



## Islands Trust

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July 10, 2007

File Number: PG/03-1

The Honourable Colin Hansen  
Minister of Economic Development  
PO Box 9046 Stn. Prov. Govt.  
Victoria BC V8W 9E2

Dear Minister Hansen:

**Re: BC-Alberta Trade, Investment and Labour Mobility Agreement (TILMA)**

Thank you for your letter of March 21, 2007 in which you provide information about the referenced agreement and address the effects of the Agreement on the Islands Trust. We appreciate the time you and your staff have taken to provide information specific to the Islands Trust.

For several months, our constituents have raised concerns about the degree to which the TILMA could affect the ability of the Islands Trust to carry out its mandate. In December 2006, the Islands Trust Council passed the following resolution:

*That if the Union of BC Municipalities' analysis of the BC-Alberta Trade, Investment and Labour Mobility Agreement reveals negative impacts on local government authority, then the Executive Committee convey to the Province that the Islands Trust Council opposes any legislation or agreement that diminishes its ability to achieve the object of the Islands Trust Act.*

Since last December, the Islands Trust Executive Committee has continued to collate and consider the available information regarding the TILMA and to determine whether the agreement could diminish the Islands Trust's ability to achieve its provincial object. As provided in the *Islands Trust Act*, that object is:

*"to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia"*

As required by the *Islands Trust Act*, the Islands Trust Council has developed and adopted the *Islands Trust Policy Statement*. The Policy Statement was approved by the Minister of Municipal Affairs in 1994, and provides guidance for land use decisions throughout the Islands Trust Area. Policies in the *Islands Trust Policy Statement* focus on ways that the Islands Trust and other government bodies can preserve and protect this special part of British Columbia, not only for residents but also for all British Columbians.

To date, our assessment of the information available, particularly that provided through the Union of BC Municipalities, leads us to conclude that the TILMA could have unintended and

*Preserving Island communities, culture and environment*

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

unexpected consequences that would diminish the ability of the Islands Trust to carry out its legislated object.

In that a key goal of the Agreement is to harmonize standards, it may threaten measures that Islands Trust bodies undertake to preserve and protect the unique character and environment of BC's coastal islands. We have identified several areas of concern, including the following:

- ◆ In order to achieve the object and requirements of the *Islands Trust Act*, many of the policies in the *Islands Trust Policy Statement* focus on careful management of the rate and scale of growth in the Islands Trust Area. In several cases, policies only support development that is in keeping with the existing local character, or is compatible with local needs. We are concerned that, in restricting development to that which is compatible with local character and needs, these policies may be inconsistent with the TILMA.
- ◆ In recognition of our provincial object, the Islands Trust Council has negotiated agreements with provincial agencies that have led to different standards or practices within the Islands Trust Area. For example, in order to maintain the unique character of the islands, we have negotiated a Protocol Agreement with the Ministry of Transportation regarding reduced road construction widths and standards. We are concerned that a move towards standardization could over-ride this and similar agreements that we believe are essential to the achievement of our object.
- ◆ As supported by the *Islands Trust Policy Statement*, land use zoning regulations in the Islands Trust Area often indicate a preference for land uses that are local in nature, in order to maintain and support the unique amenities and environment of an island community. We believe these measures to be legitimate and are concerned that some may challenge them as contraventions of the TILMA. For example, bylaws may:
  - limit land uses such as agricultural processing and agricultural sales to those that support locally-grown agricultural products;
  - limit commercial, industrial or institutional land uses to those that are required to support local island needs;
  - limit home-based businesses to those that are operated by a resident of a property;
  - limit farmers', craft or other markets to those where island products are sold.
- ◆ Design guidelines and other bylaws adopted by some island communities indicate that construction and landscaping should incorporate local materials, products or artisanship to preserve the unique character of the built environment. We are concerned that some may challenge the local focus on these guidelines as contraventions of the TILMA.

We believe that these community-developed measures to be legitimate and important, and essential to achieving our legislated object. We can see no evidence that the TILMA clearly exempts these measures. Unless it does exempt them, we are concerned that later interpretations and rulings could determine that such measures are in contravention.

As expressed in the *Islands Trust Act*, we can only achieve our object by acting in cooperation with other levels of government, other organizations and with individuals. We are therefore concerned about any initiative that would prevent provincial agencies or regional districts from taking special measures to preserve and protect the Islands Trust Area. For example, we would be concerned if the TILMA prevented others from taking actions to prevent pollution, regulate pesticides, or change standards in recognition of BC's unique circumstances or environments.

We are also concerned that the Islands Trust could incur additional administrative and other costs in regards to the TILMA as follows:

- ◆ Additional administrative costs and inefficiencies related to the specified tendering thresholds, which are lower than the thresholds in our current tendering policy.
- ◆ Additional costs of reviewing new or amended measures in relation to TILMA.
- ◆ Additional costs related to potential allegations of non-compliance.

In conclusion, the Islands Trust Executive Committee believes that the TILMA could diminish the Islands Trust's ability to carry out its provincial object. We are therefore conveying the opposition of the Islands Trust Council to the inclusion of the Islands Trust in this Agreement. We further request the specific exclusion from the TILMA of all measures undertaken by Islands Trust bodies to preserve and protect the Islands Trust Area, its unique amenities and environment.

Thank you for your consideration of our concerns. We will continue to take opportunities that arise, such as those available through the Union of BC Municipalities, to discuss these concerns and would be pleased to provide more information about them. Our staff contact for this purpose is Linda Adams, Chief Administrative Officer, who can be reached at 250.405.5160.

Yours truly,



Kim Benson  
Chair, Islands Trust Council

pc: Minister Ida Chong, Minister of Community Services  
UBCM  
Trustees  
Linda Adams, Chief Administrative Officer  
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Islands Trust website – Chair correspondence