



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: August 28, 2026
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Pages

- | | | | |
|-----|---|---|---------|
| 1. | CALL TO ORDER | 10:30 AM - 10:45 AM | |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. | TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. | APPROVAL OF AGENDA | | |
| 4. | TRUSTEE REPORT | | |
| 5. | CHAIR'S REPORT | | |
| 6. | ELECTORAL AREA DIRECTOR'S REPORT | | |
| 7. | PUBLIC PARTICIPATION PERIOD | 10:45 AM - 11:00 AM | |
| 8. | COMMUNITY INFORMATION MEETING - None | | |
| 9. | PUBLIC HEARING - None | | |
| 10. | MINUTES | 11:00 AM - 11:10 AM | |
| | 10.1 | Adopted Local Trust Committee Minutes Dated May 8, 2026 (for Information) | 3 - 8 |
| | 10.2 | Section 26 Resolutions-without-meeting Dated Aug 2026 | 9 - 9 |
| | 10.3 | Advisory Planning Commission Minutes - None | |
| 11. | BUSINESS ARISING FROM THE MINUTES | | |
| | 11.1 | Follow-up Action List Dated Aug 2026 | 10 - 10 |
| 12. | DELEGATIONS | | |

13. CORRESPONDENCE

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

14. APPLICATIONS AND REFERRALS 11:10 AM - 11:30 AM

14.1 North Pender Island Local Trust Committee Referral for Draft Bylaws 240 and 241 (for Response) (attached) 11 - 14

14.2 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 146 (for Response) (attached) 15 - 18

15. LOCAL TRUST COMMITTEE PROJECTS

16. REPORTS 11:30 AM - 11:40 AM

16.1 Work Program Reports (attached)

16.1.1 Active Projects Report Dated Aug 2026 19 - 19

16.1.2 Future Projects Report Dated Aug 2026 20 - 21

16.2 Applications Report Dated Aug 2026 (attached) 22 - 22

16.3 Trustee and Local Expense Report Dated June 2026 (attached) 23 - 23

16.4 Adopted Policies and Standing Resolutions (attached) 24 - 27

16.5 Local Trust Committee Webpage

16.6 Reconciliation and First Nation Relationship Building

16.7 Islands Trust Conservancy Report Dated Mar 2026 28 - 34

17. NEW BUSINESS 11:40 AM - 12:10 PM

17.1 South Pender Island LTC Public Notification Bylaw No. 131 - Request for Decision (attached) 35 - 39

17.2 South Pender Island Local Trust Committee Bylaw Compliance & Enforcement Policy - Staff Report (attached) 40 - 59

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for November 27, 2026, Electronic Meeting

19. PUBLIC PARTICIPATION PERIOD 12:10 PM - 12:25 PM

20. CLOSED MEETING - None

21. ADJOURNMENT 12:25 PM - 12:25 PM

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 8, 2026
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Tobi Elliott, Chair (electronic)
Dag Falck, Local Trustee
Kristina Evans, Local Trustee

Staff Present: Mary Storzer, Regional Planning Manager (electronic)
Kim Stockdill, Island Planner (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 12 members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:34 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

17.2 South Pender Work Program for 2026/2027 – Discussion

By general consent the agenda was approved as amended.

4. TRUSTEE REPORT

Trustee Falck expressed anticipation of discussion regarding the lack of a work program for the remainder of the term.

Trustee Evans noted she has been away due to family matters and has not had opportunity to be present for community events.

5. CHAIR'S REPORT

Chair Elliott reported preparations are underway for the upcoming June Trust Council meeting and Committee of the Whole will be meeting to discuss feedback received on the draft Trust Policy Statement.

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. PUBLIC PARTICIPATION PERIOD

A member of the public noted the short-term rental project was moved from the Future Projects list to the Active Projects list in May 2025, appeared on the September 2025 agenda but was deferred, and was discussed at the February, 2026 meeting; however, it is now absent from the agenda.

A Trustee noted the matter will be discussed later in the agenda.

A member of the public asked what the plan is for the beach access at the Dip.

A Trustee replied the matter is not within their jurisdiction; however, there is potential to advocate for remediation of the area if an opportunity arrives.

A member of the public asked if an official beach clean up would occur this year.

A Trustee stated the clean up is not organized by the Local Trust Committee, but by a trustee in their capacity as a community member and they had not had time to organize it this year.

A member of the public spoke to the importance of focussing on new businesses and issues to support First Nations and spoke to the staff report regarding feedback on the draft Trust Policy Statement.

Three members of the public spoke in support of short-term vacation rentals that provide accommodations for visitors.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Adopted South Pender Island Local Trust Committee Minutes Dated February 13, 2026 (for Information)

Received for information.

10.2 Section 26 Resolutions-without-meeting Dated May 2026

Received for information.

10.3 Advisory Planning Commission Minutes - None

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated May 2026

Island Planner Stockdill provided an update on the Follow-up Action list.

12. DELEGATIONS - None

13. CORRESPONDENCE

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

14. APPLICATIONS AND REFERRALS

14.1 North Pender Island Local Trust Committee Referral for Draft Bylaws 236 and 237 (for Response)

SP-2026-019

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee respond to the North Pender Island Local Trust Committee that interests are unaffected by Draft Bylaws 236 and 237.

CARRIED

14.2 North Pender Island Local Trust Committee Referral for Draft Bylaw No. 242 (for Response)

SP-2026-020

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee respond to the North Pender Island Local Trust Committee that interests are unaffected by Draft Bylaw No. 242.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS - None

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated May 2026

Received for information.

16.1.2 Future Projects Report Dated May 2026

Received for information.

16.2 Applications Report Dated May 2026

Received for information.

