



Regional Planning Committee Agenda

Date: Friday, July 18, 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 May 9, 2025** 4 - 15
 - 6.2 **Resolutions Without Meeting**

None.
 - 6.3 **Follow up Action List** 16 - 18

For review
7. **BUSINESS - WORK PROGRAM ITEMS**

7.1	Bylaw Compliance and Enforcement Policy Review - Draft Policy 5.5.1 and Manual - Request For Decision	19 - 59
	<p>1. that Regional Planning Committee review and endorse draft Bylaw Compliance and Enforcement Policy 5.5.1.</p> <p>2. that Regional Planning Committee review and endorse draft Bylaw Compliance and Enforcement Best Practices Manual.</p> <p>3. that Regional Planning Committee forward the Bylaw Compliance and Enforcement Policy 5.5.1 and the draft Bylaw Compliance and Enforcement Best Practices Manual to Trust Council for review and comment.</p>	
7.2	Islands Trust Freshwater Atlas Update - Briefing	60 - 61
7.3	Fiscal Year 2026/27 Business Cases - Request For Decision	62 - 79
	<p>that Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026/27 budget business cases for:</p> <ul style="list-style-type: none"> • Phase 2 of Eelgrass and Kelp Forest Mapping • Independent Review of Freshwater Sustainability Strategy 	
7.4	Housing Strategic Action Plan - Request For Decision	80 - 92
	<p>1. that Regional Planning Committee request staff to revise the Housing Strategic Action Plan as recommended in the Request For Decision of July 18, 2025 and to forward the revised Plan to Trust Council for endorsement.</p> <p>2. that Regional Planning Committee request the following amendment to the Trust Council Strategic Plan:</p> <ul style="list-style-type: none"> • Replace Key Initiative 2.3.2 with: Implement the Housing Strategic Action Plan 	
7.5	Crown Tenure Application Referrals - Briefing	93 - 101
8.	BUSINESS - OTHER	
9.	BUSINESS - NEW	
10.	WORK PROGRAM	102 - 105
	For review and referral to Trust Council before each quarterly TC meeting	
11.	NEXT MEETING	
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: May 9, 2025
Location: Electronic Meeting

Members Present: Mairead Boland, Saturna Island Local Trust Area, Chair
Sam Borthwick, Denman Island Local Trust Area, Vice Chair
Tobi Elliott, Gabriola Island Local Trust Area and Executive
Committee Representative
Mikaila Lironi, Lasqueti Island Local Trust Area
David Graham, Denman Island Local Trust Area
Laura Patrick, Salt Spring Island Local Trust Area (ex officio)

Member Regrets: Aaron Campbell, North Pender Island Local Trust Area

Staff Present: Stefan Cermak, Director, Planning Services
Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Compliance and Enforcement Manager
William Shulba, Senior Freshwater Specialist
Patricia Woodruff, Biologist
Rob Kroeker, Planning Services Administrative Assistant /

Recorder

Others Present: One member of the public

1. CALL TO ORDER

Vice Chair Borthwick called the meeting to order at 10:04 a.m. and acknowledged that participants of the meeting were attending all across the territories of the Coast Salish peoples.

2. ELECTION OF A REGIONAL PLANNING COMMITTEE CHAIR

Director Cermak indicated that he would conduct the election to establish a new Regional Planning Committee Chair. He described the election process, and initiated the election for the Regional Planning Committee Chair.

Director Cermak asked a first time for nominations. Trustee Graham nominated Trustee Boland and Trustee Borthwick seconded that nomination. Trustee Boland accepted the nomination.

Director Cermak asked a second time for nominations. There were no nominations proposed.

Director Cermak asked a third time for nominations. There were no nominations proposed. On not hearing any more nominations, Director Cermak declared Trustee Boland as Chair of Regional Planning Committee.

Upon discussion of chairing duties for the meeting, it was decided that Vice Chair Borthwick would continue with chairing duties until the completion of agenda item 8.3, and Chair Boland would then assume chairing duties from Vice Chair Borthwick for the rest of the meeting.

3. AGENDA

3.1 Review of the Agenda

Trustee Elliott brought forward a new item, AVICC Tiny Homes on Wheels Presentation Report, and requested that it be appended to item 8.4.3.

3.2 Approval of the Agenda

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

4. PUBLIC COMMENT PERIOD

A member of the public spoke about their concerns regarding the Freshwater Sustainability Strategy, noting that they are concerned the data does not consider community reports on slow and dry wells that fail all or part of the year. They believe the project should focus on producing practical work products focussed on usability, and that a consultant reviewing the strategy should do so with cost and practicality in mind.

5. DELEGATIONS

None.

6. CORRESPONDENCE

6.1 2025-02-25 Stewart Brands, The Act and Mandate, and response from ITC Board Chair Gauvreau

Received for information.

6.2 2025-03-17 Alix Hodson Deggan, Gabriola Water Budget Study

It was noted that the writer is involved in the Water Budget Study Community Group on Gabriola, and that suitable land analysis work is being developed to direct density away from groundwater recharge areas. These concerns were noted as good focussing information for trustees as they support and direct staff work.

7. ADMINISTRATIVE COORDINATION

7.1 Draft Minutes of Previous Meeting

7.1.1 RPC Special Meeting Minutes of January 20, 2025

By general consent the Regional Planning Committee Minutes of January 20, 2025, were adopted as presented.

7.1.2 RPC Regular Meeting Minutes of February 7, 2025

By general consent the Regional Planning Committee Minutes of February 7, 2025, were adopted as presented.

7.2 Resolutions Without Meeting (RWM)

None.

7.3 Follow-up Action List

Vice Chair Borthwick initiated discussion of the Follow-up Action List. Committee discussion included:

- an item regarding developing Frequently Asked Questions for the Freshwater Sustainability Strategy has had a changing target date
- an FAQ document would be part of communications during implementation
- this item could be bundled with the delivery of the Freshwater Atlas
- the Islands Trust Communications Specialist could assist with developing this
- a dedicated website for Freshwater will treat this item more fully

Director Cermak noted that the item could be folded into the Freshwater Sustainability Strategy review process and reporting back to Regional Planning Committee.

8. BUSINESS – WORK PROGRAM ITEMS

8.1 Monitor Progress of Protection of Ecosystem Health in All Land Use Planning Decision - Presentation

Director Cermak introduced the presentation by Islands Trust Biologist Patricia Woodruff. He noted that her focus is species at risk and habitats, and the agreement with the Department of Environment and Climate Change that brings her to Islands Trust directs her work to enhance the integration of biological information into land use decisions in the Trust Area. Committee discussion included:

- there is hope that she will bring her expertise to bear on a GIS database tool produced on Salt Spring regarding preservation values by area
- the European Wall Lizard infestation and its impacts
- interaction with the Islands Trust Conservancy Species at Risk program
- how she can be reached by experts and members of public with information
- the Gabriola Official Community Plan review and Development Permit Areas
- indicators are of interest to a trustee, for instance the count of songbirds as an indicator of overgrazing

- disturbed area and contiguous forest reports are in need of closer review

8.2 Freshwater Sustainability Strategy Update - Verbal

Senior Freshwater Strategist Shulba presented the update on current work undertaken for the Freshwater Sustainability Strategy. He noted that the Freshwater Atlas has cleared technical impediments in data storage, integrating with the Islands Trust MapIT tool and provincial data. The Freshwater Footprint Project has produced a gridded water balance that provides more detail than well density mapping, and embeds a social framework. Committee discussion included:

- software licenses or platforms are required to support accessing the work
- watershed resiliency mapping and suitable land analysis work on Denman, Hornby, Gabriola, Mayne and North Pender islands
- the Freshwater Footprint is part of ongoing Official Community Plan processes
- the Gabriola Official Community Plan project has a water focus group following the work of consultants, with the hope that this turns into a community water stewards group
- it is valuable to involve community members in water stewardship and outreach efforts
- could Regional Planning Committee see the results of the Gabriola water survey when available? Senior Freshwater Specialist Shulba noted that the contract for Freshwater Footprint work on Gabriola closes in June, and an update can be provided to Regional Planning Committee in September following a Community Information Meeting for the Gabriola Local Trust Committee
- the Watershed Security Fund grant application was not successful
- a debrief will be sought from grant decision-makers following the Freshwater Sustainability Strategy review

Trustee Lironi joined the meeting at 11:01 a.m.

8.3 Bylaw Compliance and Enforcement Policy Review Draft Policy 5.5.1 and Best Practices Manual – Request for Decision

Regional Planning Manager Kojima introduced the Request for Decision. He noted that the report returned Trust Council Policy 5.5.1, and sought Regional Planning Committee's direction in revising the Best Practices Manual. He noted that staff have made the changes suggested at the last several meetings, including augmenting the guiding principles, roles and responsibilities, and expanding key policy sections. Committee discussion included:

- review the policies against the Ombudsperson's best practices checklist before submitting the documents to their office
- address notice periods for inspection more specifically with reference to section 12.1.2
- closing investigations and non-involvement of trustees in the bylaw enforcement process
- is this policy giving license to not investigating for community or political reasons, and how does this play out for staff?

Manager Kojima noted that files can be closed by resolution of the Local Trust Committee according to section 6.1.3 of Trust Council Policy 5.5.1. Processes could be detailed in Local Trust Committee Bylaw Enforcement Policies regarding how and when files are closed. Committee discussion continued:

- a trustee noted that there is value in closing files with staff input in certain cases
- trustees should not be involved in the investigation itself
- policy provides guidance but does not fetter the discretion of a local trust committee
- having multiple trustees provides insulation from a trustee taking undue action
- there is value in being able to recognize contraventions as minor in nature
- there has been debate about the use of the word “may” in the current policy for commencing files: language on opening files is more directive now, using “will” in section 3.6
- a trustee desires advancement of Trust Council Policy 5.5.1 to June Trust Council
- the policy should go when the Committee is fully confident that it is ready
- is the use of discretion in bylaw enforcement clearly outlined in this policy?
- if it is a combination of Trust Council Policy 5.5.1 and the Local Trust Committee Bylaw Enforcement Policies that establish the use of discretion, it should be stated clearly in 5.5.1, not found by reading several things in combination
- a longer window than the one week agenda period preceding the July Regional Planning Committee meeting is desired in order to review the final documents

Director Cermak noted that the Ombudsperson’s office is awaiting these documents, anticipating a reasonable turnaround time due to their attention to this project. The Policy and Manual could be forwarded to the Ombudsperson shortly following the meeting, unless Regional Planning Committee wishes to spend more time working on the Manual. Committee discussion continued:

- strike the word “solely” from the definition of vexatious complainant
- a situation where a complaint is almost entirely vexatious in nature, but has some merit, was proposed to illustrate the problem with the above language
- a trustee expressed their confidence in staff to complete the work harmonizing the Best Practices Manual with work on Trust Council Policy 5.5.1
- the Guiding Principles section of the Best Practices Manual could be reorganized as a list
- make lists where there are large paragraphs
- discretion and how it is exercised in all roles should be treated in its own section

DRAFT

- eliminate the word violation in the discussion of starting an investigation without a complaint
- remove information on implementing a Bylaw Enforcement Notification bylaw, as it is not useful as part of cataloguing the enforcement process
- the section regarding Bylaw Violation Notice scenarios (p.70) should be improved by making it more readable and user-friendly

RPC 2025-010

It was MOVED and SECONDED,

that Regional Planning Committee endorse draft Bylaw Compliance and Enforcement Policy 5.5.1 as amended.

CARRIED

RPC 2025-011

It was MOVED and SECONDED,

that Regional Planning Committee request staff revise the draft Bylaw Compliance and Enforcement Best Practices Manual to harmonize it with draft Bylaw Compliance and Enforcement Policy 5.5.1, with amendments as discussed at the Regional Planning Committee May 9, 2025 meeting.

CARRIED

- a trustee expressed support for sending the Manual to the Ombudsperson after staff review and without returning the document to Regional Planning Committee
- changes can still be made after Ombudsperson's office returns the documents and before forwarding them to Trust Council

RPC 2025-012

It was MOVED and SECONDED,

that Regional Planning Committee requests staff to make amendments, as agreed at the RPC May 9, 2025 meeting, to Trust Council Policy 5.5.1 and the Best Practices Manual, and to send the documents to the Ombudsperson for review.

CARRIED

The committee recessed for lunch at 12:27 p.m. The meeting resumed at 1:01 p.m.

Chair Boland assumed chairing responsibilities for the meeting upon Regional Planning Committee's return from the lunch break.

Director Cermak suggested that item 11.1 Work Program Updates receive adequate time for discussion. Chair Boland decided to move item 10.1 Crown Tenure Application Referrals to be the final item discussed.

8.4.1 Housing Strategic Action Plan and Housing Toolkit – Request For Decision

Regional Planning Manager Kojima introduced the Request for Decision, stating that the purpose of the item is to provide Regional Planning Committee with updates on the Housing Toolkit and Housing Strategic Action Plan, which are intended to be regularly reviewed and updated. Committee discussion included:

DRAFT

- these documents must be maintained and kept current to reflect learning from other jurisdictions
- underlying zoning on the islands can be changed and corrected to meet community housing needs
- expanding forms of housing such as community land trusts
- clustering of smaller or low-impact forms of housing
- a trustee requested a workshop for linking Policy Statement work to Official Community Plan development
- the workshop could examine policy tools such as clustering and planning work like Mayne Island's Flexible Housing zoning to gauge the impact on housing availability and affordability in communities
- determining how to use the suitable land analysis tool after its development feels backwards, and it is unclear how it will be used operationally
- there is a lack of methodology ensuring that the data for the tool stays updated
- data inaccuracies undermine the confidence of constituents and call into question decisions that are supported by the tool
- results would improve if the suitable land analysis tool is built transparently with community engagement on issues of concern from the start
- density transfers and land acquisition for preservation on Saturna Island
- clustering has positive impact on sharing resources and leaving natural areas unchanged
- data on densities could form the basis of a useful tool itself
- census data lacks detail regarding housing options: could Islands Trust survey to gather better data on housing forms in the islands?
- tools in the Housing Toolkit are being explored with the Denman Island community as part of their Housing Review
- a trustee spoke about balancing the sustainability and resilience of communities at the intersection of providing adequate housing, and maintaining land unmodified by habitation
- the framing of the suitable land analysis tool should be about exploring data for the islands and becoming more familiar with communities
- it should help answer questions such as where to cluster dwellings or place amenities
- better real-world data can address fears such as that if secondary suites are permitted, every lot will build one
- workforce housing, cooperatives, and other housing forms are not fully explored in the Housing Toolkit
- a trustee requested an addition to Housing Toolkit Tool 3 to capture non-market or quasi-market options for clustering small dwellings

RPC 2025-013

It was MOVED and SECONDED,

that Regional Planning Committee request staff make minor updates to the Housing Options Toolkit identified in the Request For Decision of May 9, 2025 and as discussed.

CARRIED

DRAFT

- there is an option of having a housing presentation at Trust Council, but time is often constrained
- presentation suggestions would be tailored to the context of the housing project contemplated
- the focus is on bringing Housing Toolkit options back to the forefront when local trust committees and communities are initiating housing projects or Official Community Plan reviews

RPC 2025-014

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

that Regional Planning Committee request staff to schedule a future presentation for Local Trust Committees initiating major projects or housing projects for presentation at regular or special Local Trust Committee meetings.

