



**HORNBY ISLAND  
LOCAL TRUST COMMITTEE  
AGENDA**

Revised – November 2, 2011

**AGENDA  
Business Meeting  
Wednesday, October 19, 2011 at 12:15 pm  
In the New Horizons  
1765 Sollans Road, Hornby Island, BC**

	<i>Page No.</i>	<i>Approx. Time</i>
<b>1. CALL TO ORDER</b>		12:15 pm
<b>2. APPROVAL OF AGENDA</b>		
<b>3. MINUTES</b>		
3.1 Local Trust Committee Meeting Minutes dated September 21, 2011– <i>for adoption</i>	1-10	
3.2 Section 26 Resolutions Without Meeting - <i>none</i>		
3.3 Advisory Planning Commission Minutes - <i>none</i>		
<b>4. BUSINESS ARISING FROM MINUTES</b>		12:20 pm
4.1 Follow-up Action List dated October 11, 2011 – <i>attached</i>	11-12	
4.2 BC Hydro Smart Meter Program – Trustee Law		
<b>5. CORRESPONDENCE</b>		
<i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
5.1 Email dated October 15, 2011 from Jennifer Armstrong regarding Hornby Island Resort – Zoning Amendment Process - <i>attached</i>		
5.2 Email dated October 17, 2011 from Tanya de Frias regarding Hornby Island Visitor - attached		
<b>6. TRUSTEES’ REPORT</b>		1:00 pm
<b>7. CHAIR’S REPORT</b>		
<b>8. DELEGATIONS</b>		
<b>9. TOWN HALL SESSION</b>		1:15 pm
<b>10. APPLICATIONS AND PERMITS</b>		1:25 pm
10.1 HO-DP-2011.1(Hornby Island Resort) – <i>verbal update</i>		
<b>11. LOCAL TRUST COMMITTEE PROJECTS</b>		

<b>12.</b>	<b>REPORTS</b>		2:00 pm
12.1	<b>Work Program Reports</b>		
	Top Priorities and Projects List Report dated October 11, 2011 - <i>attached</i>	13-14	
12.2	<b>Applications Log</b>		
	Report dated October 11, 2011 - <i>attached</i>	15-17	
12.3	<b>Trustee and Local Expenses</b>		
	Expenses posted to September 21, 2011 - <i>attached</i>	18	
<b>13.</b>	<b>NEW BUSINESS</b>		2:15 pm
13.1	Local Trust Committee Recommendations for Next Term		
13.2	Affordable and Special Needs Housing Documents	19-25	
	<ul style="list-style-type: none"> <li>Memorandum dated August 8, 2011 regarding Housing Agreements on Salt Spring Island and the Islands Trust Application Guide for Affordable and Special Needs Housing – <i>for information</i></li> </ul>		
<b>14.</b>	<b>BYLAWS</b>		2:30 pm
14.1	Bylaw Enforcement Notification System	26-28	
	Staff Report - <i>attached</i>		
14.1.1	Bylaw Enforcement Notification Brochure - <i>attached</i>	29-30	
14.1.2	Bylaw Violation Notice - <i>attached</i>	31-32	
14.1.3	Draft Bylaw No.90 cited as "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 144, 2011". - <i>for consideration of first, second and third readings and submission to the Executive Committee for approval</i>	33-55	
<b>15.</b>	<b>ISLANDS TRUST WEBSITE</b>		3:00 pm
15.1	Hornby Page - <i>attached</i>	56-58	
<b>16.</b>	<b>CLOSED MEETING:</b> The Hornby Island Local Trust Committee closes the next part of the October 19, 2011 business meeting to discuss matters pursuant to Section 90(1)(d) of the <i>Community Charter</i> to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting		3:05 pm
<b>17.</b>	<b>RECALL TO ORDER</b>		
	Rise and Report from Closed Meeting		
<b>18.</b>	<b>NEXT BUSINESS MEETING DATE</b>		
	<ul style="list-style-type: none"> <li><i>to be announced</i></li> </ul>		
<b>19.</b>	<b>ADJOURNMENT</b>		3:30 pm

\*Approximate time is provided for the convenience of the public only and is subject to change without notice.

**HORNBY ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING MINUTES  
HELD AT 12:15 PM, SEPTEMBER 21, 2011  
IN NEW HORIZONS  
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<b><u>PRESENT:</u></b>	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Vicky Bockman	Minute Taker

There were eighteen (18) members of the public in attendance.

**1. CALL TO ORDER**

The Chair called the meeting to order at 12:21 pm. She welcomed the public and acknowledged that the meeting is taking place in the traditional territory of the Coast Salish First Nations. Chair Bell introduced herself, the Local Trustees, Island Planner and Minute Taker.

**2. APPROVAL OF AGENDA**

The agenda was adopted by consensus, with the following amendments:

- Move items 6, 7, and 8 to after item 2
- Move items 9 and 10 to after item 3
- Move item 12 to after item 4
- Add item 14.3, British Columbia Youth Parliament

**6. TRUSTEES' REPORT**

Trustee Hunt reported on the meetings he has attended since the last Local Trust Committee business meeting including: the traditional Local Trust Committee Special Meeting for Hornby Island summer and year-round residents; a Local Trust Planning Committee meeting in Victoria; a meeting with Trustee Law, the Vice-Chair of Hornby Island Ratepayers' and Residents' Association and a BC Hydro representative regarding the possibility of a public meeting on the Smart Meter Program; and a Trust Council meeting held on Salt Spring Island.

Trustee Law provided an update on the Scott property which is for sale, stating acquisition options are being pursued with various parties, including BC Parks. He advised of upcoming meetings with BC Ferries including a cable ferry proposal meeting, a meeting with the BC Ferries Commissioner, and an open house regarding the closure of ferry services for repairs. He encouraged the public to attend those meetings and solicited issues to be raised at the regular Ferry Advisory Committee meeting next month. Trustee Law noted that he attended the Trust Programs

Committee meeting and participated in the Comox Valley Regional District Housing and Homelessness Committee Task Force since the last local Trust Committee business meeting.

**7. CHAIR'S REPORT**

Chair Bell reported on the meetings and work the Executive Committee is preparing to address at the annual Union of British Columbia Municipalities conference which will take place on September 26-30, 2011. She summarized the bylaws which the Executive Committee has considered since the last regular business meeting of the Hornby Island Local Trust Committee. She noted that Executive Committee business also included a resolution to sponsor a rezoning application for affordable housing on Denman Island, review of a plan to redesign the new Islands Trust website, and review of all material prior to the recent Trust Council meeting.

**8. COMMUNITY STEWARDSHIP AWARDS PRESENTATION**

The Local Trust Committee presented the Community Stewardship Award for the Group category to the Hornby New Clinic Committee. The Trustees offered their congratulations and noted that this award honours the efforts of this group of volunteers to plan, coordinate, fundraise, design and build the new Hornby Community Medical Clinic and recognizes the contribution made to the community by this group.

Jim Garton accepted the award on behalf of the group, introduced the members of the Committee, and thanked all who had participated, including Hornby Islanders who supported the project in many ways, contributing to its success.

**3. MINUTES**

*3.1 Local Trust Committee Meeting Minutes dated August 3, 2011*

The minutes were adopted by consensus, with the following amendments:

- Page 4, seventh paragraph, third line: replace the text “tests” with “guidelines for”
- Page 5, after the second paragraph: insert a new paragraph: “Director Marlor responded, saying that the Islands Trust staff does not include an engineer or person with other qualifications for this work, and that staff rely on the professional’s report provided by applicant.”
- Page 5, after the fifth paragraph ending “defined anywhere.”: insert a new paragraph: “ Director Marlor responded, outlining the meaning of the term “new information”, as used in this context.”
- Page 8, item 14.2: correct the spelling of the name “Knot” to “Knott” in both the item heading and the sentence following the heading.

3.2 *Local Trust Committee Special Meeting Minutes dated August 7, 2011*

The minutes were adopted by consensus, with the following amendments:

- Page 4, third paragraph, fifth line: replace the text “a water engineer has monitored usage and well output for drinking and other uses” with “the planner has received information regarding water usage and well output for drinking and other uses”
- Page 4, fourth paragraph, second line: replace “governed by” with “reflected in”
- Page 5, third paragraph: replace the text “review” with “appeal through the court process”
- Page 6, item 3, first paragraph, second line: insert “federal” before “law”
- Page 6, item 4, first paragraph, fourth line: replace “public process for the” with “public process for this stage of the”

3.3 *Section 26 Resolutions Without Meeting Log dated September 13, 2011*

Chair Bell presented the Section 26 Resolutions Without Meeting Log dated September 13, 2011.

3.4 *Advisory Planning Commission Minutes*

None.

3.5 *Resolution to Amend Resolution Numbers in Adopted Minutes*

**HO-068-2011**

It was **MOVED** and **SECONDED** that the Local Trust Committee direct staff to amend the minutes of the June 1, 2011 Hornby Island Local Trust Committee meeting to renumber resolution HO-039-2011 on page 6 to HO-040-2011 and renumber each subsequent resolution chronologically including those adopted in the minutes of June 14 and June 29, 2011.

**CARRIED**

3.5.1 *Local Trust Committee Adopted Meeting Minutes dated June 1, 2011*

Received.

3.5.2 *Local Trust Committee Adopted Special Meeting Minutes dated June 14, 2011*

Received.

3.5.3 *Local Trust Committee Adopted Meeting Minutes dated June 29, 2011*

Received.

The Chair recessed the meeting for a short break at 1:15 pm and reconvened the meeting at 1:20 pm.

## 9. DELEGATIONS

### 9.1 *Hornby Preserve and Protect Delegation regarding Hornby Island Resort (The Thatch)*

**Michelle Easterly** spoke on behalf of the Hornby Preserve and Protect Delegation. She said that in the spirit of the International Day of Peace it was her intention to present her concerns in a non-confrontational manner. She stated objections to the process that has led to the approval of the development proposal for the Hornby Island Resort, including her belief that there was inadequate communication and signage about the development, an unusually long delay of a full year after the initial public hearing, and a new information definition that, in her opinion, is not well understood. She identified her concerns including inadequacy of water and sewage disposal, negative effect on the rural character of Hornby Island, the concentrated health threat of the wireless frequencies that will be generated, potential negative effect on sea life, garbage, safety, noise issues, and the lack of accountability if the pub closes due to economic factors.

She asked the Local Trust Committee to be proactive and to protect Hornby Island against these threats, and requested that no Siting and Use or Development Permits be issued without further public communication and consultation.

**William Thomas** also spoke on behalf of the delegation. He said he objected to Director Marlor's demeanor and statement made at the August 3, 2011 Local Trust Committee meeting regarding the Hornby Resort development that indicated that the Trust has the authority to approve the rezoning application regardless of the opinion of Hornby Islanders.

He stated his objections to the approval of the development of condominiums on one acre of land and said that it will change the character of the island. He said that the type and location of this development is beyond the qualifications of a Local Trust Committee to evaluate and urged that no Development or Siting and Use Permits be issued without public input and without a water draw down test. He stated he would like a covenant stating that if a permit is issued, a meter must be installed on the well that serves this development in order to measure the draw down and recharge rate and which would stop the well operation if that rate is exceeded.

Planner Zupanec responded by explaining the notification requirements that are determined by the Local Government Act and advised that the minimum requirements had been exceeded in this case. She explained the actions that were taken during the delay of a year following the public hearing and the reasons for waiving the second public hearing. She clarified the Development Permit and Siting and Use Permit purpose and guidelines, and discussed the next steps in the process. She clarified that the Local Trust Committee does not have authority to require water metering.

Trustee Hunt expressed his regrets that communications expectations were apparently not met. He stated that the concerns expressed by the community

were heard and efforts were made to strengthen the proposal based on those suggestions. He responded to Mr. Thomas' comment, stating his belief that Director Marlor had been intending to clarify the fact that the decision for the application does rest at the Local Trust Committee level. Trustee Hunt said that the importance of this development to the people of Hornby Island is recognized and the form and character of Hornby will be reflected in the architecture of the development.

Trustee Law said that it is important for Trustees to be accountable to their constituents and to adhere to the Trust Policy Statement and mandate. He described the communication process that was undertaken for this project including an open house in the initial stage and the time that was taken to craft the bylaw provisions addressing concerns raised by the public. He advised that the Development Procedure Bylaw is on this meeting's agenda for discussion to determine if more can be done in this area.