16.3 Trustee and Local Expense Report Dated Feb 2026

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage - None

16.6 Reconciliation and First Nation Relationship Building

Monica Petrie highlighted the following recent community events and activities:

- A ceremony was held at the Pender Community Hall to celebrate the unveiling of the SDÁ,YES welcome sign featuring SENĆOŦEN language with members of the WSÁNEĆ First Nation in attendance

- WSÁNEĆ Hereditary Chief Eric Pelkey welcomed a large gathering for a midday feast to celebrate the installation of a three-panel piece illustrating the cultural roots of reef net technology of the People of SDÁ,YES which has been installed on the grounds of the Community Hall

16.7 Islands Trust Conservancy Report Dated Feb 2026

The report was summarized by Chair Elliott and received for information.

17. NEW BUSINESS

17.1 2025/26 Annual Report - Request for Decision

SP-2026-021

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee approves the attached text for inclusion in the 2025/26 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

17.2 South Pender Work Program for 2026/2027 – Discussion

Island Planner Stockdill provided a summary of the activity regarding the Short-Term Vacation Rental minor project to date and highlighted the following:

- The project was moved from the Future Projects list to the Active Projects list in 2025 at which time the Local Trust Committee directed staff to bring forward a Project Charter
- The Project Charter was placed on the September, 2025 agenda but was deferred due to time constraints and the intention was to move the item to the November, 2025 meeting
- The November, 2025 meeting was cancelled due to the British Columbia General Employees' Union (BCGEU) strike
- A Special Meeting was held in December, 2025 to discuss the draft Trust Policy Statement
- A staff report was brought forward at the February, 2026 meeting with a recommendation to proceed no further based on a decision of Trust Council to not provide budget to initiate any new work for the period ending March, 2027
- The Local Trust Committee gave direction to staff to request the project move forward
- The Director of Planning Services denied the project request based on the decision of Trust Council and limited staff resources
- The Local Trust Committee can move the project back to the Future Projects list for consideration of the next Local Trust Committee

Discussion ensued and the following comments were noted:

- It is not automatically assumed that every Local Trust Committee will have a minor project
- There are other Local Trust Committees that have not had a major or minor project this term or have completed their work and don't have any on the table

- A project is scoped through the Local Trust Committee and then goes back for approval and is approved, or not, based on staff capacity
- The BCGEU strike has impacted sequencing of projects and it is up to the Director of Planning Services and Chief Administrative Officer to allocate staff resources
- The Local Trust Committee understands and supports the reasoning and process but believes considerations need to be taken when no work is on the table
- The matter will continue to be pursued as a Trustee does not believe a locally elected group can be told they can not do any work at all
- There is a standing resolution to defer bylaw enforcement on legally operating short-term vacation rentals and a system to operate through a Temporary Use Permit
- Trustees will gage community interest in the suggestion that the Bylaw Compliance and Enforcement manager speak to this issue at the next meeting
- The Planner detailed the various staff resources that are required for project work
- The Planner indicated in the first four months of a term, staff bring back the Future Project list and discussion occurs regarding what direction the new Local Trust Committee would like to proceed with before any work begins

SP-2026-022

It was MOVED and SECONDED

that South Pender Island Local Trust Committee considers that the proposed minor project, in a reduced scope, to amend the Land Use Bylaw to permit those legally operated short-term vacation rentals prior to November 5, 2021 is considered critical and request that, if staff resourcing becomes available, that the project be reconsidered.

CARRIED

It was reiterated that the standing resolution regarding the deferment of bylaw enforcement on short-term vacation rentals stands for those that are legally operating as of April, 2024.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for August 28, 2026 at the Fire Hall, Pender Island

19. PUBLIC PARTICIPATION PERIOD

A member of the public expressed that the explanation of limited staff does not make sense, significant taxes are paid for land use planning services, and they are disappointed that the minor project is not moving forward.

A member of the public asked if there is any work for the Advisory Planning Commission and a Trustee replied not at this time.

A member of the public asked if the Advisory Planning Commission has any input regarding the seawall issue when other organizations are involved and the Local Trust Committee explained the process and purpose of the Commission.

A member of the public stated Trustees might wish to consider policy with regard to shoreline infrastructure that isn't currently addressed in the Land Use Bylaw.

A Trustee responded that our current bylaws address this issue and no additional policy is required.

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 12:20 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
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2026-005	Carried	17-Jun-2026
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To adopt May 8, 2026 Minutes

That the South Pender Island Local Trust Committee regular business meeting minutes of May 8, 2026 be adopted as presented.

Follow Up Action Report

South Pender Island

13-Feb-2026

Progress	Activity	Responsibility	Dates	Status
0%	1 14.4 SP-PL-DVP-2024-0254 (Forslund) 1. Application deferred until applicant has provided a professional geotechnical engineering report and approval (if necessary) for a BC Archaeological permit. Geotech report should include remediation/alternatives, and impact if the retaining wall is removed. Staff to follow up with Trustee Faulk on geotech report requirements if needed.	Bruce Belcher	Target: 30-Oct-2026	In Progress

25-Mar-2026

Progress	Activity	Responsibility	Dates	Status
0%	1 Update RFD for South Pender Public Notification Bylaw No. 131, 2025 and include recommendation from EC for the SP LTC to limit minimum public notification methods to two.	David Marlor Jas Chonk	Target: 31-Jul-2026	Completed

08-May-2026

Progress	Activity	Responsibility	Dates	Status
50%	1 1. Send South Pender LTC draft minutes of May 8, 2026 via RWM for approval. 2. Post adopted minutes to website. - Done	Emily Bryant Jas Chonk	Target: 05-Jun-2026	Completed
0%	2 North Pender Bylaws 236/237 - SP LTC interests unaffected.	Jas Chonk	Target: 22-May-2026	Completed
0%	3 North Pender Bylaw 242 - SP LTC interests unaffected.	Jas Chonk	Target: 22-May-2026	Completed