CARRIED

- affordable housing strategies have not been included in the Trust Council Strategic Plan
- item 26 on advocacy to the Province regarding advocacy for tiny homes on wheels could be removed from the Housing Strategic Action Plan
- focus on key items is required to get actions resourced and completed
- no strategic direction is given in the Plan to match a focus on community resiliency

Director Cermak noted that the Trust Council Strategic Plan includes developing a growth management planning framework, to be discussed in agenda item 11.1. He suggested that Regional Planning Committee could resolve to recommend adding an amendment to the Trust Council Strategic Plan to add another key initiative if the Committee so desires. Committee discussion continued:

- balancing growth management and building community resiliency
- average age on the islands is well above the provincial average
- the missing of key demographic elements to maintain the resiliency of communities is a major issue
- concrete action is needed to use the supportive policies of the Housing Toolkit to increase the diversity of housing stock

Director Cermak advised that a proposed motion to recommend changes to Trust Council's Strategic Plan may be better served as a notice of motion for July's Regional Planning Committee meeting, where staff and trustees can review and respond more accurately with regard to appropriate progression through the Trust's committee structure. Committee discussion continued:

- returning this item to Regional Planning Committee in July will mean that it does not get to Trust Council before September
- Regional Planning Committee could request Executive Committee to give feedback on Trust Council Strategic Plan action 2.3.2 regarding "design[ing] a plan for advocating to enhance access to funding for housing in the Trust Area"

- an alternative action suggested is that Official Community Plans under review include supportive policies for diverse types and forms of housing, and policy options that increase the diversity of housing options
- the Strategic Plan is still missing actions addressing community resiliency
- the third recommended motion regarding revising the Housing Strategic Action Plan according to the Request for Decision should be deferred

8.4.2 Tiny Homes on Wheels Enablement Project – Final Report

The report was received for information.

8.4.3 Tiny Homes on Wheels Enablement Project – AVICC Presentation

Trustee Elliott introduced the item, indicating there has been early interest in the project. She noted the benefits of holding the Tiny Homes on Wheels Enablement Project workshop which connected local government representatives and tiny home builders. Committee discussion included:

- the Canadian Board for Harmonized Construction Codes has an interest in supporting innovative construction methodologies
- legal pathways for existing and self-built tiny homes
- next steps for project include planning for presenting at the Union of BC Municipalities convention and asking local governments if they want to participate in furthering the tiny homes initiative
- a survey for residents would be useful to determine levels of non-secure housing in the islands
- non-enforcement on illegal dwellings is not a long-term solution
- illegal dwellings need to be brought into a formal process for compliance, or ensure they meet health and safety requirements
- the Tiny Homes Working Group can bring back clearer direction for the July Regional Planning Committee meeting

8.4.4 Housing Needs Reports – Request for Decision

Director Cermak introduced the Request for Decision, indicating that Housing Needs Reports for all local trust committees are attached in alignment with provincial legislation. Committee discussion included:

- the methodology is provincially mandated
- Salt Spring Island Local Trust Committee experienced problems with the data suggesting unrealistic results: it is stated that only 16 rental units are needed over 20 years to meet healthy housing levels
- the data does not match community intentions on the islands
- ask to work with the Province to modify the applied methodology
- it is a poor use of taxpayer dollars
- can the findings of the report be formally rejected as having no value?
- a trustee does not want to forward this report to local trust committees
- those who say there are not community members in core housing need could point to this report
- vulnerable community members are difficult to reach for public feedback

- a trustee expressed strong support for a statement to clarify the Committee's position on the limited value of these reports
- a statement could be forwarded to Executive Committee to endorse
- the response from the Minister is that the tools needed to do the job have been given
- the desired response is not just to advise local trust committees to take results with a grain of salt, but informing the Province of the tool's lack of utility
- a letter to the Ministry of Housing and Municipal Affairs with supporting examples from the reports is warranted
- electoral areas in the Regional District of Nanaimo also had concerns with results
- communicating the insufficiency of the tools may be more effective than expressing dissatisfaction

RPC 2025-015

It was MOVED and SECONDED,

that Regional Planning Committee request staff to forward the housing needs reports to Executive Committee, but also wish to convey our lack of confidence in the data, its usefulness, and belief that it could cause harm.

CARRIED

9. BUSINESS - OTHER

9.1 2024/25 Annual Report: Approval of Regional Planning Committee Section – Request For Decision

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

- move the funding request section below the achievements section

RPC 2025-016

It was MOVED and SECONDED,

that Regional Planning Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

10. BUSINESS – NEW

10.1 Crown Tenure Application Referrals - Briefing

Discussion of the briefing was deferred to a future meeting due to time constraints.

11. WORK PROGRAM

11.1 Work Plan Updates – Request for Decision

DRAFT

Director Cermak introduced the Request for Decision, detailing his changes to the active projects list to match the Trust Council Strategic Plan and providing guidance on Regional Planning Committee's top priorities with regard to the Strategic Plan. Committee discussion included:

- funding questions around the Freshwater Sustainability Strategy need to be addressed
- the independent review should precede an implementation plan for the Freshwater Sustainability Strategy
- Trust Programs Committee's understanding is that work to be initiated in fiscal year 2026-27 according to the Strategic Plan not receive business cases yet
- a trustee believes that planning for these future initiatives can start now
- a decision on these items is challenged due to lack of time and clarity
- Director Cermak noted that the recommended resolution regarding the business cases was the item that needed addressing most urgently
- business cases such as those for kelp forests and eelgrass have been prepared in the past

RPC 2025-017

It was MOVED and SECONDED,

that Regional Planning Committee request staff to draft business cases to address the following Trust Council key initiatives:

- a. Map eelgrass and kelp forests.
- b. Develop a growth management planning framework that includes data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates.
- c. Conduct an independent review of the Freshwater Sustainability Strategy by a qualified external party and that the scope include, but not be limited to:
 - Assessing the effectiveness and outcomes of the strategy to date,
 - Identifying areas of strength and opportunities for improvement,
 - Evaluating alignment with Trust Council strategic objectives and other key initiatives.

CARRIED

- two trustees expressed their desire to work with Senior Freshwater Specialist Shulba and Director Cermak regarding development of the Freshwater Sustainability Strategy business case
- work through funding sources to ensure sustainability for the project
- a project charter is to be developed following the review

Trustee Elliott and Trustee Lironi left the meeting at 3:44 p.m.

12. NEXT MEETING

The next scheduled meeting of the Regional Planning Committee is July 18, 2025.

13. CLOSED MEETING

The Committee did not close the meeting.

14. RISE AND REPORT

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

15. ADJOURNMENT

By general consent the meeting adjourned at 3:48 p.m.

Mairead Boland, Chair

Certified Correct:

Rob Kroeker, Planning Services Administrative Assistant / Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Regional Planning Committee

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: 31-Dec-2025	In Progress

16-Feb-2024

Progress	Activity	Responsibility	Dates	Status
45%	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: 30-Nov-2025	In Progress

05-Dec-2024

Progress	Activity	Responsibility	Dates	Status
100%	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	Completed

Follow Up Action Report

Regional Planning Committee

07-Feb-2025

Progress	Activity	Responsibility	Dates	Status
100%	1 Staff to include in the May RPC agenda the discussion of a mid term independent review of the 10 year Freshwater Strategic Plan and accomplishments to date.	Rob Kroeker Stefan Cermak William Shulba	Target: 09-May-2025	Completed
100%	2 Staff to report back about the status of the Freshwater Atlas at the July 2025 RPC meeting.	Stefan Cermak William Shulba	Target: 18-Jul-2025	Completed
100%	3 Staff to update the Islands Trust Housing Options Toolkit and Housing Strategic Action Plan for the May 2025 RPC meeting, and provide options for a presentation for Trustees at a later date.	Robert Kojima Stefan Cermak	Target: 09-May-2025	Completed
0%	4 RPC recommend that Trust Council request staff to revise policy 6.5.4 "Grants and Donations Administration" to develop clear guidance for staff and Trust bodies when applying for external grant funding opportunities by aligning approval limits with procurement policies and to establish clear approval and reporting processes.	David Marlor Stefan Cermak	Target: 30-Sep-2025	In Progress

Follow Up Action Report

Regional Planning Committee

09-May-2025

Progress	Activity	Responsibility	Dates	Status
100%	1 Regional Planning Committee requests staff to make amendments, as agreed at the Regional Planning Committee's May 9, 2025 meeting, to Trust Council Policy 5.5.1 and the Best Practices Manual, and to send the documents to the Ombudsperson for review.	Robert Kojima Stefan Cermak Warren Dingman	Target: 18-Jul-2025	Completed
0%	2 that Regional Planning Committee request staff make minor updates to the Housing Options Toolkit identified in the Request For Decision of May 9, 2025 and as discussed.	Robert Kojima Stefan Cermak	Target: 18-Jul-2025	In Progress
100%	3 that Regional Planning Committee request staff to forward the housing needs reports to Executive Committee, but also wish to convey our lack of confidence in the data, its usefulness, and belief that it could cause harm.	Stefan Cermak	Target: 27-May-2025	Completed
100%	4 that Regional Planning Committee request staff to draft business cases to address the following Trust Council key initiatives: a. Map eelgrass and kelp forests. b. Develop a growth management planning framework that includes data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates. c. Conduct an independent review of the Freshwater Sustainability Strategy by a qualified external party and that the scope include, but not be limited to: - Assessing the effectiveness and outcomes of the strategy to date, - Identifying areas of strength and opportunities for improvement, - Evaluating alignment with Trust Council strategic objectives and other key initiatives.	Stefan Cermak	Target: 18-Jul-2025	Completed



REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** July 18, 2025
From: Planning Services **Date Prepared:** July 4, 2025
SUBJECT: Bylaw Compliance & Enforcement Policy Review – Draft Policy 5.5.1 and Manual

RECOMMENDATION:

1. That the Regional Planning Committee review and endorse draft Bylaw Compliance and Enforcement Policy 5.5.1.
 2. That the Regional Planning Committee review and endorse draft Bylaw Compliance and Enforcement Best Practices Manual.
 3. That the Regional Planning Committee forward the Bylaw Compliance and Enforcement Policy 5.5.1 and the draft Bylaw Compliance and Enforcement Best Practices Manual, to Trust Council, for review and comment.
-

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 ('Manual') with comments and revisions recommended by staff of the Office of the Ombudsperson and for potential referral to Trust Council.

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”.

Trust Council Policy 5.5.1 (Bylaw Compliance and Enforcement) provides direction to staff on bylaw enforcement processes, procedures, and communications. The Bylaw Compliance and Enforcement Best Practices Manual is intended to be public facing document that will describe enforcement policies and practices in plain language. The Regional Planning Committee has been reviewing and updating both the policy and the Manual. Many Local Trust Committees (LTC) 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. An LTC Compliance and Bylaw Enforcement template has been created and attached as

Appendix D to the Policy 5.5.1. The LTC Compliance and Bylaw Enforcement template has been used as the basis for several LTC enforcement policies.

Most recently, at the May 9, 2025 meeting, RPC made several further minor revisions to draft Policy 5.5.1 and resolved:

RPC 2025-010

It was MOVED and SECONDED,

that Regional Planning Committee endorse draft Bylaw Compliance and Enforcement Policy 5.5.1 as amended.

The amendments have been incorporated into the current draft policy.

RPC also resolved:

RPC 2025-011

It was MOVED and SECONDED,

that Regional Planning Committee request staff revise the draft Bylaw Compliance and Enforcement Best Practices Manual to harmonize it with draft Bylaw Compliance and Enforcement Policy 5.5.1, with amendments as discussed at the Regional Planning Committee May 9, 2025 meeting

The following changes have been incorporated into the Manual based on RPC direction:

- Definition of ‘Vexatious Complaint’ has been revised for consistency with policy wording
- Purpose section has placed at the beginning
- The Guiding Principles has been made into a list
- Roles and Responsibilities section has been revised for consistency with policy wording
- Replaced “violation” with “contravention” throughout
- Bylaw Compliance and Enforcement Process section revised for consistency with policy wording
- Appeal section revised for consistency with policy wording
- A section on exercising discretion has been added
- Deleted information on implementation of BEN bylaw
- BVN fees and payments section has been revised to improve readability

RPC also resolved:

RPC 2025-012

It was MOVED and SECONDED,

that Regional Planning Committee requests staff to make amendments, as agreed at the RPC May 9, 2025 meeting, to Trust Council Policy 5.5.1 and the Best Practices Manual, and to send the documents to the Ombudsperson for review.

Staff referred the revised documents to the Ombudspersons Office for review. A response has been provided with comments discussed in the following section.

Comments of the Office of the Ombudsperson

Staff of the Office of the Ombudsperson reviewed both documents and provided general comments and specific suggestions.

Overall, comments on Policy 5.5.1 included the following:

- The documents demonstrate a significant commitment by the Islands Trust to having and following processes and procedures in bylaw enforcement that are aligned with the principles of administrative fairness and follow the best practices as set out in our office's [Bylaw Enforcement guide](#).
- Islands Trust has utilized the suggestions and feedback that were provided in 2023 at the conclusion of our team's previous consultation to comprehensively review the Islands Trust's bylaw enforcement related policies and practices.
- [Section 3 Investigation and Progressive Enforcement] is clear, can see the fairness principles of: notice of bylaw contraventions provided, the opportunity to be heard for both Complainants and Respondents, as well as the process undertaken by the Officer to investigate and make a determination to then provide fulsome reasons to the Respondent as well as the opportunity to request a review.
- Section 4 (Investigative Approach and Conduct) is very thorough
- Support for inclusion of Section 9 [Reviewing the Conduct of Bylaw Compliance and Enforcement Officers].
- Involvement of local trust committees: there may be conflicting guidance about the involvement of trustees/local trust committees in bylaw compliance and enforcement:
 - the Policy states that a local trust committee may direct that an investigation be closed (section 6.1.3) and can direct the prioritization of investigations (section 7.1.1). The explanation of the roles and responsibilities of local trust committees and trustees indicate otherwise - that they are not directly involved in bylaw enforcement decisions.
 - Office of the Ombudsperson Bylaw Enforcement guide it states that "[d]efining and maintaining separation between council and front-line enforcement staff is essential to an administratively fair bylaw enforcement system".

Staff have considered the comment regarding local trust committee involvement and while understanding the concern, feel that the current drafts of the Policy and the Manual provide a framework for local trustees to provide direction as an LTC on establishing enforcement priorities without direct involvement in investigation of potential bylaw violations.

Based on specific suggestions from the Office of the Ombudsperson, staff have made the following revisions to Policy 5.5.1 (shown in Attachment 1):

- Added a new principle 11 on Cultural Safety
- Throughout: changed 'unlawful activity' to 'bylaw contravention'
- 2.1.1: added a statement that officers can assist in writing complaints
- 2.1.2: added that anonymous complaints could be accepted when consistent with other policies
- 2.1.4: added specifics about how complaints are responded to
- 4.3.2: added a statement that officers should demonstrate cultural humility
- 5.1: added that timing for site inspections could be established in LTC policy, including exceptions
- 9.12: added a specific reference to Trust Council's Administrative Fairness Complaint Policy.

Comments on the Manual:

General comments from staff of the Office of the Ombudsperson were supportive of the Manual. Based on suggestions, the following changes have made to the draft Manual (attachment 2):

- Bylaw Enforcement Pathway visual (page 3): changed “90 days” to “reasonable time”
- Guiding Principles (page 5): added Cultural Safety as a principle
- Added reference to demonstrating cultural humility in box on Page 10
- Confidentiality (page 8): added reference to circumstances in which an anonymous complaint would be considered
- Site Inspections: added wording stating that investigations will only focus on alleged bylaw contraventions (page 11)
- Bias section: added ‘take steps to address any bias’ (page 13).

RPC is requested to the review the changes to Policy 5.5.1 and the Manual, direct any further changes to be made, and if satisfied, endorse both documents and refer them to Trust Council, along with the LTC policy template, for review of revised Policy 5.5.1.

