4. INVESTIGATIVE APPROACH AND CONDUCT

4.1 ~~Bylaw Compliance and Enforcement~~ Officers, staff, and managers will uphold principles of accountability, impartiality, integrity, protection, respectfulness and service, to complement the required skills, education, and behavioral competencies listed in job profiles and within the Oath of Employment.

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- 4.3.1 Conducting investigations with an understanding of the specific context and circumstances of the individual or property owner involved.
- 4.3.2 Respecting cultural differences, provide accommodations for individuals with disabilities, and ensure accessibility for those facing language barriers during the investigative process.
- 4.3.3 Ensuring investigations are proportionate to the nature of the complaint and violation, considering factors such as the person's ability to comply, any hardships they may face, and their willingness to cooperate.
- 4.3.4 Exercising discretion when determining the scope and approach to an investigation, providing flexibility such as extended timelines or alternative solutions when warranted by an individual's circumstances.
- 4.3.5 Ensuring investigations will be free from bias or discrimination based on race, gender, age, disability, socio-economic status, or other protected characteristics.

5. SITE INSPECTIONS

5.1 **Entry with Notice:** When entry onto private property is required to investigate a bylaw complaint, ~~o~~Officers will provide prior written notice to the property owner or occupier, except in cases described below. Notice will include the purpose of the visit, applicable authority under provincial legislation, bylaws and policies, and proposed timing.

Entry will occur only during reasonable hours, with efforts to minimize disruption and ensure respect for the property and its occupants. Investigations will focus exclusively on the specific alleged bylaw contraventions outlined in the complaint unless other observations pose an immediate risk to public health, safety, or the environment. Officers should answer reasonable questions related to the purpose of the visit and the bylaw complaint investigation process.

5.2 **Entry without Notice:** In exceptional circumstances, where prior notice is not feasible or where immediate entry is required to address urgent concerns about health, safety, or the environment, O~~o~~fficers may enter property as authorized under the *Local Government Act*. Officers will document the justification for entry without notice, specifying the urgency and applicable legal authority, and will notify the property owner or occupier as soon as practicable following the visit.

5.3 **Legal Compliance and Fairness:** Property entries will comply with the *Charter of Rights and Freedoms*, applicable provincial legislation, and local trust committee bylaws and policies. To ensure fairness, investigations will be limited to the specific subject matter of the complaint except where the O~~o~~fficer observes issues that pose a risk to health, safety or the environment.

5.4 **Documentation:** ~~Bylaw Compliance and Enforcement~~ Officers will maintain records of all property entries, including notice provided (or reasons for its omission), observations made, and actions taken.

5.5 **Reasonableness and Accountability:** Property entry practices will aim to balance enforcement needs with respect for individual privacy and property rights. Officers will act reasonably and proportionately, prioritizing voluntary compliance and education wherever possible.

~~3.~~6. CLOSING INVESTIGATIONS

~~3.1~~6.1 ~~4.1~~ Bylaw investigation files ~~can~~will be closed in ~~one or more of~~ the following circumstances:

- ~~3.1.1~~6.1.1 ~~4.1.1~~ ~~if~~It is determined that no contravention ~~existed~~exists;
- ~~3.1.2~~6.1.2 ~~4.1.2~~ ~~if compliance~~Compliance has been achieved;
- ~~3.1.3~~6.1.3 ~~4.1.3~~ ~~on~~On direction of a ~~Local Trust Committee;~~local trust committee; or
- ~~3.1.4~~6.1.4 ~~4.1.4~~ ~~if~~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~~nature, impacts are minimal, or it is not in the public interest to enforce.

- 6.1.5 ~~**5.**~~ Complainants may request that the closing of a file be reviewed by another ~~Bylaw Compliance and Enforcement~~ Officer or the Manager.

6.2 Respondents, Complainants and the local trust committee will be notified in writing when a file has been closed and the reason for closing the file.

6.3 Bylaw investigation files will not be reopened once closed. If a similar complaint is made a new investigation will be commenced.

~~4.~~7. PRIORITY OF INVESTIGATION

~~5.1 The workload for~~

~~4.1~~7.1 As bylaw enforcement resources are limited, investigations will be prioritized as follows:

- ~~4.1.1~~7.1.1 ~~5.1.1~~ ~~by~~By specific direction of a ~~Local Trust Committee~~local trust committee;
- ~~4.1.2~~7.1.2 ~~5.1.2~~ Where there are health and safety ~~issues;~~ concerns;
- ~~4.1.3~~7.1.3 ~~5.1.3~~ Where adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion; and
- ~~4.1.4~~7.1.4 ~~5.1.4~~ Other contraventions of land use bylaws and other bylaws.

~~5.~~8. ~~6.~~ VOLUNTARY COMPLIANCE AND MEDIATION

~~6.1 Bylaw investigation efforts~~

~~5.1~~8.1 Efforts to gain compliance should be conducted using the principles and techniques employed in mediation.

~~5.2~~8.2 ~~6.2~~ Persons alleged to have committed contraventions and ~~complainants~~Complainants may be invited by staff to participate in a process designed to:

- ~~5.2.1~~8.2.1 ~~6.2.1~~ ~~provide~~ Provide full information and exchange of information;
- ~~5.2.2~~8.2.2 ~~6.2.2~~ ~~confirm~~Confirm facts;
- ~~5.2.3~~8.2.3 ~~6.2.3~~ ~~explore~~Explore opportunities for compliance;
- ~~5.2.4~~8.2.4 ~~6.2.4~~ ~~negotiate~~Negotiate a timeline for compliance;
- ~~5.2.5~~8.2.5 ~~6.2.5~~ ~~reach a~~Reach compliance ~~solution~~solutions.

9. ~~7.~~ REVIEWING THE CONDUCT OF BYLAW COMPLIANCE AND ENFORCEMENT OFFICERS

9.1 A person concerned about the conduct of an ~~Bylaw Compliance and Enforcement~~ Officer, who is unable to resolve the concern with the ~~O~~officer or informally with the Manager, may submit a written complaint to the Manager.

9.2 If the person is not satisfied with the response of the Manager, or the complaint involves the Manager, a review may be requested by submitting a request in writing to the Director of Planning Services.

9.3 Complaints may be submitted by email or mail, setting out the issue or concern, providing any evidence, and any remedies requested. Complaints will be recorded, and confidentiality and privacy protected.

9.4 Written complaints will be acknowledged with 10 business days, and acknowledgements will include information about who will be reviewing the complaint, contact information, a summary of the review process, and an estimated timeline.

9.5 Complaints will receive a preliminary assessment, the reviewing staff person will contact the Complainant to obtain any additional information, and seek early resolution where possible.

9.6 Assessment of complaints will be guided by principles of administrative fairness, and be conducted in a fair, timely and impartial manner.

9.7 Investigation of complaints should: define the issue or concern, gather evidence, maintain confidentiality, notify all affected persons, hear from all relevant persons, adhere to a timeline, and include an assessment of any risks. All steps in the investigation shall be documented, including all evidence gathered and considered.

9.8 The staff member conducting the investigation shall provide a written summary of the issues raised by the Complainant, how the investigation was conducted, the evidence considered, analysis in the context of standards and policies, the conclusion, reasons for the conclusion, and any actions taken or proposed to be taken.

9.9 The Complainant should be given an opportunity to comment on preliminary conclusions, and be given any information about appeal of the conclusions.

9.10 The written summary and conclusions shall be provided to the Complainant, affected staff member(s), and shall be filed.

9.11 Resolution of complaints may include:
- 9.11.1 A more detailed explanation of the O~~o~~fficer's actions;
- 9.11.2 Reconsideration of a decision, cancellation of a penalty, or closing of a file;
- 9.11.3 Recommended changes to policies and procedures;
- 9.11.4 Acknowledgement of an error and an apology; and
- 9.11.5 A conclusion that the O~~o~~fficer's conduct was proper.

9.12 If the Respondent is not satisfied with the Director's response, a formal administrative fairness complaint may be submitted following Administrative Fairness Principles in Trust Council Policy 7.1.1 and the Handling of Administrative Fairness Complaints in Trust Council Policy 7.1.2.~~.~~

9.13 The Director may determine that a person who makes repeated, unfounded and vexatious complaints about the conduct of an O~~o~~fficer or Manager be notified that no further submissions will be accepted from them on the subject of a specific investigation, and will be directed to other avenues, including but not limited to, the Office of the Ombudsperson.