MEMORANDUM

DATE OF MEETING:	August 28, 2026	File No.: NP-BLs-240-241
TO:	South Pender Island Local Trust Committee	Housing Project
FROM:	Jas Chonk, Legislative Clerk, Southern Team	
SUBJECT:	Referral: Draft Bylaws 240 and 241	

PURPOSE

The North Pender Island Local Trust Committee has referred Draft Bylaw No. 240 (cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2025”) and Draft Bylaw No. 241 (cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2025”) to the South Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this project including the preliminary staff report with site context, photos, correspondence, and other information can be found on the North Pender Island Current Projects webpage: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

NEXT STEPS

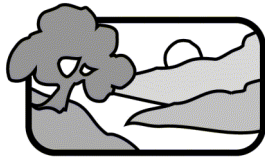
The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
That the South Pender Island Local Trust Committee respond to the North Pender Island Local Trust Committee that interests are unaffected by Draft Bylaws 240 and 241.
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the South Pender Island Local Trust Committee recommend to the North Pender Island Local Trust Committee that Draft Bylaws 240 and 241 proceed for the following reasons:
 - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the South Pender Island Local Trust Committee recommend to the North Pender Island Local Trust Committee that Draft Bylaws 240 and 241 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**
That the South Pender Island Local Trust Committee recommend to the North Pender Island Local Trust Committee that Draft Bylaws 240 and 241 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	June 15, 2026
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ATTACHMENTS

1. BYLAW REFERRAL FORM



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
southinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area Bylaw No.: 240/241 Date: June 12, 2026

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Housing Access and Affordability Project

PURPOSE OF BYLAW:

The purpose of draft Bylaw No. 240 and No. 241 is to make amendments to the North Pender Island Official Community Plan No. 171 and North Pender Island Land Use Bylaw No. 224 to provide more flexibility and options for increasing affordable, non-market, and worker housing alternatives on North Pender Island.

Professional reports and staff reports are available on the Projects webpage:

<https://islandstrust.bc.ca/island-planning/north-pender/projects/>

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

B.Smith

(Signature)

Name:

Brad Smith

Title:

Island Planner

Contact Info

Tel: 250-405-5194

Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Min. of Transportation & Transit – via portal
Min. of Water, Land and Resource Stewardship
- Ecosystems Branch

Non-Agency Referrals

Islands Trust Conservancy
Pender Island Parks and Recreation Commission
Gulf Islands School District No. 64
Outer Gulf Islands RCMP
Pender Island Conservancy

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Housing, Planning and
Protective Services
Island Health
North Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation – via portal
Penelakut Tribe – via portal
Semiahmoo First Nation
Snuneymuxw First Nation – via portal
Stz'uminus First Nation
Ts'uubaa-asatx Nation (Lake Cowichan) – via portal
Tsartlip First Nation
Tsawout First Nation - via portal and email
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

240/241

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

DATE OF MEETING: August 28, 2026

File No.: SA-BL-146
(BE Technical AMD
Project)

TO: South Pender Island Local Trust Committee
FROM: Jas Chonk, Legislative Clerk, Southern Team
SUBJECT: Referral: Draft Bylaw No. 146

PURPOSE

The Saturna Island Local Trust Committee has referred draft Bylaw No. 146 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2026” to the South Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this project including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Saturna Island Projects webpage: <https://islandstrust.bc.ca/island-planning/saturna/projects/>

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. If the LTC considers their interests unaffected by the bylaw:

That the South Pender Island Local Trust Committee respond to the Saturna Island Local Trust Committee that interests are unaffected by draft Bylaw No. 146.

2. If the LTC wishes to recommend proceeding with the bylaw for specific reasons:

That the South Pender Island Local Trust Committee recommend to the Saturna Island Local Trust Committee that draft Bylaw No. 146 proceed for the following reasons:

- *[list reasons]...*

3. If the LTC wishes to recommend proceeding with the bylaw subject to conditions:

That the South Pender Island Local Trust Committee recommend to the Saturna Island Local Trust Committee that draft Bylaw No. 146 proceed, subject to the following recommendations:

- *[list recommendations]...*

4. If the LTC wishes to recommend not proceeding with the bylaw:

That the South Pender Island Local Trust Committee recommend to the Saturna Island Local Trust Committee that draft Bylaw No. 146 not proceed for the following reasons:

- *[list reasons]...*

Submitted By:	Jas Chonk, Legislative Clerk	July 3, 2026
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ATTACHMENTS

1. BYLAW REFERRAL FORM



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Bylaw No.: 146 Date: July 3, 2026

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Bylaw Enforcement Technical Amendment Project

PURPOSE OF BYLAW:

To update the Saturna Island Land Use Bylaw No. 119 (LUB) and the Bylaw Infractions Investigations Bylaw No. 30 to require 30 days' notice for entry to properties subject to bylaw enforcement investigation.

Professional reports and staff reports are available on the Saturna island projects webpage:
<https://islandstrust.bc.ca/island-planning/saturna/projects/>

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

BSmith

Name: Brad Smith

(Signature)

Title: Island Planner
Contact Info: Tel: 250-405-5194
Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Non-Agency Referrals

Regional Agencies

Capital Regional District – Building Inspection
Island Health
Saturna Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation – via portal
Penelakut Tribe – via portal
Semiahmoo First Nation
Snuneymuxw First Nation – via portal
Stz'uminus First Nation
Ts'uubaa-asatx Nation (Lake Cowichan) – via portal
Tsartlip First Nation
Tsawout First Nation via portal and email
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area

(Island)

(Signature)

(Date)

146

(Bylaw Number)

(Name and Title)

(Agency)

Active Projects Report

South Pender Island

0. STVR Regulation & Policy Review - ON HOLD*

Responsible

Dates

Activity:

Changes to legislation (bill 35) have affected legal non-conforming vacation rentals. The LTC has deferred enforcement and determined that it wishes to consider policy and regulatory options for vacation rentals.