3. NEXT STEPS

- September 2025: Trust Council consider draft policy amendments
- October 2025: RPC considers implementation plan
- December 2025: Trust Council approves policy amendment and implementation plan
- July 2026: RPC reviews monitoring metrics and evaluates impact of policy changes
- September 2026: Trust Council receive report on monitoring and evaluation
- Annual reporting on approved metrics

Note that staff are currently creating a new Bylaw Compliance and Enforcement portal based on the same software (Cityview) as the [Applications Portal](#). The potential roll out of the new portal may overlap with approval of the policy amendments. Staff will ensure that the Implementation Plan takes both projects into consideration.

Please also note that that all Bylaw Compliance and Enforcement staff have completed, or are scheduled to complete in July 2025, Building a Respectful and Inclusive Workplace training program which includes developing self-awareness, promoting trust, developing inclusive language and creating an intentional culture.

4. ATTACHMENT(S):

- 1) **Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy – Blacklined Version**
- 2) **Draft Bylaw Compliance and Enforcement Best Practices Manual**
- 3) **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 of Planning Services / July 10, 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.
10. **Administrative Fairness:** Ensure that standards of conduct complaints are addressed in a fair, equitable, and timely manner in accordance with the principles of administrative fairness.
- ~~10-11.~~ **Cultural Safety:** Demonstrate a commitment to cultural safety for all those involved in bylaw compliance and enforcement.

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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 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 officer.
7. *Respondent* means those responding to allegations of bylaw contraventions.
8. *Vexatious complaint* means a complaint made for retaliatory reasons or in bad faith and 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 is 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 bylaw contravention.

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. Staff can assist individuals who may need assistance with writing a complaint.
 - 2.1.2 Anonymous complaints are not accepted, except in instances where policy allows investigations without a complaint.
 - 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 by the administrative assistant within 2 to 10 business days 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 a complaint involves potential impacts to cultural heritage, all First Nations with rights and title in the consultative areas database will be notified.
- 3.4 If the Manager determines that there is no potential violation, the Complainant will be informed and given the opportunity to provide more information.
- 3.5 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.
- 3.6 The Officer will investigate the potential violation, including:
 - 3.6.1 Reviewing all relevant bylaws, policies, and procedures.
 - 3.6.2 Arranging a site inspection. Site inspections will be conducted in accordance with the policies in Section 4 below.
 - 3.6.3 Hearing from the Respondent and potentially from the Complainant.
 - 3.6.4 Reviewing evidence gathered from a site inspection and relevant bylaws.
 - 3.6.5 Reviewing all relevant infraction and legal history.
 - 3.6.6 Consulting with the Manager, planners, and Regional Planning Manager.
 - 3.6.7 Reporting potentially problematic, inconsistent or contentious issues to the LTC.
 - 3.6.8 Seeking legal advice where required.
- 3.7 Based on the outcome of the investigation, the officer will make a determination if there is a contravention.
- 3.8 Respondents will be notified in writing of the determination of an investigation. A Determination letter will include:
 - 3.8.1 The purpose of the letter, referencing any relevant investigations or prior communications.
 - 3.8.2 The Respondent's name, address, and the property address involved.
 - 3.8.3 Specific bylaw regulation(s) violated and summarize supporting evidence, including facts and documentation.
 - 3.8.4 Outline actions to achieve voluntary compliance, along with reasonable deadlines and monitoring processes.
 - 3.8.5 Potential consequences of non-compliance and information on the Respondent's rights to respond or dispute the determination.
 - 3.8.6 The Officer's contact details and any resources to assist with compliance.
 - 3.8.7 Copies of supporting evidence.
- 3.9 A Respondent may request that a determination of a contravention be reviewed by the Manager.
- 3.10 Complainants may request a review of a file by the Manager where the investigation has determined that there is no contravention.
- 3.11 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.
- 3.12 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.
- 3.13 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.

- 3.14 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.
- 3.15 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:
 - 3.15.1 The file is put on hold, along with the reason for this action.
 - 3.15.2 The local trust committee has made a decision regarding the file.
 - 3.15.3 The file has moved to litigation at which time the identity of the Complainant may become public information.
 - 3.15.4 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.
- 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, [demonstrate cultural humility](#), 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, [consistent with legislation, bylaws, and policies adopted by the local trust committee](#).

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:** 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.

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 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.

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 in a process to:
 - 8.1.1 Provide full information and exchange of information;
 - 8.1.2 Confirm facts;
 - 8.1.3 Explore opportunities for compliance;
 - 8.1.4 Negotiate a timeline for compliance;
 - 8.1.5 Reach compliance solutions.

9. REVIEWING THE CONDUCT OF BYLAW COMPLIANCE AND ENFORCEMENT OFFICERS

- 9.1 A person concerned about the conduct of a Bylaw Compliance and Enforcement 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 within 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, as outlined in Policy 7.1.1 (Administrative Fairness Principles) 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 [under the Islands Trust 'Handling of Administrative Fairness Complaints' policy](#).
- 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/bylaw contravention](#) does not cease or if compliance is not achieved, a Bylaw Compliance and Enforcement 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/bylaw contravention](#) 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, with LTCs defining the notice period;
- 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 of Bylaw Compliance and Enforcement 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 A complaint that is made in bad faith or for vexatious and retaliatory purposes may not be acted upon if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur that it meets the definition of a vexatious complaint.
- 15.2 Complaints that form a pattern of conduct by a Complainant that amounts to an abuse of the complaint process may not be acted upon.
- 15.3 The Manager may refuse to open a file for a complaint considered to be frivolous or repeat complaint about the same issue.
- 15.4 In any of the above instances, the Complainant will be notified that no further submissions will be accepted from them on the subject of the complaint, the reason for it, may be advised of the circumstances under which it may be reconsidered, and that this does not prevent the Complainant from making complaints on different matters.

16. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES ROLES

- 16.1 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.

- 16.2 Local trust committees will be notified when a bylaw investigation file has been closed.
- 16.3 Trustees may make a written complaint alleging a bylaw contravention.
- 16.4 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.
- 16.5 Local trust committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 16.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

17. BEST PRACTICES MANUAL

- 17.1 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. [Local Government Act](#)
3. [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

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 deferrals 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.



Islands Trust

Bylaw Compliance & Enforcement

Best Practices Manual

July 2025

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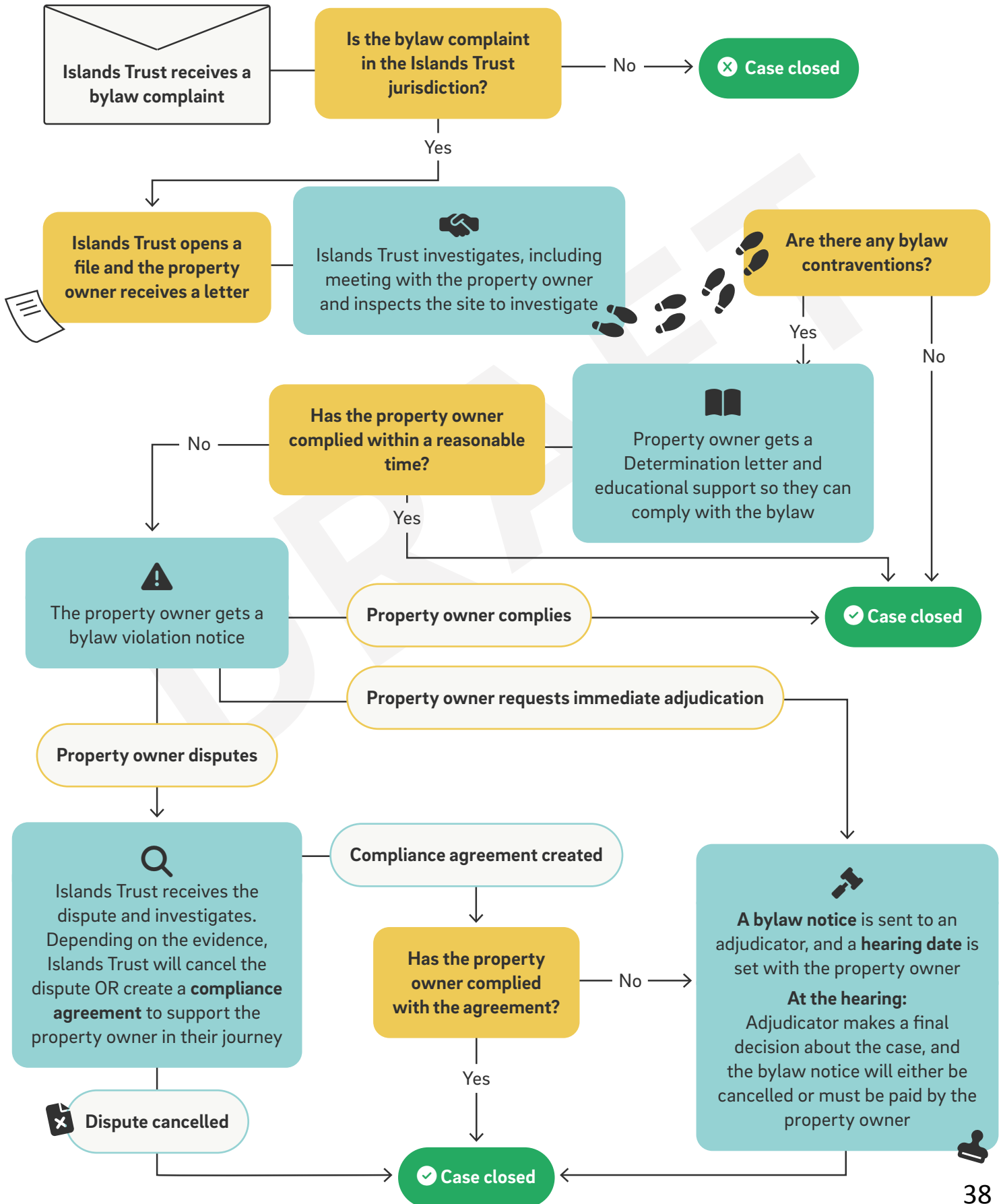
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Islands Trust



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 is a complaint made for retaliatory reasons or in bad faith and 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

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.

Guiding Principles

- **Fairness and Impartiality:** Apply bylaws consistently, ensuring decisions are unbiased and equitable for diverse island communities.
- **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.
- **Focus on Education and Compliance:** Emphasize public education and voluntary compliance with bylaws.
- **Procedural Fairness:** Ensure timely notification of alleged infractions, offer opportunities to Respondents to be heard throughout the process, and guarantee unbiased decision-making.
- **Proportionality and Discretion:** Tailor enforcement actions to the severity and context of the infraction, with a focus on voluntary compliance.
- **Efficiency:** Prioritize significant violations that impact environmental sustainability or community safety, while streamlining processes for minor cases.
- **Engagement and Inclusivity:** Collaborate with island communities to ensure enforcement practices reflect local values and consider marginalized populations.
- **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.
- **Respect for Privacy:** Safeguard the confidentiality of Complainants and individuals involved in enforcement actions, in compliance with privacy laws.
- **Administrative Fairness:** Ensure that standards of conduct complaints are addressed in a fair, equitable, and timely manner in accordance with the principles of administrative fairness.
- **Cultural Safety:** Demonstrate a commitment to cultural safety for all those involved in bylaw compliance and enforcement.

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

- **Policy Development and Approval:** Trustees are primarily involved in governance, including setting policies that guide bylaw enforcement. Local trust committees approve bylaws that regulate land use and community planning within the Islands Trust Area and are authorized to enforce those bylaws.
- **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.
- **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.

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.
- **The Manager of Bylaw Compliance and Enforcement:** leads 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.
- **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 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. Other 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:

- Contraventions may cause health or safety risks
- Contraventions occur near water bodies
- Contraventions happen in development permit areas
- Contraventions 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 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, except in instances where policy allows investigations without a complaint. 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 is determined to be "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
- 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 contravention. 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.

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

Some complaints are more urgent than others are, so not all will receive the same level of attention.

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 contravention, 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 contravention 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 contravention, 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 of 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 sent a Determination letter, explaining the contravention and requesting voluntary cessation of the activity, land use, or construction.
5. If a Respondent disagrees with the determination made by the Officer, a review by senior staff can be requested.
6. If a Respondent needs more time to bring the property into compliance, a request can be made for more time to comply. If an administrative application such as a land use permit 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.
7. Where voluntary compliance has not been achieved in a reasonable time, 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 contravention is, and the timeline for compliance. The Officer is available to provide more information to the Respondent so they can achieve compliance without penalties.
8. Voluntary compliance is always the goal. The Officer will attempt to support the Respondent to achieve voluntary compliance with educational resources, and negotiations.

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
- Approach investigations with an understanding of the specific circumstances of individuals involved
- 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.

Demonstrate cultural humility by reflecting on the cultures of themselves and those they work with in order to create and maintain relationships and trust.

Site Inspections

For most case files, an Officer will conduct a site inspection as part of an investigation. This is both to gain an understanding of the potential contravention and also to meet and hear from the Respondent. Except in rare and exceptional circumstances laid out in policy, Officers will contact the Respondent to give written notice and proposing timing of the site inspection. Inspections will only occur during reasonable hours, and focus exclusively on the alleged bylaw contravention, unless other observations pose an immediate risk to public health, safety, or the environment. During the inspection, Officers are there to gather evidence, and can answer reasonable questions about the process but are not there to make a final determination.

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. When a file is opened:

- 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.
- Local trust committees will only be kept informed about the status of an investigation if updates are requested.
- Local trust committees may request Bylaw Compliance and Enforcement staff 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 contravention 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 determination made by 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 consult with Planners 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, and take steps to address any biases that have an impact upon their decision-making so that decisions are made impartially.

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.

Exercising discretion

One of the guiding principles of bylaw enforcement in the Trust Area is that enforcement actions should be consistent with the severity and context of the infraction. In law, local trust committees are not obliged to enforce all contraventions. This results in the exercise of discretion in enforcement at several levels by choosing between courses of action. Discretion in enforcement may be exercised by staff during investigations by providing flexibility such as extended timelines or alternative solutions when warranted by individual circumstances. Senior staff may prioritize or defer enforcement of certain types of contraventions based on scarce resources, impacts, or community priorities. Discretion may also be used to close certain files, where staff have determined that the contravention is of a minor nature, impacts are minimal, or it is not in the public interest to enforce. Local trust committees can also exercise discretion by resolution to prioritize enforcement of certain types of contraventions or to close specific files.

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 contraventions. It features a simple ticket process for enforcement and a way for an independent adjudicator to handle ticket 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.

Records 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

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.

There are four possible scenarios once a Bylaw Violation Notice has been received::

1. No response: 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. Not received: if, within 21 days, the Respondent claims they have not received the Bylaw Violation Notice, a copy of the original notice will be reissued
3. Payment made: if the penalty is paid within 14 days of receiving the notice, a discount may be applied. After 14 days, the full penalty amount is due. A late fee is added after 28 days. Payment can be made by cash, cheque, or money order to Islands Trust, with instructions provided on the Bylaw Violation Notice
4. Dispute: 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.

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.

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.

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 contravention 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 System 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

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

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

Project Team	
<i>Stefan Cermak, DPS</i>	Project Champion
<i>Robert Kojima, RPM</i>	Project Manager
<i>Warren Dingman, Manager C & E</i>	Project Manager
	RPC Planner
<i>David Marlor, DLS</i>	Advisor
Director Approval: <i>Stefan Cermak</i> 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



BRIEFING

To: Regional Planning Committee **For the Meeting of:** July 18, 2025
From: Planning Services **Date Prepared:** July 9, 2025
SUBJECT: Islands Trust Freshwater Atlas - Update

PURPOSE: This briefing provides a status update on the Islands Trust Freshwater Atlas in response to the Regional Planning Committee resolution on February 7, 2025 requesting staff report back on the status in July 2025.