10. BYLAW ENFORCEMENT NOTICES AND DISPUTE ADJUDICATION

10.1 Local trust committees wishing to establish a Bylaw Enforcement Notice and Dispute Adjudication system must adopt a Bylaw Enforcement Notification (BEN) Bylaw which:
- 10.1.1 Designates the bylaw contraventions that may be dealt with by a bylaw notice;
- 10.1.2 Establishes the amount of the administrative penalty for each contravention;
- 10.1.3 Sets the period within which a recipient may pay the administrative penalty or dispute a bylaw notice/request a review;
- 10.1.4 Establishes a bylaw notice dispute adjudication system; and
- 10.1.5 Establishes and designates screening ~~o~~Officers.

~~6.~~11. 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~~

~~6.1~~11.1 ~~7.1.2~~n ~~Bylaw Compliance and Enforcement~~ Officer may make recommendations to the ~~Local Trust Committee on how to proceed~~local trust committee, including taking civil action or closing the investigation without compliance.

~~6.2~~11.2 ~~7.2~~ Immediate legal action may be recommended to ~~Local Trust Committees or~~

~~bylaw violation notices issued~~local trust committees if impacts of unlawful activity ~~risk~~pose serious ~~harm~~risk to persons or the environment.

~~6.3~~11.3 ~~7.3~~ *Offence Act* prosecutions may be recommended to the ~~Local Trust Committees~~local trust committees under the following conditions:

- ~~6.3.1~~11.3.1 ~~7.3.1~~ Offence Act prosecutions are to be used only for serious land use permit contraventions~~.~~;
- ~~6.3.2~~11.3.2 ~~7.3.2~~ A long-form information may be sworn only after approval by a local trust committee; ~~and~~
- ~~6.3.3~~11.3.3 ~~7.3.3~~ Executive Committee has approved legal funding for the prosecution; and
- ~~6.3.4~~11.3.4 ~~7.3.4~~ The long-form information has been reviewed and prepared by legal counsel.

12. ~~8.~~ LOCAL TRUST COMMITTEE ENFORCEMENT POLICIES

12.1 Local trust committees may adopt discretionary enforcement policies or procedures applying within a Local Trust Area. LTC policies should be consistent with Trust Council Policy and the legislated authority of the LTC. In adopting an enforcement policy, an LTC should consider the following:

- 12.1.1 Prioritizing or deferring enforcement based on scarce resources, the impacts of certain types of contraventions, and community priorities;
- 12.1.2 Establishing procedures and timing for property inspections;
- 12.1.3 Enforcement of types of contraventions without complaint;
- 12.1.4 The length of time for Respondents to comply, timing for issuing of Bylaw Warning Notices, and timing for issuance of Bylaw Violation Notices;
- 12.1.5 Discretion in closing files, including the nature and urgency of the complaint or alleged contravention, the circumstances of the Respondent, and the impact of the contravention on the Complainant and community;
- 12.1.6 Regular reporting to the LTC on open files; and
- 12.1.7 Communications between trustees and the Manager.

~~7.~~13. BYLAW NOTICE DEBT

~~7.1~~13.1 ~~8.1~~ 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/or it is not in the interest of Islands Trust to pursue the debt.

~~8.~~14. ~~9.~~ CONFIDENTIALITY

~~8.1~~14.1 ~~9.1~~ Information in regards to a ~~complainant~~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*.

15. ~~10.~~ FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS

15..1 Persons may be declared vexatious Complainants if the Director of Planning Services and the Manager ~~of Bylaw Compliance and Enforcement~~ concur that the person has made complaints which meet the definition for a vexatious complaint. In such an instance, the Complainant will be notified that no further submissions will be accepted from them on the subject of the complaints, however this does not prevent the Complainant from making complaints on different matters.

15.2 The Manager may refuse to open a file for a complaint considered to be frivolous, repeat, or one made by a declared vexatious Complainant.

16. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

~~10.1 Trustees~~

16.2 The local trust committee will be ~~immediately advised~~notified when a bylaw investigation file is opened ~~indicating~~, the notification will include the type ~~and area where the~~ of contravention and the street name where it is alleged to ~~occur~~be occurring, but ~~names~~the name and ~~addresses~~address of the ~~complainant~~Complainant and alleged violator will not be ~~communicated~~included in the notification.

16.3 ~~10.2~~ Local trust committees will be notified when a bylaw investigation file has been closed.

~~16.3~~16.4 Trustees may make a written complaint alleging a bylaw contravention.

~~16.4~~16.5 ~~10.3~~ Local ~~Trust Committees~~trust committees and trustees ~~are~~will not ~~to~~ be involved in the investigation of a complaint ~~or~~, the preparation of bylaw enforcement reports~~.~~, the issuance of Bylaw Notices, or in the adjudication process.

~~16.5~~16.6 ~~10.4~~ Local ~~Trust Committees may make bylaw~~trust committees should adopt enforcement policies to ~~direct~~prioritize compliance and enforcement ~~in regards to~~, to direct proactive enforcement, and to establish specific ~~issues~~procedures.

~~16.6~~16.7 ~~10.5~~ Local ~~Trust Committees~~trust committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

~~16.7~~16.8 ~~10.6~~ Trust Council will be informed of the volume and type of bylaw enforcement files bi- annually.

17. BEST PRACTICES MANUAL

17.2 The Manager ~~of Bylaw Compliance and Enforcement~~ will maintain a public best practices manual that outlines practices, processes and procedures in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016 or in subsequent updated versions of the same reference material.

C. Legislated References

~~*1. Islands Trust Act*~~

~~2. *Offence Act*~~

15. *Islands Trust Act*
16. *Local Government Act*
17. *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~~

~~BC Local Government Bylaws>Bylaw Enforcement~~

- Local Trust Committee Bylaw Compliance and Enforcement Policy Template (attached)
- BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016
- Best Practices Manual
- BC Local Government Bylaws>Bylaw Enforcement
- Local Trust Committee Compliance and Enforcement Policy Template
- Administrative Fairness Principles in Trust Council Policy 7.1.1
- Handling of Administrative Fairness Complaints in Trust Council Policy 7.1.2.

Section	Suggested amendment	Outcome
Whole document	Standardize capitalization of respondent and complainant	Done
Whole document	Standardize title of Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officer	Done
Add to Guiding Principle 2	"*with understandable and meaningful reasons for the decision(s) made throughout the bylaw investigation and enforcement process*"	Done
Move Guiding Principle 9 to position 3	-	Done
Add to Guiding Principle 3 Procedural Fairness	"offer opportunities *to Respondents* to be heard *throughout the process"*	Done
Guiding Principle 7 Accountability and Oversight	"*Trust Council encourages Local Trust Committees to update and align their bylaws and identify opportunities to make bylaws more clear and coherent*"	Done
Roles and Responsibilities – LTC	"LTCs are authorized to *create and implement*, and to enforce LTC bylaws" "to enact and adopt bylaws and ensure they reflect community values"	Done – reworded to capture intent
Roles and Responsibilities – Add Trustee section to Roles and Responsibilities	*Wording TBD*	Done – reworded to capture intent
A. Definitions - Add Determination Letter - Add Notice Letter	Add a summary from section 3.8, the definition of Determination Letter and Notice Letter	Done
Definitions - Add Discretion	*"Discretion in administrative decision making involves the power to choose between two or more possible courses of action using professional judgment and expertise." (from Ombudsperson Quick Tips: Exercising Discretion Fairly)*	Done
B. Policy Objective	Add *"To establish clear procedures, expectations and standards for Islands Trust's bylaw compliance and enforcement program."*	Done