*This project is on hold due to recommendations from the CAO's Operational Review (December 2026).

The SP LTC passed the following resolution on May 8, 2026:

SP-2026-022

It was MOVED and SECONDED

that South Pender Island Local Trust Committee considers that the proposed minor project, in a reduced scope, to amend the Land Use Bylaw to permit those legally operated short-term vacation rentals prior to November 5, 2021 is considered critical and request that, if staff resourcing becomes available, that the project be reconsidered.

CARRIED

Kim Stockdill

Rec'd: 02-May-2025

Target: 01-Oct-2026

Future Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022

6. *Shoreline Review Project*

Responsible

Date Received

Shoreline Review Project

05-May-2023

Future Projects Report

South Pender Island

7. Target OCP Review

Responsible

Date Received

TBD

05-Sep-2025



South Pender Local Trust Committee Open Applications Report

Print Date: August 19, 2026

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240254	Daniel Forslund	10/3/2024	9907 KLOSHE RD, PENDER ISLAN	Application for a variance for the siting of a retaining wall in the setback from the sea.
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		In Abeyance	Record LTC Decision/Update FUAL	

Islands Trust
 LTC EXP SUMMARY REPORT F2027
 Invoices posted to Month ending June 2026

665 South Pender	Invoices posted to Month ending June 2026	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65050-665	LTC "Executive Expense on LTC's"	348.00	0.00	348.00
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,020.00	50.00	970.00
65210-665	LTC - Local Exp - APC Meeting Expenses	1,920.00	0.00	1,920.00
TOTAL LTC Local Expense		<u>3,288.00</u>	<u>50.00</u>	<u>3,238.00</u>
Projects				
TOTAL Project Expenses		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2024-013 (Standing) STVR Enforcement that the South Pender Island Local Trust Committee directs Bylaw Enforcement staff to defer enforcement for those short-term vacation rentals validly operating as of April 30, 2024 and that enforcement on any short term vacation rentals be by written complaint only.	Carried	13-Sep-2024
2021-062 (Standing) 15.2 APC Appointments That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-015 (Standing)	Carried	06-Sep-2019
15.3 Standing Resolution - Reconciliation Report that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-014 (Standing)	Carried	06-Sep-2019
15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.		



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) 13.2 Cannabis Retail Application License Application Fees - Staff Report - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) Printed Agenda Packages That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing)	Carried	05-Oct-2010

Send FUAL to trustees once drafted following the meeting.



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
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2006-012 (Standing)

Carried

23-May-2006

Adoption of Minutes

That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 17, 2026 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including recordings and meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

- The ITC Board Chair rose and reported that it has approved spending of up to \$5,000 from the Land Securement budget to support a potential nature reserve securement in the Lasqueti Island Local Trust Area.
- The ITC Board requested staff to allocate undesignated donations received in the 2025-26 fiscal year to the Property Management Fund to support management of Islands Trust Conservancy protected areas.
- The ITC Board requested staff to notify the Lasqueti Island Local Trust Committee that ITC's interests are unaffected by proposed Bylaw No. 107, Lasqueti Island.
- The ITC Board requested staff to notify the Island Planner for Denman Island that approval of Bylaws 256 and 257 is endorsed by the ITC Board on the basis that the proposed bylaws brings the Official Community Plan and zoning into alignment with the conservation purpose of the subject properties and adds another layer of protection from development.
- The ITC Board accepted the conservation proposal submitted by Marilyn Walker to place a Natural Area Protection Tax Exemption (NAPTEP) covenant on approximately 2.5 ha of a Salt Spring Island property.
- The ITC Board requested staff to forward the ITC quarterly update to Trust Council local trust committees, and Bowen Island Municipality for the Conservancy Report agenda item, following its receipt at Trust Council.
- There is a joint Executive Committee/ITC Board meeting on April 15, 2026.
- The next Islands Trust Conservancy Board meeting is May 12, 2026.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Visit the Islands Trust Conservancy Journal: <https://islandstrust.bc.ca/conservancy/the-journal/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

COMPLETED SINCE LAST REPORT (January - March 2026)	PLANNED FOR FIRST QUARTER 2026-27 (April - June 2026)
1. STRATEGIC PLANNING/ADMINISTRATION/OPERATIONS	
Personnel/Staffing: Continued recruitment for • Covenant Management Specialist • Communications Specialist • Administrative Assistant	Personnel/Staffing: Onboard new • Covenant Management Specialist • Communications Specialist • Administrative Assistant
ITC Five-Year Plan development: Developed a logic model and work plan Updated project charter Prepared and delivered engagement letters to First Nations and conservation partners Hosted an Information Session with interested First Nations (Feb. 19 th)	ITC Five-year Plan development: Establish cooperative engagement framework and commence engagement with First Nations interested in involvement with development of Five-year Plan
ITC Board support: Hosted January 20 th and March 17 th ITC Board meetings Hosted January 30 th ITC Board special meeting Began re-appointment process for provincially appointed board members Submitted referral response to Trust Council on the draft Policy Statement	ITC Board support: Host May ITC Board meeting Host special ITC Board meeting for ITC audit report findings Continue to support board member re-appointment process
Financial Management Continued to support the Board in reviewing and refining its budget request and business cases through review cycle Submitted revised budget to Committee of the Whole and Trust Council Prep for financial statement process	Financial Management Complete financial statement process and support the annual audit process. Implement budget Begin budget planning for 2027/28
ITC Policies: Continued policy review/update project	ITC Policies: Continue policy review/update project Engage with First Nations on identifying policy gaps and improvements

