

**EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE
(Ballenas – Winchelsea Islands)**

BYLAW NO. 33

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Executive Committee Acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**), being the Trust Committee having jurisdiction in respect of the Executive Committee Local Trust Area (**Ballenas – Winchelsea Islands**) in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation

1.1 This bylaw may be cited as the "Executive Committee Acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) Fees Bylaw No. 33, 2016".

2. Interpretation

2.1 In this bylaw:

"Applicant" means the person authorized under the Executive Committee Acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) Development Procedure Bylaw No. 33 2016 to make the application;

"Islands Trust" means the Director of Local Planning Services or his/her authorized representative;

"Application Fee" means the monetary amount payable to the "Islands Trust".

3. Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4 the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2.

TABLE 1 – Bylaw Amendments	
Column 1	Column 2
1. Official Community Plan amendment	\$4,400
2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw	\$5,400
3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment	\$4,400
4. Land Use Contract amendment	\$3,200

TABLE 2 – Permits	
Column 1	Column 2
1. Development permit in respect of a protection area	\$1,100
2. Development permit amendment	\$330
4. Development permit in combination with a companion application for a development variance permit	\$1,320
5. Development variance permit	\$935
6. Temporary use permit	\$1,100
7. Temporary use permit renewal	\$165

TABLE 3 – Subdivision Referrals	
Column 1	Column 2
1. Application for Subdivision Review – first parcel	\$1,100
2. Application for Subdivision Review – every additional parcel that would be created by the proposed subdivision	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$330

TABLE 4 – Other Applications	
Column 1	Column 2
1. Strata Conversion	\$1,100
2. Liquor Control and Licensing Branch	\$825
3. Board of Variance	\$935

3.2 An application administration fee in the amount of \$100.00 being a portion of the fee referred to in Table 1, Table 2, Table 3 or Table 4 is not refundable in any event.

3.3 Subject to Section 3.2, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.

3.4 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,350.

4. Extraordinary Costs

4.1 In the event the costs of processing, inspection, advertising and administration in respect of an application are estimated by the Islands Trust to exceed 150% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application the estimated actual costs of processing, site inspection, advertising and administration.

4.2 To the extent the amount paid under Subsection 4.1 exceeds the actual costs of processing, inspection, advertising and administration related to the application, the Islands Trust shall refund the excess amount to the Applicant.

4.3 To the extent the amount paid under Subsection 4.1 is less than the actual costs of processing, inspection, advertising and administration, the Islands Trust shall invoice the Applicant for the excess amount which shall become a debt due and payable to the “Islands Trust”.

5. Severability

5.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

6. Repeal

6.1 "Executive Committee Acting as a Local Trust Committee (**Ballenas – Winchelsea Islands**) Fees Bylaw No. 25, 2007", is repealed upon adoption of this bylaw.

READ A FIRST TIME this 16th day of FEBRUARY, 2016

READ A SECOND TIME this 16th day of FEBRUARY, 2016

READ A THIRD TIME this 16th day of FEBRUARY, 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 9th day of MARCH, 2016

ADOPTED this 16th day of MARCH, 2016

Chairperson

Secretary