## 10. TOWN HALL SESSION

**Mary McKenzie** asked if there is a public meeting between the rezoning and permit stages of the process.

Chair Bell responded that there will be no further public hearings, however the Local Trust Committee will continue to address the topic in monthly business meetings as matters relating to that application arise. Trustee Hunt added that the Town Hall section of the business meetings provides an opportunity for people to speak.

**Mary McKenzie** asked what aspect of a Development Permit protects neighbours from a draw down of water volume, and if the sustainability covenant protects adjacent properties.

Chair Bell responded that according to provincial regulations, form and character are what can be addressed with a Development Permit. Planner Zupanec explained the features of the covenant that are designed to conserve water.

**Mary McKenzie** asked if archeological studies have been done.

Planner Zupanec responded that the applicant and the British Columbia Archaeology Branch have procedures that must be complied with before any excavation is undertaken.

**John Howard** questioned if the Local Trust Committee would consider the issuance of a Siting and Use Permit when the water volume has not been assured and it is unknown how a septic system would fit in that small area. He said that he would like a water recovery test completed with a public meeting to discuss the findings.

Planner Zupanec explained that Siting and Use Permits are limited to addressing only the siting and use of buildings and that it is up to the property owner and developer to meet provincial water and septic requirements.

**Care Snowden** stated her objection to the BC Hydro Smart Meter Program and the negative health effects the frequencies will cause. She said she can be used as a resource for information.

Trustee Law outlined some of the steps that are being taken to address this issue including a resolution brought to the June Trust Council meeting requesting the Islands Trust Chair to write a letter to BC Hydro expressing concerns. Chair Bell added that her understanding that it is on the agenda for the upcoming Union of British Columbia Municipalities meeting.

**Russell Prediger** asked the Hornby Resort proponent why so many units are being developed.

**John Ross** replied that sustainability of the pub requires the number of units. He said that it is his understanding that Islanders want it to be open more.

**Sheila Farrington** asked if an archeology report has been received for the Hornby Resort development. She stated her understanding that the report was desired prior to approval in order to indicate if the development complies with the Official Community Plan.

Trustee Hunt responded that the initial letter from the archeologist stated that the archeological resources do not preclude development but will require monitoring. Planner Zupanec stated that this gave the Local Trust Committee assurance to draft the initial bylaw. Trustee Bell added that the developer must have the work monitored by a qualified archeological technician during any alteration of the land and that nothing will proceed without that person observing.

**Cathie Howard** questioned the 50 gallon per person daily consumption figure that the applicant used in his estimates, stating that her research determined that the British Columbia government uses a figure of 107 imperial gallons used per person per day in British Columbia. She expressed her concern that the condominium occupants will not conserve water and that the neighbours will be negatively impacted.

Trustee Law stated his understanding that the existing well has a volume that is in excess of existing demands. He added that low-volume fixtures will be installed, and that a catchment and storage system and a second well on the property that has not been added into the equation provide additional water sources.

#### 4. **BUSINESS ARISING FROM MINUTES**

##### 4.1 *Follow-up Action List dated September 13, 2011*

Planner Zupanec presented the Follow-up Action List dated September 13, 2011

Trustee Hunt noted that regarding item No. 10, the Trustees are continuing to look for an opportune time to introduce the pamphlet.

Regarding item No. 7, Chair Bell advised that the K’omoks Nation has requested that the meeting date be rescheduled. The Local Trust Committee requested that Planner Zupanec work on a date to reschedule the meeting with the K’omoks Nation, Denman and Hornby Local Trust Committees before the end of the term.

4.2 *2012-2013 Budget Request  
Memorandum dated September 9, 2011*

Planner Zupanec presented the memorandum.

**HO-069-2011**

It was **MOVED** and **SECONDED** that the Local Trust Committee submit the following budget request for the 2012/2013 fiscal year:

1. Hornby Island Official Community Plan and Land Use Bylaw Review in the amount of \$8,000
2. Riparian Areas Regulation implementation in the amount of \$15,000.

**CARRIED**

**12. LOCAL TRUST COMMITTEE PROJECTS**

*12.1 Riparian Areas Regulation*

Planner Zupanec provided an update on Riparian Areas Regulation work, stating that two designated watersheds on Hornby Island have been verified. She outlined the suggested next steps which would be verification of the streams within those areas focusing on the cadastral lot lines, followed by community consultation and implementation. She advised that the initial estimate to map the two watersheds is \$15,000 and recommended these be considered priorities. She stated that the consultants have advised that the best time to collect data is in the fall and suggested that it would be opportune for the work to begin at that time.

**5. CORRESPONDENCE**

*5.1 Post Public Hearing Correspondence Package  
(HO-RZ-2009.2 Hornby Island Resort – The Thatch)*

Received. Trustee Hunt thanked all those who took the time to put their thoughts and concerns into writing.

**11. APPLICATIONS AND PERMITS**

None.

**12. LOCAL TRUST COMMITTEE PROJECTS**

*12.1 Riparian Areas Regulation*

This was discussed earlier in the agenda. Planner Zupanec stated she will keep the Local Trust Committee notified as to work that is undertaken including coordination of requirements and a communications plan.

**13. REPORTS**

**13.1 *Work Program Reports***

**13.1.1 *Top Priorities and Projects List Report dated September 13, 2011***

Planner Zupanec presented the report and provided an update on activities in the Planner's office regarding Top Priority No. 2, Official Community Plan and Land Use Bylaw Review.

The need to add Riparian Areas Regulation to Top Priorities was identified.

**HO-070-2011**

It was **MOVED** and **SECONDED** that Riparian Areas Regulation be added as the third Top Priority on the Work Program.

**CARRIED**

Top Priority No. 1 was discussed and it was the consensus of the Local Trust Committee that a preliminary discussion of the Vacation Home Rentals Enforcement Policy would be appropriate for the October 19 business meeting agenda, however only if the bylaw has been received back from the Ministry beforehand.

The topic of Greenhouse Gas Emissions was discussed and it was agreed that it should be added to the Projects list.

**HO-071-2011**

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee add the following item as No. 3 on the Projects list: Facilitating community communications regarding Greenhouse Gas Emissions in collaboration with community organizations.

**CARRIED**

Chair Bell requested that the text "to Projects List" be removed from the Project No. 1 description.

**13.1.2 *Term End Review***  
***Memorandum dated September 9, 2011***

Planner Zupanec presented a summary of the Term End Review. She confirmed that this information will also be the basis of an initial report identifying what has been done and what needs to be done for use at the beginning of next term.

Chair Bell noted the large number of special meetings that occurred during the term and recognized the extra work for staff that these represent. She also took a moment to remember staff member, Valerie Sonstens, and to acknowledge that she is missed.

13.2 *Applications Log*  
*Report dated September 13, 2011*

Planner Zupanec presented a summary of the report.

13.3 *Trustee and Local Expenses*

13.3.1 *Expenses posted to July 26, 2011*

Received.

13.3.2 *Expenses posted to August 24, 2011*

Received.

14. **NEW BUSINESS**

14.1 *Development Procedure Bylaw*

Trustee Law introduced the topic, stating that in response to some members of the public's concerns regarding notice of applications, it might be appropriate to review this procedure to add the required posting of signs to some or all applications. Discussion followed and it was determined that it would be useful to consider parameters based on best practices in other communities.

**HO-072-2011**

It was **MOVED** and **SECONDED** that the Projects list of the Work Program be amended by adding the following as the first item: Considering options prepared by staff for amending the Development Procedures Bylaw to include requirements for posting of signs on property with respect to significant applications.

**CARRIED**

14.2 *Smart Meter Program*

In response to community concern regarding the BC Hydro Smart Meter Program, Trustee Law initiated discussion to identify steps that have been taken to address the issue and to consider further options.

Chair Bell stated that she would report back to the Local Trust Committee after the Union of British Columbia Municipalities convention as it is her understanding that a resolution on the subject will be considered at that time.

Trustee Hunt stated that it is important to confirm the proposed start-up date and to notify the community of that date. Discussion included the proposal of a Community Information Meeting to be conducted on the topic.

14.3 *Youth Parliament of British Columbia*

Chair Bell briefly described the program and asked if a Trustee would be willing to write about the program opportunities for youth for the community's information.

Trustee Law said he would take responsibility for writing an article for the Grapevine.

15. **BYLAWS**

None.

16. **ISLANDS TRUST WEBSITE**

16.1 *Hornby Page*

The following changes were requested for the Hornby page of the Islands Trust website:

- Update the Top Priorities section

17. **NEXT MEETING DATE**

The next business meeting will take place on Wednesday, October 19, 2011 at 12:15 pm in New Horizons, 1765 Sollans, Hornby Island, British Columbia.

18. **ADJOURNMENT**

The Chair adjourned the meeting at 4:01 pm.

\_\_\_\_\_  
Minute Taker

\_\_\_\_\_  
Chair



**Follow Up Action Report w/ Target Date**

**Hornby Island  
Dec-15-2010**

No.	Activity	Responsibility	Target Date	Status
10	GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.	Chris Jackson		On Going

**Mar-23-2011**

No.	Activity	Responsibility	Target Date	Status
3	A resolution that no enforcement be carried out on vacation home rentals for the rest of this term unless a new vacation home rental enforcement policy is adopted was tabled.	Miles Drew Brodie Porter		On Going

**Jun-01-2011**

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project)  Resolution: Request staff to flag the following issues arising from the Islands Trust Food Security report for the OCP/LUB review: farm worker housing; amenity zoning policy; community food storage facilities; shared equipment storage facilities.  Resolution (2010):LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners. Consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Sonja Zupanec		On Going

## Sep-21-2011

No.	Activity	Responsibility	Target Date	Status
1	Send Hornby APC members an updated contact list of all members.	Becky McErlean	Sep-29-2011	Done
1	Hornby LTC minutes August 3, 2011 minutes adopted as amended. August 7, 2011 minutes adopted as amended. Resolution to amend incorrect resolution numbers in adopted minutes of June 1, June 14 and June 29, 2011.	Becky McErlean Theresa Vieau	Sep-29-2011	Done
7	Meeting with K'omoks Nation - reschedule prior to end of this term with Denman and Hornby LTCs.	Courtney Campbell Sonja Zupanec	Nov-30-2011	On Going

## Late Item 5.1

**Re: Hornby Island Resort - zoning amendment process**

jennifer armstrong [mailto:jarmstr@islandtrust.bc.ca]

**Sent:** Saturday, October 15, 2011 11:36 AM**To:** Tony Law [tlaw1@telus.net]**Cc:** Fred Hunt; Louise Bell; Chris Jackson; Shella Malcolmson; Will Thomas [rwt@telus.net]; alexongunpowder@gmail.com

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hi Tony, Fred, Louise, Will, Alex et al,

i am writing this letter in response to Tony's letter below & specifically to address his question:

As an elected trustee, I am committed to providing good communication and opportunities for Hornby Islanders to become informed and have an opportunity to provide input. I am troubled when these efforts do not seem to be followed by the desired result. I am always looking for opportunities to learn and make improvements, so I would appreciate your suggestions in this regard.

i have noticed, when talking to a lot of people, that even though the Trustees feel they've done what's needed to publicize Public Hearings, people are still amazed that whole political processes, ones that strongly affect their lives here, come & go without their knowing about it. I myself see notices in the grapevine from time to time but mostly they don't mean anything to me, even after reading them a couple of times. I think really clear language in the notices would be helpful. So, for example:

"the owners of the Thatch are applying for a rezoning permit which would allow them to build 11 condominiums down at the Hornby Island Resort. Your input is both welcomed & needed at 'this time' at 'this place' on 'this date'".