SAR Program: Continued negotiation of a conservation agreement between Environment and Climate Change Canada (ECCC) Received a \$26,000 grant from Tree Canada to support the recovery of species and ecosystems at risk at Mt Tuam Protected Area Continued facilitating Species at Risk Program evaluation Completed collation and mapping of ITC SAR data (Co-op student project) Developed and presented a Stewardship Education Webinar on Species at Risk Presented on ITC Species at Risk Program to the Regional Planning Committee in February Co-organized and hosted an in-person meeting for 40 Priority Places Program grant recipients Completed Q3 reporting to funder for ECCC Priority Places Species at Risk Program Investigated SAR monitoring research proposals for 26/27 fiscal year Presentation to ITC Board 'SAR Program Highlights' at March meeting Continued collaboration with Planning Services to develop products, training, and support materials about species and ecosystems at risk	SAR Program: Complete final report to ECCC for Species at Risk (SAR) Program Investigate and implement SAR monitoring research proposals for 26/27 fiscal year SAR Program administrative wrap-up Plan with Protected Areas Management Team to prioritize species at risk work post ECCC funding.
Software Updates: Data Management System/GIS: Investigated procurement options for GIS specialist/firm to design a data management system to integrate into existing GIS systems. Field Technology Tools and Applications: Assessed new tools and features and provided feedback to GIS team Securement Applications Portal: Ongoing revisions, staff training, and procedure development for Islands Trust Applications Portal	Software Updates: Data Management System/GIS: Contract GIS specialist/firm to design a data management system to integrate into existing GIS's systems. Field Technology Tools and Applications: Provide feedback to mapping team about application re-launch Work with mapping team to prepare software and database for 2026 field work season Securement Applications Portal: Ongoing revisions, staff training, and procedure development for the Islands Trust Applications Portal

Other: Attended meeting with Tsawout First Nation (January)	Other: TBD
2. COVENANT AND PROPERTY SECUREMENT PROJECTS	
Conservation Planning Began developing a project plan for Regional Conservation Plan evaluation Collaborated with Planning Services to identify gaps in ecological data and analyses Updated conservation proposal forms with revised waiver of confidentiality, and information about First Nations referrals Continued securement negotiations on ~27 ha of land for ITC nature reserve (1 Galiano, 1 Salt Spring) Continued negotiations on ~2 ha of land for NAPTEP covenants (1 North Pender, 1 Salt Spring) Continued discussions related to enquiries about conservation options for three properties (1 Salt Spring, 1 Hornby, 1 Saturna). Ongoing review of applications for three land donations (Salt Spring, Lasqueti, Denman) and 1 NAPTEP (Salt Spring)	Conservation Planning Prepare project charter for multi-year Regional Conservation Plan evaluation and revision Board review and decision on three conservation proposals. Continue negotiations on existing conservation proposal projects
3. COVENANT AND PROPERTY MANAGEMENT	
Protected Area Monitoring: Presented nature reserve and covenant monitoring results and recommendations from 2025 monitoring season to ITC Board Issued reports with notice of compliance/non-compliance and stewardship recommendations to covenant landholders Collaborated with management groups to address concerns observed on nature reserves Collaborated with covenant co-holders and landholders to address compliance concerns and priority management needs in conservation covenants. Reviewed annual monitoring program and implemented improvements for 2026 season.	Protected Area Monitoring: Continue addressing concerns observed on nature reserves. Continue to collaborate with covenant co-holders and landholders to address compliance concerns and priority management needs in conservation covenants. Commence 2026 monitoring season

Protected Area Management Projects: Reviewed annual reports from management groups and contractors implementing management projects in ITC protected areas Finalized list of priority projects for 2026-27 Worked with Comox Valley Regional District on Denman Island Cross Island Trail along Lindsay Dickson Nature Reserve.	Protected Area Management Projects: Implement third year of three-year service contracts for management activities in ITC nature reserves. Commence procurement processes for priority projects for environmental monitoring, species-at-risk conservation, ecosystem stewardship, infrastructure maintenance, and other management needs Continue work with Comox Valley Regional District on Denman Island Cross Island Trail along Lindsay Dickson Nature Reserve.
Protected Area Management Planning Archeology assessment contracts in progress for two nature reserves. Continued policy development for management planning, risk management, and signage.	Protected Area Management Planning Archeology assessment contracts in progress for two nature reserves until March 2027. New policies in review for management planning, risk management, and signage.
Technology Improvements: Worked with GIS staff on updates and improvements to FieldMaps app based on user feedback during 2025 field season. Continued to work with GIS staff to ensure all spatial data collected for ITC protected areas can be incorporated and viewed in available mapping applications. Trial Survey123 as a replacement for paper monitoring forms.	Technology Improvements: Complete work with GIS staff to ensure updates to FieldMaps have been made and trialed. Roll out Survey123 for official use in Monitoring Program if trial is successful. Continue to work with GIS staff to ensure all spatial data collected for ITC protected areas can be incorporated and viewed in available mapping applications. Continue to explore remote monitoring solutions and related policy development.
Other: Continued policy review, drafting of new policies, and revision of outdated policies.	Other: Continue policy review/drafting/update.
4. COMMUNICATIONS AND OUTREACH	
NOTE: Support on priority communications projects this quarter was provided by a contractor while the Communications Specialist position is vacant. Many communication-related activities are pending until a new Communications Specialist is onboarded.	
Social Media: Weekly social media posts & engagement across all ITC platforms Launch of strategic giving WillPower campaign for 2026	Social Media: Weekly social media posts & engagement across all ITC platforms - Launch Reflections from the Field in spring 2026 to highlight field work, Winter Heron features on social media



