

## **BYLAW ENFORCEMENT FREQUENTLY ASKED QUESTIONS**

### **Introduction**

The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. About 25,000 people live on these islands. In 1974, in recognition of the special nature of the islands in the Strait of Georgia and Howe Sound, the Government of British Columbia enacted the Islands Trust Act giving authority to Local Trust Committees for land use planning and bylaws.

The Islands Trust is a unique federation of independent local governments, including Bowen Island Municipality, which plans land use and regulates development in the Islands Trust Area. Like other communities in British Columbia, island communities elect their local representatives every three years. There are two local trustees elected for each group of islands designated as a local trust area or island municipality. Together, with an appointed chair from the Executive Committee of the Islands Trust Council, local trustees form a Local Trust Committee which is responsible for land use decisions and bylaws within their respective local trust area.

### **What is the purpose of the Islands Trust Bylaw Enforcement Team?**

The Bylaw Enforcement Team investigates alleged violations of the land use regulations of the Local Trust Committees (LTCs) comprising the Islands Trust. These regulations are developed in consultation with the community. The regulations are found in LTC Land Use Bylaws, in Development Permit Areas found in Official Community Plans and Soil Deposit and Removal Bylaws. The goal of the bylaw enforcement process is to gain compliance with these regulations; for example, by moving a structure, obtaining a variance permit or discontinuing a use that is not permitted.

### **How many staff work in bylaw enforcement?**

The Bylaw Enforcement Team currently consists of two full time bylaw enforcement officers and a part time bylaw enforcement assistant.

### **What policies does the Bylaw Enforcement Team follow?**

The Islands Trust Council has adopted a Bylaw Enforcement Policy to guide the work of its Bylaw Enforcement Team. Some LTCs have also adopted enforcement policies defining specific priorities for their community.

### **What initiates a bylaw enforcement investigation?**

Like all local governments, the Islands Trust uses a 'complaint-based' bylaw enforcement process. This means that almost all investigations result from community complaints. This system gives priority to those bylaw infractions of greatest concern to island communities. Trust Council's policies also allow a bylaw enforcement officer to initiate an investigation without a complaint: if the situation involves damage to ecosystems, if it is part of a permitting process, if it is a referral from another agency, or if the violation is noted in an advertisement.

### **How can complaints be sent to the Islands Trust?**

Anyone who wishes to make a complaint can fill out the Bylaw Enforcement Complaint form on the Islands Trust web site at [www.islandstrust.bc.ca/lup/beoform.cfm](http://www.islandstrust.bc.ca/lup/beoform.cfm). Or they can mail or deliver a letter to any of the Islands Trust offices.

### **Can complaints be made anonymously?**

No. However, a complainant's identity is kept confidential. The bylaw enforcement officer will not discuss the identity of the complainant. Only if the complainant is the only witness to a violation and if prosecution is contemplated will the identity of a complainant be made public. This would be discussed with the complainant in advance.

### **If I tell a local trustee about a violation will the bylaw enforcement officer investigate?**

While trustees will be interested in your concerns, they will refer you to the Bylaw Enforcement Team if you wish to make a formal complaint. Please submit a written complaint directly to the Bylaw Enforcement Team as mentioned above if you want to initiate an investigation.

### **After I make a complaint then what happens?**

The complaint is reviewed to determine if it is valid and related to a Local Trust Committee bylaw. If it is, a file is created and assigned to a bylaw enforcement officer. In some cases, the complaint is valid, but it relates to a law that is administered by another government agency. In that case, you will be provided with contact information for the other agency.

### **What does the bylaw enforcement officer do if there is a valid complaint?**

A full investigation is undertaken. If a violation of a Local Trust Committee bylaw exists, the property owner will be asked to take steps to comply with the bylaw.

### **How long does it take to get compliance?**

Depending on the specific circumstances, the bylaw enforcement officer will negotiate a reasonable compliance plan and time for voluntary compliance. The compliance plan may accommodate unusual circumstances (such as seasonal or financial constraints or personal situation) that means a property owner is given extra time to comply.