BACKGROUND:

The Islands Trust Freshwater Atlas (FWAtlas) project is a foundational component of the Islands Trust [Freshwater Sustainability Strategy](#). Its purpose is to consolidate, clean, manage, and deliver spatial freshwater data through a centralized and accessible platform for planners, trustees, applicants, researchers, and the public.

The contract awarded to Cedar Shore Consultants on April 1, 2025, and completed on July 1, 2025, included 400 hours of professional services across four deliverables.

These were:

- 120 hours for metadata and dataset cleaning, focused on reviewing, updating, and standardizing information within the Freshwater Atlas to ensure consistency and usability
- 120 hours for database management, aimed at optimizing the structure and functionality of the FWAtlas database to support efficient data access and integration
- 120 hours for online experience development, which enhanced the user interface and accessibility of the Freshwater Atlas for planners, researchers, and the public and
- 40 hours for the preparation and upload of the Islands Trust Aquifer Conceptualization Model to Seequent Central, enabling cloud-based visualization, collaboration, and version control for groundwater data

STATUS

All aspects of the contract were completed with the exception of the 3D aquifer conceptualization model upload to Seequent Central, which was delayed due to significant challenges in procuring the required software licensing.

In addition to the contracted items, the project team encountered and addressed substantial technical challenges, including the transfer of large datasets from ArcGIS desktop to Islands Trust GIS servers, and the processing of consultant provided raw raster data into usable vector formats suitable for online map integration.

Despite these challenges, staff received a draft version of the Freshwater Atlas map and two educational “Experience” interfaces focused on climate and watershed resiliency, which provides a template to build more experiences, specifically groundwater recharge, to support future public engagement, and internal planning applications.

NEXT STEPS

Next steps include a review of the Freshwater Atlas by Islands Trust communications and planning staff to ensure accuracy, clarity, and alignment with organizational priorities. Planned improvements include refining the user interface and navigation features, developing a “How To” guide for effective use by the public and staff, and incorporating a Frequently Asked Questions (FAQ) section to address common inquiries.

Additional actions will include testing accessibility compliance, aligning map layers with priority policy areas (such as development permit areas and water conservation zones), and preparing external engagement materials to support community awareness. Internal staff training and integration of the Atlas into planning workflows will also be pursued to maximize its utility across the Trust Area.

Communications staff indicate availability in Fall 2025 to assist with development of associated communications.

FOLLOW-UP: Staff will report back at then next regular business meeting. A special meeting of the Regional Planning Committee for the roll out of the Freshwater Atlas may be requested after that time.

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

Reviewed By/Date: Stefan Cermak, Director, Planning Services / July 9, 2025



REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** July 18, 2025
From: Planning Services **Date Prepared:** July 11, 2025
SUBJECT: Fiscal Year 2026/27 Business Cases

RECOMMENDATION:

That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026/27 budget business cases for:

- Phase 2 of Eelgrass and Kelp Forest Mapping
 - Independent Review of Freshwater Sustainability Strategy
-

- 1 PURPOSE:** For the Regional Planning Committee to consider fiscal year 2026/27 business cases it has requested.
- 2 BACKGROUND:** On May 9, 2025, the Regional Planning Committee requested staff to draft the following fiscal year 2026/27 business cases:
 - a. Map eelgrass and kelp forests (phase 2).
 - b. Develop a growth management planning framework that includes data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates.
 - c. Conduct an independent review of the Freshwater Sustainability Strategy by a qualified external party and that the scope include, but not be limited to:
 - i. Assessing the effectiveness and outcomes of the strategy to date,
 - ii. Identifying areas of strength and opportunities for improvement,
 - iii. Evaluating alignment with Trust Council strategic objectives and other key initiatives.

Attached are business cases proposals for all of the above. Below is a brief summary.

Mapping Eelgrass and Kelp Forest Locations – Phase 2

Completing mapping of eelgrass and kelp forest locations is a key initiative for 2026-27 in the Islands Trust Council Strategic Plan and aligns with the Policy Statement to preserve and protect the natural processes, habitats and species of the Trust Area, including those of kelp forests and eel grass beds. Completing mapping of eelgrass and kelp forests is critical for providing evidence that Local Trust Committees and other Islands Trust bodies require to preserve and protect the marine ecosystem. Eelgrass and kelp forest are key stone species that provide critical habitat, food, and protection for a wide array of other species, and their presence or absence can significantly impact the overall health and structure of the ecosystem. Phase 2 of the mapping has been delayed since 2022 and cannot be delayed further without rendering phase 1 obsolete.

Cost: \$120,000

Recommendation: Forward to Financial Planning Committee (FPC)

Rationale: Require mapping evidence to assist bylaw amendments in protecting the key stone species (the importance of eelgrass cannot be overstated); complete mapping before information from phase 1 is obsolete; effective use of resources.

Development of a Growth Management Planning Framework

Developing a growth management planning framework is a key initiative proposed to be initiated in 2026-27 in the Islands Trust Council Strategic Plan and is consistent with the Policy Statement to ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character. The initiative will require a detailed review with other data gathering and metric initiatives such as the State of the Islands Report to ensure complimentary work and not duplicating efforts. The initiative is moderately complex and requires an intensive amount of resources. Staff do not recommend proceeding with this initiative at this time.

Cost: \$211,000

Recommendation: Do not forward to FPC at this time

Rationale: New proposed framework requires further work to assess with other similar projects (ex: State of the Islands); resource intensive.

Independent Review of the Freshwater Sustainability Strategy

Updating and implementing the Freshwater Sustainability Strategy is a priority for the current council term as per the Islands Trust Council Strategic Plan. The Regional Planning Committee has recommended that an independent review be the first step in the update process. An independent review naturally leads to recommendations for next steps to be drafted in an implementation guide.

Cost: \$25,000

Recommendation: Forward to FPC

Rationale: Ongoing strategy would benefit from revitalization; minimal cost.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The attached business cases recommended for forwarding to the FPC advance existing or delayed work in the work program of the Regional Planning Committee, Islands Trust Council and supports Local Trust Committees. Developing a new growth management planning framework will require intensive resources and is not recommended without further consideration of it's fit with other key initiatives or during the final year of the term.

FINANCIAL:

- Mapping Eelgrass and Kelp Forest Locations – Phase 2: **\$120,000**
- Independent Review of the Freshwater Sustainability Strategy: **\$25,000**
- Development of a Growth Management Planning Framework: **\$211,000**

POLICY:

Policy 6.3.1 Budget Process

Policy 6.5.3 Procurement

IMPLEMENTATION/COMMUNICATIONS:

Business Cases will be advanced to the Financial Planning Committee.

FIRST NATIONS:

Updated eelgrass and kelp forest data will be made available with interested First Nations.

4 RELEVANT POLICY(S):

Policy 6.3.1 Budget Process

Policy 6.5.3 Procurement

5 ATTACHMENT(S):

Business Case: Phase 2 of Eelgrass and Kelp Forest Mapping

Business Case: Development of a Growth Management Planning Framework

Business Case: Independent Review of the Freshwater Sustainability Strategy

RESPONSE OPTIONS**Recommendation:**

That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget business cases for:

- Completing eelgrass and kelp forest mapping,
- Independent Review of the Freshwater Sustainability Strategy

Alternatives:**RPC may consider forwarding all three attached business cases to the Financial Planning Committee:**

1. That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2025/26 budget business cases for:
 - Phase 2 of Eelgrass and Kelp Forest Mapping,
 - Independent Review of the Freshwater Sustainability Strategy, and
 - Development of a Growth Management Planning Framework

RPC may amend the business cases:

1. That Regional Planning Committee amend [name business case(s)] by:
 - [adding, deleting, rewording]...
2. That Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026/27 budget business cases [as amended] for:
 -

RPC may ask for further information. This information would return to the next regular scheduled meeting of October 31, 2025.

1. That Regional Planning Committee request staff to provide information regarding:
 - [list specific information]

RPC may need an extra RPC meeting to review amended drafts before forwarding to the Financial Planning Committee meeting of October 22nd, 2025. Possible special meeting business dates include:

- Friday Sept. 12th, 2025
- Friday Oct. 3rd, 2025 (afternoon – there is NP LTC meeting in 10-2 (Aaron Campbell))
- Others as identified.

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).

TO BE COMPLETED BY INITIATOR

<p>Requested by: Regional Planning Committee</p>	<p>Budget Source:</p> <p><input type="checkbox"/> Specific Project Funding (select all that apply)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Third Party Contractors <input type="checkbox"/> Staff Travel Expense <input type="checkbox"/> Staff Overtime Expense <input type="checkbox"/> New Staff Member – Temporary for project <input type="checkbox"/> Computer Hardware/Software <p><input type="checkbox"/> Furniture & Equipment</p> <p><input type="checkbox"/> Computer Hardware/Software/Supplies</p> <p><input type="checkbox"/> New Staff Resources (see Staff Costing Tool)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <p style="margin-left: 40px;">Temp Duration: _____</p> <p><input type="checkbox"/> Other – please describe:</p>
<p>Department: Planning Services</p>	
<p>Name of Request: Eelgrass and Kelp Forest Mapping – Phase 2</p>	
<p>\$ Value of Request: 2026/27</p> <ul style="list-style-type: none"> • \$120,000 	
<p>Date of Submission to Finance:</p> <ul style="list-style-type: none"> • TBD 	<p>Funding Required for (date range): April 1, 2026 – March 31, 2027</p>

TIE TO ISLANDS TRUST GUIDING DOCUMENTS:

[Islands Trust Strategic Plan 2025–2028](#)

- Focus Area: Ecosystem Health & Integrity
- Goal: Marine and foreshore ecosystems are healthy
- Strategic Direction: Strengthen marine and foreshore protection practices
- Key Initiative: 3.3.1 Map eelgrass and kelp forests

[Policy Statement Alignment](#): *Consistent with the Trust’s preserve and protect mandate under the Islands Trust Act.*

Commitments of Trust Council 3.1.1 Trust Council holds that:

- proactive land use planning is essential for the protection of Trust Area ecosystems,

- protection must be given to the natural processes, habitats and species of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors¹³, lagoons, and kelp and eel grass beds, and
- planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.

ISSUE/OPPORTUNITY:

- In 2022, Islands Trust completed Phase 1 of eelgrass mapping using high-resolution aerial imagery collected between 2018–2021. While Phase 1 results were within expectations, 41% of the polygons (representing 682 hectares) require follow-up field verification to be used in land use planning and regulatory processes. Without this confirmation, the data cannot inform policy development, development permit areas, or setback regulations intended to protect sensitive marine ecosystems.
- Mapping eelgrass beds is essential to integrating environmental data into local decision making. Eelgrass is a key shoreline ecosystem that supports biodiversity, stabilizes sediment, and provides habitat for species including salmon and orca. Islands Trust mapping also supports partner organizations in education, restoration, and stewardship efforts.
- In 2012–2014, eelgrass was mapped across the Trust Area using towed underwater cameras in partnership with SeaChange Marine Conservation Society. In 2022, a two-phase business case was approved to update the data. Aerial imagery was used for Phase 1 to define shape, position, and density. Phase 2 was to verify data only in area where polygons were unreliable. The two-phase method is cost-effective, using field surveys only where imagery is inconclusive.
- On September 6, 2023, Regional Planning Committee reviewed a business case for Phase 2. Questions arose regarding cost-effective methods, agency partnerships, and grant funding. Staff were directed to explore external funding and develop a terms of reference. No viable funding sources were identified despite outreach. Staff maintained relationships with partners and monitored mapping initiatives by other agencies.
- Delaying Phase 2 beyond 2026 increases the risk of ecosystem changes that render Phase 1 data obsolete, undermining the cost-effectiveness of the phased approach.

PROJECTED RESULTS/DELIVERABLES:

Complete in-water surveys of 682 ha of low-confidence polygons using proven techniques (towed camera or side scan sonar). This will result in accurate, up-to-date maps that can be integrated into bylaw development, land use planning, and ecosystem protection strategies. The data will also be valuable to First Nations, stewardship groups, and partner agencies.

RISK ASSESSMENT:

Risk: Lack of consistent data across Local Trust Areas

Mitigation: ensure consultant has data acquisition expertise

Risk: Hazardous outdoor mapping

Mitigation: Procurement process requires qualified contractors, insurance, and indemnification

ALTERNATIVES CONSIDERED:

Option 1: Do Nothing

- Benefits: No cost
- Risks: Phase 1 data remains incomplete and largely unusable; undermines Strategic Plan implementation
- Financial: None

- Resource: None
- Other Implications: Strategic Plan initiative 3.3.1 not achieved; mapping gaps hinder protection of eelgrass and marine ecosystems; missed opportunity to support First Nations and stewardship groups

Option 2: Proceed with Phase 2 Mapping (Recommended)

- Benefits: Data accuracy and completeness; enables regulatory tools and ecosystem protection
- Risks: Complexity of targeting only low-confidence areas may increase field time
- Financial: \$120,000
- Resource: Moderate staff time for procurement and contract management
- Other Implications: Advances First Nations collaboration and conservation objectives; builds continuity with Phase 1 data; fulfils Strategic Plan commitments

CRITICAL SUCCESS FACTORS:

- Timely completion of mapping to maintain Phase 1 relevance
- Accurate, verified spatial data suitable for use in land use bylaws and ecosystem management
- Engagement with stewardship groups and First Nations to enhance use and dissemination of data

RECOMMENDED OPTION:

Option 2: Proceed with Phase 2 mapping using in-water survey methods. This initiative directly fulfils Strategic Plan action 3.3.1. Staff have explored alternative funding sources for two years without success. Further delays risk rendering previous work obsolete, increasing long-term costs and wasting previous resources.

COST/BENEFIT ANALYSIS:

Quantitative:

- Cost. \$120,000 based on 2012–14 contract costs adjusted for inflation and recent discussions

Qualitative:

- Strategic Plan initiative completed
- Enables bylaw amendments and improved regulatory tools
- Supports marine ecosystem health and resilience
- Provides critical data for First Nations and stewardship partners

PURCHASING PROCEDURE:

Request for Proposal (RFP) and Service Contract as per procurement policy.

PROPOSED IMPLEMENTATION STRATEGY:

- April 1, 2026 – post RFP
- May 1, 2026 – initiate contract
- October 2026 – RPC review draft materials
- December 2026 – update Trust Council
- February 2027 – RPC review final report
- March 2027 – Trust Council receives final deliverables

STAFF RESOURCING:

- RFP preparation and review – 40 hours (Director, Planner, Finance, Biologist, GIS)
- Contract Development – 12 hours (Director, Planner, Finance, Biologist)
- Contract Support – 20 hours (Planner, GIS)

- Contract Management – 20 hours (Planner, Director)
- Reporting – 12 hours (Planner, Director)

**These hours have not been evaluated whether or not they are manageable or feasible

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Staff will engage stewardship groups and invite First Nations input during project planning. Final results will be shared broadly and made accessible through existing platforms such as MapIT.