If i had of seen a notice like that anywhere along the line, i would have marked the date & time on my calendar, changed plans if i had to, found childcare, & got my butt down to the meeting. But i didn't. So i really see there's a big disconnect between what feels like 'clarity' to you as Trustees, & to how that comes across to many of us in the community.

i have heard a lot about that around the whole issue of the Trust re-doing the bylaws around short term vacation rentals. People just didn't understand the importance of the changes the Trust kept putting forth. And honestly, i only knew about it & became involved because others kept me informed. I would not have known about the meetings, the consequences of these proposals, deadlines for letters & input, without their help.

also, when many of us do participate - write letters, turn up at meetings, express our opinions - at the end of the day, at the end of the process, we do not feel heard. The trust seems to push things through, as per the whole short-term-vacation-rental bylaw amendments & the condominium development at the Thatch, or cancel things, as per the 4-corners project, seemingly as per some other agenda. I attended several meetings around the STVR bylaw changes & the majority of the voices i heard there, & read in letters, were consistently opposed to the proposed bylaws. And yet, they kept getting passed onto the next reading & the next reading. So where is there evidence that the Trust was listening? The opposite is true for the 4-corners project. I was one who was curious about the project, not committed to supporting it, but also not fully opposed to it. And i have spoken to many others with similar feelings about it. And before i had a chance to get involved, to see the project evolve around public input, i read in the grapevine (or perhaps the first edition) that the Trust had denied them further process.

i can certainly speak for myself, & for many community members who i have spoken with, that, although

the Trust says they are open to public input, this being, i hope, part of their mandate, it just does not seem to be true. Listening & Active Listening are two entirely different beasts. I know i, & many others, certainly did not feel 'actively listened to' during the process of the bylaw amendments. Even in emails i & others received back from the Trust, the bulk of the response was always in defence of why the Trust was doing what it was doing, how deeply the Trust cared about the community &/or how long they'd lived here, & very often didn't honour our concerns at all. Defending one's own actions is the first evidence of not actively listening to another party. If you can tell me how i'm wrong there, if you can point out to me how anywhere along the line the time & effort i, & others who shared my similar concerns, put into writing letters, researching, sitting through meetings, expressing our opinions, were actively listened to, i'd be happy to be proven wrong. I have seen no reflection of that in the whole process. This was my first foray into local politics & i tell you i have no interest in getting involved again if this is how the Trust continues to operate. My time is precious to me. I love my family, my work, my friends. I have no interest in hearing my own voice speaking to a brick wall, which is how i feel after that whole process. And i can assure you, i am not alone.

i would say, if it is honestly your, Tony's, intention to allow the community to have input into Trust decisions, & you say you are committed to that, & the feedback you're getting is that is just not working, then you need to listen to the feedback. Just because i have the intention not to hurt people, & i tell myself & others 'i'm a nice person who doesn't hurt people', it doesn't mean i'm not hurting folks over & over again, without meaning to. If i keep getting feedback from people saying 'hey, you're hurting my feelings all the time", that would be what i needed to listen to, not the voice in my own head that tells me who & how i am.

at the end of the day, i am neither angry nor bitter about how the process unfolded with the Trust, although i sympathize with others who are. But i am disappointed. I hoped for better, certainly. More signs of listening & more clarity. I hope for better in the future.

in kindness,  
jennifer armstrong



On 2011-09-22, at 12:33 PM, Tony Law wrote:

Hi Hornby Islanders:

### [Hornby Island Resort - Zoning amendment process \(2009-2011\)](#)

I have been hearing questions from some Hornby Islanders about this process. I can fully understand the lack of clarity as this process was carried out over two years.

Below is an outline of the process. At the end of this message is a question and your

**Hornby Island Visitor**

Tanya de Frias [ - ]

**Sent:** Monday, October 17, 2011 4:52 PM**Cc:** Tony Law; Fred Hunt; Louise Bell; Sonja Zupanec

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Hello

I am writing as a resident of Victoria BC and a visitor of Hornby Island. In the summer I often want to get away from the cars, buildings, people and mass amounts of construction occurring in Victoria for the last several years due to the huge condo boom in the city. My first choice is Hornby. When I was up this past summer I was at such peace and in the short 3 days I was there was able to completely relax and rejuvenate. I returned to Victoria feeling rested and refreshed knowing I was able to spend that bit of time on a beautiful island surrounded by trees and ocean air. However I also came back with a bit of dread, knowing this may be my last time to Hornby island.

I learned there is a serious push to build condos on Hornby island - the exact reason I escape Victoria is now encroaching onto my getaway. I am incredibly disheartened to learn this is a possibility, and am horrified to think of my precious hornby becoming another condo wasteland. Even one is too much. I am telling you right now, if there is a condo built on Hornby, I will not return. I do not make the trek up island to this beautiful space to look at another concrete and glass building. if I am feeling this way, I am sure others are thinking the same.

With this, I urge you, for the sake of the Hornby Island residents, and for those who long for that escape, please do not build a condo. Doing so would not only lose the appeal of Hornby's slow and natural way of life, but you would most certainly also lose a huge tourist base. There are plenty other gulf islands without such construction and buildings. We will find another, and Hornby Island's tourist industry will suffer.

I trust you will seriously consider my plea, and of all the others unaware of the situation or who are unable to speak for themselves.

Thank you

Tanya de Frias



# Top Priorities

## Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Vacation Home Rentals - Regulations Review	Staff to develop an enforcement policy and address STVRs in the OCP review	Sep-14-2009	Sonja Zupanec	Sep-30-2011	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Sep-14-2009	Sonja Zupanec		On Going
3	Riparian Areas Regulation mapping and implementation.		Sep-21-2011	Sonja Zupanec	Sep-28-2012	On Going



# Projects

## Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.	Sep-21-2011	On Going
2	Having a Siting and Use Permit review meeting coordinated with Denman Local Trust Committee and staff; and to use that as an opportunity to plan outreach material for our permits" as item # 8.		Sep-08-2006	On Going
3	Preparing information material on land use regulations for new property owners		Mar-17-2008	On Going
4	Greenhouse gas emission reduction	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	Sep-21-2011	On Going



# Applications w/ Status - Hornby Island Status: Open

## Applications

### Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2011.1	Hornby Island Resort Ltd (The Thatch) <b>Planner:</b> Sonja Zupanec	Sep-22-2011	year round 50 seat restaurant and pub, liquor store, managers suite and 15 visitor accommodation strata units

### Planning Status

## Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.1	Helen Grond <b>Planner:</b> Linda Prowse	Apr-08-2010	to create two parcels under Section 946 of the Local Government Act

### Planning Status

**Status Date:** Mar-28-2011

Waiting to receive registered Sec 946 covenant

**Status Date:** Mar-17-2011

Final letter of approval sent to MOTI

**Status Date:** Dec-10-2010

Signed section 946 covenant sent to surveyor with instructions to send us the signed covenant and subdivision plan when registered at Ito

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele <b>Planner:</b> Marnie Eggen	Apr-29-2010	

### Planning Status

**Status Date:** Jun-21-2011

Forwarded covenant to applicant for acceptance

**Status Date:** Jun-16-2011

Rcv'd reviewed covenant from legal counsel

**Status Date:** Jun-14-2011

Letter to MOTI requesting RAR Assessment Report based on new information and revised PLA

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.9	Peter Mason <b>Planner:</b> Sonja Zupanec	Sep-28-2010	To create 2 parcels

### **Planning Status**

**Status Date:** Jul-01-2011

S.946 covenant drafted and returned to applicant for approval.

**Status Date:** Apr-27-2011

holtc granted waiver; dvp; cra for covenant

**Status Date:** Dec-24-2010

Contacted surveyor by phone requesting more information.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2011.2	Dan Bowen Consulting Services (4583 Central Rd) (Ron Nessman & Karen Ross) <b>Planner:</b> Sonja Zupanec	Jun-10-2011	To create 2 parcels

### **Planning Status**

### **Siting and use Permit**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.10	Neil & Jennifer Fawcett & Haines <b>Planner:</b> Ellen Bird	Jul-13-2011	Storage and Sleeping Cabin

### **Planning Status**

**Status Date:** Sep-27-2011

Deadline for response from applicant regarding whether they wish to amend the application

**Status Date:** Aug-22-2011

Letter sent advising that application does not meet bylaws

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch)	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern
<b>Planner:</b> Marnie Eggen			
<b>Planning Status</b>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.12	Blue Sky Design - Parnell Road - McLachlan & Bond	Sep-30-2011	one residence
<b>Planner:</b> Marnie Eggen			
<b>Planning Status</b>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.7	Reid and Laura Carter	Jun-03-2011	A single family dwelling to replace the 2 storey dwelling that exist now
<b>Planner:</b> Marnie Eggen			
<b>Planning Status</b>			

**From:** Nancy Roggers  
**Sent:** September-21-11 4:52 PM  
**To:** Brodie Porter; Fred Hunt; Louise Bell; Sonja Zupanec; Tony Law; Becky McErlean  
**Cc:** Craig Elder  
**Subject:** Hornby expense report - Sep/11

		<b>Budget</b>	<b>Spent</b>	<b>Balance</b>
<b>Invoices posted to SEPTEMBER 21, 2011</b>				
635 Hornby	65000 Trustee Expense	1,300.00	667.59	632.41
635 Hornby	65200 LTC Meetings	3,200.00	1,863.62	1,336.38
	65210 APC Meetings	300.00		300.00
	65220 Communications	400.00	228.90	171.10
	65230 Special Projects	500.00		500.00
	65240 Miscellaneous	200.00		200.00
	<b>TOTAL LTC Local Expense</b>	<b>4,600.00</b>	<b>2,092.52</b>	<b>2,507.48</b>
635 Hornby	72300 OCP/LUB Expense	8,000.00	4,706.12	3,293.88

Thanks!

Nancy Roggers  
 Finance Officer

Islands Trust  
 #200 1627 Fort Street  
 Victoria, B.C. V8R 1H8  
 Phone: (250) 405-5154  
 Fax: (250) 405-5155  
[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.



Islands Trust

# MEMORANDUM

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**Date:** August 8, 2011

**To:** Community Housing Task Force of the Local Planning Committee of the Islands Trust

**For:** The meeting of August 10, 2011

**From:** Justine Starke, Island Planner, Local Planning Services

**Re:** **Housing Agreements on Salt Spring Island**

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## BACKGROUND

Housing agreements are authorized by section 905 of the Local Government Act. A local government, including an LTC, may enter into a housing agreement with the owner of land to set parameters regarding the occupancy of the housing units on the land. LTC authority to enter into housing agreements is derived from the authority in the Islands Trust Act to exercise the powers of a Regional District under Part 26 of the *Local Government Act*.

The terms of a housing agreement may include:

- Form of tenure
- Availability of units to classes of persons
- Administration and management of the housing units
- Rents, lease, sale or share prices, and the rates of change over time.

A housing agreement must be adopted by bylaw and may only be amended by bylaw adopted, with the consent of the owner. Notice of the agreement is filed at the land title office and the notice of agreement is registered on title to the land. The terms of the housing agreement are binding on all persons who acquire an interest in the land.

The term “classes of persons” is used in the legislation and is not further defined. Clearly, it can provide for situations such as seniors’ housing and for occupancy based on income. It is also used elsewhere to provide for employee housing, for example in resort communities. The terms of some housing agreements on Salt Spring specify conditions based on residency in the community.

## HOUSING AGREEMENTS ON SALT SPRING ISLAND

The Salt Spring Island Local Trust Committee has entered into the following housing agreements on Salt Spring Island.

- 1) Gulf Islands Seniors Residence Association: A housing agreement to control the rent and occupancy of a seniors supportive housing complex at 377 Lower Ganges Rd (SSI Bylaw 388, 2000).

- 2) Meadow Brook: A housing agreement to control the rent and occupancy of 45 seniors suites and 5 caretaker dwelling units in a cluster of 5 residential style buildings at 121 Atkins Road (Bylaw 364, 2003).
- 3) Murakami Gardens: A housing agreement to control the rent and occupancy of 27 affordable housing units in a multifamily housing complex (Bylaw 424 and Bylaw 429, 2008).
- 4) Land Bank Society: A housing agreement to control the rent and occupancy of 10 affordable dwelling units at 584 Rainbow Road (Bylaw 441, 2010).

## ADMINISTRATION

The earlier housing agreements (#1 and #2 above) did not include an implementation strategy for administration of the agreements. Provisions in these agreements put the onus of monitoring and enforcing the agreements on the Local Trust Committee. In accordance with traditional approaches to covenant monitoring, the agreements require that the operator provide the LTC with proof of compliance with the terms of agreement, upon request of the LTC. There are also provisions for statutory declarations (attached as schedules to the agreements) to be requested by the LTC, with five days' notice for submission. Such mechanisms were once typical but are now considered problematic for the responsibility they place on the LTC to monitor and enforce.

