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October 13, 2025

To: Regional Planning Committee
From: Friends of the Gulf Islands Society

Re: Draft Bylaw Compliance and Enforcement Policy 5.51 and the Bylaw Compliance Enforcement Best Practices Manual

We understand that at their September Trust Council meeting, Trust Council endorsed the draft Bylaw Compliance and Enforcement Policy 5.51 and the Bylaw Compliance Enforcement Best Practices Manual.

We support many positive provisions of the new policy such as setting clear procedures for notifying both the person making the complaint and the person under investigation about the status of the complaint. However, we strongly urge you to correct major defects by amending the policy to omit sections 2.2.1 and 6.1.3 and amending section 7.1.3 and any relevant sections of the Manual.

Below are the problematic sections of this policy:

1. Section 2.2 "Where a written complaint has not been received investigations may be commenced in one or more of the following circumstances: 2.2.1 " By direction of a local trust committee;"
2. Section 6.1 "Bylaw investigation files will be closed in the following circumstances:" "6.1.3 On direction of a local trust committee;"
3. Priority of investigation 7.1 "As bylaw enforcement resources are limited investigations will be prioritized as follows:" 7.1.3 "Where adverse environmental impacts could result in irreversible damage if not prevented in a timely fashion."

Regarding policies one and two above, we urge you to amend the policy to comply with the advice of the Provincial Ombudsperson who was quoted in the staff report to Trust Council as stating that "[d]efining and maintaining separation between council and front-line enforcement staff is **essential to an administratively fair bylaw enforcement system.**"

The Ombudsperson is polite. To be more specific, the separation between enforcement and elected officials is essential to prevent either the occurrence, appearance or suspicion of favouritism or outright corruption in the administration of bylaw compliance in the Trust islands.

For example, suspicions will multiply when a Local Trust Committee closes a file for some persons and not others. Trustees could even file bylaw violation complaints against people who criticize them, prompting all island residents to think twice about publicly criticizing positions held by elected trustees. Contrarily, trustees might consider closing an enforcement file against someone who gave them a substantial campaign contribution.

Current trustees might not do these things, but what about future trustees? Allowing elected officials to become directly involved in bylaw enforcement is an invitation to favouritism and corruption. We don't need policies that further damage the public's faith in good government.

The Bylaw Enforcement Manual also requires amendment. On page 7, it states "As listed in Trust Council Policy 5.5.1 Section 5.1, this system gives priority to those bylaw infractions of greatest concern to island communities: 1. When directed by a local trust committee". A sentence on this page also allows LTCs to request an investigation in

a specific case. This policy should be amended to state that LTCs may determine categories of infractions or specific bylaws that should be given priority but not specific infraction cases.

Regarding item three above, many environmental harms can be corrected given sufficient expense and time. Even a forest will regrow if given sufficient time. However, in most cases the funding is not available and the time to repair the harm may be beyond the lifetime of current residents. We suggest this alternate language: "Where adverse environmental damage if not prevented in a timely fashion, could result in harm to the natural environment". This language leaves it up to the bylaw enforcement officer to determine under what circumstances environmental harm may occur. It would be better for such a determination to be made by someone with expertise in the natural environment, such as a biologist. But given current staffing, this may not be possible.

We hope you will take this correspondence very seriously and consider the amendments that we are suggesting. Public confidence in the Islands Trust is at stake.

Sincerely,

Maxine Leichter, Secretary
Friends of the Gulf Islands Society