	The goal of the Bylaw Compliance and Enforcement program is to achieve bylaw compliance through a combination of education, mediation and enforcement techniques… *Corrective action as soon as reasonably possible [add comma], and the cessation of unlawful activity.*	
Policy 2. Commencing Investigations	Include frivolous, repeat or vexatious complainant language "*and whether the complaint meets the definition of a frivolous, vexatious, or repeat complaint.*"	Done
Policy 2.1 Commencing Investigations separated into the following sections: 1. Complaint-based investigations, and 2. Non-Complaint based investigations	*2.1 Complaint -based investigations are commenced as follows:* *Complaints must be made in writing by email, through an on-line complaint form or portal, by mail, or delivered in-person.* *Anonymous complaints are not accepted.* *All written complaints will be acknowledged in writing and recorded.* *2.2 When a written complaint has not been received, investigations may be initiated by Bylaw Compliance and Enforcement Officers in one or more of the following circumstances:* *By direction of the Local Trust Committee* *Bylaw contraventions that appear to cause health and safety issues;* *Bylaw contraventions that appear to have an adverse environmental impact.* *Bylaw contraventions that 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;* *A referral is received from a permitting agency that identifies alleged bylaw contraventions;* *Advertising of unlawful uses;*	Done, but with setbacks from waterbodies and in DPAs retained.
Policy 3.6 unique circumstances	Create as a separate section – Equitable Enforcement	Moved to new Section 4
Policy 3.5 Investigations	*Ex. "Bylaw enforcement teams are encouraged to proactively report problematic, inconsistent or contentious bylaws to the Local Trust Committee for review."*	Done

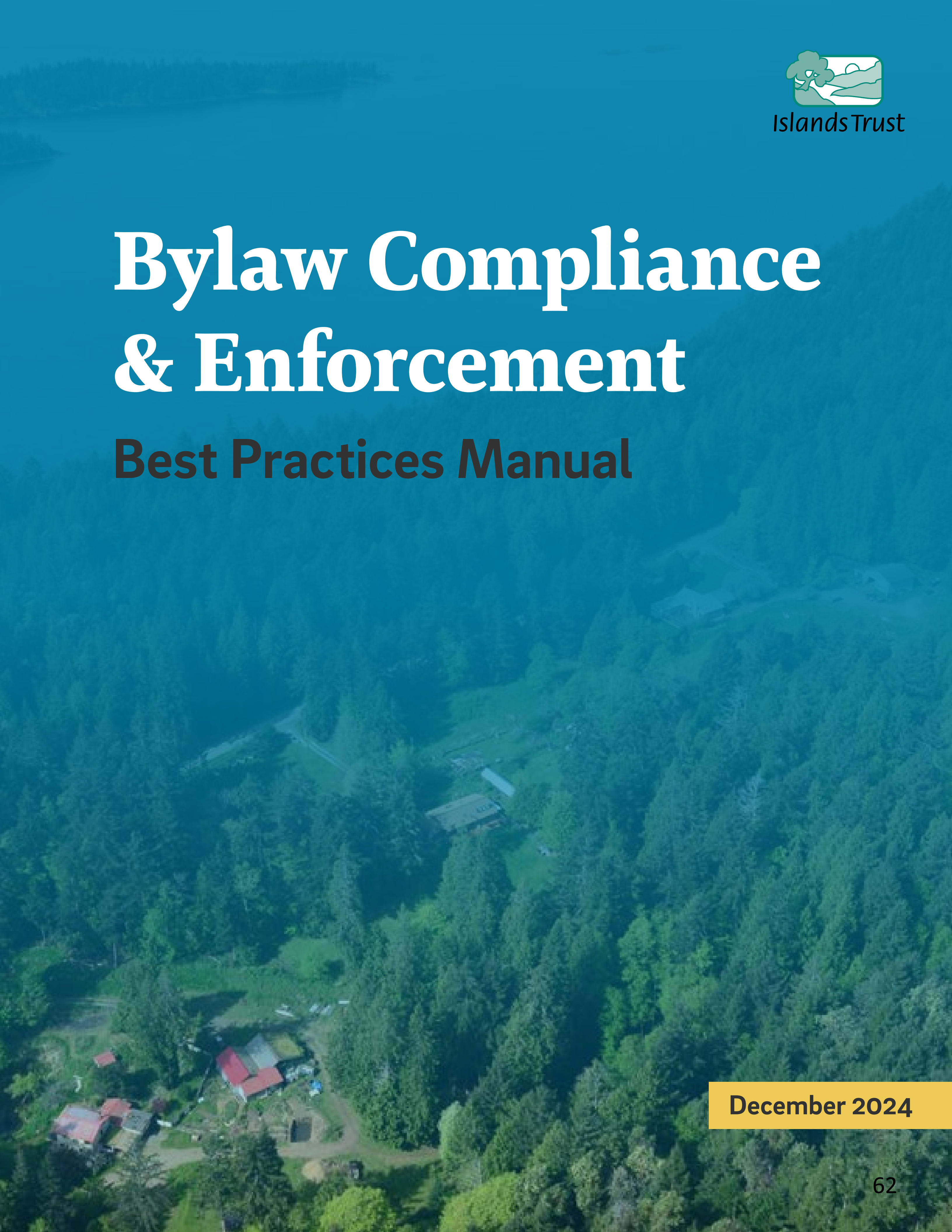
	Staff given direction to capture in their words	
Policy 4.1 site inspections	"*see section 4.2*" in place of "except in cases where doing so would compromise the investigation": cases are described in 4.2 and should reference 4.2 for explication	Done – "except in cases described below added"
Policy Remove Section 3.6; **New section between 3 and 4** Title: Investigative Approach and Conduct of Bylaw Compliance and Enforcement Officers	*4.1 Bylaw Compliance and Enforcement Officers, staff, and managers will uphold principles of accountability, impartiality, integrity, protection, respectfulness and service, to* ***complement*** *the required skills, education, and behavioral competencies listed in job profiles and within the Oath of Employment.* *4.2 Bylaw Compliance and Enforcement Officers, staff, and managers shall develop, maintain, and apply skills such as control of non-verbal communications, active listening, and building rapport with constituents.* *4.3 When determining the appropriate and fair investigative approach and enforcement actions, the Officer should consider each person's unique circumstances. This includes:* *4.3.1 Conducting investigations with an understanding of the specific context and circumstances of the individual or property owner involved.* *4.3.2 Respecting cultural differences, provide accommodations for individuals with disabilities, and ensure accessibility for those facing language barriers during the investigative process.* *3.6.3 Ensuring investigations are proportionate to the nature of the complaint and violation, considering factors such as the person's ability to comply, any hardships they may face, and their willingness to cooperate.* *3.6.4 Exercising discretion when determining the scope and approach to an investigation, providing flexibility such as extended timelines or alternative solutions when warranted by an individual's circumstances.* *3.6.5 Ensuring investigations will be free from bias or discrimination based on race, gender, age, disability, socio-economic status, or other protected characteristics*	Done – new Section 4. Section 8 deleted

Policy Section 6. **Change title to Priority of Investigation**	Section requires review	Done: - Added wording - added "other" to 7.1.4
Policy Section 10. Bylaw Adjudication System	Opportunity to introduce Screening Officer role here	Added "Establishes and designates screening officers" as a new 10.1.5