### **Does anyone check back to confirm compliance?**

Yes. Bylaw enforcement officers inspect to confirm that voluntary compliance has taken place before closing a file. However, in some instances, a property owner will violate the bylaw again at a later date and a new complaint may be necessary to reopen the file.

### **When will legal action be taken to gain compliance?**

If it becomes obvious that voluntary compliance is not occurring, the bylaw enforcement officer may either write tickets or recommend that an LTC approve legal action to acquire a court order to gain compliance.

### **Does every violator get time to comply?**

Not necessarily. If the violation is serious and ongoing, the Islands Trust may take immediate legal action.

### **Why don't you seek an injunction every time someone is breaking a bylaw?**

Injunctive action is reserved for only the most serious issues for a number of reasons. A court-ordered injunction is very expensive, it takes a long time, the outcome is not guaranteed, it is risky (if the Islands Trust loses it must pay the costs of the winner) and

finally the Court only makes an order when it is convinced that the circumstances are serious enough to warrant making one.

### **Does every violation and complaint get the same priority?**

No. Investigations involving health, safety, and significant environmental damage are given the highest priority. Other investigations are ranked in the order received and according to the schedule for an officer to visit each island.

### **Will the Bylaw Enforcement Team tell me about the status of my complaint?**

The Islands Trust does not have sufficient resources to be in frequent contact with every complainant. However, once you make a complaint, you can be assured that it will be investigated and bylaw enforcement officers will seek compliance, unless enforcement is not feasible or they are instructed not to proceed by a Local Trust Committee (see below). If you have questions about the status of your complaint, please contact the bylaw investigations assistant.

### **What is the role of local trustees in bylaw enforcement?**

The Islands Trust Council and Local Trust Committees may adopt general bylaw enforcement policies to set priorities for investigations as mentioned above. LTCs create and adopt the bylaws that the Bylaw Enforcement Team enforces. They can also amend bylaws, or consider applications to change or vary them.

The LTC and local trustees are not involved in any way with specific investigations except when the bylaw enforcement officer recommends the LTC approve legal action. Bylaw enforcement officers do not proceed with legal action unless the LTC approves of the action and the Islands Trust Executive Committee approves of the expenditure from the Islands Trust legal budget.

In rare cases, an LTC will not approve of legal action or will request the bylaw enforcement officer not to act on certain types of complaints, particularly if it is conducting a community process that may lead to changes in bylaw regulations. If this is the case, the Bylaw Enforcement Team will advise you of the LTC's instructions.

### **Is a Local Trust Committee required to enforce its bylaws?**

No. No local government in BC is required to enforce its bylaws. If this was a legal requirement, it would require on-going patrols and considerably more resources at taxpayers' expense. The Islands Trust Council adopts an annual budget for bylaw enforcement that it considers adequate for the job yet affordable for taxpayers. Bylaw enforcement activities take place within the limits of the Islands Trust's annual budget, which means priorities must be set for bylaw enforcement. As mentioned above, the Islands Trust's complaint-based system gives priority to those issues that are of most concern in island communities. Policies developed by the Islands Trust Council and by LTCs give the Bylaw Enforcement Team additional direction about bylaw enforcement priorities.

### **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 and ask to be connected.

Or you can send mail or come to any of our offices listed below.

Islands Trust Victoria Office  
200-1627 Fort Street, Victoria, BC V8R 1H8  
Phone: 250.405.5151 Fax: 250.405.5155

Islands Trust Salt Spring Office  
1-500 Lower Ganges Road, Salt Spring Island BC V8K 2N8  
Phone: 250.537.9144 Fax: 250.537.9116

Islands Trust Northern Office  
700 North Road, Gabriola Island BC V0R 1X3  
Phone: 250.247.2063 Fax: 250.247.7514