On Salt Spring, the Land Use Bylaw 355 defines affordable housing as a "deed restricted and/or a rent controlled *dwelling unit* that is secured by a housing agreement registered on title." It is therefore expected that all current and future affordable housing projects have housing agreements associated with them. However, if the LTC were to anticipate entering into a significant number of agreements, particularly with landowners who are not non-profit providers of housing, there would need to be more staff resources devoted to monitoring, tracking and managing the agreements. Administration could involve reviewing and signing off on annual statements of tenure, rent price, sale price or any other requirement that is included in the terms of the housing agreement. Depending on the terms of the agreement, the establishment and administration of an eligibility list can also be contemplated. The level of administration work obviously depends on the specifics of the agreement. At a minimum, there is at least some level of obligation to ensure the housing is available to the class of people listed in the agreement. While a housing agreement can be simplified, it is not possible to completely remove all of the LTC's obligations. Currently, Local Trust Committees do not have the capacity to administer housing agreements – nor do they have the authority to hold a housing agreement if the agreement requires provisions for the "first right of refusal." This is because under the Islands Trust Act, LTCs cannot hold property.

The more recent housing agreements (#3 and #4 above) have provision for administration by third parties (the Capital Regional District and BC Housing). In these examples, the LTC assigns the administrative activities of monitoring and enforcing to another body. The housing itself is owned and operated by non-profit societies who manage and administer the occupancy of the housing according to the housing agreements.

An individual LTC does not have the authority to create corporations (including societies) to administer its own housing agreements; however, the *Islands Trust Act* does permit an LTC to "enter into agreements with municipalities, regional districts, boards of school trustees, and francophone educational authorities" respecting the coordination of activities in the LTA. As there is no broad interpretation rule with respect to LTCs, there is no implied ability to enter into agreements with bodies other than those specified, and the power to enter into housing agreements does not imply the authority to enter into agreements for the administration and enforcement of such agreements.

In these two Salt Spring examples, partnership with the administering agencies was pursued by the applicants in the coordination of public funding for these non-profit housing developments, and while planning staff did help facilitate the process, the successful coordination of the agreements is due to the initiative taken by the applicants.

There have been communications with the Capital Regional District which have indicated agreement in principle to enter into formal agreements respecting the administration of housing agreements. The Capital Region Housing Corporation is a unique program created by the CRD to provide affordable housing in the Capital Region (<http://www.crd.bc.ca/housing/>). Because the CRD has this capacity, and because the SSI LTC is within the Capital Region, the SSI LTC can enter into agreements under this housing program, as according to the *Islands Trust Act*, agreements must be for “the coordination of activities in the local trust area.” The Salt Spring LTC has been in discussions with the Capital Regional District to establish basic principles and areas of responsibility for the administration of housing agreements. Discussions have contemplated payment of a fee to the CRD to recover costs associated with managing agreements. Partnerships tend to materialize on a case by case basis, according to the specifics of individual affordable housing proposals. The CRD staff has indicated that it is not practical for them to administer housing agreements on individual secondary suites or cottages – rather they agree in principle to partner on larger multi-family affordable housing projects as applicable.

## **COMMUNITY AFFORDABLE HOUSING STRATEGY**

Affordable housing advocates on Salt Spring have over the years proposed that Salt Spring create its own housing council to help people coordinate the creation of affordable housing. It has been imagined that one role of such a council would be to administer housing agreements. The recently finalized Community Affordable Housing Strategy (CAHS) was directed by a steering committee with strategic membership:

- Christine Torgrimson (Steering Committee Chair), Island Trustee
- Henry Kamphof, Capital Region Housing Secretariat, Senior Manager
- Carol Biely, Salt Spring Island Foundation, Chair
- George Ehring, Island Trustee
- Garth Hendren, Capital Regional District, Salt Spring Director

CAHS forms the basis of a mandate for a Salt Spring Island housing council. It is expected that this council will be formed by the summer of 2011, under the guidance of the CAHS Steering Committee. It should be noted that Salt Spring trustees are aware of the dual role that membership on a housing council would imply. If the Council were to take on advocacy for individual affordable housing projects, it could become problematic for a trustee to be faced with a decision on an associated zoning proposal or other Islands Trust application.

The council will initially be a non-profit society with a part-time staff person to secure additional funding for programs and projects. Other key council roles could include “facilitating partnerships with community members and organizations to create housing, building capacity in the non-profit housing sector and providing education and awareness in the broader community. A housing council could also manage the funding and development of non-profit community housing and obtain ongoing funding for administration.” It is in this latter role that partnerships on the administration of housing agreements could be considered.

In summary, the approach to housing agreements on Salt Spring Island has evolved over the years. The administration of housing agreements is an on-going challenge to ensure the

viability of affordable housing applications. The Salt Spring Island Local Trust Committee has been working to address this locally, but the issue would benefit by consideration of a Trust Area wide strategy for the administration of housing agreements. A more in depth discussion of Trust Council's potential role in this can be reviewed in the *Affordable Housing Tool Kit* (prepared for the Islands Trust by JG Consulting Services, March 2010).

Respectfully submitted,

Justine Starke  
Island Planner  
Salt Spring Island  
Islands Trust



# Islands Trust

## Application Guide

# Affordable and Special Needs Housing

### Purpose of this Guide

This guide was developed to explain the Islands Trust role in regulating and approving affordable housing, to provide tips for making a complete and thorough application, and to identify other key agencies you may have to contact.

The Islands Trust is a unique form of government and not all land use and development approvals are under one roof. There is no simple “one process fits all” for affordable and special needs housing in the Islands Trust Area, and applicants for development proposal such as for affordable housing will likely have to coordinate with a number of other regulatory agencies.

### Terms used in this Guide

**Local Trust Committee (LTC):** an independent local government within the Islands Trust Area. There are 12 LTCs that make up the federation of the Islands Trust. Each LTC is composed of two local trustees, and one appointed chair from the Islands Trust Executive Committee.

**Island Municipality:** An independent local government within the Islands Trust Area that has incorporated into a municipality. Bowen Island is the only Island Municipality within the Islands Trust, and is composed of two trustees, a mayor and other council members.



Murakami Gardens Groundbreaking Ceremony, Salt Spring Island

### How is Affordable and Special Needs Housing Defined in the Islands Trust Area?

Affordable housing is commonly defined as adequate, suitable housing, typically costing less than 30% of household income. Special needs housing typically refers to housing intended for individuals who require specific housing designs (e.g. accessible) or who require services to enable them to live relatively independently or in a supportive environment.

Within Islands Trust each LTC can adopt its own definition for affordable or special needs housing. You should consult the official community plan and land use bylaw for your island early on to find out if and how they define affordable housing. Types of housing fall along an affordability continuum that may include:



Depending on the community's needs, some types of affordable housing may be more appropriate on some islands than others.

### Before Making an Application:

- ✓ Know who your project is intended for.
- ✓ Contact organizations such as CMHC, BC Housing and the Real Estate Foundation for helpful resources including grant opportunities.
- ✓ Discuss your proposal with the following:
  - Islands Trust planner
  - Regional District building inspector (where applicable)
  - Health authority official
  - Ministry of Transportation and Infrastructure Subdivision
  - Approving officer (if subdivision required)
- ✓ Understand funders' requirements and timelines.
- ✓ Prepare a project management plan and budget.

## Land Use

**Responsible Agency: Islands Trust LTCs**

Land use planning policies and regulations are established by each LTC through adoption of an official community plan (OCP) and land use bylaw (LUB). These are the key documents you should be familiar with before making an application, and will determine what approvals you need from the LTC. Planning staff can help you interpret these documents and determine the types of applications you will need to make.

### OCP Amendment

The OCP establishes policies for land use in a local trust area. If your proposal is inconsistent with any OCP policies, you must apply for an amendment to the OCP. See the Islands Trust Bylaw Amendment Application Guide for more detail on the OCP amendment process before making an application.

### LUB Amendment

The LUB establishes regulations for land use in a local trust area, including use, density, height and setbacks. You may discover that the permitted use and density do not accommodate affordable housing on your property, and you will have to make an application to amend the LUB, also called "rezoning".

If you have not yet determined a location for your project, it will be helpful to review the policies in the OCP and the zoning in the LUB to target suitable locations on the island. Planning staff can assist with this step.

Review the Islands Trust Bylaw Amendment Application Guide for more detail on the process for LUB amendment before making an application.

## Siting and Design

**Responsible Agencies: Islands Trust LTCs and Regional Districts**

If the project requires new construction or significant renovation, either a Building Permit or Siting and Use Permit will be required. In addition, a Development Permit and/or a Development Variance Permit may be required from the Islands Trust Local Trust Committee.

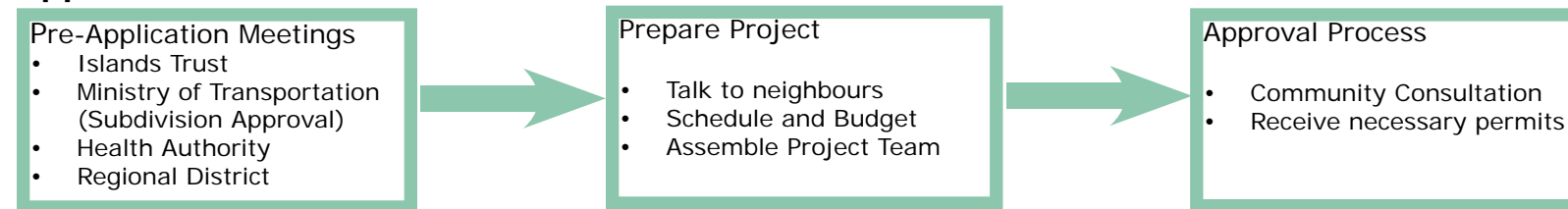
### Building Permits & Siting and Use Permits

Building Permits are issued by the regional district building inspector unless your project will be located on Denman, Hornby or Lasqueti Islands. On Denman or Hornby Island, a Siting and Use Permit is required from Islands Trust. No permits are required on Lasqueti Island, but all construction must meet the requirements of the BC Building Code. All other large islands and some small islands have building bylaws in effect and require building permits. The setbacks, size, height, density, and use of structures and parking requirements must comply with the local land use bylaw regulations before a Building Permit or Siting and Use Permit can be issued.