ISLANDS TRUST CONSERVANCY REPORT TO TRUST COUNCIL 2025-2026 - 4th Quarter Update

	Ongoing strategic giving WillPower campaign posts
News Releases: None	News Releases: TBD
Publications: Designed and delivered digital & physical ITC Holiday Cards to donors and other key stakeholders Published end-of-year ITC eNews Published Giving Tuesday ITC eNews Issued <i>Caring for Your Conservation Covenant</i> newsletter to covenant landholders ITC FOLKLIFE Ad circulation in next issue of the magazine	Publications: Publish Winter Heron Newsletter Publish Winter ITC eNews
Outreach: None	Outreach: None
Events: None	Events: Host celebration for one new nature reserve and one new NAPTEP covenant on Salt Spring Island
Reports: None	Reports: Prepare for ITC 2025/26 Annual Report
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Donor Relations: Stewardship of donors and advisors (ongoing) Reviewed and updated donor members in contract relationship database Received and processed donations – sent thank you letters and issued charity tax receipts Met with several potential donors interested in legacy giving Tour of S’ul-hween X’pey (Elder Cedar) Nature Reserve with legacy donor	Donor Relations: Stewardship of donors and advisors (ongoing) Receive and process donations – send thank you letters and issue charity tax receipts Follow up with potential donors interested in legacy giving
Strategic Giving: Continued WillPower Campaign seeking bequests of conservation lands or conservation funds Calls with two professional advisors Updated pledged bequests	Strategic Giving: Continue WillPower Campaign seeking bequests of conservation lands or conservation funds Review effectiveness of WillPower Campaign



ISLANDS TRUST CONSERVANCY REPORT TO TRUST COUNCIL 2025-2026 - 4th Quarter Update

Fund Management: Continued review of Opportunity Fund Guidelines	Fund Management: Review donation Policy and other fund guidelines Develop Fund Management Policy
Other: Developed draft Opportunity Fund application form Developed grant-needs spreadsheet Researched external grant opportunities (ongoing) Reviewed donation policies and fund guidelines Developed legacy and conservation print ad for Folklife Magazine	Other: Research external grant opportunities (ongoing)



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee **For the Meeting of:** August 28, 2026

From: David Marlor, Director,
Legislative and Information Services **Date Prepared:** July 14, 2026

SUBJECT: Public Notification Bylaw No. 131

RECOMMENDATION:

1. That the South Pender Island Local Trust Committee rescind Third Reading of Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025".
2. That the South Pender Island Local Trust Committee amend Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", by replacing s.2 in its entirety with the following words:

"The means of publication for public notice requirements under the Community Charter, Local Government Act, or any other enactment may be given by the following methods:
 - (i) electronically by posting the notice on the Islands Trust website; and
 - (ii) electronically by posting the notice on Islands Trust's social media platform."
3. That the South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", Third Reading as amended.
4. That the South Pender Island Local Trust Committee Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" be forwarded to the Islands Trust Executive Committee for consideration of approval.

DIRECTOR COMMENTS:

At the February 13th, 2026 meeting, the South Pender Island Local Trust Committee amended the bylaw by adding a third method of posting (direct email or mail out). The Executive Committee at their March 25, 2026 meeting did not approve the bylaw due to unacceptable risk, costs and vagueness of the third method of posting "direct email or mail out" and recommended that South Pender Island Local Trust Committee amend Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" by limiting minimum public notification methods to existing two (which are those identified in the recommendation of this RFD).

For information the following resolutions were passed at the March 25, 2026 Executive Committee meeting:

EC-2026-041

It was MOVED and SECONDED,
that the Executive Committee not approve South Pender Island Local Trust Committee Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" due to unacceptable risk, costs, and vagueness.

EC-2026-042

It was MOVED and SECONDED,
that the Executive Committee recommends South Pender Island Local Trust Committee amend Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" by limiting minimum public notification methods to two.

1 PURPOSE:

The purpose of this Request for Decision is to provide the local trust committees with a draft bylaw for Public Notification that is based on the model approved by Trust Council.

2 BACKGROUND:

The Community Charter establishes the requirements for publishing public notice where public notices are required by the *Local Government Act*. The Community Charter includes a default requirement, and an option to adopt an alternative means by bylaw.

The default public notification is by publication in two editions of a newspaper once each week for two consecutive weeks, unless another provision for a specific type of notice states otherwise. The newspaper has to circulate local area.

Section 94.2 of the *Community Charter* gives local governments, including local trust committees, the authority to adopt public notice bylaws. If a local trust committee adopts a Public Notice Bylaw, the local trust committee is required to publish notices by all the methods specified in that bylaw. Local trust committees that do not adopt a Public Notice Bylaw are required to continue to follow the default publication rules under Section 94.1 of the *Community Charter*.

When adopting a Public Notice Bylaw, the local trust committees are required to consider the principles of effective public notice (reliable, suitable, and accessible) described by the [Public Notice Regulation](#).

Principles of Effective Public Notice

The Public Notice Regulation establishes the principles that must be considered before a public notice bylaw is adopted; these are:

- Reliable – the publication methods are dependable and trustworthy;
- Suitable – the publication methods work for the purpose for which the public notice is intended; and
- Accessible – the publication methods are easy to access and have broad reach.

In considering the adoption of a Public Notice Bylaw, local trust committees must consider and record, either by a resolution recorded in the minutes, or by preamble whereas clauses in the bylaw, that these principles have been considered.

Considering the three principles (reliable, suitable and accessible) possible methods to publish public notices that are available to local trust committees include:

- Online or print newspaper;
- Islands Trust website;
- Community website or newsletter;
- Islands Trust social media page, such as Facebook; and
- Direct email or mail out.