Requested by: Regional Planning Committee

Prepared by: Stefan Cermak, Director, Planning Services / July 11, 2025



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

TO BE COMPLETED BY INITIATOR

Requested by: Regional Planning Committee	Budget Source: <input type="checkbox"/> Specific Project Funding (select all that apply) <input checked="" type="checkbox"/> Third Party Contractors <input checked="" type="checkbox"/> Staff Travel Expense <input checked="" type="checkbox"/> Staff Overtime Expense <input type="checkbox"/> New Staff Member – Temporary for project <input type="checkbox"/> Computer Hardware/Software <input type="checkbox"/> Furniture & Equipment <input type="checkbox"/> Computer Hardware/Software/Supplies <input type="checkbox"/> New Staff Resources (see Staff Costing Tool) <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary Temp Duration: _____ <input type="checkbox"/> Other – please describe: _____
Department: Planning Services	
Name of Request: Development of a Growth Management Planning Framework	
\$ Value of Request: 2026/27 <ul style="list-style-type: none"> • \$211,000 	
Date of Submission to Finance: <ul style="list-style-type: none"> • TBD 	Funding Required for (date range): April 1, 2026 – March 31, 2027

TIE TO ISLANDS TRUST GUIDING DOCUMENTS:

[Islands Trust Strategic Plan 2025–2028](#)

- Focus Area: Growth Management & Community Resiliency
- Goal: Defined capacity constraints and indicators inform decision-making
- Strategic Direction: Support proactive land use planning and establish limits to growth using evidence-based data
- Key Initiative: 2.1.2 – Develop a growth management planning framework that includes data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates.

[Policy Statement Alignment:](#) Consistent with the Trust’s preserve and protect mandate under the Islands Trust Act.

- Guiding Principle: Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.

- Directive Policy 3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.
- Commitments of Trust Council 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.
- Directive Policy 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

ISSUE/OPPORTUNITY:

The Islands Trust Area faces increasing development pressures and climate-related risks that demand proactive, data-informed planning. Currently, growth management tools vary between Local Trust Areas, limiting consistency and effectiveness. This initiative addresses the need to develop a coordinated framework that integrates land use, infrastructure capacity, hydrological and geological constraints, and development trends.

By identifying growth limitations and environmentally suitable areas, this framework will enable informed decision-making by Trustees, align with strategic planning goals, and improve collaboration across the Trust Area. It will also help meet provincial housing objectives while maintaining ecological integrity.

PROJECTED RESULTS/DELIVERABLES:

- A completed Growth Management Planning Framework
- Comprehensive dataset on population, housing, development rates, infrastructure, and natural capacities
- Policy tools to support OCP updates and land use decisions
- Identification of growth capacity indicators for monitoring and planning
- Public engagement summary and integration plan

RISK ASSESSMENT:

Risk: Lack of consistent data across Local Trust Areas

Mitigation: Partner with provincial data sources and utilities; ensure consultant has data acquisition expertise

Risk: Resistance to growth framing

Mitigation: Emphasize evidence-based planning and protection priorities in messaging

Risk: Unclear terminology (e.g., geological capacity)

Mitigation: Define collaboratively with experts and Trust Council direction

Risk: Limited staff capacity

Mitigation: Supplement with contractor support and phased work plan

ALTERNATIVES CONSIDERED:

Option 1: Undertake the Framework as proposed

- Benefits: Proactive, consistent, data-driven growth planning; preserves ecological values; informed policy
- Risks: Requires upfront cost, moderate complexity
- Financial Implications: \$211,000

Cost Component	Description	Estimated Cost
Contractor	Lead consultant/firm to conduct research, analysis, draft framework, facilitate engagement, and prepare deliverables (approx. 80–100 days @ \$1,200–\$1,500/day).	\$150,000
Data Acquisition	Purchase of specialized datasets (geological, hydrological, infrastructure, demographics), GIS mapping services, and any required field studies	\$20,000
Engagement and Communications	Costs for public meetings, venue rentals, materials, surveys, facilitation, and honoraria for First Nations engagement (*First Nations capacity funding has not been included)	\$26,000
Contingency	To accommodate unforeseen costs, data gaps, or additional consultation needs.	\$15,000
Total Estimated Cost		\$211,000

- Resource Requirements: Contractor, Trust staff coordination
- Other Implications: High potential for long-term savings and improved planning outcomes

Option 2: Limit scope to growth projections only

- Benefits: Lower cost, faster execution
- Risks: Incomplete framework, continued planning gaps
- Financial Implications: \$80,000–\$100,000
- Resource Requirements: Consultant, limited staff support
- Other Implications: May not address key strategic objectives

Option 3: Status quo – No new framework

- Benefits: No immediate cost
- Risks: Fragmented decision-making; reactive land use responses
- Financial Implications: None immediately; potential long-term costs
- Resource Requirements: Existing staff only
- Other Implications: Missed strategic opportunities, growing development pressure

CRITICAL SUCCESS FACTORS:

- Clarity on key concepts (e.g., geological and hydrological capacity)
- Access to reliable, localized data
- Engagement with First Nations and local communities
- Contractor with experience in integrated growth and infrastructure planning

Failure to address these may limit utility or buy-in of the framework.

RECOMMENDED OPTION:

Option 1: Proceed with full development of the Growth Management Planning Framework. It best meets Islands Trust’s strategic goals, addresses future needs, and creates a strong foundation for consistent and sustainable decision-making across Trust Areas.

COST/BENEFIT ANALYSIS:

Costs:

- Total project estimate: \$211,000
- Breakdown: Contractor services, data acquisition, engagement
- Staff time: 320 hours (project management, GIS, communications support)

Benefits (Quantitative):

- Potential savings from reduced planning delays and legal risks
- Improved efficiency in OCP and bylaw updates

Benefits (Qualitative):

- Stronger community trust through evidence-based policy
- Better resilience to climate and infrastructure stress
- Strategic alignment with housing and environmental mandates

PURCHASING PROCEDURE:

A competitive Request for Proposals (RFP) process will be conducted to engage a qualified planning or consulting firm with expertise in regional growth analysis and environmental capacity modelling.

PROPOSED IMPLEMENTATION STRATEGY:

- Q1: 2026–27: Finalize scope, issue RFP
- Q2–Q3: Data gathering, partner engagement, framework drafting
- Q4: Final deliverables, internal review, presentation to Trust Council

Timeline: 12 months total

STAFF RESOURCING:

- Project Manager (Policy Staff): ~160 hours (*Director, Planner, Finance, GIS*)
- GIS/Data Analyst: ~100 hours (*Planner, GIS, Director*)
- Communications & Engagement Support: ~60 hours (*Planner, Communications Specialist, Director*)

**These hours have not been evaluated whether or not they are manageable or feasible

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

- Communications strategy will be developed with Islands Trust communications staff
- Early and ongoing engagement with LTCs, First Nations, Bowen Island Municipality, and other partners
- Collaboration with external agencies (MoTI, BC Ferries, VIHA, Regional Districts, Improvement Districts, etc.) for infrastructure data
- Concerns around mandate alignment (growth vs. protection) will be addressed through focused messaging and inclusive consultation

Requested by: Regional Planning Committee

Prepared by: Stefan Cermak, Director, Planning Services



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

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

TO BE COMPLETED BY INITIATOR	
<p>Requested by: Regional Planning Committee</p>	<p>Budget Source (select all that apply):</p> <p><input type="checkbox"/> Specific Project Funding (select all that apply)</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Third Party Contractors</p> <p style="margin-left: 40px;"><input type="checkbox"/> Staff Travel Expense</p> <p style="margin-left: 40px;"><input type="checkbox"/> Staff Overtime Expense</p> <p style="margin-left: 40px;"><input type="checkbox"/> New Staff Member – Temporary for project</p> <p style="margin-left: 40px;"><input type="checkbox"/> Computer Hardware/Software</p> <p><input type="checkbox"/> Furniture & Equipment</p> <p><input type="checkbox"/> Computer Hardware/Software/Supplies</p> <p><input type="checkbox"/> New Staff Resources (see Staff Costing Tool)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Permanent</p> <p style="margin-left: 40px;"><input type="checkbox"/> Temporary</p> <p style="margin-left: 80px;">Temp Duration: _____</p> <p><input type="checkbox"/> Other – please describe: _____</p>
<p>Department: Planning Services</p>	
<p>Name of Request: Freshwater Sustainability Strategy Review and Implementation</p>	
<p>\$ Value of Request:</p> <p>2026/27</p> <ul style="list-style-type: none"> • \$15,000 – External Review • \$10,000 – Implementation Guide 	
<p>Date of Submission to Finance:</p> <ul style="list-style-type: none"> • TBD 	<p>Funding Required for (date range):</p> <p>April 1, 2026 – October, 1 2026</p>
<p>TIE TO ISLANDS TRUST GUIDING DOCUMENTS:</p> <p><i>Islands Trust Strategic Plan 2025–2028</i></p> <ul style="list-style-type: none"> • Focus Area: Growth Management & Community Resiliency • Goal: Defined capacity constraints and indicators inform decision-making • Strategic Direction: Support proactive land use planning and establish limits to growth using evidence-based data • Key Initiative: 2.1.3 - Update and implement Freshwater Sustainability Strategy (2022-2032) <p>The Freshwater Sustainability Strategy (FWSS)</p>	

Policy Statement Alignment: Consistent with the Trust’s preserve and protect mandate under the Islands Trust Act.

The FWSS is robustly supported by the Policy Statement Guiding Principles including;

- The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection and stewardship of the amenities, environment and resources of the Trust Area.
- When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area
- Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard. * Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation. * Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area.

The FWSS is robustly supported by the Policy Statement Goals and Policies including, but not limited to:

- *Goal:* to foster preservation and protection of the trust area’s ecosystems
- *Commitments of Trust Council 3.3.1* – Trust Council holds that: the freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed
- *Commitment of Trust Council 4.4.1* It is Trust Council’s policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater. groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated
- *Directive Policy 3.3.2* Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- *Directive Policy 4.4.2* Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
 - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - water quality is maintained, and
 - existing, anticipated and seasonal demands for water are considered and allowed for.
- *Directive Policy 4.4.3* Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.

ISSUE/OPPORTUNITY:

There is a growing need to study, educate, and regulate freshwater in the Islands Trust Area to address increasing pressures on groundwater resources, ecosystem health, and sustainable land use—necessitating a coordinated, long-term approach guided by the Freshwater Sustainability Strategy.

The FWSS was initiated in 2021 through funding from the Healthy Watersheds Initiative. It established a multi-year framework for freshwater resilience based on geospatial assessments, community engagement, and evidence-informed policy development. To secure organizational and financial support for the comprehensive mid-term review and phased implementation of the FWSS, advancing coordinated and data-driven freshwater management across the Trust Area in alignment with the Islands Trust Policy Statement and provincial Watershed Security Strategy.

Financial and staff resource commitments are critical to the development of, and improved access to, the information related to freshwater sustainability strategy implementation. These include dedicated time of the Senior Freshwater Specialist (SFWS) (0.25 FTE), Regional Planning Team (RPT) (0.25FTE), senior policy staff, and communications staff.

PROJECTED RESULTS/DELIVERABLES:

Freshwater Sustainability Strategy Review – \$15,000

A focused review of the existing FWSS will:

- Assess effectiveness and outcomes of implementing the FWSS, including but not limited to completed and on-going projects (e.g., Aquifer Conceptualization, Recharge Mapping, Gabriola Freshwater Footprint pilot and Suitable Land Analysis) as well as webinars, and similar
- Identify areas of strength and opportunities for improvement including but not limited to identifying current gaps, outdated assumptions, organizational capacity, and priority areas requiring recalibration
- Evaluate alignment with Trust Council Strategic Plan, Policy Statement (including relevant draft amendments), and other key initiatives as well as Watershed Security Fund criteria
- Engage staff and elected officials for input;
- Recommend structural improvements and updated priorities.
- Recommend benchmarks for future monitoring

Deliverables:

- FWSS Review Summary Report by a qualified independent external party
 - Executive Summary
 - Outline of Methodology
 - Assessment of Effectiveness and Outcomes
 - Annotated roadmap of existing tools, data layers, and planning applications
 - Strengths and Opportunities Analysis
 - Alignment Evaluation
 - Monitoring metric recommendations
 - Action-Orientated Recommendations
 - Presentation of Findings

Implementation Plan – \$10,000

Using the review findings, a targeted Implementation Plan will be created to:

- Address pathways to prioritize and action existing projects and programs of the FWSS
- Define a phased approach to expand the Freshwater Footprint Project across the Trust Area
- Define an internal and external engagement and communications plan
- Outline initial actions for operationalizing the Freshwater Atlas and Helpdesk within current resources
- Estimate resource needs (staff time, partnerships, committee creation and administration, and grant opportunities) for full-scale rollout
- Refine monitoring metric recommendations to match scope, timeline, and resources

Deliverables:

- Implementation Guide
 - Timeline (short, medium, and long term actions)
 - Resource requirements
 - Engagement Plan: outline for public communication and First Nations collaboration
 - Contingency plans

RISK ASSESSMENT:

Risk: Staff or committee engagement may be limited due to competing priorities

Mitigation: Early communications and engagement plan adoption

Risk: Implementation plan may face uncertainty due to the upcoming local elections

Mitigation: Trust Council approval within Strategic Plan; Trust Council approval of Implementation guide.

Risk: Overlap with regional initiatives

Mitigation: Maintain and improve staff relationships and engagement with external agencies

Risk: Limited staff capacity

Mitigation: Supplement with contractor support and phased work plan

ALTERNATIVES CONSIDERED:

Option 1: Do not proceed with implementation plan but proceed with review

While this option reduces costs, it risks creating a gap between strategic analysis and actionable next steps, limiting the Trust’s ability to operationalize the strategy or seek external funding.

Option 2: Do not proceed with implementation or review

Choosing not to proceed with either phase would stall progress on freshwater initiatives, diminish organizational momentum, and risk misalignment with the Islands Trust Council Strategic Plan 2025–28 priorities related to water security and climate resilience.

CRITICAL SUCCESS FACTORS:

Clear Project Scope and Timeline

Defined deliverables, realistic timelines, and a focused scope will ensure the review and implementation plan are completed efficiently and on budget.

Internal Engagement and Support

Active participation from Islands Trust staff, project sponsors, and committees is essential to ensure relevance, uptake, and integration of outcomes.

Alignment with Strategic Plan

Ensuring that recommendations directly support the Islands Trust Council Strategic Plan 2025–28 will strengthen internal commitment and external funding potential.

Effective Use of Existing Data and Tools

Addressing past project outputs in an efficient manner will maximize value while minimizing additional workload or costs.

Actionable and Fundable Implementation Plan

Producing a realistic, costed implementation roadmap will provide a solid foundation for advancing the strategy and applying for future grants (e.g., Watershed Security Fund).

RECOMMENDED OPTION:

Proceed with a third-party review of the FWSS and drafting of an Implementation Guide

- **\$15,000** – External Review
- **\$10,000** – Implementation Guide

Undertaking a focused review alongside the development of an implementation guide provides the necessary foundation to refresh the strategy and move it toward practical application. This approach balances analysis with action, supports internal alignment, and maintains momentum toward freshwater sustainability goals.

COST/BENEFIT ANALYSIS:

Costs:

- Total project estimate: \$25,000
- Breakdown: Contractor services, engagement
- Staff time: ~ 920 hours (project management and coordination, Senior FW Specialist, communications support)

Benefits (Quantitative):

- Improved efficiency for allocating staff resources to implementing FWSS and achieving Trust Council Strategic Plan Key Initiative

Benefits (Qualitative):

- Improved efficiency and effectiveness implementing FWSS
- Improved communications
- Improved internal clarity, transparency, and confidence regarding FWSS
- The initiative lays essential groundwork for long-term sustainability, improved interdepartmental coordination, and more informed land-use planning across the Trust Area

PURCHASING PROCEDURE:

Procurement for this initiative will follow the BC Public Service purchasing procedures to ensure transparency, fairness, and value. Qualified consultants will be selected in accordance with applicable provincial procurement guidelines, including competitive processes where required. All contracts and expenditures will adhere to Islands Trust financial policies and provincial standards for public sector procurement.

