



4. **PRESENTATION ON PROPOSED BYLAW NO. 201 CITED AS “DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 201, 2011”.**

Bylaw Enforcement Coordinator Drew presented an overview of the Islands Trust bylaw enforcement team, general background, enforcement goals, and the bylaw enforcement policy adopted by the Islands Trust Council which is, like all local governments, a complaint-based process.

Bylaw Enforcement Coordinator Drew summarized proposed Bylaw No. 201 and the proposed Bylaw Dispute Adjudication System, explained the process, and described how it works. He stated that the system provides a cost effective alternative for settlement of minor infractions by replacing provincial court with an adjudicator in an informal style and encourages compliance with the community's bylaws.

5. **QUESTIONS AND ANSWER SESSION**

**Sara French** – asked why the complaint process is anonymous.

Bylaw Enforcement Coordinator Drew clarified that the process is not anonymous; the names of the complainants are not divulged as the issue is the question of whether the bylaw is in compliance.

**Robert Newton** – commented that the motivation of a complainant can be suspect which can corrupt the harmony in the community if allowed to go forward.

Bylaw Enforcement Coordinator Drew explained that complaints are investigated for their validity and he reiterated that the focus is not to satisfy the complainant but rather to ensure compliance with the bylaw.

**Sheldon Rempel** – expressed his opposition to the black and white nature of the bylaws, specifically referring to the visitor accommodation regulations in the land use bylaw, suggesting that they produce a negative effect on the social and economic fabric of Denman Island.

Bylaw Enforcement Coordinator Drew responded that regulations in the land use bylaw are an outcome of the Denman Island Official Community Plan process, driven by consultation with the community. He added that the Local Trust Committee may resolve not to enforce a particular regulation until it has been reviewed if it feels that the bylaw is not generally reflective of current practices and community wishes.

**Simon Palmer** – advised that on April 3, 2012 a representative from Denman WORKS! will be attending the Local Trust Committee meeting as a delegation

and will be addressing visitor accommodation issues. He suggested that this might be an opportunity for discussion for those interested.

**Karl Goodwin** - commented that people are looking for basic logics in bylaw enforcement such as what the fundamental issues to the social fabric are.

Bylaw Enforcement Coordinator Drew explained that there is a system in place, and that system also allows for variance permits as a method to address those requests that may not otherwise be permitted. He added that if it becomes clear that a majority are requesting variances to a regulation, the Local Trust Committee could make a recommendation to review that regulation. He stated that the proposed Bylaw No. 201 is not proposing changes to that system.

**Riane Dasilva** – stated that ticketing in bylaw enforcement is new and that is the concern. She noted that previously only the more significant violations were addressed through going to court.

**Ron Sakolsky** – stated his objections to the complaint-driven enforcement system that creates and reinforces a culture of neighbours against neighbours and is selective in nature as only infractions brought up by complaint are investigated. He added that the ability to pay and go through the process is different for the various social strata on Denman and that the overall effect is damaging to the social fabric of the community.

**Judith Scruton** – observed that if bylaws are a reflection of the Official Community Plan, then the problem is with the Official Community Plan not bylaw enforcement. She suggested that perhaps the Official Community Plan needs to be reviewed to determine if it is still reflective of the current community's wishes and asked how that would be done.

Chair Graham responded that he understands that current housing regulations do not reflect current practices on the island and agreed that the community needs to become involved with the Official Community Plan review. He advised that the Local Trust Committee had discussed moving a review of housing policies to a higher priority and it is his hope that this can be accomplished during this term.

Bylaw Enforcement Coordinator Drew added that municipalities and local governments must enforce bylaws equally so any resolutions to not enforce a regulation must be done at a policy level. He explained that if the Local Trust Committee believes that the regulations are out of sync, a directive can be issued to bylaw enforcement staff not to enforce a certain regulation under particular circumstances while they are conducting a review.

**Megan Blu** - stated that she believes it is premature to change the bylaw enforcement system before reviewing the bylaw regulations. She asked if there is a policy for fining a complainant who brings forth unjustified complaints.

Bylaw Enforcement Coordinator Drew explained that the Local Government Act does not provide for issuing a fine for invalid complaints.

**Scott Donaldson** – asked if this bylaw was going to be adopted.

Chair Graham responded that this is an information meeting and that the bylaw is not on the current Local Trust Committee work plan.

Trustee Busheikin confirmed that the bylaw has been put aside until a full review of housing policies in the Official Community Plan and Land Use Bylaw has been conducted. She advised that any future consideration of the bylaw will be publicized ahead of time for the community's information.

**Simon Palmer** – expressed his concern that the complaint-driven enforcement operation is corrosive in a small community and suggested that the Local Trust Committee consider evaluating contraventions for their significance and requesting no enforcement for those with minimal effect.

Bylaw Enforcement Coordinator Drew responded that creating a shorter list of violations is a possible consideration. He explained that the Islands Trust Council has adopted a Bylaw Enforcement Policy that uses the complaint-based process; however, he proposed that any other suggestions for an alternative policy could be brought forward for Local Trust Committee consideration.

**Brett** – expressed his disagreement with the Bylaw Enforcement Coordinator's earlier observation that "the best way to find out what a community wants is through enforcement".

Bylaw Enforcement Coordinator Drew clarified that his statement was intended to indicate not that it is the best way, but rather that it is the surest way as it filters out the regulations that are not in sync with current community practice.