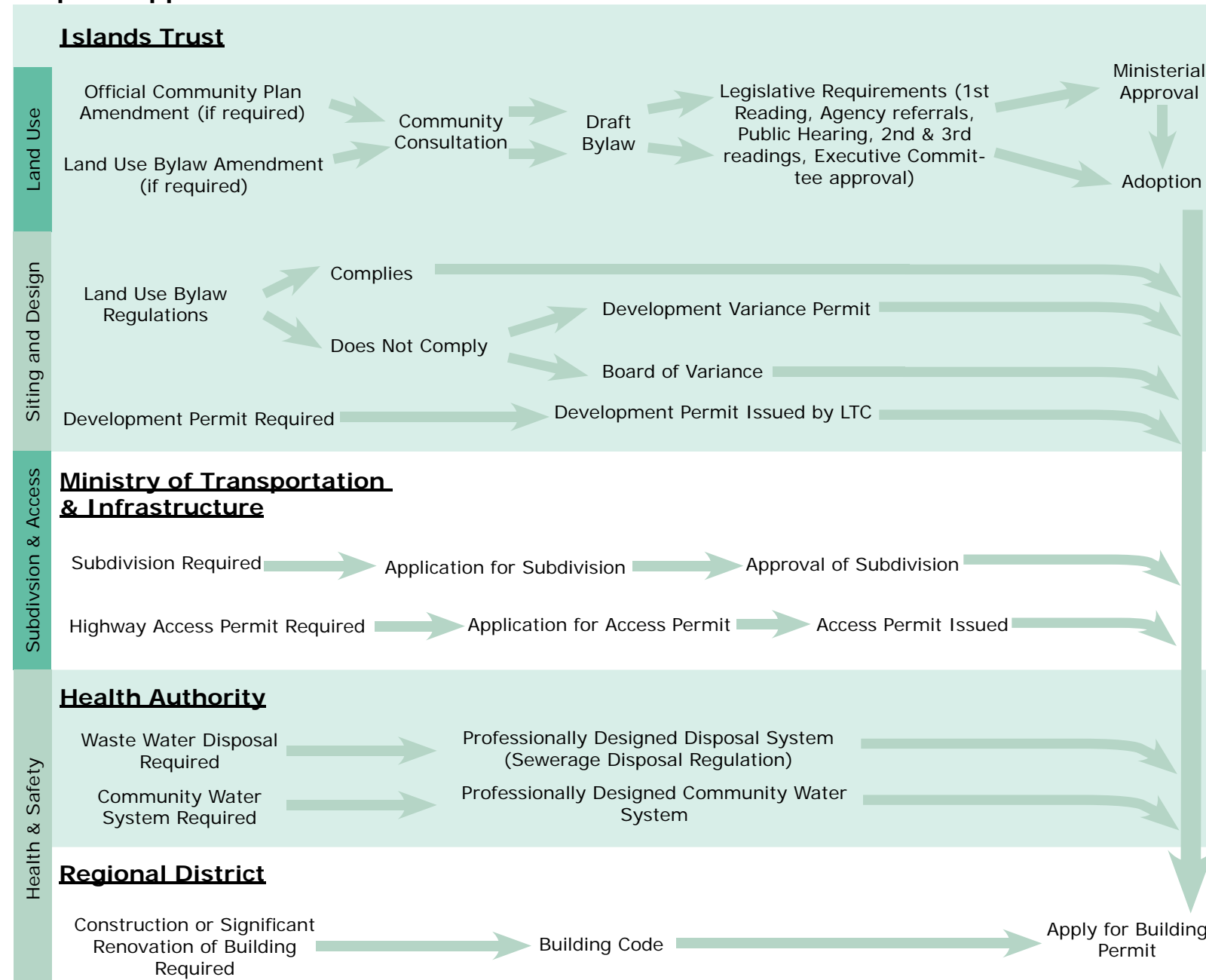
### Development Variance Permit

If the siting and design of the proposed project does not comply with the LUB regulations as noted above, the project must either be redesigned or a Development Variance Permit is required. Development Variance Permits are issued by the local trust committee. The Islands Trust Development Variance Permit Application Guide provides more detail on the approval process and should be reviewed before making an application.

## Application Process



## Steps in Approval Process



## Housing Agreements

In some instances, the LTC may require that you enter into a housing agreement as a condition of a bylaw amendment for the affordable or special needs housing. A housing agreement is a document, registered on the Land Title, that establishes conditions for the use of a residence usually to ensure that it is only used for a specified purpose such as for affordable or special needs housing. Conditions could include the type of person who is eligible to live in the residence, the form of the tenure, the maximum rent or sale price, monitoring and reporting requirements, property management or any other requirement deemed necessary or important by the LTC or the proponent.

Under certain conditions, the regional district may partner with Islands Trust or local housing societies to hold housing agreements on affordable housing projects. You may want to talk to your local Regional Director and to Regional District staff to find out more information.

## Development Permit

Many islands have development permit areas, which are established in an official community plan for protecting development from hazardous conditions, protecting the environment, or setting form and character guidelines.

Find out early on if the property you are planning your project on is within one or more development permit areas. You should review the guidelines of the development permit area and plan your project to conform to them. Reports or studies from qualified professionals may be required for some development permit applications, which is explained within the development permit guidelines. Guidelines may be found in either the OCP or the LUB.

## Subdivision & Access

**Responsible Agency: Ministry of Transportation and Infrastructure**

If your project requires you to subdivide, move a lot line or requires access from a public road you will need to apply to the Ministry of Transportation and Infrastructure, except on Bowen Island, where the application may be made directly to the municipality. If you plan to lease part of a property for a term of greater than 3 years, you must also submit a subdivision application.

Subdivision approvals can take several months, so you should begin discussions early with the Approving Officer to determine what you will need to do to obtain subdivision approval. Your discussions with planning staff on land use and siting issues, with the regional district on building permit requirements and with the health authority on sewerage system requirements will help to streamline your subdivision application.

## Health & Safety

**Responsible Agencies: Regional Health Authority, Ministry of Transportation and Infrastructure, LTC**

**Sewerage System Approvals**  
The Islands Trust Area is not serviced by municipal sewerage systems, so waste must be dealt with on site or through a community sewer system. If the property will be serviced by a community sewer system, confirmation will be required from the operator that there is sufficient capacity to accommodate the proposed development. If on-site sewerage disposal is being proposed, different regulations may apply depending on the size of the proposed development, and you should contact the applicable regional Health Authority in order to find out what standards you must meet, or if there are any approvals you must obtain.

## Other Considerations

**Agricultural Land Commission**

You should determine early on whether or not your property is within the Agricultural Land Reserve. If your property is within the Agricultural Land Reserve you may have to make a separate application, depending on the type of affordable housing proposal. An Islands Trust planner will be able to advise whether or not you should contact the Agricultural Land Commission staff for further information.

## FAQs

### *How can a planner help me?*

Islands Trust planners are available to meet with applicants prior to submitting an application, and during the application process. However, other organizations such as CMHC, BC Housing and the Real Estate Foundation may be better able to offer resources that are specific to developing affordable housing applications. For complex proposals such as for affordable and special needs housing rezoning applications, it will be helpful to have someone on your team experienced with local government approval processes.

### *How much are application fees?*

Each local trust committee sets its own application fees which can be found in the "fees bylaw". Islands Trust staff can direct you to this information.

## Thank you

Providing affordable housing on the Gulf Islands relies on the efforts of community groups and volunteers. We cannot do it without you, and acknowledge the vision and dedication of those who do this work. Local Trust Committees must always balance multiple interests of communities when making a decision on applications including those for affordable housing, so cannot endorse an application from the start just because it is for affordable housing, but look forward to creating affordable housing options that are appropriate for each community.

### *Are there any discounts available for affordable housing applications?*

Applications for affordable and special needs housing are subject to the same fees as any other land use application, except for on Salt Spring Island where there is a reduced fee for these projects.

You may also apply to the Islands Trust Executive Committee for sponsorship of your development application fees in part or in whole when an applicant is a non-profit agency or organization and is seeking to establish a facility for the benefit of the community at large and consistent with goals in the official community plan.

### *Is there a template for a housing agreement?*

The Islands Trust does not have a template for housing agreements, as each agreement will be different. An Island Trust planner can provide you with information about previous applications for affordable housing, and can provide other housing agreements as examples.

## Contacts:

	Islands Trust Office	Regional District Office	Ministry of Transportation and Infrastructure Office	Health Authority Office		
Salt Spring	Salt Spring (250) 537-9144	<u>Capital Regional District</u> Salt Spring Island (250) 537-2711	Vancouver Island District Office (Nanaimo) (250) 751-3246	<u>Vancouver Island Health Authority</u> 1-877-370-8699		
Galiano	Victoria (250) 405-5151	<u>Capital Regional District</u> Victoria (250) 360-3230	Saanich Area Office (250) 952-4515			
Mayne						
North Pender						
South Pender						
Saturna	Gabriola (250) 247-2063	<u>Comox Valley Regional District</u> 1-800-331-6007	Courtenay Area Office (250) 334-6951			
Denman						
Hornby						
Gabriola				<u>Regional District Nanaimo</u> 1-877-607-4111	Vancouver Island District Office (Nanaimo) (250) 751-3246	
Gambier				<u>Sunshine Coast Regional District</u> (604) 885-6800	Sechelt Office (250) 740-8987	<u>Vancouver Coastal Health</u> 1-866-844-0888
Lasqueti				<u>Powell River Regional District</u> (604) 483-3231	Vancouver Island District Office (Nanaimo) (250) 751-3246	<u>Vancouver Island Health Authority</u> 1-877-370-8699
Thetis				<u>Cowichan Valley Regional District</u> 1-800-665-3955		

Bowen Municipality: For information contact the Bowen Municipality Office at (604) 947-4255

The Islands Trust can be called toll free through Service BC at 1-800-663-7867



# STAFF REPORT

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**Date:** October 7, 2011      **File No.:** Bylaw Enforcement Notification Bylaw

**To:** Hornby Island Local Trust Committee  
Meeting of October 19, 2011

**From:** Miles Drew  
Bylaw Enforcement Coordinator

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**Re: Adoption of Bylaw Enforcement Notification Bylaw**

## THE PROPOSAL:

This report will recommend to the Hornby Island Local Trust Committee that it:

1. give three readings to the attached Bylaw Enforcement Notification Bylaw and;
2. refer the bylaw to the Executive Committee for approval.

## STAFF COMMENTS:

The Local Trust Committee previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Enforcement Notification Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

### An Important Point

**This bylaw does not create any new offences. It only lists those offences already present in the Land Use Bylaw.**

### Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes schedules listing penalties for various offences of the Land Use Bylaw. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to penalize persons who violate the bylaws but also allows for a reduction in the penalty if the violation is corrected through a Compliance Agreement. Additionally, it creates methods for payment, dispute, and service of the bylaw violation notices.

## **Methodology for setting fine and fine discount amounts.**

The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

1. environmental damage--generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities--generally given fine amounts of \$300 to \$150;
3. work without the appropriate permit--generally given fines of \$300 to \$150;
4. nuisance or easily resolved violations--generally given fines of \$250 to \$75.

Discounts for early payments were set at 25% and compliance agreements discounted at either 75% or 50% depending on the costs and ease of complying. Greater discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

## **Establishment of Registry and Screening Officer**

The bylaw establishes the location in North Vancouver of the Registry where disputed bylaw violation notices are adjudicated. The Islands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The bylaw also establishes the position of Screening Officer and its duties, and authorizes bylaw enforcement officers to issue bylaw violation notices. The bylaw provides the ability for the Local Trust Committee to appoint persons holding certain positions to the duty of Screening Officer. This means that it is not necessary to name a specific person to carry out the duty. Therefore, staff changes will not require new appointments. Although the bylaw provides for several positions to be appointed as screening officers, staff believes that only one person should operate as a screening officer at this time. The most appropriate position to carry out screening officer duties is the bylaw enforcement administrative assistant.

Attached is a copy of a pamphlet which is intended to explain the Bylaw Enforcement Notification Bylaw. This pamphlet will be issued with each notice and will be available to the general public at Islands Trust offices and on the web site.

## **Next Steps**

The last steps to be taken before bylaw violation notices can be issued are:

- Executive Committee approval and final adoption by the Local Trust Committee by Spring 2012
- appointment of Screening Officer and adoption of associated policies

- conduct necessary staff training. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on regional office resources. A staff familiarization session will be held in each region.
- print required bylaw violation notices and the Q & A brochure for recipients of bylaw violation notices and other interested persons.

This bylaw does not require Ministerial approval from the Province. Bylaw enforcement staff training will be done by the City of North Vancouver.

Attached is a proposed sample of the bylaw violation notice.

**RECOMMENDATION:**

- 1) That the Hornby Island Local Trust Committee gives the First Reading to Draft Bylaw No. 144, cited as Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 144, 2011
- 2) That the Hornby Island Local Trust Committee gives the Second Reading to Proposed Bylaw No. 144 cited as Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 144, 2011.
- 3) That the Hornby Island Local Trust Committee gives the Third Reading to Proposed Bylaw No. 144 cited as Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 144, 2011.
- 4) That the Hornby Island Local Trust Committee refers the Proposed Bylaw No. 144, 2011 to Executive Committee for approval.

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Prepared and Submitted by:

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Date

## Frequently Asked Questions

### What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

### What is a Compliance Agreement?

A person who enters into a compliance agreement accepts liability for the alleged contravention detailed in the BVN. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw violation is resolved within an agreed time, the amount of the penalty is reduced.

### How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions, the discounts for entering into and completing a Compliance Agreement are 50% or 75%.

### Can I pay the reduced penalty within 15 days and still proceed to adjudication?

No. Once a penalty is paid the BVN cannot be disputed.

### Why are disputes adjudicated in North Vancouver?

It is not practical or cost effective for the Islands Trust to set up its own registry. There are no registries on Vancouver Island. The Islands Trust has therefore joined the closest existing registry, North Shore Bylaw Dispute Registry, which offers partnerships to other governments.

### Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

### Can I pay the penalty before the hearing date if I change my mind?

Yes. However, payments received after 14 days from when the BVN was issued must be paid in full.

### Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

### What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

### How can I contact the Bylaw Enforcement Team?

You can contact the Bylaw Enforcement Team by **Email** at: [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca).

**Phone** at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**

In Vancouver call **604.660.2421**

Elsewhere in BC call **1.800.663.7867**

Send **mail** or **visit** any of our offices.

Victoria—200-1627 Fort St, V8R 1H8

Salt Spring—1-500 Lower Ganges Rd, V8K 2N8

Gabriola—700 North Road, Gabriola V0R 1X3

Visit us online at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

# Bylaw Enforcement Notice & Dispute Adjudication System



Islands Trust

September 15, 2011

14.1.1

# Bylaw Notice & Dispute Adjudication — Making the System Simpler

The notification and adjudication system provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

The Islands Trust manages Bylaw

Violation Notices (BVN) through its Bylaw Enforcement Notification System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The Bylaw Enforcement Notice system replaces provincial court with an adjudicator. People disputing a BVN can present their objections to the notice by phone, by mail or in person. The BVN includes information on how to do this. Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

Under the Bylaw Enforcement Notice system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

BVNs are only issued after an investigation confirms that a bylaw contravention exists. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

For more information about bylaw enforcement in the Trust area, please see our Frequently Asked Questions—bylaw enforcement pamphlet or go to [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).

The Bylaw Notice & Dispute Adjudication System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

## How the system works once a Bylaw Violation Notice is issued

### Option 1: Pay the BVN

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

### Option 2: Dispute the BVN

#### Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed to the Islands Trust Office on Salt Spring or Gabriola or in Victoria.

#### Step Two

- An Islands Trust screening officer will review the adjudication request and will:
- cancel the BVN; or
  - work out a Compliance Agreement and reduce the penalty when the agreement is completed; or
  - uphold the BVN.

#### Step Three

- If the screening officer upholds the BVN:
- A date and time is set for the Adjudication Hearing.
  - At the hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

#### Step Four

- If an offence did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If an offence did not occur, the BVN is cancelled and no penalties are imposed.



Bowen Denman Executive Hornby Gabriola Galiano Gambier  
 Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

## BYLAW VIOLATION NOTICE

**BI xxxxx**

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

**ISSUED TO**

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE	TIME	LOCATION
YYYY   MM   DD	HH: MM AM/PM	
BYLAW NAME		BYLAW NUMBER SECTION
DESCRIPTION OF OFFENCE		

**PENALTIES MAY ONLY BE ACCEPTED IN THE MANNER NOTED:**

Discount if paid within 14 days      \$ \_\_\_\_\_  
 Penalty after 14 days                      \$ \_\_\_\_\_  
 Penalty after 28 days                      \$ \_\_\_\_\_

**DELIVERY:**

In person  
 By Mail

ISSUING OFFICER \_\_\_\_\_  
 You have 14 days upon receipt of this Notice to dispute the Notice. If a dispute is not filed within 14 days you will not be able to dispute. Unsuccessful disputes will also be charged a \$25 administration fee. Disputes are adjudicated by the North Shore Bylaw Dispute Registry.

ALLEGED OFFENDER'S COPY



Islands Trust

[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

**PAYMENT: READ CAREFULLY**

PRESENT THIS NOTICE AT THE TIME OF PAYMENT  
FAILURE TO PAY PROMPTLY WILL RESULT  
IN ADDITIONAL PENALTIES BEING ADDED

Please make your cheque or money order payable to Islands Trust.  
Do not send cash in the mail. A dishonoured cheque will not be considered  
payment of the penalty within the prescribed time. NSF fees will be applied.  
Payment must be received within the noted time limits to receive the discounted amounts.

**OVERDUE FINES MAY BE SUBJECT TO COLLECTION PROCESS**

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**PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE**

Islands Trust  
1627 Fort Street  
Victoria, BC V8R 1H8

Islands Trust  
1-500 Lower Ganges Road  
Salt Spring Island, BC V8K 2N8

Islands Trust  
700 North Road  
Gabriola Island, BC V0R 1X3

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**INQUIRIES**

Phone: 250-405-5175

Fax: 250-405-5155

Email: [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca)

<b>ADJUDICATION REQUEST</b>		Please deliver, mail, or fax to any of the above addresses within 14 days of receipt of this notice	
Bylaw Notice #:		Date of Issue:	
Name:			
Address:			
City:	Province:	Postal Code:	
Daytime Phone #			
Signature:			
A \$25 fee is added to the total fine if the adjudicator finds that the contravention did occur.			

**HORNBY ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 144, 2011**

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**A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE HORNBY  
ISLAND LOCAL TRUST AREA**

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WHEREAS the Hornby Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Hornby Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Hornby Island Local Trust Area;

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

Citation

1. This Bylaw may be cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 144, 2011”.

**1.0 INTERPRETATION**

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Hornby Island Local Trust Committee.

**2.0 DEFINITIONS**

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

**3.0 BYLAW CONTRAVENTIONS**

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Violation Notice.

**4.0 PENALTY**

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Surcharge set out in column A3 of Schedule “A” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” as attached to this bylaw.

**5.0 PERIOD FOR PAYING OR DISPUTING NOTICE**

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

## **6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM**

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

## **7.0 SCREENING OFFICERS**

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:
  - (1) Regional Planning Manager;
  - (2) Bylaw Enforcement Coordinator;
  - (3) Bylaw Enforcement Officer;
  - (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

- 7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:
  - (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
  - (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
    - (a) the person against whom a contravention is alleged or their representative;
    - (b) the officer issuing the bylaw violation notice;
    - (c) the complainant or their representative;
    - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

**8.0 BYLAW ENFORCEMENT OFFICERS**

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

**9.0 FORM OF BYLAW VIOLATION NOTICE**

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

**10.0 SCHEDULES**

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Hornby Island Land Use Bylaw No. 86, 1993 Contraventions and Penalties.

READ A FIRST TIME THIS	DAY OF	,20__
READ A SECOND TIME THIS	DAY OF	,20__
READ A THIRD TIME THIS	DAY OF	,20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	,20__
ADOPTED THIS	DAY OF	,20__

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description</b> The following fines apply to the contraventions below:	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
3.2.1	Non Permitted Use Of Boat/Vessel/Structure Over Water As Residence For More Than 4 Consecutive Weeks Or More Than 90 Calendar Days In Calendar Year	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.2	Non Permitted Use Of Surface Of Water For Mooring/Berthing Of Float Camps For Accommodation Of Industrial Workers/Transients	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.3	Non Permitted Use Of Accessory Building/Structure For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.4	Non Permitted Amusement Parks/Shooting Ranges/Water Slides/Go-cart Tracks/Miniature Golf Courses	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.5	Non Permitted Fish Farm	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.6	Non Permitted Commercial Kennel	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.7	Non Permitted Airports Other Than Float Plane Bases	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.8	Non Permitted Heliports	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.9	Non Permitted Wharves And/Or Breakwaters	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.10	Non Permitted Seawater Desalination Plant	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.11	Non Permitted Disposal Of Effluent On To Land Or By Marine Outfall	\$500.00	\$375.00	\$250.00	Yes	50%
3.2.12	Non Permitted Disposal Of Toxic Waste In Marine Areas Or On Land	\$500.00	\$375.00	\$250.00	Yes	50%
3.2.13	Non Permitted Storage/Transportation Of Nuclear Weapons/Materials Used In Production Of Nuclear Weapons/Energy	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.14	Non Permitted Storage Of Waste Or Salvage Material	\$200.00	\$150.00	\$100.00	Yes	50%
3.4	Building/Structure Other Than Accessory And Agricultural Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.5	Building/Structure Other Than Accessory And Agricultural Building/Structure Located Within 100 Metres Of Sea Exceed Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.6	Accessory Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.7	Agricultural Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.8a	Encroachment Of Septic Field Into	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Setback					
3.9	Lighting Of Parking Areas/Signs Directly Illuminates Adjacent/Nearby Lot/Highway	\$250.00	\$187.50	\$125.00	Yes	75%
3.11	Building/Structure Sited Within 30 Metres Of Provincial/Regional Park Boundary	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.1	Home Occupation Fails to Retain Residential Appearance	\$250.00	\$187.50	\$125.00	Yes	50%
4.1.2	More Than Five Persons Employed In Home Occupation Or More Than Two Employees Not Residing Permanently On Premises Of Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
4.1.3	Home Occupation Not Conducted Entirely Within Operator's Dwelling Unit Or Permitted Accessory Building	\$250.00	\$187.50	\$125.00	Yes	50%
4.1.4	Home Occupation Exceeds Floor Area Restriction In Dwelling	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.5	Storage, Display And Sale Of Goods Area Exceeds Floor Area Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.6	Home Occupation Use Of Flammable/Explosive Materials/Products	\$250.00	\$187.50	\$125.00	Yes	50%
4.1.7	Home Occupation Producing Noise/Vibration/Glare/Fumes/Odours/Electrical Interference Detectable Off Lot	\$250.00	\$187.50	\$125.00	Yes	50%
4.1.8	Home Occupation Fails To Provide Adequate Parking	\$250.00	\$187.50	\$125.00	Yes	75%
4.1.9	Inadequate Screen For Outdoor Storage Area/Structure/Equipment Used/Produced In Home Occupation	\$100.00	\$75.00	\$50.00	Yes	75%
4.1.10	Home Occupation Outdoor Storage Exceeds 10% Of Lot Area	\$300.00	\$225.00	\$150.00	Yes	75%
4.2	Non Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.1	B&B Operator Not In Compliance With Section 4.1 Of Bylaw	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.2	B&B Provides Accommodation Other Than Temporary Accommodation For Travelling Public	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.3	B&B Uses Rooms Other Than In the Dwelling Unit For Accommodation	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.4	B&B Provides More Than Two Beds Per Room	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.5	B&B Serves Meals Other Than Breakfast Or Serves Meals To Non-Paying Overnight Guests	\$250.00	\$187.50	\$125.00	Yes	50%
4.3.6	B&B Exceeds Maximum Number Of Permitted Bedrooms	\$250.00	\$187.50	\$125.00	Yes	50%
5.1	Inadequate Parking Provided					

**Schedule A  
HORNBY ISLAND LAND USE BYLAW NO. 86, 1993  
CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
5.5.1	Parking Space Not Located On Same Lot As Use For Which They Are Provided	\$250.00	\$187.50	\$125.00	Yes	50%
5.5.2	Off Lot Parking Spaces Used Without Covenant/Right Of Way In Place	\$250.00	\$187.50	\$125.00	Yes	50%
5.6	Parking Spaces Exceed 40% Of Area In Setback	\$250.00	\$187.50	\$125.00	Yes	50%
5.7	Inadequate Manoeuvring Aisle Or Parking Space Abuts Highway Requiring Motor Vehicle To Back Onto Highway	\$250.00	\$187.50	\$125.00	Yes	50%
5.8	Inadequate Size Of Parking Space	\$250.00	\$187.50	\$125.00	Yes	50%
5.9	Inadequate Parking Area Surface	\$250.00	\$187.50	\$125.00	Yes	50%
5.10	Parking Area Gradient Too Steep	\$250.00	\$187.50	\$125.00	Yes	50%
6.1.1	Fail To Screen Industrial Use Adjacent To Commercial/Residential Use	\$100.00	\$75.00	\$50.00	Yes	75%
6.1.2	Fail To Screen Commercial Use Adjacent To Residential Use	\$100.00	\$75.00	\$50.00	Yes	75%
6.1.3	Fail To Screen Industrial Use From Highway	\$100.00	\$75.00	\$50.00	Yes	75%
6.1.4	Fail To Screen Outdoor Storage Area Where Materials/Tools/Equipment/ Containers/Finished Products Of Home Occupation/Commercial/ Industrial Use Are Stored	\$100.00	\$75.00	\$50.00	Yes	75%
6.2	Inadequate Screen Used	\$100.00	\$75.00	\$50.00	Yes	75%
6.3	Inadequate Screen Used For Screening More Than 4 Motor Vehicle Parking Spaces Or For Parked Derelict Vehicles	\$100.00	\$75.00	\$50.00	Yes	75%
6.4	Inadequate Native Vegetation Screen					
7.1.3	Home Occupation Has More Than One Sign, Has Illuminated Sign Or One Unilluminated Sign Exceeding Maximum Area	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.4	Home Occupation Exceeds Maximum Number/Area Of Signs Displaying Directions Or Signs Are Illuminated	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.5	Exceed Maximum Number/Area Of Real Estate Signs Permitted On Lot Or Signs Not Removed Within Permitted Time Period	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.6	Parking Area Exceeds Maximum Number/Area Of Signs Permitted Or Signs Are Illuminated	\$150.00	\$112.50	\$75.00	Yes	75%
7.2	Exceed Maximum Number/Area Of Signs In Zone Permitting Commercial Or Industrial Uses Other Than Home	\$150.00	\$112.50	\$75.00	Yes	75%