PROPOSED IMPLEMENTATION STRATEGY:

2026–27:

- Q1: Issue RFP and award contract

- Q2–Q3: FWSS review, partner engagement, draft deliverables (including draft business cases based on review and recommendations)
- Q3 - Q4: Review, final deliverables, presentation to Trust Council

STAFF RESOURCING:

- Project Management: ~ 120 hours (*Director, Senior FW Specialist, Planner, Finance*)
- Freshwater Specialist: ~450 hours (*Senior FW Specialist*)
- FWSS Coordination: ~300 hours (*Planner*)
- Communications & Engagement Support: ~40 hours (*Senior FW Specialist, Communications Specialist, Planner, Director*)

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

- Communications will be reviewed with Islands Trust communications staff

The Senior Freshwater Specialist and Regional Planning Team member will work closely with Regional Planning Team, communications staff, Information Services staff (as needed) as well as a Trust Area Services staff.

Requested by: Regional Planning Committee

Prepared by: William Shulba, Senior Freshwater Specialist, P.Geo
Stefan Cermak, Director, Planning Services, RPP, CIP



REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** July 18, 2025
From: Planning Services **Date Prepared:** July 11, 2025
SUBJECT: Housing Strategic Action Plan

RECOMMENDATIONS:

1. That the Regional Planning Committee request staff to revise the Housing Strategic Action Plan as recommended in the RFD of July 18, 2025 and to forward the revised Plan to Trust Council for endorsement.
 2. That the Regional Planning Committee request the following amendment to the Trust Council Strategic Plan:
 - a. Replace Key Initiative 2.3.2 with: Implement the Housing Strategic Action Plan
-

1 PURPOSE:

The [Housing Strategic Action Plan](#) is absent from [Trust Council's Strategic Plan](#) which is contrary to Trust Council resolution 2024-089 and RPC resolution 2024-020. Staff recommend updating the Housing Strategic Action Plan and requesting Trust Council to place implementing it as a key initiative within the Trust Council Strategic Plan.

2 BACKGROUND:

Housing Strategic Action Plan – Current Actions

On May 9, 2025, the Regional Planning Committee (RPC) considered a Request for Decision (RFD) regarding the status of the Housing Options Toolkit and the Housing Strategic Action Plan. After discussion, the RPC carried the following motions:

- That Regional Planning Committee request staff make minor updates to the Housing Options Toolkit identified in the Request for Decision of May 9, 2025 and as discussed.
 - Staff are steadily working on these updates
- That Regional Planning Committee request staff to schedule a future presentation for Local Trust Committees initiating major projects or housing projects for presentation at regular or special Local Trust Committee meetings.
 - Staff have requested communications support to action this item.

No resolution was made in regards to the Housing Strategic Action Plan. Staff's recommendations regarding the Housing Strategic Action Plan from the May 9, 2025 RFD remain the same and are repeated here:

Staff have reviewed the 'Action List' table from the Housing Strategic Action Plan (attached) and have made updates to note actions that have been completed since the list was last updated in January 2024 using track changes. Completed actions include:

- Housing needs reports
- Communications material for property owners
- Creation of housing related definitions for model LUB
- Engagement Framework

Of the remaining actions, as there are currently no dedicated staff resources nor funding for this fiscal year, staff recommend that RPC consider updating the Action List for 'on-going' actions to the following statuses:

Actions Targeted for Completion in 2025/26

Staff are recommending that the following operational actions be completed in this fiscal year, as resources permit:

#10 Suitable Land Analysis

Staff intend to complete the tool with the support of Information Systems and to draft the methodology for the Toolkit

#18 – ToR and Water Management Plan Templates

There are a number of examples and staff intend to convert to templates this year

Actions Anticipated for Completion in the next Fiscal Year

These are actions for which there are currently no staff resources, but could be undertaken next fiscal year:

#1 Update Housing Affordability Profiles

Using Housing Needs Report and other data, dependant on dedicated staff resources

#5 – ITPS affordable housing vision

Anticipated to initiate implementation upon completion of Policy Statement Review, dependant on dedicated staff resources, and as directed by Trust Council.

On-going Actions

These are actions which are intended to repeated have no completion in the short to medium term and part of most housing related actions:

#22 – Work with FNs to address interests

Revise in table to state that this is on-going and integral to all processes, as there are currently no funding or resources for this as a specific housing initiative.

#24 – work with RDs on affordable housing strategies

Revise in table to specify on-going with no specific timeline. These initiatives are dependant upon RDs.

Advocacy Actions

Staff recommend that the following advocacy actions be referred to Trust Programs Committee for consideration as part of the advocacy program:

#25 - advocate for unplumbed sewage disposal

#26 - Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels

#28 -#30 – Provincial Advocacy actions

Deferred: the following are actions for which no staff resources are currently available, nor funding, or which are otherwise not feasible in the short-term:

#11 - Incorporate new data on social and economic implications of housing location into suitable land analysis. This data is not currently available and the suitable land analysis is based on existing datasets. Developing a new growth management framework and updating the State of the Islands Report are identified in the new strategic plan as key initiatives, so datasets could become available that are appropriate for incorporation into the Suitable Land Analysis.

#12- Undertake work with First Nations to identify and incorporate indigenous interests into suitable land analysis. Similarly, Indigenous datasets are not currently available, nor is there funding to assist Nations to create or share datasets. There is potential to incorporate datasets through future work with Nations on initiatives such designation of Heritage Conservation Areas that could prove appropriate for incorporation into the Suitable Land Analysis.

#15, #19 – Part 2 of Housing Toolkit

There are currently no staff resources (or funding) to undertake Part 2 of the Toolkit. If RPC were to prioritize this and obtain funding, it could be future action.

#16 – Request Technical services fund for pre-development professional reports

There is no current fund, nor direction to develop a business case for one.

#20 – Co-ordinate with RDs to administer housing agreements

There are no current initiatives on the part of RDs to do so in a comprehensive way, staff would work with RD staff on a case-by-case basis if an opportunity arose.

#21 – Request Trust Council to hold land

Currently no direction to develop a request to Trust Council, and is not identified in the Strategic Plan.

#23 Roundtables

Currently no funding, lack of staff resources to support further initiative. The THoWs initiative was completed last fiscal and did involve establishment of steering and technical committees.

Staff recommend revising the Housing Strategic Action Plan as per above and forwarding the revised Plan to Trust Council for endorsement.

Housing Strategic Action Plan not within Islands Trust Council Strategic Plan

During the same meeting on May 9, 2025, the RPC considered amending its work plan to align with Islands Trust Council Strategic Plan which was adopted March 2025. The new Strategic Plan has identified the following key initiatives for RPC in the current and next fiscal period:

- Improve bylaw enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence
- Update and Implement the Freshwater Sustainability Strategy (2022-2032)
- Monitor progress of protection of ecosystem health in all land use planning decisions
- Review all Trust Council policies, and where appropriate, amend, combine or rescind.

As noted in the Request for Decision, absent is implementation of the Housing Strategic Action Plan. Staff noted that the absence of the Housing Strategic Action Plan from Trust Council’s Strategic Plan may either have been overlooked as it is contrary to Trust Council resolution 2024-089 and RPC resolution 2024-020 both of which request the Housing Strategic Action Plan to be included. Staff recommend that the Housing Strategic Action Plan be included in Islands Trust Councils Strategic Plan as per earlier RPC and Trust Council resolutions. Staff further recommend that the Housing Strategic Plan replace key initiative 2.3.2 “Design a plan to advocate to enhance community access to funding for housing in the Trust Area” since the Housing Strategic Action Plan contains similar and more robust activities.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

- Staff will update the Housing Strategic Action Plan as requested.
- Updating Islands Trust Council Strategic Plan to include the Housing Strategic Action Plan will correct what appears to have been an error of omission and permit prioritizing the work.
- The Bylaw Compliance and Enforcement Policy and Procedures updates is likely to be completed by the end of this fiscal year thus Implementing the Housing Strategic Action Plan may be recommended to be one of the RPC’s top three priorities after that point. In the meantime, staff have presented actions feasible within the current fiscal term.

FINANCIAL:

- The Housing Strategic Action Plan actions are primarily dependent on staff resources.

POLICY:

- Work programs must align with Trust Council policies.

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

- Many of the actions may be of interest to Indigenous Governing Bodies.

4 RELEVANT POLICY(S):

- [Policy 2.3.1](#) Council Committee System
- [Policy 6.2.1](#) Priority Setting/Review Guidelines
- [Policy 6.7.1](#) Work Program, Follow-up Action List and Priorities Matrix

5 ATTACHMENT(S):

- Housing Strategic Action Plan (with updates)

RESPONSE OPTIONS

Recommendations:

1. That the Regional Planning Committee request staff to revise the Housing Strategic Action Plan as recommended in the RFD of July 18, 2025 and to forward the revised Plan to Trust Council for endorsement.
2. That the Regional Planning Committee request the following amendment to the Trust Council Strategic Plan:
 - a. Replace Key Initiative 2.3.2 with: Implement the Housing Strategic Action Plan

Alternative:

- The RPC may consider requesting the Trust Council Strategic Plan be amended by adding a new key initiative (2.3.3) versus replacing key initiative 2.3.2.
 - The RPC may consider requesting the Trust Council Strategic Plan be amended in other ways.
-

Prepared By: Stefan Cermak, Director, Planning Services



Islands Trust Housing Strategic Action Plan

Context

The Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of 27 First Nations. The Islands Trust is committed to working towards building strong relationships and foundations for collaborative governance with Indigenous governing bodies.

The Islands Trust has a mandate to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia. The Islands Trust preserves and protects the islands in the context of many complex challenges including: climate change, lack of affordable housing, freshwater limitations, many species at risk, development and tourism pressures.

The Islands Trust Policy Statement¹ identifies goals and policies that guide the work of the Islands Trust. Specifically, it guides the development of official community plans (OCPs) and regulatory bylaws by local trust committees (LTCs) and island municipalities and provides specific directives to all LTCs and island municipalities in support of affordable housing policy goals.

Availability of affordable, appropriate, and adequate housing for all individuals and families is an important part of healthy communities in the Trust Area. Many communities in the Trust Area are experiencing a shortage of safe, secure, and affordable housing. More and more often, island workers are needing to commute from off-island locations, seniors are finding it challenging to age in place, and many people do not have secure housing. The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area. Strengthening housing affordability is an Islands Trust Council priority.

While Islands Trust and local trust committees cannot tackle these issues alone, local trust committees can regulate use and density, ensuring new housing is located in appropriate locations, can regulate short-term rentals, and can coordinate with other levels of government to foster safe, secure, and affordable housing. Meeting the diverse housing needs of Trust Area communities requires an integrated and collaborative approach with communities, First Nations, federal, provincial, and regional governments, and non-governmental organizations.

In the spring of 2019, the Province introduced legislation requiring local governments, including LTCs, to prepare housing needs reports to better understand current and future housing needs in their communities. Local governments and LTCs must consider their most recent housing needs report when developing or amending an OCP. More recently, the Province has begun introducing new housing legislation to address short-term rentals and deliver more small-scale, multi-unit housing for people,

¹ Note the Policy Statement Amendment project is underway to adapt the Policy Statement to current and future challenges and opportunities, and to reflect its commitments related to reconciliation, climate change, and affordable housing.



Islands Trust

including townhomes, triplexes and laneway homes, and fix outdated zoning rules to help build more homes faster. Housing needs reports will now be required to consider 5 and 20 year housing needs.

This action plan supports the Trust Council Strategic Plan. The Trust Council Strategic Plan represents the priorities of Trust Council and the Islands Trust and provides a framework to guide decision-making and allocate resources.

Objectives of the Housing Strategic Action Plan

Through a review of information and consultation the following have been identified as key objectives for the Housing Strategic Action Plan. These objectives are intended to guide Housing Strategic Action Plan actions by providing a focus for how the Islands Trust will achieve its housing goals as described in the Policy Statement²:

Goal: To Sustain Island Character and Healthy Communities: "...The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and the availability of such necessities as educational and social services, transportation, affordable food and housing".

Directive Policy: "5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services."

These objectives include both objectives that the Islands Trust can implement as well as objectives that require partnership and advocacy. The discussion under each objective provides more information about the objective and why it is needed, in addition to identifying some of the actions to be undertaken. The Islands Trust Housing Action List table provides a full list of actions for the Housing Strategic Actions Plan.

Objectives Internal to the Islands Trust

A) Identify and Communicate Housing Need and Activities

Identifying housing need is the starting point for implementing policies and actions related to housing in every LTC. Housing needs assessments are a legislated requirement (every 5 years) and a critical component of understanding housing needs. The Islands Trust 2020 LTC Housing Profiles provide a snapshot of housing need. Communication identifying the unique nature of the housing crisis in island communities is critical to facilitating more focussed and specific attention to these needs by regional districts, the Province and the federal government as well as those who own property and live in the Islands Trust Area. Communications should consider each audience in the

² <https://islandstrust.bc.ca/document/islands-trust-policy-statement-bylaw-no-17/>.



Islands Trust

Islands Trust Area and include information about housing needs, activities being done to address need and actions individuals can take.

B) Develop Trust-wide consistency in housing policy and project processes

Consistency is important in order to ensure the goals of the organization area being implemented throughout the Trust Area. In addition, it can provide efficiencies for resourcing and predictability for all people involved in housing policy and projects. Articulating a vision for housing affordability in the updated Islands Trust Policy Statement is a key element that will support consistency.

C) Identify Suitable Land for Additional Housing and Density Using Best Available Environmental And Social Impact Data

Housing options related to increasing affordability may involve increasing density or redirecting growth to preferred areas. Suitable land for density increase is land that has a reliable source of potable water, is less ecologically sensitive than others and is close to community services and amenities. Data is needed to support mechanisms to identify suitable land.

D) Support Local Trust Committee Land-Use Policy Reviews and Updates

Regulating land use is the primary tool the Islands Trust has to help meet housing need. OCP policies should be flexible enough to support a diversity of housing in a diversity of locations. Creative solutions may be necessary, including the development of housing for workers and volunteers in areas that are not currently zoned for such housing. Land use regulations implement OCP policies, e.g., pre-zoning land to support a specific type of housing (e.g., rental) or to increase density. Both OCP policy and subsequent land use bylaw (LUB) zoning changes must be in accordance with the Islands Trust Policy Statement. These policies can all work together to create housing solutions especially when reviewed on a regular basis.

E) Streamline and Support Processes for Non Profit-Led Rezoning Applications

Because of the limited scale of development, providing multi-family affordable housing is generally the purview of not-for-profit community organizations with government support, rather than the private sector. These organizations have identified challenges with moving through the pre-development phase. A number of recent housing studies have identified steps the Islands Trust can take to support an increase in multi-family affordable housing zoning, including a need to streamline and support the processes for non-profit-led rezoning applications.

F) Support Housing Affordability Through Housing Agreements

Housing agreements are the tool used to protect the affordability of different types of housing. The Islands Trust has several housing agreements for various multi-family developments.



Islands Trust

Actions Requiring Partnership and Advocacy

G) Collaborate with Indigenous Nations

As discussed above, the Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of 27 First Nations. The Islands Trust is committed to working towards building strong relationships and foundations for collaborative governance with Indigenous governing bodies including in the area of housing.

H) Develop Partnerships to Improve Existing Housing and to Deliver New Housing

The unique and multi-agency governance structure of the Islands Trust requires focussed co-ordination, particularly with regional districts to support programs that are beyond regulating land use but serve the Islands Trust mandate (e.g., education, providing infrastructure, providing subsidies for housing related supports). Such coordination has been limited to date.

I) Advocate for Policy and Process Changes That Will Address Housing Challenges on the Islands

Housing challenges on the islands are unique and require unique solutions. There are a number of external policy and process changes that would support housing needs in the Islands Trust Area that require policy change by a number of agencies.