Islands Trust

Bylaw Compliance & Enforcement

Best Practices Manual



December 2024

Contents

4 **Definitions**

5 **Roles and Responsibilities**

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

6 **What initiates a Bylaw Compliance & Enforcement case file?**

7 **How can complaints be sent to the Islands Trust?**

8 **What is not a complaint?**

8 **When are Bylaw Compliance and Enforcement case files closed?**

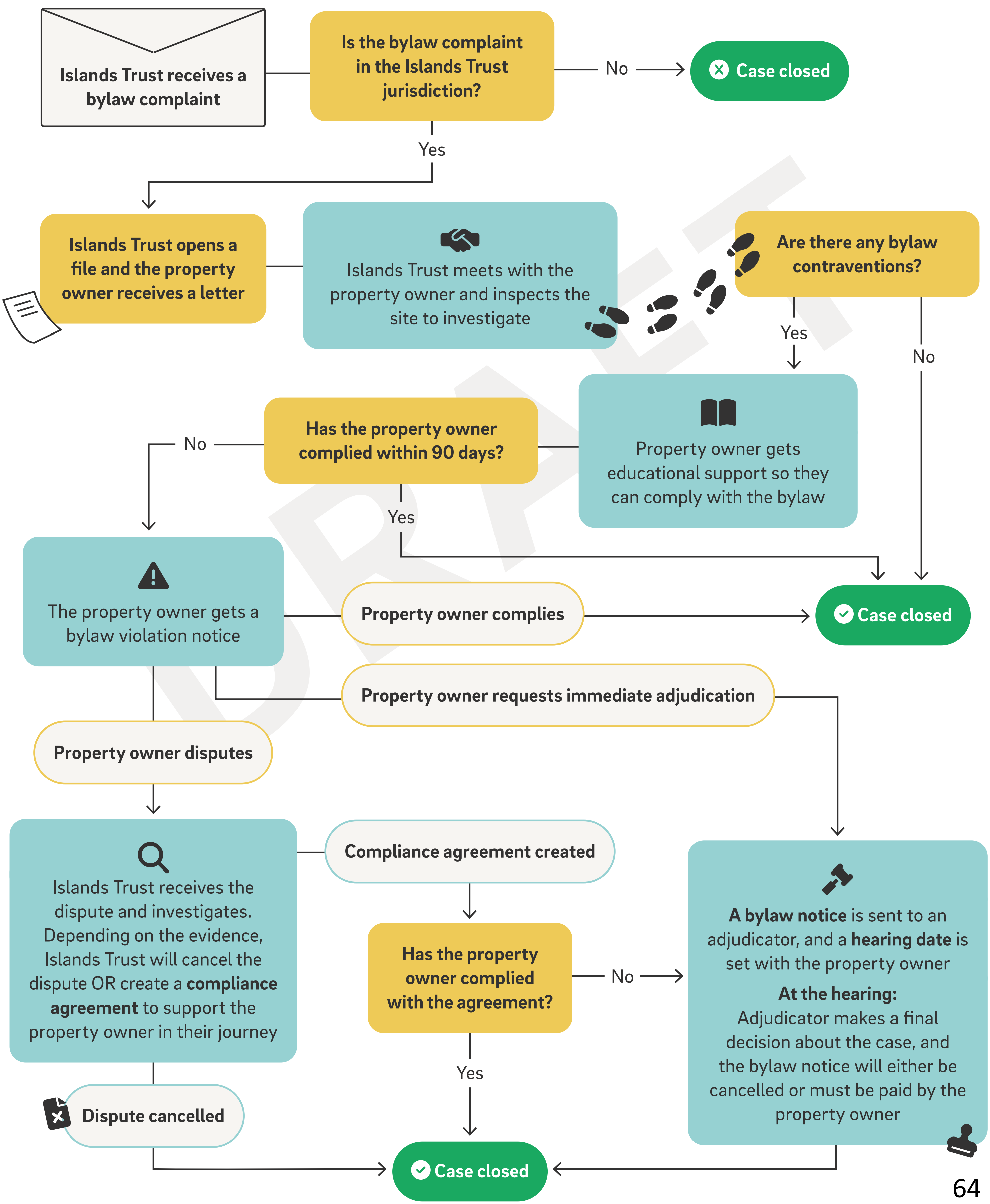
8 **How is compliance achieved?**

- 9 Bylaw Compliance and Enforcement Process
- 12 When Compliance is not achieved
- 12 Appealing Decisions Made by a Bylaw Compliance and Enforcement Officer
- 13 Reviewing the Conduct of Bylaw Compliance and Enforcement Officers
- 13 Public access to records
- 13 Bylaw Enforcement Notices and Dispute Adjudication System

23 **Referenced Documents**

Bylaw Enforcement Pathway:
Steps to Compliance

Islands Trust



Definitions

Adjudicator means an independent party whom the Province of British Columbia appoints to decide if a Bylaw Violation Notice will be upheld or cancelled.

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

Complaints a report of an alleged contravention made by any person.

Complainant a person who has made an official complaint.

Disputant means a respondent who has been given a Bylaw Violation Notice, and disputed it.

Local government refers to municipalities and regional districts which provide services to local communities. In this document, the local government referred to is Islands Trust.

Ombudsperson Office is an independent, impartial office of the provincial legislature that investigates complaints about unfair administrative actions by public authorities. It is meant to uphold transparency and accountability within public institutions by offering a free, accessible service for individuals who feel they have been treated unjustly by public agencies. The office does not have the power to enforce decisions but can recommend corrective actions.

Respondent means those responding to allegations of bylaw contraventions.

Screening Officer is an Islands Trust staff member appointed to review a disputed Bylaw Violation Notice.

Vexatious Complaints are frivolous, repeat or false complaints, or ones made in bad faith, that are meant to harass, annoy, irritate, or are for retaliatory purposes.

Roles and Responsibilities

Effective bylaw enforcement within 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.

Trustees

- Community Representation: Trustees 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.
- Policy Development and Approval: Trustees of Islands Trust are primarily involved in governance aspects, including setting policies that guide bylaw enforcement. They approve bylaws that regulate land use and community planning within the Islands Trust Area.
- Strategic Oversight: Trustees oversee the general strategic direction of Islands Trust, ensuring that bylaw enforcement aligns with the broader goals of conservation and sustainable community development.

Staff

- Bylaw Compliance and Enforcement Officers: These are specialized staff responsible for the practical aspects of enforcing the bylaws approved by trustees. Their duties include investigating complaints, gathering evidence, and ensuring compliance through education and regulation.
- Planning Staff are not directly involved in enforcement, but 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 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.

> Are you concerned about something on your property and want to get more information? Your Trustee can be a first point of contact in this conversation, without starting enforcement.

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

The Islands Trust works to preserve and protect the special environment and qualities of the Trust Area for the benefit of its residents and the province. The Bylaw Compliance and Enforcement program exists to support this goal and ensure public safety. This guide helps residents understand how the Islands Trust ensures people follow local bylaws. The goal is to encourage voluntary compliance with bylaws through education, mediation, and enforcement when necessary.

The Bylaw Compliance & Enforcement team looks into potential violations of land use rules set by local trust committees. The regulations are found in local trust committees' Land Use Bylaws; in Development Permit Areas within Official Community Plans; and in the Salt Spring Island Soil Deposit and Removal Bylaw. Islands Trust has the legal authority to enforce these rules under laws like the *Islands Trust Act* and the *Local Government Act of BC*.

The Islands Trust has a policy, Policy 5.5.1 Bylaw Compliance & Enforcement, that guides how bylaw investigations are handled. It explains how complaints are processed, prioritized, and resolved, aiming to do so fairly and effectively. Local trust committees adopt bylaws authorizing enforcement and may adopt bylaw enforcement policies specific to their communities.

The Manager of Bylaw Compliance and Enforcement follows best practices based on principles of fairness, as outlined in the report: 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, Islands Trust uses a complaint-based Bylaw Compliance and Enforcement process. This means that almost all case files result from complaints made by individuals in the community. Anyone can submit a complaint — you don't have to live in the area or be a resident.

As listed in Trust Council Policy 5.5.1 Section 5.1, this system gives priority to those bylaw infractions of greatest concern to island communities:

1. When directed by a local trust committee
2. Health and safety issues
3. Environmental impacts that could cause irreversible harm if not addressed quickly
4. Contraventions of land use bylaws and other bylaws

Once a complaint has been made, Islands Trust cannot decline to open a case file or decline to conduct an investigation because a complainant has changed their mind. Complainants are not victims of the offence and cannot "withdraw" their complaint.

In some cases, a Bylaw Compliance and Enforcement Officer can start an investigation even without a complaint. This happens when:

- Violations may cause health or safety risks
- Violations occur near water bodies
- Violations happen in development permit areas
- Violations are found during the building permit process
- Another agency refers a case involving land use issues
- Unlawful uses are advertised
- A local trust committee requests an investigation

How can complaints be sent to the Islands Trust?

Anyone who wants to make a complaint can:

- Fill out the Bylaw Compliance & Enforcement Complaint form on the Islands Trust website: https://islandstrust.bc.ca/mapping-resources/report-a-concern/
- Send an email to bylawenforcement@islandstrust.bc.ca
- Mail or drop off a letter to any Islands Trust office
- Complete a complaint form at any Islands Trust office

Complaints must be in writing, but staff can help by writing down the information for anyone who needs assistance.

Confidentiality

Anyone making a complaint must provide their or her name to the Islands Trust. Anonymous complaints are not accepted. The Islands Trust will try to keep the complainant's information confidential, but confidentiality cannot be guaranteed during legal proceedings or if a Freedom of Information request is made.

Islands Trust also receives referrals from other agencies (like regional districts) when they get a complaint that falls under Islands Trust's responsibility.

What is not a complaint?

