



FACT SHEET:

PUBLIC HEARING

WHAT IS A PUBLIC HEARING?

A Public Hearing is a legislated forum through which the public may speak or give written submissions to the local trust committee on one or more bylaws being heard. The *Municipal Act* specifies the rules for when a Public Hearing must be held, how it is advertised, and what happens afterward. A Public Hearing is a formal process to solicit opinion and is not a forum for questions or discussion.

HOW ARE PEOPLE NOTIFIED ABOUT AN UPCOMING PUBLIC HEARING?

A Public Hearing must be advertised in at least two consecutive notices of a newspaper within the local trust committee area, the last date no more than ten nor less than three days before the hearing. The notice will state the time, date and place of the hearing, the purpose and subject lands of the bylaw, and the place and times copies of the bylaw may be inspected.

If the bylaw alters the permitted use or density of an area, the notice must also be mailed or delivered to the owners and tenants-in-occupation of property located within a distance specified by a local trust committee bylaw, except where a bylaw

alteration affects ten or more parcels owned by ten or more persons.

WHAT IS THE PROCEDURE AT A PUBLIC HEARING?

The Chairperson will open the Public Hearing with an explanation of how it will be run and may make reasonable procedural rules including:

- establishing a speaker's list;
- determining if certain bylaws should be heard together;
- determining if written submissions are to be read aloud; and
- determining if and when a Public Hearing should be adjourned from time to time.

Once the rules are established, the Notice of Public Hearing will be read out, usually by staff, and a report of responses received from referral agencies about the bylaw will be given. There may be a brief explanation of the bylaw(s).

The public is then invited to address the local trust committee about the bylaw(s). Everyone will be given an opportunity to speak. If there is insufficient time for all the speakers to be heard, the Chairperson may adjourn the Public Hearing provided the date, time and place for reconvening the Public Hearing is announced prior to adjournment. When the Chairperson determines that everyone has had a reasonable opportunity to be heard, the Chairperson will close the Public Hearing.

WHAT IS THE ROLE OF THE PUBLIC AT A PUBLIC HEARING?

A person's role at a Public Hearing is to comment on the bylaw or bylaws that are the subject of the Public Hearing, either by speaking at the meeting or by giving the local trust committee a written submission. Written submissions can be submitted at any time during the Public Hearing. Only the bylaws advertised and no other topics are to be addressed at the Public Hearing. Each speaker must give his or her name and place of residence before speaking.

WHAT IS THE ROLE OF THE LOCAL TRUST COMMITTEE AT A PUBLIC HEARING?

The local trust committee's primary duty during a Public Hearing is to hear what all interested persons have to say about the bylaw being heard. Members of the local trust committee may ask points of clarification of speakers. The local trust committee members will not debate the merits of a bylaw with the public, they will only listen. Members of the public will not have an opportunity to vote at a Public Hearing nor will a referendum be held. The final decision on the bylaw(s) will be made by the local trust committee.



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WHAT HAPPENS TO THE BYLAW AFTER A PUBLIC HEARING?

When a Public Hearing is closed, the general rule is that the members of the local trust committee may not consider new information or material until a decision on the bylaw is made by the local trust committee. New information or material includes discussion with members of the public. This is to protect the right of the public to be informed about and to comment on all information or material considered by the committee in making a decision on a bylaw(s).

The local trust committee members may, after the Public Hearing, receive reports from their own staff, consultants and legal counsel respecting bylaw modifications in response to comments received at the Public Hearing.

Minutes will not be taken, but a written report of the Public Hearing summarizing the representations made at the hearing, is prepared and maintained as a public record.

IF YOU HAVE ANY QUESTIONS OR REQUIRE MORE INFORMATION, PLEASE CONTACT THE ISLANDS TRUST OFFICE IN YOUR AREA.

CONTACT INFORMATION

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