J) Advocate for Funding to Support Housing Needs on the Islands

Addressing housing need in the Islands Trust Area requires staff resources and funding. Because of the uniqueness of the Islands Trust, it can be difficult to access some of the existing funding mechanisms available to other local governments.

Islands Trust Housing Strategic Action Plan - Action List

The Islands Trust Housing Action List table provides the full list of Housing Strategy actions under each of these objectives.

Colour Legend: Internal to Islands Trust Advocacy and Partnerships

ACTION		TIMING ^{3,4}	COMMENTS
Objective A) Identify and Communicate Housing Need and Activities			
1	Updates to Housing Profiles for all LTCs when new data available from: -Census (release Feb 2026, 2030, etc.) -Housing Needs Reports (every 5 yrs, 2024, 2029, etc.)	Q3 of 24/25 Ongoing	Housing Profiles for each LTC created as part of Housing Options Toolkit Part 1 and provide snapshot of housing need. <u>Housing Needs Reports Completed</u>
2	Updates to Housing Needs Reports every 5 years (2024, 2029 etc)	Q1 of 24/25 <u>Ongoing Completed</u>	Required, business case supported by RPC and advanced to Financial Planning Committee. Next update needs to include data about housing impacts on businesses and community services. Needs assessments were undertaken for the Northern and Southern Islands in 2018, and for Salt Spring and Bowen Island in 2020. All of these have used 2016 census data. Reports completed April 2025
3	Improve the Housing Affordability webpage to facilitate easy access to the housing toolkit tools and LTC project work and support awareness of housing affordability advocacy	Q3 of 23/24 <u>Completed</u>	Funding has been identified for 2023/2024 <u>Webpage updated</u>
4	Communicate to property owners what housing actions (e.g., secondary suites etc.) can be taken under existing bylaws and constraints that are beyond an LTC's authority to address, e.g. Building Code	Q4 of 23/24 <u>Completed</u>	Funding has been identified for 2023/2024 <u>Communications material completed</u>
Objective B) Develop Trust-Wide Consistency in Housing Policy and Project Processes			
5	Islands Trust Policy Statement amendments to provide affordable housing vision	Q3 of 26/27	As part of the Policy Statement amendment project, which is underway, anticipated to be completed in late 2026.

³ If "ongoing" is indicated then this is action that is intended to be repeated at the appropriate time interval. If a date is identified that is the planned for end date of the first action.

⁴ Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Mar-May

ACTION		TIMING ^{3,4}	COMMENTS
6	Trust Council to prioritize funding business cases resulting in meeting Housing Strategic Action Plan goals especially those that result in effective and/or innovative bylaws increasing housing options (OCP and LUBs) and updates to older zoning provisions	Q4 of 24/25 On-going <u>Completed</u>	Funding needs to be prioritized by Trust Council and RPC and LTCs have to initiate business cases or minor projects. It may be helpful to set goals for % of funding requests approved. <u>Funding for LTC projects have been provided by Trust Council.</u>
7	Draft consistent definitions of affordable housing and other housing-related terms.	Q4 of 23/24 On-going <u>Completed</u>	Once drafted, LTCs need to prioritize updating definitions. Standard definitions completed, being incorporated in new and updated LUBs
8	Create Housing Toolkit for Planners and LTCs to include recommended process for LTC housing projects and list of land use planning options to address housing need	Completed	Part 1 of Housing Options Toolkit work completed, additional new actions to create "Part 2" Tools 11-16 included as part of this table
9	Create a model engagement framework for LTCs that will educate and effectively engage communities in affordable housing discussions	Q3 of 24/25 On-going <u>Completed</u>	On-going. RPC priority. <u>Framework document completed</u>
Objective C) Identify Suitable Land for Additional Housing and Density Using Best Available Environmental And Social Impact Data			
10	Undertake suitable land (for development) analysis using existing evidence-based mapping data	Q4 24/25 On-going	Suitable land analysis initiative on-going. Will be prioritized for LTCs with approved projects. Current data available: saltwater intrusion; aquifer contamination potential; groundwater aquifer vulnerability; groundwater availability assessments (southern islands only); sensitive ecosystems <u>Draft completed and presented to LTCs with on-going major projects. Revisions and updated on-going</u>
11	Incorporate new data on social and economic implications of housing location into suitable land analysis	Q4 23/24 Q4 24/25	Apply for and secure funding Pilot approach
12	Undertake work with First Nations to identify and incorporate indigenous interests into suitable land analysis	Q4 23/24 Q4 24/25	Apply for and secure funding Pilot approach
Objective D) Support Local Trust Committee Land-Use Policy Review and Update			
13	Encourage (through communications from staff) LTCs to update OCPs to facilitate the development of housing to address housing needs, could include development of policies that will encourage and facilitate land donation to regional districts or non-profits	Q2 24/25 On-going <u>Completed</u>	Part 1 of Housing Options Toolkit work completed to support this work. Several LTCs are undertaking Housing Projects, however up to LTCs to prioritize

ACTION		TIMING ^{3,4}	COMMENTS
14	Encourage LTCs (through communications from staff) to create opportunities through zoning for housing forms that address housing needs	Q2 24/25 On-going Completed	Part 1 of Housing Options Toolkit work completed to support this work. Several LTCs are undertaking Housing Projects, however up to LTCs to prioritize
Objective E) Streamline and Support Processes for Non Profit-Led Rezoning Applications			
15	Develop communications materials on pre-development steps and costs for community organizations and affordable housing application process (Tools 11, 12)	Q4 24/25	Part 2 of Housing Options Toolkit action. Identified by several Island Housing groups as a priority.
16	Resource a technical services fund (available to LTCs) to commission professional reports for site-specific affordable housing projects or a granting function to support pre-development costs for affordable housing where a non-profit has made an application	Q4 25/26	A potential future business case, however applications are inconsistent in terms of timing.
17	Convene pre-development meetings to assess feasibility for all proposed multi-family re-zoning applications	Completed	This guidance has been incorporated into the Housing Options Toolkit Part 1. This should be a practice for any significant application
18	Terms of Reference and Water Management Plan Template including proof of water guidance (Tools 14-16)	Q4 24/25	Part 2 of Toolkit action. Identified by several Island Housing groups as a priority.
Objective F) Housing Affordability Through Housing Agreements and Land Acquisition			
19	Adopt revised Housing Agreement template for multi-family developments	Q4 25/26	Part 2 of Toolkit action (Tool 13). Identified by several Island Housing groups as a second-tier priority.
20	Co-ordinate with Regional Districts (RDs) to develop a simple program to administer housing agreements	Q4 25/26	RDs would need to have a funded service.
21	Trust Council to identify if there are specific circumstances where they want to hold land for housing in a manner consistent with its mandate	Q1 24/25	Trust Council and RDs can hold land. Legislative amendment may be required.
Objective G) Collaborate with Indigenous Nations			
22	Work with Indigenous Nations to address their interests	Q4 23/24 Ongoing	Begin conversations in Q4 of 23/24
Objective H) Develop Partnerships to Improve Existing and Deliver New Housing			
23	Establish regional interagency cooperation such as round tables to coordinate servicing and zoning requirements, and remove funding and legislative barriers, in support of the development of affordable housing	Q3 24/25 Q2 25/26	First roundtable proposed to be staff focused with IT staff, RD staff and NGOs, and some housing leaders Second roundtable proposed to build off work of first roundtable and be for elected officials-.

ACTION		TIMING ^{3,4}	COMMENTS
24	Work with Regional Districts to facilitate the development and implementation of affordable housing strategies for the islands	Q4 23/24 Ongoing	First step would be to reach out to regional districts to understand their planning workplan and timelines. CRD has a Southern Gulf Island strategy
Objective I) Advocate for Policy Changes That Will Address Housing Challenges On the Islands			
25	Advocate to Island Health to develop support and guidance for unplumbed sewage disposal such as composting toilets and alternative water solutions such as graywater recycling and rainwater catchment	Q3 24/25	In accordance with Islands Trust advocacy policies. May extend beyond Island Health if provincial regulations are the obstacle.
26	Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels	Q1 24/25	In accordance with Islands Trust advocacy policies. Advocacy for changes to BCBC is on-going from many jurisdictions. THoWs report presented at AVICC, resolution endorsed
27	Advocate to Province to enable improvement districts to access infrastructure grants	Q3 23/24 <u>Completed</u>	In accordance with Islands Trust advocacy policies. Advocacy initiative with RDs. Staff level also. Report RPC, placed in abeyance
Objective J) Advocate for Funding to Support Housing Needs on the Islands			
28	Advocate for the provincial government to fund growth-limits assessment like groundwater availability studies to support “preserve and protect” mandate.	Q4 24/25	In accordance with Islands Trust advocacy policies, potential actions include letter writing, UBCM resolutions.
29	Advocate for BC Housing and CMHC to incorporate a low density, rural framework within capital funding programs	Q2 24/25	In accordance with Islands Trust advocacy policies, potential actions include letter writing, UBCM resolutions.
30	Advocate for ongoing provincial funding to help address housing need in the Islands Trust (e.g. staff capacity, funding to build housing and supports like septic and water catchment systems, housing authority (explore use of Municipal and Regional District Tax from vacation rentals)	Q4 24/25	In accordance with Islands Trust advocacy policies, potential actions include letter writing, UBCM resolutions.
General			
31	Monitor regulatory changes on a regular basis and make updates to this plan as necessary	Q4 23/24 Ongoing <u>Completed</u>	Review of provincial regulations as released in spring 2024. <u>Memo distributed to LTCs.</u>

To: Regional Planning Committee **For the Meeting of:** May 9, 2025
From: Executive Committee **Date Prepared:** April 23, 2025
SUBJEC **Crown Tenure Application Referrals**

PURPOSE: The Executive Committee has forwarded two briefings on crown tenure application referrals to Regional Planning Committee for consideration for updating relevant policy and procedures.

BACKGROUND: At the April 23, 2025 meeting, Executive Committee carried the following [draft] resolution:

It was MOVED and SECONDED,
that Executive Committee request staff forward the briefing on crown tenure application referrals of April 23, 2025 and the briefing of February 26th, 2025 to Regional Planning Committee for consideration for updating policy and procedures. **CARRIED**

February 26, 2025 Briefing

At the February 26, 2025 meeting, Executive Committee (EC) considered information to review processes and procedures for Crown referrals (Attachment 1). Currently, Islands Trust receives referrals from the provincial agency for various types of proposed tenure applications. While the Crown itself is immune from local government land use bylaws under the *Interpretation Act*, tenants of the Crown are subject to local land use regulations. The province has a process to refer applications for tenure to local governments (among others). Given the nature of the Trust Area most referrals involve use of marine areas.

The February 26, 2025 Briefing summarized the various forms of tenure, types of land uses for which tenure may be issued, the process by which referrals are received by Islands Trust, how planners review and respond to referrals, the relevant Trust Council policy, the number of referrals received over the past decade, and the distribution of referral types. The Briefing presented a number of options for changes to the current process, without detailing the implications or impacts of the options. After consideration, EC requested further advice on three of the options.

April 23, 2025 Briefing

At the April 23, 2025 meeting, Executive Committee (EC) considered further details on the implications of the three selected options (Attachment 2). The three options included:

1. Copy Referrals to Local Trust Committees (LTCs) for information: referrals would be forwarded to local trustees when received, advising the local trustees to contact staff with questions or concerns. The Planning Technician would still respond to referral within the current 30 days.

Essentially this revised process would provide information to local trustees on pending Crown tenures, trustees would be better informed to answer public questions, and would be able to advise planners of issues with specific proposed tenures, which may or may not be able to be considered in the referral response. If LTC concerns are essentially a lack of knowledge of referrals, this would address that issue.

2. Staff Discretion: senior staff (Island Planner or Regional Planning Manager (RPM)) reviews referrals (currently they are assigned directly to the Planning Technician or Senior Freshwater Specialist) and either assign to staff for routine review and response, or add to LTC agendas for potential LTC resolution depending on complexity, type, or other relevant criteria.

This revised process would result in referrals which an LTC could influence being added to agendas, while routine reviews of zoning would be handled by staff. However, the effectiveness of LTC resolutions in influencing tenure decisions should be considered.

3. Reviewing and updating the Letter of Understanding: this would involve revising the agreement with the Ministry in order to address LTCs' issues. This option could address some LTC concerns with the tenure process, provided Ministry staff are prepared to review the agreement and to potentially adjust their current processes.

The Executive Committee referred consideration of crown referrals policies and procedures (options 1 and 2) to the RPC and referred consideration of the Letter of Understanding with the relevant Ministry (option 3) to the Trust Programs Committee as per their respective terms of references.

ANALYSIS:

The Executive Committee found value in each of the listed options and referred the issue of how staff process Crown Lease Referrals to the Regional Planning Committee for further consideration.

Overseeing procedures related to crown referrals is within the RPC's Terms of Reference as noted in Trust Council's Committee System ([Policy – 2.3.1](#)).

The forwarded briefings and options considered involve amending how staff inform trustees and/or seek LTC referral responses. This would require, at minimum, amending Trust Council Policy 5.6.1 Application Processing Services ([Policy 5.6.1](#)). This work may be feasible as it falls within [Strategic Plan](#) Key Initiative 1.2.5 for all Trust Council committee's to "Review all Trust Council policies, and where appropriate, amend, combine or rescind."

Staff have included a separate Request for Decision in the agenda package to consider the various key initiatives related to RPC found in the newly adopted Strategic Plan including key initiative 1.2.5.

FOLLOW-UP: Staff will report back to the Regional Planning Committee on options to update or amend all relevant planning policies including those related to Crown Lease Referrals.

ATTACHMENTS:

1. February 26th, 2025 - Executive Committee Briefing
2. April 23, 2025 - Executive Committee Briefing

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

BRIEFING

To: Executive Committee **For the Meeting of:** February 26, 2025
From: Planning Services **Date Prepared:** February 13, 2025
SUBJECT: Crown Tenure Application Referrals

PURPOSE: The purpose of this briefing is to provide Executive Committee with a summary of the Crown referral process and provide options for changes.

BACKGROUND: At the November 20, 2024 meeting, Executive Committee adopted the following resolution:

EC-2024-150

It was MOVED and SECONDED,

that the Executive Committee request staff to provide information on crown land lease referral process and provide options for potential amendments.

CARRIED

The Executive Committee has requested information to review processes and procedures for Crown referrals. Currently, Islands Trust receives referrals from the provincial agency for various types of proposed tenure applications. While the Crown itself is immune from local government land use bylaws under the *Interpretation Act*, tenants of the Crown are subject to local land use regulations. The province has a process to refer applications for tenure to local governments (among others), and will generally not issue tenure if the local government has confirmed that the proposed use is contrary to zoning. Given the nature of the Trust Area most referrals involve use of marine areas.

Forms of Tenure

Allocation of tenure over Crown land is authorized under the *Land Act*, and for groundwater under the *Water Sustainability Act*. Applications are made through Front Counter BC and are reviewed by the Authorizations Branch of the Ministry of Forests for *Land Act* applications. Different forms of tenure can be issued, but the types most common in the Trust Area are:

- Leases – A lease is issued for longer term tenures, where substantial improvements are proposed, and/or where definite boundaries are required in order to avoid land use and property conflicts.
- Licence of Occupation - A licence of occupation may be issued where minimal improvements are proposed, there are potentially multiple users of a site, or where the Province wishes to retain future options and management control over the use of the lands.
- Temporary Licence - A temporary licence may be issued for temporary uses, where an applicant is better served by a short term, authorization than by a longer term tenure.