Sometimes, people reach out to Islands Trust with questions about the Land Use Bylaw or Official Community Plan, not to report illegal activity. They may be planning something on their property and want to know if it is allowed. In these cases, a case file is not opened.

If a complaint or person is labeled "vexatious", Islands Trust will send a written notice explaining any limits on communication, why those limits are in place, and when they might be reconsidered. These limits don't stop necessary contact with staff on other unrelated matters.

Questions regarding bylaw infractions can be sent to bylawenforcement@islandstrust.bc.ca

When are Bylaw Compliance and Enforcement case files closed?

Case files are closed if:

- If no contravention exists
- On direction of a local trust committee
- As directed by Trust Council or local trust committee policies
- If the Director of Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is minor and does not suit the public interest to enforce
- If compliance has been achieved

How is compliance achieved?

Ideally, bylaw compliance is voluntary, and primarily sought through a combination of education, mediation, and enforcement techniques. If voluntary compliance does not occur, the Bylaw Compliance and Enforcement Officer may proceed with a bylaw compliance and enforcement process.

Bylaw Compliance and Enforcement Process

The compliance and enforcement process at Islands Trust has several steps. Staff work with people involved (Respondents) and encourage them to follow the rules before deciding if there is a bylaw violation. The process starts with discussions and education about the bylaws. If necessary, it moves to a verbal warning, then a written warning, and penalties are only applied if the person still does not comply.

> All written complaints sent to the Bylaw Compliance & Enforcement office are acknowledged and recorded, whether they lead to an investigation or not.

First, staff review the complaint to see if it falls under the local trust area's bylaws. If no violation is found, the complainant will be asked to provide more information, or informed that no violation exists.

Some complaints are more urgent than others are, so not all will receive the same level of attention. Complaints are prioritized based on the following:

1. Direction from a Local Trust Committee
2. Health and safety concerns
3. Environmental damage that could cause lasting harm
4. Violations of land use and other bylaws

If a complaint falls outside of Islands Trust's authority, it may be referred to another agency. The goal is to handle referrals quickly, with a "no wrong door" approach, meaning everyone is here to help, no matter which agency is involved.

If there is a possible violation, a new case file is opened.

A New File Has Been Opened

After a new file is opened, both the Complainant and the person involved (Respondent) will be notified in writing. The Respondent will receive a Notice Letter with the contact details of the Bylaw Compliance and Enforcement Officer (the Officer) and will be asked to get in touch. The Officer will also follow up with the Complainant to confirm details and ask more questions.

The Officer will then investigate the extent of the apparent or potential violation and what may be required to achieve compliance with the bylaw. These are the steps the Officer takes when investigating:

1. The Officer will review all relevant compliance and enforcement policies that have been adopted by the local trust committees or Trust Council.

2. Typically, the Officer will conduct a site inspection of the property to meet with the Respondent, and gain an awareness and visual understanding of the property and the neighbourhood.
3. The Officer will take photos of the property and any possible violations, and gather details about what has been built or what is happening on the property that might have led to a complaint by asking questions and investigating. Bylaw Officers have the legal right to inspect, and local trust committees set policies on how much notice must be given to the Respondent before an inspection. The Officer is there to gather information only, not to make a decision, and Respondents will receive a written response regarding the case.
4. Based on evidence collected and a review of the relevant bylaws, the Bylaw Compliance and Enforcement Officer will determine if there is, or has been, a contravention. If there is no contravention to the local trust committee bylaws then the Respondent and the Complainant will be notified and the case file will be closed. If a contravention exists, the Respondent will be asked to cease the activity, land use, or construction immediately.
5. 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 Bylaw Compliance and Enforcement Officer will refrain from enforcement during the application process.
6. The Officer may issue a Bylaw Violation Warning Notice or a Bylaw Violation Notice in local trust areas where a Bylaw Enforcement Notification bylaw has been adopted by the local trust committee. This Notice clearly explains what the violation is, and the timeline for compliance. The Officer is available to provide more information to the Respondent so they can achieve compliance without penalties.
7. Voluntary compliance is always the goal. The Officer will attempt to support the Respondent to achieve voluntary compliance with educational resources, and negotiations. Compliance must be achieved within 90 days if possible.

The Officer may consult with the Manager of Bylaw Compliance and Enforcement, Islands Trust planners, and the Director of Planning Services or seek legal advice when necessary.

Bylaw Compliance and Enforcement Officers are committed to a professional and respectful approach. Here is what they do:

- Interact with the public in a respectful and non-confrontational way
- Work within their authority; while they cannot issue stop work orders or tell property owners what they can do, they can request a pause on work while they review the regulations and investigate.
- Take time to carefully review all evidence before making a determination. They do not make on-the-spot decisions to ensure fairness and avoid any perception of bias.

Communications with Complainants

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.

Once the complaint has been received and reviewed by the Manager, Complainants are advised if a new bylaw file is opened. If a file already exists for the property and contravention, they will be advised that their information has been added to the file. Contact information for the investigating Bylaw Compliance and Enforcement Officer is shared.

If the Complainant has provided an email address, they will be notified of a new file being opened by email. If they have only provided a mailing address, they will be notified by mail.

Complainants can request information about an open bylaw enforcement file at any time. They will be updated by the Bylaw Compliance and Enforcement Officer if:

a. A file is put on hold, along with the reason for this action

b. A Local Trust Committee makes a decision regarding the file

c. A file has moved to litigation at which time the identity of the complainant may become public information

d. A file is closed

Communications with Respondents

When a file is opened, a **notice letter** will be sent to the Respondent.

Once a Bylaw Compliance and Enforcement Officer has confirmed that a contravention of a bylaw has occurred or is occurring, the Officer will send **a determination letter** to the Respondent. The letter must be clear and easy to read and must include:

- A **reason** the letter is being sent that outline the problem, using a statement of what has been observed
- An **explanation** of how the bylaw has been contravened by quoting the bylaw and the sections that are being violated, and the definitions of words from the bylaw
- Outline of the **solutions** available to comply with the bylaw
- Explanation of the possible **consequences** of not complying
- A reasonable **deadline** that has been negotiated with the Respondent for taking next step or fully complying

Communications with Trustees

A local trust committee or any individual local trustee will not be involved in any aspect of the investigation of a complaint or the preparation of any Bylaw Compliance and Enforcement report. Upon opening a case file, local trustees are advised of the general nature of the complaint, the name of the street (not the complete address), and the case file number. The local trust committee will only be kept informed about the status of an investigation if they request updates. Local trust committees may request Bylaw Compliance and Enforcement staff to report on specific issues. The reports will be presented to the local trust committee at a subsequent meeting.

While local trustees can't be involved in any investigations, they are able to file a bylaw violation complaint just as any member of the public.

Communications with Potential Property Buyers and Real Estate Agents

Potential property buyers, Real Estate Agents, or the public can contact the Islands Trust Bylaw Compliance & Enforcement office to ask if there are any Bylaw Compliance & Enforcement issues associated with a specific property. Staff can share limited information regarding whether an open bylaw file exists for the subject property.

Islands Trust does not provide information about previous complaints or investigations. That information would require a Freedom of Information request, which can be made here.

When Compliance is not achieved

If bylaw compliance isn't achieved, the Bylaw Compliance and Enforcement Officer will take the appropriate next steps which could include issuing a Bylaw Violation Notice, sending a Notice of Debt letter, sending a demand letter via lawyers, or recommending legal action to the local trust committee.

If legal action is necessary, the Manager of Bylaw Compliance and Enforcement will present a staff report to the local trust committee and Executive Committee, who then decide whether or not legal proceedings should occur.

Appealing Decisions Made by a Bylaw Compliance and Enforcement Officer

For discretionary decisions of a Bylaw Compliance and Enforcement Officer, appeals may be considered by the Director, Planning Services. In considering appeals of interpretation of regulations, the Director may convene a review panel consisting of the Director and Regional Planning Managers. Such requests must be made in writing, outlining reasons for the appeal such as error of fact, omissions, or new evidence.

Reviewing the Conduct of Bylaw Compliance and Enforcement Officers

Respondents can request a review of the conduct of a Bylaw Compliance and Enforcement Officer by submitting a request in writing to the Director of Planning Services. If the Respondent is not satisfied with the Director's response, a formal administrative fairness complaint may be submitted.