**Rae Eckel** – expressed her concern with the complaint-driven enforcement process, stating that someone might complain about 20 items that investigation might confirm as being two, and that this process creates fear.

Bylaw Enforcement Coordinator Drew responded that this type of situation would be tested for validity and actual bylaw violations determined. He added that it is not the intent of bylaw enforcement process to satisfy the complainant but rather to satisfy compliance with the bylaw.

**Karl Goodwin** – stated he would like to see consideration given to appointment of a group of local ombudsmen to resolve problems amongst neighbours rather than through planners, arbitrators and enforcement officers that do not live in the community.

Bylaw Enforcement Coordinator Drew explained that while this is a good idea, we are obligated under the Province of British Columbia Local Government Act and Community Charter which do not provide for such a system.

**Sara French** – asked what the provincial government’s attitude toward the Gulf Islands was. She observed that they act as if we are municipalities, which we are not.

Bylaw Enforcement Coordinator Drew responded that the provincial government, recognizing that the Gulf Islands are special, created the Islands Trust Act which provides that land use issues are determined on the islands by Local Trust Committees rather than through a regional district.

**Daniel Verenka** – asked who one would go to for residential construction building code violations.

Bylaw Enforcement Coordinator Drew explained that British Columbia building codes are the responsibility of regional districts. He added that building codes exist everywhere within the province however the Comox Valley Regional District has not put in place a building inspector system on Denman or Hornby Islands. He stated that on these islands, Siting and Use Permits are issued prior to construction.

**Riane Dasilva** – had several questions about the contraventions and penalties listed in Schedule A of Bylaw No. 186 as attached to the proposed Bylaw No. 201.

Chair Graham clarified that to fully understand the contraventions, it is necessary to cross-reference these with the appropriate bylaw section in the Land Use Bylaw. He explained that those contraventions and penalties that she referred to were most likely for commercial or industrial zones and that those regulations are concerned with safety issues.

**Riane Dasilva** – asked how the community could address those contraventions that it does not want enforced and what the procedure is for requesting a special resolution to not enforce.

Chair Graham suggested that those interested could organise and come as a delegation to the Local Trust Committee to make their request and the Local Trust Committee could consider making a subsequent resolution as a next step. He added that this might ultimately result in a change to the bylaw if it is the consensus that it is warranted. He reflected that the Official Community Plan and Land Use Bylaw were carefully considered and created by our community and should reflect how we live.

Trustee Busheikin suggested that those interested in proposing changes can organize, talk to the Local Trust Committee, and write articles. She reaffirmed that the Local Trust Committee wants to hear from the community regarding any

bylaws that they want changed. She advised that changes take time and can only be made within a system of due process that allows everyone to discuss the issues.

**Wes Ritter** - remarked that the Bylaw Enforcement Notice & Dispute Adjudication system creates larger fines and more offenses than the other bylaw.

Bylaw Enforcement Coordinator Drew explained that the offenses are the same as those reflected in Bylaw No.186 with no changes. He clarified that the fine amounts are higher with the Adjudication system as it includes the ability to negotiate lower amounts for compliance, and compliance is the goal.

**Wes Ritter** - noted that this system is approved on four other islands now and asked how many tickets have been issued. He inquired if it has been an effective enforcement tool.

Bylaw Enforcement Coordinator Drew responded that no tickets have been issued to date. He added that he considers it to be an effective enforcement tool; however, efforts to reach compliance have been the priority.

**Louise Bell** – stated that she strongly supports this bylaw and believes that the Bylaw Enforcement Notice & Dispute Adjudication System is a tool that we should be using. She commented that this discussion should not be about regulations but rather about how to proceed with the responsibility to enforce the bylaws once a violation is known. She expressed concern with holding up improvements in enforcement while waiting for changes in regulations as there will always be some regulations that need improvement. She added that most people approve of the existing bylaw regulations which are meant to create neighbourhoods where people are comfortable.

**Hanson** – expressed his support of the concept of a community-based solution to bylaw enforcement, and asked for suggestions as to how that can be accomplished if the Local Government Act does not allow for that type of system.

Chair Graham commented that trying to change a provincial regulation is difficult and suggested that the process can begin with neighbours talking to neighbours without involving a bylaw officer if possible.

**Robert Newton** – objected to the anonymity of complainants and recommended that the protocol be changed as this is damaging to the social fabric of the community.

Bylaw Enforcement Coordinator Drew clarified that the complainant's identity is required at the time of complaint; however, their identity is kept confidential. He added that many times the person violating the bylaw is not reasonable and concerns are valid.

Chair Graham agreed that there could be circumstances where someone might feel too threatened to complain without that confidentiality.

Trustee Busheikin indicated that ideally, ticketing and the adjudication system should be the last resort in the process. She added that a group, Denman Hornby Peacemaking Group, formed several years ago to help settle disputes and that this might be a forum for a community-based approach to assist in resolution of complaints. She offered to provide further information on the group to anyone who might be interested.

In conclusion, Chair Graham thanked everyone for coming and for participating in our local government and advised that this is a topic that will continue to be discussed. He stated that the session had been informative for him and he hoped for those attending as well.

**ADJOURNMENT**

Chair Graham adjourned the meeting at 9:21 pm.

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Recorder

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Chair