- General Permissions for Private Moorage – applies to residential docks and allows for private docks without a specific authorization provided they comply with certain conditions and requirements. General Permissions apply in the Lasqueti, Hornby, and Denman Local Trust Areas. All other local trust areas are designated ‘Application-only Areas’. In Application-only Areas private moorage requires a formal application for an Authorization. Currently, under Ministerial Order¹, no applications may be made for new private moorage in an area stretching from Gabriola south (this order has been in place since 2021).
- Rights of Way - Statutory rights of way may be issued to authorize linear uses for transportation, communication, energy production and utility developments (e.g. power lines, cable telecommunications).
- Sales, Grants, Nominal Rent – fee simple dispositions are generally not seen in Trust Area recently, although Sponsored Crown Grants have been made available for community or institutional uses in the past. Islands Trust retains a policy (2.1.12) for Islands Trust Conservancy to coordinate applications to the Free Crown Grants Program. Nominal rent tenures are leases or licences of occupation that can be applied for by local governments or community groups for a nominal amount of rent.
- Water licenses - (Water Authorizations for non-domestic uses under the *Water Sustainability Act*) are also referred through Front Counter BC, although licences are reviewed and issued by the Water Stewardship Branch of the Ministry of Land, Water and Resource Stewardship. These referrals are forwarded to the Senior Freshwater Specialist for review and rarely involve zoning or other regulatory issues.

There are a variety of types of land uses, involving different forms of tenure, that are referred to Islands Trust:

- Aquaculture – typically by Lease, but also licence of occupation or temporary licence may be granted.
- Log Handling - typically by Lease, but also licence of occupation or temporary licence may be granted
- Clean energy - Lease, also can involve licence of occupation, temporary licence and RoW.
- Marina - typically by Lease, but could involve licence of occupation or temporary licence.
- Utilities - licence of occupation, and may include temporary licence and RoW.
- Private Moorage – until the ‘moratorium’ authorizations for residential docks or lease for docks accessing multiple properties was probably the most common referral.

Referrals

The Authorizations Branch refers applications to federal agencies, provincial agencies, and local governments, and carries out consultations with First Nations. The referral is made through a notification (sent to all three offices’ ‘info@’ email) directing the referral agency to access the referral package through an on-line portal. The purpose of a referral is to gather information that could impact the proposed use of the application area. For example, referrals may identify siting criteria, best management practices, applicable guidelines, jurisdiction, and land use regulations. All application

¹ www.bclaws.gov.bc.ca/civix/document/id/mo/mo/m0244_2024

referrals have a defined time frame for referral response. If a response is not received within the defined time frame (typically 30 days), the application review by Authorizations may proceed.

In addition to publishing the application and accepting comments from the public on a website, the Authorizations Branch may require additional notification actions to be taken by the applicant. Typically notices of applications are advertised in the newspaper, although the Authorizations Branch can require applicants to undertake other forms of advertising or engagement. The Authorizations Branch also has a duty to consult with affected First Nations.

Upon receipt of a referral by Islands Trust, the referral package is entered with a file number (with the prefix 'CL') and is assigned to the Planning Technician for review (or the Senior Freshwater Specialist in the case of water licences). The Planning Technician reviews the proposed use for compliance with zoning and other regulations (e.g. development permit areas) and responds to the Authorizations Branch stating whether or not the proposal complies with LTC bylaws. As with other referrals from government bodies, where permits or other Local Trust Committee approvals are required, responses have the effect of placing conditions on the advancement of an application, for example where applicants must often obtain a development permit.

Most reviews are routine, and senior planners or managers are typically not involved except when there are questions of interpretation. Crown referrals are currently processed in a manner similar to preliminary plan reviews for building permits and not reported to LTCs. The 'Best Management Practices for Delivery of Local Planning Services' (Policy 5.9.1) acknowledges this practice:

- Local Planning Team planning staff will provide updates at LTC meetings regarding the status of applications and referrals that do not require an LTC decision, except for building permit and Crown land referrals (Policy 6.2).

However, the 1999 Letter of Understanding² between BC Assets and Lands Corp (as it was then) and Islands Trust identifies that applications are referred to LTCs for comment (6.1(a)):

BC Assets and Land Corporation shall provide a referral, including a sketch of the proposed use, dimensions of the tenure and any structures and proposed working plans, to the Islands Trust for referral to the appropriate local trust committee for comment. Where Islands Trust staff identify a concern relating to the mandate, and agency comments are relevant to that concern, a list of referral agencies will be provided upon request.

However, a cursory review of referrals over past 20 years shows that referrals were being responded to by staff, consistent with the current process, but with occasional reports to LTCs for significant proposals such as aquaculture.

Over the past 10 years, Crown referrals have averaged slightly over 20 per year, with the majority being in the Northern region (129), 64 in the Salt Spring LTA, and 33 in the Southern region. The types of applications vary by LTA and over time, with more private moorage applications in the Salt Spring, Southern, and Gambier LTAs, more water licence referrals in the last several years, and more aquaculture referrals in the Denman LTA. Also of note is that there is an outstanding request from the Hornby LTC for advice on advocating for tenure for non-profit group for affordable housing.

OPTIONS

² islandstrust.bc.ca/document/letter-of-understanding-bc-assets-land-corporation-2023/

While the EC resolution did not identify specific issues to address, the following are some options for changes to the referral review process. If EC identifies a preferred option (or options), other than the status quo, staff recommend that EC request staff to report back with implications:

1. Status quo: this would continue the current process of referrals being reviewed for zoning compliance by staff and responded to within the requested 30 days.
2. Copy LTCs for information: referrals could be copied to trustees when received, the Planning Technician would respond within 30 days as is currently done, but trustees would be aware of the referral and could request more information or flag potential concerns with staff. This would require some additional process to distribute the referral and to respond to trustee questions. Alternately, the referral response could be copied to trustees for information.
3. Add Referrals to Applications Reports: this would result in recently opened CL referrals being included in the LTC application reports included in all LTC agendas. However, with the timing of agendas not all referrals would appear in the report, with some having been responded to and closed between LTC agendas.
4. Staff Discretion: senior staff (Island Planner or RPM) review all referrals (currently they are assigned directly to the Planning Technician or Senior Freshwater Specialist) and either assign to staff for routine review or response, or add to LTC agendas depending on complexity, type or some other criteria. This would require senior staff to exercise discretion to assign certain types of referrals to LTC agendas, would require staff reports to be prepared for those referrals placed on LTC agendas, and LTCs providing relevant responses.
5. By Type of Referral: staff place certain types of referrals on LTC agendas, while more routine referrals (water licences and private moorage) continue to be reviewed and responded to by staff. This would require some changes to process and additional staff work for the referrals being placed on LTC agendas.
6. All referrals added to LTC agendas for LTC comment: staff review zoning, referrals along with the staff response are added to LTC agenda, and any LTC comments are added to the response. This would require additional process, delayed response times, and support for LTCs to provide relevant comments to the approving agency.
7. Alternately, staff could be requested to consult with Authorizations Branch staff and report back on whether responses from elected bodies (as opposed to a zoning review) would be useful.
8. Finally, the Letter of Understanding noted above is over 25 years old and has not been reviewed or updated since. A further option would be for Executive Committee to request staff to report back on the feasibility of working with Authorizations Branch to review the agreement.

FOLLOW-UP: Staff will report back in response to Executive Committee direction.

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services / February 19, 2025

BRIEFING

To: Executive Committee **For the Meeting of:** April 23, 2025
From: Planning Services **Date Prepared:** April 10, 2025
SUBJECT: Crown Tenure Application Referrals

PURPOSE: The purpose of this briefing is to provide Executive Committee with additional information on Crown referral process options.

BACKGROUND: At the February 26, 2025 meeting, Executive Committee adopted the following resolution:

EC-2025-026
It was MOVED and SECONDED,
that Executive Committee request staff provide advice on numbers 2, 4 and 8 in the Crown Tenure Application Referrals – Briefing.
CARRIED

The Executive Committee had requested information to review processes and procedures for Crown referrals. Currently, Islands Trust receives referrals from the provincial agency for various types of proposed tenure applications. While the Crown itself is immune from local government land use bylaws under the *Interpretation Act*, tenants of the Crown are subject to local land use regulations. The province has a process to refer applications for tenure to local governments (among others). Given the nature of the Trust Area most referrals involve use of marine areas.

The previous Briefing summarized the various forms of tenure, types of land uses for which tenure may be issued, the process by which referrals are received by Islands Trust, how planners review and respond to referrals, the relevant Trust Council policy, the number of referrals received over the past decade, and the distribution of referral types.

Finally, the Briefing presented a number of options for changes to the current process, without detailing the implications or impacts of the options. As the EC resolution states, staff have been requested to provide further advice on three of the options.

ANALYSIS

EC has identified three options for staff to provide further advice on implications:

1. Copy Referrals to LTCs for information: referrals would be forwarded to local trustees when received, advising the local trustees to contact staff with questions or concerns. The Planning Technician would still respond to referral within the current 30 days. Implications of revising policy to include referral to trustees would include:
 - This process would ensure Trustees are aware of referrals and could request more information or flag potential concerns with staff.

- This option does not include LTCs responding beyond receiving for information and raising issues with staff, so it may not address the concerns of LTCs with the process.
- This would result in some additional planner time to respond to trustee questions or concerns and to explain process or context to trustees.
- No fees are collectable for these referrals, so costs of any additional work would not be recovered.
- Different local trustees may respond to referrals differently, resulting in inconsistency between LTAs.
- Updates should be made to existing Trust Council policy to include changed process and the role of LTCs in the process.

Essentially this revised process would provide information to local trustees on pending Crown tenures, trustees would be better informed to answer public questions, and would be able to advise planners of issues with specific proposed tenures, which may or may not be able to be considered in the referral response. If LTC concerns are essentially a lack of knowledge of referrals, this would address that issue.

2. Staff Discretion: senior staff (Island Planner or RPM) reviews referrals (currently they are assigned directly to the Planning Technician or Senior Freshwater Specialist) and either assign them to staff for routine review and response, or add them to LTC agendas for potential LTC resolution depending on complexity, type, or other relevant criteria. Implications include:
 - Change to application in-take process would be minimal, RPMs review and assign most other applications.
 - Would require senior staff to exercise discretion to assign certain types of referrals to LTC agendas.
 - Relies on knowledge and experience of RPMs and senior planners to triage referrals.
 - Criteria and policy should be developed to reduce potential for inconsistency between offices or LTCs, including drafting revisions to Trust Council policy.
 - Would require staff reports to be prepared for those referrals placed on LTC agendas.
 - Increase planner work for those that are assigned to LTC agenda, including preparation of staff report, follow up actions as directed by LTC.
 - No fee for referrals to offset increased work
 - Could increase process and work load with limited efficacy without an assessment of whether LTC resolutions forwarded to provincial staff would have any influence on decisions to issue or refuse tenure.

This revised process would result in referrals which an LTC could influence being added to agendas, while routine reviews of zoning would be handled by staff. The increased staff time is not recoverable via fees. However, the effectiveness of LTC resolutions in influencing tenure decisions should be considered.

3. Reviewing and updating the Letter of Understanding: this would involve revising the agreement with the Ministry in order to address LTCs' issues.
 - Trust Council has included "Review all Trust Council and local trust committee agreements and where appropriate, amend, combine or rescind" to its list of key initiatives to be initiated in 2026/27
 - As a dated agreement, there would be value in reviewing and updating

- Reviewing would be dependent on the willingness of ministry staff to engage in a review and a reasonable expectation that changes would be incorporated
- The review could specifically focus on seeking agreement of the ministry to not issue tenure unless LTC approvals are in place, or other specific concerns.
- A review and update would be expected to take a significant amount of time, staff would need to prioritize this over another initiative.

This option could address some LTC concerns with the tenure process, provided Ministry staff are prepared to review the agreement and to potentially adjust their current processes.

EC should consider the issues and concerns that LTCs have regarding the current process, and whether any of the options would address those concerns.

FOLLOW-UP: Staff will report back in response to Executive Committee direction.

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services

Active Projects Report

Regional Planning Committee

1. *Improve bylaw enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence (Strategic Plan Initiative 1.2.3)*

Activity:

- a. Review and amend Trust Council Policies 5.5.1 & 7.1.2
- b. Create a plain language Best Practices Manual

Responsible

Robert Kojima
Stefan Cermak
Warren Dingman

Dates

Rec'd: 13-Mar-2024
Target: 30-Sep-2025

2. *Update and Implement Freshwater Sustainability Strategy (2022-2032)(Strategic Plan Initiative 2.1.3)*

Activity:

- a. Independent review and update
- b. Draft an Implementation Plan
- c. Freshwater Atlas Update

Responsible

Stefan Cermak
William Shulba

Dates

Rec'd: 12-Feb-2020
Target: 31-Mar-2026

3. *Monitor progress of protection of ecosystem health in all land use planning decisions (Strategic Plan Initiative 3.2.4)*

Activity:

- a. Research and data collection
- b. Data analysis and integration
- c. Collaboration

Responsible

Patricia Woodruff
Stefan Cermak

Dates

Rec'd: 31-Mar-2025
Target: 31-Mar-2026

Regional Planning Committee

d. Apply/implement pilot monitoring

e. Build capacity and training

Staff Biologist drafting recommendations of how to integrate biological information into planning related decisions - emphasis on species at risk as per grant funding

Future Projects Report

Regional Planning Committee

1. <i>Review all Trust Council policies, and where appropriate, amend, combine, or rescind (all committees) (Strategic Plan Initiative 1.2.5)</i>	Responsible	Date Received
<p>Review and report to RPC.</p> <p>All Trust Council policies held by the Director of Planning Services:</p> <ul style="list-style-type: none"> ·Policy 4.1.4; 4.1.9; 4.1.13; 4.1.14; 4.1.15 (General LTC policies) ·Policy 4.2.2 (APC Operating Policy)* ·Policy 5.3.1; 5.3.2; 5.3.3; 5.3.5 (Community Planning) ·Policy 5.4.1; 5.4.2; 5.4.3; 5.4.4 (Land Use Regulation) ·Policy 5.5.1 (Bylaw Compliance and Enforcement) ·Policy 5.6.1 (Application Processing) ·Policy 5.7.1 (Policy Statement Checklist) ·Policy 5.9.1; 5.9.2 (Best Management Practices and Outer Islands) ·Policy 6.1.1 (First Nations Engagement Principles) <p>* jointly held with Director of Legislative and Information Services</p>	Stefan Cermak	31-Mar-2025
2. <i>Improve processes for prioritizing funding for ongoing OCP reviews (Strategic Plan Initiative 2.2.1)</i>	Responsible	Date Received
	Stefan Cermak	31-Mar-2025
3. <i>Map Eelgrass and kelp forests (Strategic Plan Initiative 3.3.1)</i>	Responsible	Date Received

Future Projects Report

Regional Planning Committee

Draft a business case to complete Phase 2:

- Phase 1 (GIS and aerial data review) done.
- Phase 2 - groundtruthing

Stefan Cermak

03-Feb-2020

4. *Update OCPs and LUBs to incorporate new Policy Statement polices (Strategic Plan Initiative 2.2.2)*

Responsible

Date Received

Stefan Cermak

31-Mar-2025

5. *Develop a growth management planning framework that includes data on growth trends and projections, geological and hydrological capacities, infrastructure, and development rates (Strategic Plan Initiative*

Responsible

Date Received

Draft a business case

Stefan Cermak

31-Mar-2025

6. *Update OCPs and LUBs to foster climate change resilience (considering topics such as Coastal Douglas-fir protection, foreshore and nearshore environments, and groundwater) (Strategic Plan Initiative 4.2.3)*

Responsible

Date Received

Strategic Plan assigned key initiative to: LTCs

Stefan Cermak

31-Mar-2025