WHAT IS BIAS?

Bias in decision making is generally understood as a pre-existing leaning or predisposition toward one side or another or a particular result.

Bias can creep into complaint resolution and investigations when decision makers rely on their personal belief systems, prior knowledge of a person, or personal relationship with a party or service user, rather than focusing exclusively on the information and evidence related to the complaint. It is important that staff who are handling complaints be aware of any personal biases that may be affecting how they respond to concerns from service users.

From the Ombudsperson Complaints Handling Guide

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.

Freedom of Information requests are an important mechanism of transparency that ensures public access to Islands Trust records. Islands Trust staff will assist members of the public to refine their request and procure relevant documents to their request.

Bylaw Enforcement Notices and Dispute Adjudication System

Overview of the Local Government Bylaw Notice Enforcement Act

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw contraventions: the *Local Government Bylaw Notice Enforcement Act*. The *Act* also provides direction, with the Bylaw Notice Enforcement Regulation. Under the *Act,* local governments may establish a Bylaw Enforcement Notice and

Dispute Adjudication system, which replaces the provincial court as the venue for resolving disputes of bylaw contraventions.

This legislation aims to create a straightforward, affordable system to enforce bylaw violations. It features a simple ticket process for enforcement and a way for an independent adjudicator to handle ticket disputes.

Implementation Bylaw

Section 3 of the *Act* allows local governments to issue notices with penalties for bylaw violations. To do this, they must first pass a bylaw that establishes a Bylaw Enforcement Notice and Dispute Adjudication (BEN) system. This bylaw will:

- 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

EXAMPLE:
The Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011.

This bylaw lists the administrative penalties that apply to bylaw contraventions in the Galiano Local Trust Area, as well as policies for disputing Bylaw Violation Notices, Screening Officers, and other features of the adjudication process described below in detail.

Implementation

When establishing a Bylaw Enforcement Notification Bylaw, local governments, including Islands Trust, should consider the following:

- Appointment of a Screening Officer: Define their powers, duties, and functions.
- Compliance Agreements: Allow the Screening Officer to enter into agreements and reduce penalties if warranted.
- Adjudication Process: Set a fee for filing adjudication requests and establish grounds for canceling penalty notices.
- Response Periods: Determine timelines for responses to Screening Officer decisions.

Record Management

Islands Trust administers and preserves all records related to the Bylaw Enforcement Notification system in compliance with provincial legislation. These records include:

- Bylaw Violation Notices and Warning Notices.
- Records of paid administrative penalties.
- Adjudicator decisions and documents related to collection efforts for unpaid penalties

Islands Trust Areas that have adopted a Bylaw Enforcement Notification Bylaw:

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

Islands Trust Areas that have not adopted a Bylaw Enforcement Notification Bylaw:

Lasqueti Island Local Trust Area
Saturna Island Local Trust Area

Bylaw Violation Notices

Warning Notices

Warning notices serve as an informal tool following an investigation by a Bylaw Compliance and Enforcement Officer. They should:

- Be issued with a compliance deadline of no less than 45 days.
- Precede formal Bylaw Violation Notices, accompanied by a determination letter with a 90-day compliance deadline.

Bylaw Violation Notices

A violation notice is a formal enforcement tool. This type of notice assigns an administrative penalty, the amount of the penalty is listed in the Bylaw Enforcement Notification bylaw of the Local Trust Area.

In local trust areas where Bylaw Enforcement Notification bylaw have been adopted, a Bylaw Violation Notice may be issued after any of the following:

- A verbal warning
- A demand letter
- A warning notice
- Exceptional circumstances as outlined by the Bylaw Compliance and Enforcement Manager

Notices must include the respondent's name, contravention details, penalty amounts, and dispute options.

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 the person received it on the seventh day after mailing. In the event that the intended recipient claims not to have received the notice, the Bylaw Compliance and Enforcement Officer must verify the address and reissue a copy of the Bylaw Violation Notice.

The penalty notice informs the respondent of the bylaw contravention, the penalty for the contravention; and how to pay the penalty or dispute the notice.

A Bylaw Violation Notice must contain the:

- Name of the Respondent
- Specific bylaw contravention alleged to have occurred and the location
- Amount of the penalty
- Amount of a discount for early payment
- Amount of a surcharge for late payment
- Consequences of failing to respond to the notice
- Payment options
- Dispute options

Bylaw Violation Notices must be written within six months of the occurrence of a contravention.

Although the *Local Government Bylaw Notice Enforcement Act* requires that the above information is included on a penalty notice, local governments 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.

The following is considered when issuing a Bylaw Violation Notice:

- Will the notice encourage the person to follow the bylaw? The goal is to get compliance. If the officer believes issuing the notice will help, it may be the right step.
- The notice cannot be issued more than six months after the violation is said to have happened.
- The officer should be able to explain why the notice was considered an effective way to enforce the rules in each case.

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

1. The Respondent does not respond: if the Respondent doesn't respond within 28 days, a late fee is added. The total penalty, including the late fee, is due immediately and can be collected by Islands Trust.
2. The Respondent claims that the Bylaw Violation Notice was not received: if, within 21 days, the Respondent claims they did not receive the Bylaw Violation Notice, a copy of the original notice will be reissued and sent to them.
3. The Respondent pays the Bylaw Violation Notice: if the penalty is paid within 14 days of receiving the notice, the notice amount is reduced by 25%. After 14 days, the full penalty amount applies. If paid after 28 days, a 50% late fee is added. Payment can be made by cash, cheque, or money order to Islands Trust, with instructions provided on the Bylaw Violation Notice.
4. The Respondent disputes the Bylaw Violation Notice.

Dispute Process for Bylaw Violation Notices

The person named (Disputant) in the notice has 14 days to request a dispute. After 14 days, they can only dispute it if the Bylaw Compliance and Enforcement Manager grants an exception. The process starts when the Respondent asks to dispute the notice, and the Bylaw Compliance and Enforcement Manager will then arrange for adjudication. If the due date falls on a weekend or public holiday, it will be extended to the next business day.

The Dispute Adjudication system is used to resolve disputes about whether a bylaw violation occurred as stated in the notice or whether the terms of a compliance agreement were followed. 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, is not within the jurisdiction of the adjudicator. This must be initiated as a separate matter in the Supreme Court of British Columbia.

Parties involved in the process of disputing a notice include:

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 Adjudicator:** the independent adjudicator with authority to determine if the notice is dismissed or upheld.
4. **The Screening Officer:** is an employee of Islands Trust designated as a Screening Officer under the relevant Local Trust Committee's Bylaw Enforcement Notification bylaw. Screening Officers provide a first opportunity to respond to a Bylaw Violation Notice dispute in an informal setting. A Screening Officer may conduct the review based on discussion or correspondence with the disputant, and can explain the process and potential consequences of formal dispute adjudication. Each Local Trust Committee that has adopted a Bylaw Enforcement Notification bylaw has also developed a Screening Officer policy in order to provide guidelines during the Bylaw Violation Notice screening process. Screening Officers are required to provide recipients with a fair opportunity to be heard.

> More information about detailed information regarding the local government dispute adjudication system can be found in the Local Government Toolkit for Bylaw Dispute Adjudication. The Local Government Bylaw Notice Enforcement Act and the Bylaw Notice Enforcement Regulation govern this process.

1 Step One in the Dispute Procedure

A recipient of a Bylaw Violation Notice notifies Islands Trust in writing that they are disputing the Bylaw Violation Notice by:

- Completing and submitting the Adjudication Request Form that is on the bottom of the Bylaw Violation Notice. Forms can be delivered or mailed to any of the Islands Trust offices on Salt Spring Island, Gabriola Island or Victoria.
- Online at disputing a bylaw violation notice.
- A letter or email indicating that they wish to dispute the Bylaw Violation Notice can be sent to bylawenforcement@islandstrust.bc.ca, or mailed to any Islands Trust office:
  - Victoria Office: 200 – 1627 Fort Street, Victoria, BC, V8R 1H8
  - Salt Spring Office: 121 McPhillips Ave, Salt Spring Island, BC V8K 2T6
  - Northern Office: 700 North Road, Gabriola Island, BC, V0R 1X3

2 Step Two in the Dispute Procedure

The Screening Officer will review the Bylaw Violation Notice, including possible discussions with the issuing Bylaw Compliance and Enforcement Officer. The Screening Officer will review the dispute request and may:

- **Cancel** the notice; or
- **Confirm** the notice and either:
  - › refer it to an **adjudicator** unless the request for dispute adjudication is withdrawn; or
  - › enter into a **compliance agreement** ⤵ with the person.