Each of the above meet the principles set out in the Public Notice Regulation. On-line print newspaper still has the problem of being published infrequently, or not circulated through the entire local trust area. Use of a community website or newsletter is outside the control of Islands Trust and each could be shut-down or modified without Islands Trust input; this could compromise the accessibility and reliability principles. Direct mail or a mail-out would reach all owners and residents; however, it could be expensive and time consuming to undertake.

The two best options with the lowest costs and that meet the principles outlined in the Public Notice Regulation are publishing on the Islands Trust website and publishing on an Islands Trust social media page. These are recommended; however, Trust Council recognizes that there may be other conditions on the islands that may warrant a different method.

At its June 2025 meeting, Trust Council adopted Policy 4.1.16 Model Public Notice Bylaw. This contains the format for such a bylaw and recommends the use of the Islands Trust website and a social media account to post the notices. As these are recommendations, and each local trust committee must consider the reliability, suitability and accessibility of the form of notice for their islands, variation on the recommendation may be considered.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

In addition to the default requirement of newspaper advertising, local trust committees are already posting notices on our website and email notification service. Adoption by local trust committees of a bylaw similar to the model would simplify our administrative processes and reduce costs.

FINANCIAL:

Adoption by local trust committees of a Public Notice Bylaw similar to the model will result in a reduction in costs generally as it will remove the need to advertise in print newspapers.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Staff post the new bylaw on the Islands Trust website, and staff would be made aware of the new public notification process.

FIRST NATIONS RELATIONS:

There are no First Nations relations implications.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

- [Section 94 and Section 94.2 of the Community Charter](#)
- [Community Charter Public Notice Regulation](#)
- [Trust Council Policy 4.1.16 Model Public Notice Bylaw](#)

5 ATTACHMENT(S):

- Proposed Bylaw No. 131 South Pender Island Local Trust Committee Public Notification Bylaw.

RESPONSE OPTIONS

Recommendation:

1. That the South Pender Island Local Trust Committee rescind Third Reading of Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025".
2. That the South Pender Island Local Trust Committee amend Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", by replacing s.2 in its entirety with the following words:

"The means of publication for public notice requirements under the Community Charter, Local Government Act, or any other enactment may be given by the following methods:
 (i) electronically by posting the notice on the Islands Trust website; and
 (ii) electronically by posting the notice on Islands Trust's social media platform."
3. That the South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", Third Reading as amended.
4. That the South Pender Island Local Trust Committee Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" be forwarded to the Islands Trust Executive Committee for consideration of approval.

Alternative:

As directed by the South Pender Island Local Trust Committee.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Mary Storzer, Regional Planning Manager – August 20, 2026

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE PUBLIC NOTIFICATION BYLAW BYLAW NO. 131

A Bylaw to provide for an alternative means of publishing a public notice.

WHEREAS pursuant to section 94.2 of the Community Charter, the South Pender Island Local Trust Committee may adopt a Bylaw to provide an alternative means of publishing a public notice;

AND WHEREAS, pursuant to section 94.2(3) of the Community Charter and section 2 of the Public Notice Regulation, B.C. Reg. 52/2022, the South Pender Island Local Trust Committee considers the means of publication set by this Bylaw to be reliable, suitable for providing notices, and accessible;

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

1. This bylaw may be cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025".
2. The means of publication for public notice requirements under the Community Charter, *Local Government Act*, or any other enactment may be given by the following methods:
 - (i) electronically by posting the notice on the Islands Trust website; and
 - (ii) electronically by posting the notice on Islands Trust's social media platform; and.
 - ~~(iii) — direct email or mail out.~~

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 2025.

READ A SECOND TIME THIS 5TH DAY OF SEPTEMBER, 2025.

READ A THIRD TIME THIS 13TH DAY OF FEBRUARY, 2026.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
____ DAY OF _____, 20__

ADOPTED THIS ____ DAY OF _____, 20__

CHAIR

DEPUTY SECRETARY

DATE OF MEETING: August 28, 2026
TO: South Pender Island Local Trust Committee
FROM: Warren Dingman, Manager of Compliance and Enforcement
Local Planning Services
SUBJECT: Bylaw Compliance and Enforcement Policy

RECOMMENDATION

1. That the South Pender Island Local Trust Committee adopt the proposed Bylaw Compliance and Enforcement Policy.
2. That South Pender Island Local Trust Committee Resolution No. 2024-013 be rescinded.

REPORT SUMMARY

The purpose of this report is to present a draft Bylaw Compliance and Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document and to provide clarity on current policies.

BACKGROUND

Islands Trust recently completed a bylaw enforcement review in an effort to ensure that bylaw enforcement matters are being resolved efficiently and with minimal conflict. The first priority was the review of Trust Council Bylaw Compliance and Enforcement Policies to ensure that policies, procedures, and guidelines are administratively fair, reasonable, and transparent. After the review, Trust Council Policy 5.5.1 was amended at the March 2026 Trust Council meeting. This policy is attached.

As part of this process, a template for a bylaw compliance and enforcement policy document was developed and draft policy documents prepared for the consideration of Local Trust Committees (LTC) in order to address their local issues. LTCs currently use standing resolutions to establish enforcement policies, and the proposal is to place all adopted standing resolutions into one document, which also includes additional policies and procedures for specific issues not addressed in Trust Council Policy 5.5.1.

