



Islands Trust

GAMBIER ISLAND

DEVELOPMENT PROCEDURE BYLAW

BYLAW NO. 50, 1992

AS AMENDED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW: No. 124, 139

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: October 17, 2016

Gambier Island Trust Committee

Bylaw No. 50

BL139 10/2016 A Bylaw to define procedures under which an owner of land may apply for amendment to a plan or bylaw or the issue of a permit under Part 14 of the *Local Government Act*.

The Gambier Island Trust Committee ("Trust Committee"), being the Trust Committee having jurisdiction in respect of the Gambier local trust area in the province of British Columbia pursuant to the *Islands Trust Act* (the "Act") enacts as follows:

Title

- 1. This bylaw may be cited for all purposes as the "Gambier Island Trust Committee Development Procedure Bylaw No. 50, 1992".

Applications

- 2. Sections 3, 4 and 5 of this bylaw apply in respect of:

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- (1) applications for amendments to any Official Community Plan, Zoning or Land Use Bylaw in the Gambier Local Trust Area;
- (2) applications for:
 - a) development permits and amendments thereto;
 - b) development variance permits;
 - c) temporary commercial use permits;
 - d) temporary industrial use permits;
 - e) amendments to land use contracts;

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- (3) applications under section 9 of the *Strata Property Act* for conversion of existing buildings into strata lots.

- 3. An application by an owner of land for amendment to an official community plan or zoning bylaw, for a permit, or for conversion of a building into strata lots, shall:

- (1) be made by the owner of the land or by a person authorized in writing by the owner;

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- (2) be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
 - (3) contain all the information required by the applicable form.
 - (4) In the case of an application in respect of land in a strata plan, an application may be made by the strata council on behalf of the strata lot owners, provided that:
 - a) the application pertains to all of the land in the strata plan or all of the common property in the strata plan;
 - b) an authorized representative of the strata council makes the application;
 - c) the strata corporation has notified all of the strata lot owners in writing, at least 60 days prior to the date of the application, of the strata corporation's intention to make the application on their behalf, and for that purpose the strata lot owners are the owners in the records of the Land Title Office as of the date of the notice which must be a single date for all notices;
 - d) at least 50% of the owners of strata lots in the strata plan have consented in writing to the application, and for this purpose joint tenants of a strata lot and owners of undivided fractional interests in a strata lot must indicate their consent collectively in respect of the strata lot; and
 - e) the application includes a statutory declaration of the person making the application, declaring that the strata council has authorized the application and the making of the statutory declaration, that the strata lot owners have been advised of the application in writing in accordance with this Bylaw, and that at least 50% of the owners have consented to the application, and a true copy of the notice to the strata lot owners must be attached to the declaration."
4. An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application or in the case of an application for conversion of a building into strata lots less than one year from the date of refusal of a previous application, unless the Trust Committee has agreed to such reconsideration.
5. The Trust Committee may, on receipt of an application to amend a plan or bylaw, resolve to proceed with an amendment bylaw or resolve not to proceed with the application. The Trust Committee may, on receipt of a permit application, resolve to proceed with or resolve not to proceed with the permit.

6. The Trust Committee may initiate an amendment to a plan or bylaw without first receiving an application to amend.

Fees

7. Where an application is submitted for amendment to a plan or bylaw or for a permit, the applicant shall pay to the Islands Trust the fee set out in the Fees and Charges Bylaw that applies to the type of amendment or permit for which application is made.

Notification

8. Where an application is made for a development variance permit, temporary commercial use permit or temporary industrial use permit, notice shall be mailed or otherwise delivered by the Trust Committee at least 10 days before adoption of a resolution to issue the permit. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the application and to the owner and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is the subject of the application.
9. Where a public hearing is to be held under section 464 of the *Local Government Act*, and the proposed bylaw alters the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.
10. Where the Trust Committee waives the holding of a public hearing in respect of a proposed bylaw that does not alter the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee to the owners and tenants in occupation of that part of the area of the land that is subject to the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.
11. Where an application is made for the conversion of an existing building into strata lots, notice shall be given to all occupants of the building by the application.

Repeal

12. Section 2(1) to 2(3) and Section 4(1) to 4(5) of Gambier Island Trust Committee Bylaw No. 37, being the "Gambier Island Trust Committee Procedure Bylaw No. 37, 1990" are repealed.

Severability

13. If any section of lesser portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the remainder.

READ A FIRST TIME this 30th day of April ,1994

READ A SECOND TIME this 30th day of April ,1994

READ A THIRD TIME this 30th day of April ,1994

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this 17th day of May ,1994

RECONSIDERED AND FINALLY ADOPTED this 11th day of June , 1994

Secretary

Chairperson

Schedules

Schedules "A" to "G" are not part of this bylaw and may be inserted for convenience only, e.g.

- A. Bylaw Amendment Application
- B. Development Permit Application
- C. Development Permit Amendment Application
- D. Temporary Use Application - Commercial or Industrial
- E. Development Variance Permit Application
- F. Siting and Use Permit Application
- G. Strata Conversion Application