3 Step Three in the Dispute Procedure

The Bylaw Violation Notice has now been cancelled or confirmed by the Screening Officer. If the Bylaw Violation Notice is confirmed, Screening Officer will discuss their decision with the disputant by phone, in person, or in writing, and may offer a Compliance Agreement with the recipient to subsequently reduce or cancel the penalty when the terms of the agreement are fulfilled.

4 Step Four in the Dispute Procedure

If the Bylaw Violation Notice has been confirmed, and the disputant wants a formal dispute adjudication, the Screening Officer will request an Issuing Officer Report and create a Screening Officer Report. The dispute process will now move to a Formal Dispute Adjudication, where evidence is presented and the adjudicator decides if an offence did or did not occur.

A Compliance Agreement includes:

- Acknowledgment of the bylaw violation and acceptance of responsibility
- Remedies or future actions to be taken within a certain timeframe
- A way to verify compliance with the agreement
- Possible penalty reduction or waiver if the terms of the agreement are met
- The duration of the compliance agreement

If a recipient of a Bylaw Violation Notice fulfills all terms of a compliance agreement, their penalty is considered fully paid.

If the Screening Officer believes that the terms have not been fulfilled, they can cancel the compliance agreement and must notify the recipient of that fact by regular mail. The recipient then has 14 days of receiving that notice to either pay the penalty or ask an adjudicator to determine compliance. If neither action is taken within that time, the full penalty plus a late fee is immediately due to Islands Trust.

Dispute Adjudication

In accordance with local the *Local Government Act*, Islands Trust runs its own Dispute Adjudication Registry by working with the Ministry of Attorney General, which provides adjudicators experienced in local government land use bylaws. Once a Disputant confirms they want a formal hearing, the Manager will coordinate with all parties to set a date. Islands Trust will submit a package to support its case, which usually includes the Bylaw Violation Notice, the request to dispute, and reports from the Issuing and Screening Officers. This package, along with any evidence from the disputant, must be sent to both the disputant and the adjudicator at least one week before the hearing.

Adjudicators

The Adjudicator must proceed on the basis that the bylaw is legally valid. 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.

An Adjudicator may not be an employee or an elected official of a municipality and may not hear a matter if they are reasonably thought 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 direction in regards to Adjudication Procedures.

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)
- By video conference, audio conference, telephone or other electronic means

Section 19 of the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public". Islands Trust provides a space for members of the public to watch adjudication proceedings at the Islands Trust Southern Office, 200–1627 Fort St, Victoria. Members of the public can request this information by contacting Islands Trust: information@islandstrust.bc.ca.

Evidence

The technical and legal rules of evidence do not apply and an Adjudicator may accept any evidence they consider 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.

Determination

The Adjudicator will determine if:

1. The contravention identified in the Bylaw Violation Notice occurred as alleged, the notice is confirmed, and the penalty set out in the notice is immediately due and payable.
2. The contravention identified in the Bylaw Violation Notice did not occur as alleged, the notice is cancelled.

If the Disputant fails to appear, the Adjudicator must order that the Bylaw Violation Notice be upheld. The penalty is immediately due and payable to the local trust committee. The full amount of the penalty is due, not the reduced amount that would be available to those paying within 14 days of the original bylaw violation notice.

Notice of Adjudication Outcomes

An Adjudicator resolving a dispute about a Bylaw Violation Notice or a compliance agreement must send their written decision to Islands Trust:

- Within one business day for in-person or telephone hearings.
- Within five business days after receiving the dispute materials for written hearings.

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
- The Adjudicator's final decision

The decision is sent from the Adjudicator to Islands Trust. The disputant will receive the decision of the Adjudicator when Islands Trust receives it.

Cost

Islands Trust is responsible for the administrative work and costs of the dispute adjudication system. Islands Trust 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 their authority, or made an error at law, disputant person or Islands Trust 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.

Referenced Documents & Resources

- BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016
  https://bcombudsperson.ca/guide/bylaw-enforcement-best-practices-guide-for-local-governments/
- Bylaw Compliance & Enforcement Complaint form
  https://islandstrust.bc.ca/mapping-resources/report-a-concern/
- Dispute a bylaw violation notice
  https://islandstrust.bc.ca/island-planning/general-resources/bylaw-compliance-and-enforcement/dispute-adjudication-form/
- Policy 5.5.1 Bylaw Compliance & Enforcement
  https://islandstrust.bc.ca/document/policy-5-5-1-bylaw-compliance-and-enforcement/
- Freedom of Information request
  https://islandstrust.bc.ca/about-us/accountability/freedom-of-information-requests/
- Trust Council Policy 5.5.1 Section 5.1
  https://islandstrust.bc.ca/document/policy-5-5-1-bylaw-compliance-and-enforcement/
- Bylaw Violation Notice can be sent to bylawenforcement@islandstrust.bc.ca, or mailed to any Islands Trust office:
  - Victoria Office: 200 – 1627 Fort Street, Victoria, BC, V8R 1H8
  - Salt Spring Office: 121 McPhillips Ave, Salt Spring Island, BC V8K 2T6
  - Northern Office: 700 North Road, Gabriola Island, BC, V0R 1X3

SUMMARY OF RECOMMENDATIONS OF THE OFFICE OF THE OMBUDSPERSON VOLUNTARY CONSULTATION ON BYLAW ENFORCEMENT POLICIES AND PRACTICES WITHIN THE ISLANDS TRUST

<table>
<tr><th>Issue</th><th>Recommendation</th><th>Page Reference</th><th>Trust Council Policy 5.5.1 Reference</th><th>Enforcement Manual Reference</th></tr>
<tr><td>Administrative Fairness</td><td>Incorporate administrative fairness principles
Provide individuals with notice of decisions related to bylaw enforcement, including:
Providing notice that a potential bylaw infraction is being investigated
Providing notice of inspections
Provide notice of enforcement action.
Provide an opportunity to be heard and participate in the process, and at multiple times within the process when decisions are being made.
Provide understandable and meaningful reasons for the decision(s) made
Transparency: processes used by bylaw enforcement staff should be publicly accessible
Exercise discretion fairly
Manage the expectations: set out and follow timelines</td><td>4</td><td>Added as Guiding Principles</td><td></td></tr>
<tr><td>Exercise of Discretion</td><td>How staff exercise discretion fairly when making enforcement decisions</td><td>5</td><td>Added to or expanded in:

B.2.5
B.3.8, B.3.10, B.3.12
B.4.4.5</td><td>Pg 8 – closing files

Pg 13 – Bias and review of conduct</td></tr>
</table>

Issue	Recommendation	Page Reference	Trust Council Policy 5.5.1 Reference	Enforcement Manual Reference
			B.5.5.1 B.6.1 B.15	
Bylaw complaints	Purpose of bylaw policy	5	‘Purpose’ section in Preamble	Pg 6 – “What is the purpose…”
	Guiding Principles	4, 6	Added to preamble	Pg 6 – “practices based on principles of procedural fairness…” *To be expanded upon*
	Definitions	6	Section ‘A’	Pg 4
	Roles and responsibilities	6	Added to preamble	Pg 5
	Confidentiality	7	B.14	Pg 7
	Procedures for handling complaints about bylaw violations:	7	B.2	Pp 6 -
	o How bylaw complaints are received	7	B.2.2	Pg 6 – 7, 9
	o Bylaw complaints will be acknowledged	7	B.2.4	9, 11
	o Bylaw complaint review process	7	B.3	Pg 10
	o Investigations into possible bylaw violations	7	B.3.5	Pg 10
Notice to respondents	Set out the process that should be followed to notify a respondent of the complaint about them and any planned site inspection.	8	B.3.3.4	Pg 11
	The circumstances under which investigation without providing notice (such as immediate threat to life, environment or human health) may	8	B.2.5	Pg 7