**Schedule A  
HORNBY ISLAND LAND USE BYLAW NO. 86, 1993  
CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Occupations					
7.3	Exceed Maximum Number/Area Of Signs In Mariculture Zone	\$150.00	\$112.50	\$75.00	Yes	75%
7.4	Exceed Maximum Number/Area Of Signs In Rural Service Zone	\$150.00	\$112.50	\$75.00	Yes	75%
7.5	Prohibited Sign With Moving Parts Or With Illumination Other Than External Lighting	\$150.00	\$112.50	\$75.00	Yes	75%
8.1	Fail To Provide For Disposal Of Surface Runoff And Storm Water When Carrying Out Construction Of Any Paved Area Or Roof Area	\$300.00	\$225.00	\$150.00	Yes	75%
8.2	Surface/Sewage Disposal System Not Directed Away From Cliff Edge	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.1	Non Permitted Use In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.7.2	More Than One Residential Dwelling Unit/Floor Area Exceeds 200 m2 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.3	Lot Coverage Exceeds 15% Of Lot In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.4	Total Floor Area Of Accessory Buildings On Lot Exceeds 100 m2 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.5	Encroachment Of Building/Structure Into Setback In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.7	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.8	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.9	Privy Within 8m From Lot Line In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.14	Fail To Meet Site Specific Requirements In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.1	Non Permitted Use In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.8.2	More Than One Residential Dwelling Unit/Floor Area Exceeds 186 m2 In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.3	Lot Coverage Exceeds 15% Of Lot In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.4	Total Floor Area Of Accessory	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Buildings On Lot Exceeds 40 m2 In Compact Residential Zone					
9.8.5	Encroachment Of Building/Structure Into Setback In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.7	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.8	Privy Within 8m From Lot Line In Compact Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.10	Fail To Provide Required Motor Vehicle Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
9.8.11	Inadequate Screening Of Outdoor Storage/Parking Areas	\$100.00	\$75.00	\$50.00	Yes	75%
9.8.12	Employee Of Home Occupation Is Not Permanent Resident Of Lot In Compact Residential Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.9.1	Non Permitted Use In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.9.2	More Than One Additional Residential Dwelling Unit For Each 4 Hectares Of Lot Area Over 4 Hectares In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.3	Secondary Dwelling Unit On Lot 3.5 Hectares Or Less Or More Than One Secondary Dwelling Unit On Lots 3.5 Hectares Or Greater In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.5	Lot Coverage Exceeds Maximum Restriction In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.6	Total Floor Area Of Any Accessory Building On Lot Exceeds 200m2 In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.7	Encroachment Of Building/Structure Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.8	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.9	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.10	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A  
HORNBY ISLAND LAND USE BYLAW NO. 86, 1993  
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<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.9.11	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 30m Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.12	Keeping Livestock/Birds And Siting Of Building/Structure Used For Housing Livestock Within 15m Of Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.13	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 8m Setback From All Lot Lines In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.14	Encroachment Of Building/Structure Used For Commercial Growing Of Mushrooms, Commercial Raising Of Fur Bearing Animals Or More Than 100 Birds, Or Commercial Feedlots Into Setbacks From Highway, Lot Lines Or Natural Boundaries Of Any Lake/Watercourse/Sea In Rural Residential Zone	\$200.00	\$150.00	\$100.00	Yes	75%
9.9.15	Privy Within 8m From Lot Line In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.17	Fail To Provide Required Motor Vehicle Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
9.9.18	Inadequate Screening Of Outdoor Storage/Parking Areas	\$100.00	\$75.00	\$50.00	Yes	75%
9.9.19	Commercial Raising Of Domestic Animals And Poultry On Lots Less Than 1 Hectare In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.9.20	Fail To Meet Site Specific Regulations In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.1	Non Permitted Use In Large Lot Residential/Water Resource Protection (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.9A.2	More Than One Residential Unit On Lot In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.3	Exceed Maximum Lot Coverage Restriction In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.4	Total Floor Area Of Accessory Buildings On Lot Exceeds 200m <sup>2</sup> In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.5	Encroachment Into Setback In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.9A.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.7	Buildings/Structures In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.8	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.9	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 30m Setback From Natural Boundary Of Any Lake/Watercourse/Sea In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.10	Keeping Livestock/Birds And Siting Of Building/Structure Used For Housing Livestock Within 15m Of Setback From Natural Boundary Of Any Lake/Watercourse/Sea In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.11	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 8m Setback From All Lot Lines In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.12	Encroachment Of Building/Structure Used For Commercial Growing Of Mushrooms, Commercial Raising Of Fur Bearing Animals Or More Than 100 Birds, Or Commercial Feedlots Into Setbacks From Highway, Lot Lines Or Natural Boundaries Of Any Lake/Watercourse/Sea In (LR/WSPA) Zone	\$200.00	\$150.00	\$100.00	Yes	75%
9.9A.13	Privy Within 8m From Lot Line In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.9A.15	Fail To Provide Required Motor Vehicle Parking Spaces In (LR/WSPA) Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.9A.16	Inadequate Screening Of Outdoor Storage/Parking Areas In (LR/WSPA) Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.9A.17	Commercial Raising Of Domestic Animals And Poultry On Lots Less Than 2.5 Hectares In (LR/WSPA) Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.10.1	Non Permitted Use In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	50%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.10.2	More Than One Residential Unit On Lot In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.3	Secondary Dwelling Unit On Lots Less Than 3.5 Hectares Or More Than Two Dwellings On Lots 3.5 Hectares Or Larger In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.4	Exceed Maximum Lot Coverage Restriction In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.5	Total Floor Area Of Accessory Buildings Excluding Agricultural Buildings On Lot Exceeds 200 m2 In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.6	Encroachment Of Building/Structure Into Setback In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.7	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.8	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.9	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.10	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 30m Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.11	Keeping Livestock/Birds And Siting Of Building/Structure Used For Housing Livestock Within 15m Of Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.12	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 8m Setback From All Lot Lines In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.13	Encroachment Of Building/Structure Used For Commercial Growing Of Mushrooms, Commercial Raising Of Fur Bearing Animals Or More Than 100 Birds, Or Commercial Feedlots Into Setbacks From Highway, Lot Lines Or Natural Boundaries Of Any Lake/Watercourse/Sea In Agricultural	\$200.00	\$150.00	\$100.00	Yes	75%

**Schedule A**  
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**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Zone					
9.10.14	Privy Within 8m From Lot Line In Agricultural Zone In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.17	Fail To Provide Required Motor Vehicle Parking Spaces In Agricultural Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.10.18	Inadequate Screening Of Outdoor Storage/Parking Areas	\$100.00	\$75.00	\$50.00	Yes	75%
9.10.19	Commercial Raising Of Domestic Animals And Poultry On Lots Less Than 1 Hectare In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.10.20	Fail To Meet Site Specific Requirements In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.1	Non Permitted Use In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.11.2	More Than One Residential Unit On Lot In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.3	Secondary Dwelling Unit On Lot Less Than 3.5 Hectares Or More Than Two Dwellings On Lots 3.5 Hectares Or Greater In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.4	Exceed Maximum Lot Coverage Restriction In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.5	Total Floor Area Of Accessory Buildings Excluding Agricultural Buildings On Lot Exceeds 200 m2 In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.6	Encroachment Of Building/Structure Into Setback In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.7	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.8	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.9	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.10	Keeping Livestock/Birds And Siting Of Building/Structure Used For Housing Livestock Within 15m Of Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.11	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 8m Setback From All Lot Lines In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.12	Encroachment Of Building/Structure	\$200.00	\$150.00	\$100.00	Yes	75%

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**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Used For Commercial Growing Of Mushrooms, Commercial Raising Of Fur Bearing Animals Or More Than 100 Birds, Or Commercial Feedlot Into Setbacks From Highway, Lot Lines Or Natural Boundaries Of Any Lake/Watercourse/Sea In Upland Zone					
9.11.13	Privy Within 8m From Lot Line In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.15	Fail To Provide Required Motor Vehicle Parking Spaces In Upland Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.11.16	Inadequate Screening Of Outdoor Storage/Parking Areas In Upland Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.11.17	Commercial Raising Of Domestic Animals And Poultry On Lots Less Than 1 Hectare In Upland Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.12.1	Non Permitted Use In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.12.2.1	More Than Five Community Housing Units Per Hectare Or Exceed Twenty Unit Limit Per Lot In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.12.2.2	More Than One Accessory Residential Dwelling Unit On Lot Or Unit Exceeds 200 Metres In Area In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.12.3	Exceed Maximum Lot Coverage Restriction In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.12.4	Encroachment Of Building/Structure Into 8 Metre Setback From Front/Rear/Side Lot Line In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.12.5	Fail To Meet Site Specific Setback Requirements In Public Use Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.12.7	Inadequate Screening Of Outdoor Storage/Parking Areas In Public Use Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.12.8	Non Permitted Use In Public Use (a) Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.12.9	Non Permitted Use In Public Use (b) Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.13.1	Non Permitted Use In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.13.2	More Than One Residential Unit On Lot In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.3	More Than Five Elder Dwelling Units Per 1 Hectare Or Exceed Maximum 20 Elder Dwelling Units Per Lot In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.13.4	More Than One Accessory Communal Facility/Facility Exceeds Maximum Area Restriction In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.5	Exceed Maximum Lot Coverage Restriction In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.6	Total Floor Area Of Accessory Buildings Excluding Agricultural Buildings On Lot Exceeds 200 m2 In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.7	Encroachment Of Building/Structure Into Setback In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.8	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.9	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.10	Privy Within 8m From Lot Line In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.13.12	Fail To Provide Required Motor Vehicle Parking Spaces In Institutional Residential Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.13.13	Inadequate Screening Of Outdoor Storage/Parking Areas In Institutional Residential Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.14.1	Non Permitted Use In Rural Service Zone In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.14.2	Floor Area Of Principal Buildings Exceeds 185 m2 In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.3	Restaurant Floor Area/Seating Capacity Exceeds Maximum Restrictions In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.4	Bakery Floor Area Exceeds 46 m2 In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.5	Exceed Maximum Lot Coverage Restriction In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.6	Total Floor Area Of Accessory Buildings On Lot Exceeds 41 m2 In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.7	Accessory Building/Structure Exceeds Height Restriction In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.8	Encroachment Of Building/Structure Into Setback In Institutional	\$300.00	\$225.00	\$150.00	Yes	75%

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<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Residential Zone					
9.14.9	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.10	Privy Within 8m From Lot Line In Institutional Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.14.12	Fail To Provide Required Motor Vehicle Parking Spaces In Institutional Residential Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.14.13	Inadequate Screening Of Outdoor Storage/Parking Areas In Institutional Residential Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.15.1	Non Permitted Use In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.15.2	Exceed Maximum Lot Coverage Restriction In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15.3	Encroachment Of Building/Structure Into Setback In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15.4	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15.5	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15.6	Privy Within 8m From Lot Line In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15.8	Fail To Provide Required Motor Vehicle Parking Spaces In Retail Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.15.9	Inadequate Screening Of Outdoor Storage/Parking Areas In Retail Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.15A.1	Non Permitted Use In Service Station Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.15A.2	Exceed Maximum Lot Coverage Restriction In Service Station Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15A.3	Encroachment Of Building/Structure Into Setback In Service Station Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15A.4	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Service Station Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15A.5	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Service Station Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.15A.6	Privy Within 8m From Lot Line In	\$300.00	\$225.00	\$150.00	Yes	75%

