



# News Release

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September 26, 2013

2013-13-IT

## **COURT ORDER LIMITS SALT SPRING ISLAND METAL RECYCLING OPERATIONS**

VICTORIA - John Quesnel, owner and operator of Salt Spring Island Metal Recycling, signed his consent on September 25 in the Supreme Court of British Columbia to stop crushing metal on his Rainbow Road property and to apply to the Salt Spring Island Local Trust Committee for a Temporary Use Permit by October 30, 2013.

Under the terms of the order, Quesnel agreed that his use of the land for commercial salvage contravenes the Salt Spring Island community's zoning bylaw (Bylaw #355) and also agreed to stop using his property for "rebuilding vehicles and crushing or dismantling vehicles, vehicle parts, appliances or scrap metal." The Salt Spring Island Local Trust Committee agreed that Quesnel could continue other parts of his operation, provided he complies with the court order which requires that he apply for a Temporary Use Permit. The order is in effect until the Salt Spring Island Local Trust Committee makes a decision on Quesnel's Temporary Use Permit application.

The proceeding to require Quesnel to comply with Salt Spring's zoning regulations has also been adjourned pending the outcome of the Temporary Use Permit application. Issuing a Temporary Use Permit is a public process and community members can provide input on the application for the Salt Spring Island Local Trust Committee's consideration. More detailed information about the application process and opportunities for providing input will be advertised in local media and in a notice to be sent to neighbours.

The long-standing issue dates back to 2006, when neighbours first complained to the Islands Trust's bylaw enforcement office that Quesnel's use of the property does not comply with the rural zoning that has been in place since 1971.

Over the years the Salt Spring Island Local Trust Committee has asked staff to help Quesnel find a solution. Islands Trust planning staff have met frequently with Quesnel and proposed a range of solutions. With no action taken by Quesnel in mid-2008, no voluntary compliance with the bylaw and on-going complaints from neighbours, the Salt Spring Island Local Trust Committee initiated legal action in November, 2008.

In May, 2011 the Salt Spring Island Local Trust Committee agreed to adjourn legal action pending the outcome of an application from Quesnel to amend the Salt Spring Island Land Use Bylaw by rezoning his Rainbow Road property to permit industrial and affordable housing use. The property's zoning and the Official Community Plan would have required amendment to accommodate the industrial uses and the density of housing that Quesnel was then seeking. The Salt Spring Island Local Trust Committee did not advance his application.

"The issue is not the need for this type of business, but that it be located in an appropriate location with the right zoning," said David Marlor, Islands Trust Director of Local Planning Services. "While there appears to be general community support for on-island recycling, it doesn't work when someone just starts up this type of operations in a rural residential zone without due process. It's important that we respect the community input that has gone into the Official Community Plan and zoning regulations. People want to be confident that the zoning bylaws in place when they purchase property will be upheld and that changes will not be made without their input."

To ensure that Salt Spring Island has sufficient industrially-zoned land to support future community needs, the Salt Spring Island Local Trust Committee has been working to identify the need for industrial lands on the island and is considering recent recommendations from an Industrial Advisory Planning Commission.

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Note: BC Supreme Court Order attached.

### **CONTACT**

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No. 08 4577  
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

PLAINTIFF

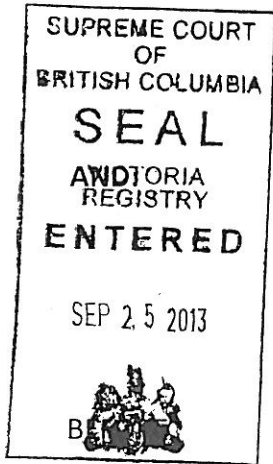
JOHN BRUCE QUESNEL

DEFENDANT

ORDER MADE AFTER APPLICATION

THE HONOURABLE } *Mr.* }  
JUSTICE *MACAULAY* }

25/Sep/2013  
[dd/mmm/yyyy]



ON THE APPLICATION of the Plaintiff Salt Spring Island Local Trust Committee coming on for hearing at Victoria, British Columbia on 25/Sep/2013 and on hearing Don Howieson, solicitor for the Plaintiff and John Bruce Quesnel, Defendant;

THIS COURT DECLARES that:

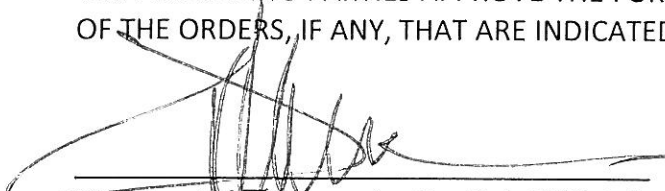
1. On consent, the defendant, John Bruce Quesnel, is using land legally described as PID 003-185-591, Lot 4, Section 2, Range 2 East, North Salt Spring Island, Cowichan District, Plan 22860 (the "Property") in contravention of Salt Spring Island Land Use Bylaw No. 355 by using the Property for the following commercial uses:
  - (a) collecting, storing, rebuilding, crushing, recycling and selling vehicles or their parts;
  - (b) dismantling vehicles for parts; and
  - (c) collecting, storing, recycling and selling scrap metal, appliances, cardboard, wire and pipes;

(Collectively the "Commercial Salvage Use").

THIS COURT ORDERS that:

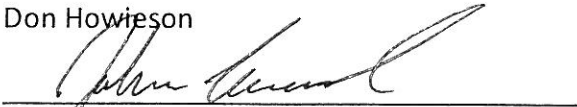
- 2. On consent, the relief requested in paragraphs 2 and 3 of the prayer for relief in the application dated March 15, 2011 is adjourned generally to permit the Defendant to pursue a Temporary Use Application.
- 3. On consent, the Defendant's Temporary Use Application shall be filed with the Plaintiff:
  - (a) on or before October 30, 2013; and
  - (b) be completed in accordance with the Plaintiff's Development Procedure Bylaw No. 304, 1992.
- 4. On consent, until such time as the decision with respect to the Temporary Use Application is rendered, the defendant is enjoined from using, or suffering the use of, the Property for rebuilding vehicles and crushing or dismantling vehicles, vehicle parts, appliances or scrap metal.
- 5. On consent, the Defendant shall pay the Plaintiff its costs of this proceeding at Scale B.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:




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Signature of  lawyer for the Plaintiff Salt Spring Island Local Trust Committee  
Don Howieson

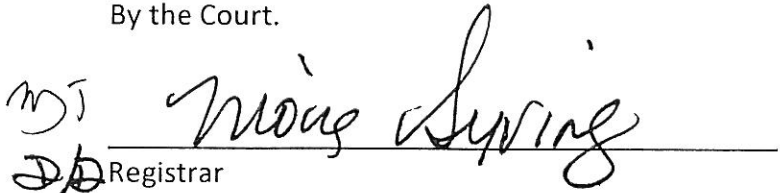



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Signature of the Defendant, John Bruce Quesnel

By the Court.

MS  
DB




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Registrar

MS