

**NOTES OF THE GALIANO ISLAND
LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
HELD ON MONDAY, MAY 14, 2012 AT 1:30 PM
AT THE SOUTH ISLAND COMMUNITY HALL,
GALIANO ISLAND, B.C.**

<u>PRESENT:</u>	Ken Hancock	Chair
	Louise Decario	Local Trustee
	Sandy Pottle	Local Trustee
	Kaitlin Kazmierowski	Island Planner
	Miles Drew	Bylaw Enforcement Officer
	David Millership	Recording Secretary

There were approximately twenty-four (24) members of the public present.

Chair Hancock called the meeting to order at 1:30 p.m. Introductions were made and the meeting introduced.

Chair Hancock stated that a Community Information Meeting (CIM) gives the public the opportunity to ask questions.

3.1 Galiano Island Bylaw Enforcement Bylaw Notification Bylaw No. 228

3.1.1 Full Version

3.1.2 Condensed Version

Bylaw Enforcement Officer (BEO) Drew provided information and referenced item 3.1, item 3.1.1 and item 3.1.2 in the agenda package.

BEO Drew stated that the new bylaw enforcement system being proposed does not introduce any new regulations and is intended to be a tool to gain compliance of a bylaw. BEO Drew stated that the new system is not about revenue but rather about bettering communities via voluntary compliance and offering a more convenient and easier adjudication system.

There was some discussion regarding process, fines, dispute resolution, screening officers and the full and condensed versions.

Chair Hancock invited the Trustees to ask questions.

There was some discussion regarding ongoing issues of non-compliance and possibly having to deal with such via court order.

Trustee Pottle asked if the Local Trust Committee (LTC) appoints a screening officer.

BEO Drew responded that the LTC can do so but would need to be decided and in order to avoid bias the Regional Planning Manager (RPM) would become involved.

Chair Hancock asked for more information regarding the background of the current system.

BEO Drew responded that the current system of enforcement is complaint(s) driven except when environmental (eg: seawalls), advertising or agency referral infractions are involved. He stated that the new system would be no different from the current one in terms of wanting compliance but in the face of non-compliance this new system aids as another tool to nudge the system along for the purpose of gaining compliance. BEO Drew stated that the new system has had positive results in the communities that have chosen to adopt it.

Chair Hancock invited the public to make comment.

Roy Smith stated concern with the way in which the contraventions and penalties were listed in the bylaw.

BEO Drew responded that Land Use Bylaws (LUBs) are designed by section number(s) and hence it makes sense and is simpler for the BEO to have the contraventions and penalties listed accordingly.

Bill Russell asked if complainants are and remain anonymous. Mr. Russell asked what happens in cases where BEO discretion/subjectivity is an issue (eg: infractions related to inadequate landscape screening) or whereby LUB wording is vague or not definite enough.

BEO Drew responded that the complainant's name is not revealed to the culprit but that complainants are also not anonymous in that a file is created when a complaint is made and the complainant asked to provide their name. BEO Drew stated that a complainant's name might be revealed if the enforcement process escalates and becomes lengthy. He stated that BEOs reference LUBs before any infractions are determined.

Trustee Decario responded that if an LUB is vague or needs further clarification then the BEO can let the LTC know so that the LTC can determine if the LUB's wording might need to be updated. She stated that the process does offer an opportunity for fluidity.

Gary Coward asked what happens in cases involving people living on their land when they shouldn't be and whereby non-compliance is the community standard.

BEO Drew responded that ongoing issues of non-compliance would need to continue to be dealt with under the current system and would probably involve resolution via court proceedings.

Justin Stephenson asked if there is an opportunity for voluntary compliance before a fine is issued and also if there is an opportunity for ticket cancellation. He asked if it is correct that the LTC has the option rather than obligation to adopt the new bylaw enforcement system.

BEO Drew responded yes to all questions and stated that negotiating compliance is the objective of the new system so that tickets are not issued which subsequently need to be disputed or cancelled.

BEO Drew stated that process and punishment in relation to infraction would be more appropriate under the new system.

Tom Hennessy asked if the LTC is able to decide on level of compliance and whether or not a local person could be the bylaw enforcer.

Chair Hancock responded that the LTC could adopt enforcement policies but reality is that there are limited resources.

BEO Drew responded that if a local person were to be the bylaw enforcer then such person would need to be well versed in case law and bylaw interpretation.

Tom Hennessy stated support for a community vote if the bylaw enforcer were to be local. Mr. Hennessy asked what effect the new system might have on compliance of forest lot owners currently living illegally on their land(s).

BEO Drew responded that ongoing issues of non-compliance would need to continue to be dealt with under the current system and would probably involve resolution via court proceedings.

Andrew Loveridge stated concern that malicious complaints might increase under the new system.

BEO Drew responded that malicious complaints on Galiano are not generally a problem and that the system works/weeds such out because there has to be an actual valid bylaw infraction in order for a ticket to be issued.

BEO Drew stated that North Pender, Salt Spring, Mayne, Thetis and Gabriola islands have already adopted the new system and that South Pender will review and revisit the issue next year.

Cathy Stephenson asked how many complaints are made in relation to enforcement.

BEO Drew responded that compliance is generally achieved far more than enforcement is necessary and that such is a testament to the system. He stated that there have been some ongoing compliance issues relating to derelict cars.

Robbie Preston asked how an issue of non-compliance would be handled in cases whereby a local bylaw prevents something that is permitted federally. He asked if the full and condensed versions include prohibition of short-term vacation rentals (STVR's).

BEO Drew responded that he is not completely sure with regards to the first question but that provincial and federal authorities are usually only interested in enforcing major issues of non-compliance. He stated that with regards to STVR's, enforcement is based on what is permitted in particular zones and that in the case of an STVR operating in a residential zone which is not permitted a ticket might be issued. BEO Drew stated that issuing tickets/fines for STVR infractions does not necessarily motivate compliance for the reason that the fine would generally be far less than the potential income being generated for the homeowner via their STVR.

There was some discussion regarding STVR's.

Trustee Decario asked what happens when STVR owners pay the fine that has been issued but continue to operate in non-compliance.

BEO Drew responded that files are not closed until compliance is gained and that escalated action might include court proceedings for the purpose of issuing bigger fines and/or LTC injunctions.

Ursula Deshield asked what the North Pender community feedback has been so far regarding the new bylaw enforcement system.

BEO Drew responded that government has not yet solicited the North Pender community for feedback but that such will be initiated once the system has been in place for more time.

Richard Dewinetz (address not stated) asked if multiple tickets/compound fines could be issued in cases of ongoing non-compliance.

BEO Drew responded that yes such is possible but if compliance were still not gained then alternative escalation methods would be necessary.

There being no further comments from the public, Chair Hancock closed the Community Information Meeting.

The meeting was adjourned at approximately 2:30 p.m.

RECORDER

DATE