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<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Service Station Commercial Zone					
9.15A.8	Fail To Provide Required Motor Vehicle Parking Spaces In Service Station Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.15A.9	Inadequate Screening Of Outdoor Storage/Parking Areas In Service Station Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.16.1	Non Permitted Use In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.16.2	Exceed 15 Visitor Accommodation Units On Lot B, Section 4-A In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.3	Non Permitted Accessory Residential Dwelling Unit On Lot B, Section 4-A In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.4	Lot Coverage Exceeds 40% In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.5	Encroachment Of Building/Structure Into Setback In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.6.2	Exceed Maximum Floor Area Restriction For Visitor Accommodation/Accessory Dwelling Units on Lot B, Section 4-A In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.6.3	Less Than 50 Indoor Seats In Pub On Lot B, Section 4-A In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.6.4	Exceed Maximum Combined Floor Area Restriction On Lot B, Section 4 In Comprehensive Commercial Zone -A	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.7	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Comprehensive Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.16.9	Fail To Provide Required Motor Vehicle Parking Spaces In Comprehensive Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.16.9	Inadequate Screening Of Outdoor Storage/Parking Areas In Comprehensive Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.17.1	Non Permitted Use In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.17.2	More Than One Residential Dwelling Unit Per Lot In Commercial Resort Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.17.3	Exceed Maximum Number/Area Of Visitor Accommodation Units Per Hectare/Lot In Commercial Resort Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.17.4	Lot Coverage Exceeds 15% In	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Commercial Resort Zone					
9.17.5	Encroachment Of Building/Structure Into Setback In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.17.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.17.7	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.17.8	Privy Within 8m From Lot Line In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.17.10	Fail To Provide Required Motor Vehicle Parking Spaces In Commercial Resort Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.17.11	Inadequate Screening Of Outdoor Storage/Parking Areas In Commercial Resort Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.18.1	Non Permitted Use In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.18.2	More Than One Residential Unit Per Lot In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.18.3	Lot Coverage Exceeds 40% In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.4	Exceed Maximum Number/Area Of Visitor Accommodation Units Per Hectare/Lot In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.18.5	More Than Ten Camping Spaces Per Hectare Or Exceed Maximum Fifty Camping Spaces Per Lot In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.18.6	Retail Store Floor Area Exceeds 47 m2 Per Lot In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.7	Restaurant Floor Area Exceeds 25 m2 Per Lot In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.8	Encroachment Of Building/Structure Into Setback In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.9	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.10	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.18.11	Privy Within 8m From Lot Line In	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Commercial Resort-Marina Zone					
9.19.1	Non Permitted Use In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.19.2	More Than One Residential Unit Per Lot In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.3	Lot Coverage Exceeds 40% In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.4	More Than Six Visitor Accommodation Units Per Lot In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.19.5	More Than Ten Camping Spaces Per Hectare Or Exceed Maximum Fifty Camping Spaces Per Lot In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.19.6	Encroachment Of Building/Structure Into Setback In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.7	Encroachment Of Camping Space Into 15m Setback From All Lot Lines In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.8	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.9	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.10	Privy Within 8m From Lot Line In Commercial Resort-Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.19.12	Fail To Provide Required Motor Vehicle Parking Spaces In Commercial Resort-Marina Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.19.13	Inadequate Screening Of Outdoor Storage/Parking Areas In Commercial Resort-Marina Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.20.1	Non Permitted Use In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.20.2	More Than One Residential Unit Per Lot In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.20.3	More Than Ten Camping Spaces Per Hectare Or Exceed Maximum Fifty Camping Spaces Per Lot In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.20.4	Encroachment Of Building/Structure Into Setback In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.20.5	Encroachment Of Camping Space Into 15m Setback From All Lot Lines In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.20.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.20.7	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.20.8	Privy Within 8m From Lot Line In Commercial Campground Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.20.10	Fail To Provide Required Motor Vehicle Parking Spaces In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.20.11	Inadequate Screening Of Outdoor Storage/Parking Areas In Commercial Campground Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.20.12	Non Permitted Improvements To Camping Spaces Or Campground Illuminated With Electric Lights In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.20.13	Camping Space Accommodates More Than One Vehicle In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.20.14	Camping Space Occupied By Same Occupant For More Than Four Consecutive Weeks In Commercial Campground Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.21.1	Non Permitted Use In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.21.2	More Than One Residential Unit Per Lot In Commercial Campground 1 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.21.3	More Than Eight Camping Spaces Per Lot In Commercial Campground 1 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.21.4	Encroachment Of Building/Structure Into Setback In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.21.5	Encroachment Of Camping Space Into 15m Setback From All Lot Lines In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.21.6	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.21.7	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.21.8	Privy Within 8m From Lot Line In Commercial Campground 1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.21.10	Fail To Provide Required Motor Vehicle Parking Spaces In	\$250.00	\$187.50	\$125.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Commercial Campground 1 Zone					
9.21.11	Inadequate Screening Of Outdoor Storage/Parking Areas In Commercial Campground 1 Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.21.12	Non Permitted Improvements To Camping Space Or Campground Illuminated With Electric Lights In Commercial Campground 1 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.21.13	Camping Space Accommodates More Than One Vehicle In Commercial Campground 1 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.21.14	Camping Space Occupied By Same Occupant For More Than Four Consecutive Weeks In Commercial Campground 1 Zone	\$250.00	\$187.50	\$125.00	Yes	50%
9.22.1	Non Permitted Use In Commercial Parking Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.22.2	Fail To Meet Parking Space Dimension/Layout Standards In Commercial Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.22.3	Non Permitted Building/Structure Constructed/Erected/Placed On Lot In Commercial Parking Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.22.4	Motor Vehicle Parked On Lot Used For Human Habitation/Camping In Commercial Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.22.5	Improper Lighting Of Parking Area In Commercial Parking Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.22.6	Fail To Meet Screening Requirements In Commercial Parking Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.23.1	Non Permitted Use In Groundwater Recharge Area/Sustainable Ecosystem Management Area (GW-EMA) Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.23.2	Non Permitted Building/Structure In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.23.5	Non Permitted On-site Parking In GW-EMA Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.24.1	Non Permitted Use In Public Park Zone In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.24.2	Floor Area Of Building Used For Public Educational Purposes Exceeds 186 m2 In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.24.3	Encroachment Of Building/Structure Into Setback In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.24.4	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Small Lot Residential Zone In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
9.24.5	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.24.6	Privy Within 8m From Lot Line In GW-EMA Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.24.7	Fail To Provide Required Motor Vehicle Parking Spaces In GW-EMA Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.24.8	Inadequate Screening Of Outdoor Storage/Parking Areas In GW-EMA Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.25.1	Non Permitted Use In Public Park Undeveloped Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.25.2	Non Permitted Building/Structure In Public Park Undeveloped Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.25.3	Privy Within 8m From Lot Line In Public Park Undeveloped Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.25.4	Fail To Provide Required Motor Vehicle Parking Spaces In Public Park Undeveloped Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.25.5	Inadequate Screening Of Outdoor Storage/Parking Areas In Public Park Undeveloped Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.26.1	Non Permitted Use In Marine Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.26.2	Non Permitted Building/Structure n Marine Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.26.3	Boat Moored To Surfaces Other Than Buoys n Marine Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.27.1	Non Permitted Use In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.27.2	Non Permitted Building/Structure In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.27.3	Non Permitted Fences/Devises/Structures On/Embedded Into Beach Which Obstruct Pedestrian Access To Beach In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.27.4	Boat Moored To Surfaces Other Than Buoys In Mariculture Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.28.1	Non Permitted Use In Marine Access Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.28.2	Fail To Provide Required Motor Vehicle Parking Spaces In Marine Access Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.28.3	Inadequate Screening Of Outdoor Storage/Parking Areas In Marine Access Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.28.4	Boat Moored To Surfaces Other	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**HORNBY ISLAND LAND USE BYLAW NO. 86, 1993**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Than Buoys In Marine Access Zone					
9.29.1	Non Permitted Use In Marine Service Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.29.2	Fail To Provide Required Motor Vehicle Parking Spaces In Marine Service Zone	\$250.00	\$187.50	\$125.00	Yes	75%
9.29.3	Inadequate Screening Of Outdoor Storage/Parking Areas In Marine Service Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.30.1	Non Permitted Use In Private Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.30.2	Non Permitted Docks/Piers/Breakwaters Or More Than One Float In Private Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.30.3	Non Permitted Fences/Devices On/Embedded Into Beach Which Obstruct Pedestrian Access To Beach In Private Moorage Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.31.1	Non Permitted Uses In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.31.2.1	More Than Eleven Residential Dwelling Units/Unit Area Exceeds 300 m2 In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.2.2	Lot Coverage Exceeds 10% In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.2.3	Total Floor Area Of Any Accessory Building On Lot Exceeds 200 m2 In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.3.1	Building/Structure Within 8 Metres from Front/Rear/Exterior Lot Line In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.3.2	Building/Structure Within 6 Metres From Interior Side Lot Line In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.3.3	Building/Structure Within Setback From Natural Boundary Of Any Lake/Watercourse/Sea In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.3.4	Fill Slope Within 15m From Natural Boundary Or Face Of Fill Slope Not Adequately Protected From Erosion In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.3.5	Building/Structure In Setback From Cliff Edge Without Valid Certification Given To Islands Trust In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.4	Satellite Dish Antennas/Parabolic Reflectors Within 8m From Lot Line In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.5	Encroachment Of Feeding	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A  
HORNBY ISLAND LAND USE BYLAW NO. 86, 1993  
CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Trough/Manure Pile/Building Or Structure Housing Animals/Septic Fields Into 30m Setback From The Natural Boundary Of Any Lake/Watercourse/Sea In Land Cooperative1 Zone					
9.31.6	Encroachment Of Feeding Trough/Manure Pile/Building Or Structure Housing Animals Into 8m Setback From All Lot Lines In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.7	Encroachment Of Building/Structure Used For Commercial Growing Of Mushrooms, Commercial Raising Of Fur Bearing Animals Or More Than 100 Birds, Or Commercial Feedlots Into Setbacks From Highway, Lot Lines Or Natural Boundaries Of Any Lake/Watercourse/Sea In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.8	Privy Within 8m From Lot Line In Rural Residential Zone In Land Cooperative1 Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.31.10	Inadequate Screening Of Outdoor Storage/Parking Areas In Land Cooperative1 Zone	\$100.00	\$75.00	\$50.00	Yes	75%
9.31.11	Fail To Provide Required Motor Vehicle Parking Spaces In Land Cooperative1 Zone	\$250.00	\$187.50	\$125.00	Yes	75%


**Population:**

Approximately 1,074

**Size:**

2,990 hectares (7,388 acres)

**Location:**

31 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
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## Hornby Island Local Trust Committee

### Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

#### September 2011

- [Community Stewardship Award Presentation - Wednesday, September 21st, 2011 at 12:45 p.m., at New Horizons](#)

#### July 2011

- [Vacation Home Rental OCP Amendment Proposed Bylaw No. 142 \(Executive Committee Approval\)](#)
- [Vacation Home Rental LUB Amendment Proposed Bylaw No. 143 \(Executive Committee Approval\)](#)
- [Notice of Special Local Trust Committee meeting on August 7, 2011](#)

#### May 2011

- [Notice of Community Information Meeting regarding Vacation Home Rentals May 21, 2011](#)
- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)

#### April 2011

- [Notice of Hornby Island Short Term Vacation Rentals and Official Community Plan Community Information Meetings April 2, 4 and 6, 2011](#)
- [Discussion Documents for Short Term Vacation Rentals and Official Community Plan Community Information Meetings](#)

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## Hornby Island Local Trust Committee Projects

### Official Community Plan and Land Use Bylaw Review

- **Discussion Documents for April, 2011 Community Information Meeting:**
  - [Draft Hornby OCP Revisions April 2011](#)
  - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
  - [Schedule C - Land Status and Road Designations](#)
  - [Schedule D2 - Environmentally Sensitive Areas](#)
  - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
  - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

## Committee Links

[Committee Home](#)
[Trustee Membership](#)
[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

## Vacation Home Rentals

- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)
- [Discussion Document for April 2011 Community Information Meeting](#)
- [Staff Report - March 21, 2011](#)
- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)
- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

## Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(October 2009\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

## Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

## Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

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## Applications

### HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

### Professional Reports

- [Payne Engineering Report dated January 2009](#)
- [Rezoning Submission dated May 2009](#)
- [Baseline Archaeology Letter dated January 2010](#)

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## Hornby Island Local Trust Committee Work Program

- [Top Priorities](#)

## Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

### **K'omoks First Nation**

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)

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