TRUST COUNCIL POLICY

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

However, it does not contain policies for the following:

1. Notice of site inspections

2. Time to comply
3. Frivolous or vexatious complaints
4. Definition of minor contraventions
5. Use of discretion

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

PROPOSED POLICIES

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

These draft policies, other than the standing resolutions, are consistent with the draft policies presented to other LTCs and which will be considered by Regional Planning Committee as a recommended model. This is the opportunity for the LTC to consider if some of the draft policies are not supported for the Local Trust Area, or if other policies should be considered. If the LTC does wish to consider revisions, general direction should be given to staff and a revised version will be brought back to the LTC at a future meeting. Once the LTC has adopted the policy, it will be made available on the Islands Trust webpage.

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVES

1. That the South Pender Island Local Trust Committee adopt the South Pender Island Local Trust Committee Bylaw Compliance and Enforcement Policy as drafted.
2. That the South Pender Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Manager of Compliance and Enforcement	August 20, 2026
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ATTACHMENTS

1. Trust Council Policy 5.5.1
2. Proposed South Pender Island Bylaw Enforcement Policy



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Dates:	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; March 11, 2026
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 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.

Principles

The following principles are intended to align with the mandate of 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.
11. **Cultural Safety:** Demonstrate a commitment to cultural safety for all those involved in bylaw compliance and enforcement.

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.

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

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

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.

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

Frivolous complaint means a complaint not having any serious purpose or value, often lacking in merit.

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

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.

Respondent means those responding to allegations of bylaw contraventions.

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.
- 1.2 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 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.
 - 2.1.3 Complaints meeting the definition of a frivolous, repeat, or vexatious complaint 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 Investigations may be commenced proactively, where a written complaint has not been received, 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 there are reasonable grounds to consider that bylaw contraventions appear to cause a significant risk to health or safety;

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, including evidence gathered from a site inspection, the Respondent, relevant bylaws, or other sources;

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, an officer may issue a Bylaw Warning Notice or a Bylaw Violation Notice where:
 - 3.13.1 voluntarily compliance is not forthcoming within a reasonable time;
 - 3.13.2 there are reasonable grounds to believe there is an immediate threat to health, safety, or the natural environment; or,
 - 3.13.3 a local trust committee has adopted a relevant enforcement policy.

- 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; or,
 - 3.15.4 the file is closed.

4. INVESTIGATIVE APPROACH AND CONDUCT

- 4.1 Bylaw Compliance and Enforcement Officers, staff, and managers will uphold the BC Public Service Standards of Conduct, 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 observations provide the officer with reasonable grounds to believe that the situation may pose a significant risk to 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 as there are reasonable grounds to believe that the failure to enter may result in immediate threat to 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 has reasonable grounds to believe that the situation may pose a significant 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;
 - 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; or,
 - 6.1.5 If the Officer has facilitated a mediated solution between the parties that satisfactorily addresses the concerns, even if a contravention may remain, except in cases where the contravention poses a significant risk to health, safety, or the environment.
- 6.2 Complainants may request that the closing of a file be reviewed by another Bylaw Compliance and Enforcement Officer or the Manager.
- 6.3 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.

- 6.4 Bylaw investigation files will not be reopened once closed. If a similar complaint is made a new investigation file 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 reasonable grounds to consider there is a significant risk to health or safety;
- 7.1.3 where adverse environmental impact could result in irreversible damage if not prevented in a timely fashion;
- 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 the BC Public Service Standards of Conduct, 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 a 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 a bylaw contravention pose serious risk to persons or the environment.
- 11.3 *Offence Act* prosecutions may be recommended to a local trust committee 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;
 - 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

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

PROPOSED

South Pender Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective _____

Purpose

To establish policies and procedures for bylaw compliance and enforcement in the South Pender Island 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 South Pender Island 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

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

3.0 References

Islands Trust Act section 28:

Enforcement of bylaws

28 (1) For the purposes of enforcing its bylaws and section 32 of this Act, a local trust committee has all the power and authority of a regional district board.

PROPOSED

South Pender Island Land Use Bylaw No. 114

2.3 Inspection (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

Trust Council Policy 5.5.1

Policies adopted by the Islands Trust Council to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

4.0 Priorities

- 4.1** The Islands Trust Act grants the LTC the power and authority to enforce its bylaws and the LTC also has discretion to adopt priorities for enforcement or to defer enforcement.
- 4.2** Enforcement on short-term vacation rentals will be deferred for those rentals validly operating as of April 30, 2024, and enforcement on any short-term vacation rental will proceed based on written complaints only.

5.0 Inspection

- 5.1** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.2** In compliance with Trust Council Bylaw Compliance and Enforcement Policy section 5.5.1, investigations will focus on the specific alleged bylaw contraventions outlined in the complaint unless other observations pose an immediate risk to public health, safety, or the environment.
- 5.3** Bylaw Compliance & Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections and provide one week's notice.
- 5.4** 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.
- 5.5** Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.
- 5.6** 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.

PROPOSED

6.0 Enforcement Procedures

- 6.1 If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUB.
- 6.2 Bylaw Compliance & 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 & Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.
- 6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety 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

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

PROPOSED

8.0 Frivolous, Repeat or Vexatious Complaints

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

9.0 Communications

- 9.1** 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.
- 9.2** Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3** If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Compliance and Enforcement.
- 9.4** The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

10.0 Reporting

- 10.1** The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.
- 10.2** The Manager of Compliance and Enforcement will maintain the South Pender Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

PROPOSED

PART B

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy

Appointment of Screening Officers

Pursuant to section 7.2 of the South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 116, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

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

Screening Officer Powers and Duties

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

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

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

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

PROPOSED

7. A permit exists or has been obtained that authorises the alleged contravention.
8. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:
 - a. The evidence is inadequate to show a contravention;
 - b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.
9. It is not in the public interest to proceed to adjudication for one of the following reasons:
 - a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b. An LTC resolution has deferred enforcement on the specific contravention;
 - c. The LTC has closed the file;
 - d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.