Issue	Recommendation	Page Reference	Trust Council Policy 5.5.1 Reference	Enforcement Manual Reference
	occur, the legal authority for acting without notice, and the steps that will be taken to ensure notice is provided at the earliest opportunity.		B.4.2	
Site inspections	Process to be followed to enter a property (both with and without notice) and outline how this process meets any legal requirements, and is reasonable and is consistent with legal and fairness principles.	9	B.4	*Pg 10* *Notice to inspect to be expanded upon*
	Remove section A6 of the Best Practices & Procedures document which states that "[w]hen visiting properties, BCEOs have no obligation to respond to questions directed to them". Instead, ensure that respondents know the purpose of the visit and answer any reasonable questions related to the visit and the bylaw complaint investigation.	9	B.4.1	*To add to Pg 10, #s 2 or 3*
Opportunity to be Heard	Provide the opportunity to be heard: the policy should explain when and how a respondent will be provided with an opportunity to be heard and participate in the investigative process.	9	B.3.4 B.3.5.3 B.3.8 B.3.9 B.3.10 B.3.11	Pg 12
Progressive enforcement	Detail the progressive enforcement steps that bylaw enforcement staff will take if a bylaw violation is found through an investigation. In addition, address the discretion (referred to as 'judgement' within the Best Practices & Procedures) held by those staff involved in bylaw enforcement. This may include setting out how bylaws will generally be interpreted and what	9	B.3	Pg 12 *Pg 10 to be expanded to explain bylaw interpretation further*

Issue	Recommendation	Page Reference	Trust Council Policy 5.5.1 Reference	Enforcement Manual Reference
	factors will be considered to determine whether and how to take bylaw enforcement action with respect to a bylaw violation			
Equitable enforcement	Include a requirement that bylaw enforcement staff be equitable in their approach. This means that bylaw enforcement staff should consider each person's unique circumstances when determining the appropriate and fair investigative approach and enforcement actions to take in relation to bylaw complaints.	10	B.3.6	*Wording to be added to box on page 10*
File closure	State when a complaint will be closed after an investigation is completed and how those impacted by the closure of the file (particularly the person who made the bylaw complaint and the person subject to the bylaw complaint) will be notified of that decision. In addition, within the bounds of any privacy or confidentiality requirements, explain the outcome of the bylaw investigation and the reasons for any decision to enforce or not enforce a bylaw. Information should be included regarding any available review or appeal options. Reasons for the decision to close the file should be provided to the Respondent, along with information on how to appeal decisions made by bylaw enforcement staff.	10	B.3.3.3 B.3.3.8 B.3.3.15 B.5 B.5.2	Pg 11 *Reasons to given to the complainant when a file is closed*
Letter templates	Some of the forms and template letters being used by bylaw enforcement staff are formal and may be difficult for individuals to understand, Islands Trust should review these while	11	N/A	Pg 11

Issue	Recommendation	Page Reference	Trust Council Policy 5.5.1 Reference	Enforcement Manual Reference
	considering all aspects of administrative fairness and legal requirements. https://bcombudsperson.ca/assets/media/Quick-Tip-Reasons.pdf			
Complaints related to staff	It is important that the Islands Trust have a general complaints policy which addresses any complaints and concerns related to services provided and decisions made by the Islands Trust generally. We also suggest continuing to use administrative fairness principles as part of how these complaints are analyzed and addressed. https://bcombudsperson.ca/assets/media/Quick-Tips-Model-ComplaintsPolicy.pdf	11	B.9	Pg 13

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 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 Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

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, or the dumping of waste

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 deferments established in the adopted resolutions.*

5.0 Inspections

5.1 At the start of any investigation, Bylaw Compliance and Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road, other lands, or by other means.

5.2 Bylaw Compliance and Enforcement Officers will provide [XX] days notice and will request mutually agreeable times to arrange site inspections.

5.3 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.

5.4 Enforcement on non-compliant short-term vacation rentals is a priority and inspections may be investigated without notice.

5.5 Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Compliance and 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.

5.6 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.

5.7 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 the Bylaw Compliance and Officer has made a determination that there is a bylaw contravention, respondents will be given a minimum of 90 days to comply with the relevant *LUB*.

6.2 Bylaw Compliance and 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 Compliance and Enforcement Officer will advise planning staff and will arrange a meeting to discuss whether such an application has a reasonable chance of success.

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 Compliance and Enforcement.

7.0 Closing Files

In addition to the procedures established in Trust Council Policy 5.5.1, the Manager of Compliance and Enforcement may close a file if:

7.1 If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.

7.2 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances.

7.3 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.

8.0 Communications

8.1 If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Compliance and Enforcement.

8.2 The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

8.3 Time permitting, bylaw staff will be available during regular LTC meeting public comment sessions to answer questions regarding bylaw enforcement.

9.0 Reporting

9.1 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.

9.2 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.

9.3 The Manager of Compliance and Enforcement will maintain this Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

***Bylaw Enforcement Review* - Charter** v3

Regional Planning Committee (RPC) RPC Endorsement Date: 05-24-2024

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**

Workplan Overview

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

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

Project Team	
Stefan Cermak, DPS	Project Champion
Robert Kojima, RPM	Project Manager
Warren Dingman, Manager C & E	Project Manager
	RPC Planner
David Marlor, DLS	Advisor
Director Approval: *Stefan Cermak* **Date:** 05-17-2024	**RPC Endorsement:** Resolution #: 2024-001 **Date:** 05-24-2024

Budget		
Budget Sources: N/A – no budget has been assigned ***legal review included in scope by RPC 02-16-2024**		
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
	Total	250

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

Active Projects Report

Regional Planning Committee

1. *Bylaw Compliance and Enforcement Review*	Responsible	Dates
Activity: Jan. 2025: Special meeting - review amended policies Nov. 2024: RPC reviewed first draft plain language BP manual; request special meeting in Jan. 2025 to focus on project Sept 2024. Trust Council requested a plain language BP manual; approved inclusion of an LTC Bylaw Compliance and Enforcement Template March 2024: Trust council approves Project Charter.	Robert Kojima Stefan Cermak Warren Dingman	Rec'd: 13-Mar-2024 Target: 31-Mar-2025

2. *Implement the Housing Strategic Action Plan*	Responsible	Dates
Activity: Strategic Plan Goal: Strengthen housing affordability throughout the Islands Trust Area Nov. 2024: Advancement of Tiny Homes on Wheels Sept. 2024: Trust council prioritizes addressing Tiny Homes on Wheels. December 2023: Trust Council Adopted Housing Strategic Action Plan on . Includes Implementation Plan.	Robert Kojima Stefan Cermak	Rec'd: 12-Feb-2020 Target: 31-Mar-2025

Active Projects Report

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 Nov. 2024: RPC initiating grant submission to implement FWSS. Sept. 2024: RPC receives summary of FWSS past projects. 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.	Stefan Cermak William Shulba	Rec'd: 12-Feb-2020 Target: 31-Mar-2026

Future Projects Report

Regional Planning Committee

1. *Shoreline Marine Planning*	Responsible	Date Received
Trust Council - 2015-2018 Strategic Plan Item Conduct a working group session to brainstorm possible directions. 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.		09-Nov-2017

2. *Preserve, protect and advocate for forest and terrestrial ecosystems*	Responsible	Date Received
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). 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). 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.		12-Feb-2020

Future Projects Report

Regional Planning Committee

3. *Preserve and protect marine ecosystems*	Responsible	Date Received
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. 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.		12-Feb-2020

4. *Protect quality and quantity of fresh water resources of the Trust Area*	Responsible	Date Received
1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 2.5) 2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 2.6). 3. -Develop an Islands Trust Freshwater Sustainability Strategy policy document and recommendations for implementation of the Freshwater Sustainability Strategy		12-Feb-2020

5. *Strengthen housing affordability throughout the Islands Trust Area*	Responsible	Date Received

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: 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).	12-Feb-2020

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

Regional Planning Committee

Feb. 9, 2022 09-Feb-2022

Request from SSI LTC which indicated a need to includeFirst Nations consultation requirements; cultural and sacred sites siting requirements;and consideration of Salt Spring Island Advisory Planning Commissionrecommendations. Committee discussion included:

RPC-2022-012

It was MOVED and SECONDED,

that Regional Planning Committee add "updating the model strategy forantennae systems" to the projects list of RPC's Work Program.

CARRIED

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

9. *Strengthen Relations with First Nations*	Responsible	Date Received

Regional Planning Committee

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