

From: Marjorie Gang [REDACTED]
Sent: Tuesday, January 18, 2022 10:15 AM
To: Islands2050
Subject: communication re. the Islands' Trust's policy revision
Attachments: Letter to ISL.docx

Marjorie Gang
Denman Island
January 18, 2022

To ISL Engineering, re. the Islands' Trust 2050 initiative

In late summer of 2021 I became aware that the Islands' Trust was planning to re-write its mandate and policy, and that people on the southern Islands' Trust islands were quite upset about the revision. I began to research the Islands' Trust, online and through reading documents on the Trust's website. What I learned was sometimes shocking, and more shocking is that our trustees haven't mentioned anything about this, nor have they mentioned that internal division within the Trust Council had resulted in an ongoing professional Governance and Management Review.

I wanted to understand how this could be, and so became an active contributor to, and now moderator of, one of the several online Facebook groups researching and writing about these rather expensive initiatives.

The Islands' Trust has been a thorn in my side for many years. I purchased my Denman Island property in 1987. At that time the relevant bylaws allowed me to build a house and a guest cabin, and the legal definition of "guest cabin" was "under 500 sq. ft." At that time I was a single mother, attending university in Vancouver and working part time, without much money. I decided to start with the cabin and build the house when I'd found a decent full-time job. It took a year to create a clearing with a driveway, Hydro, water, and a 495 sq. ft. cabin. As my finances were limited, I did as much of the work myself as I could, coming up on weekends to work and then hurrying back to my city job. It was a pretty funky cabin, sitting on concrete pilings with no perimeter foundation – this is what I could afford at the time.

When I'd graduated and was working, I applied for a siting permit to build the house I'd been working for and discovered that the bylaws had been changed and I was no longer allowed to build a house. My efforts to appeal this were in vain. I arranged to have the house I planned to live in, a more conventional structure, built as an extension to the cabin. This is a strange design for a house, but my partner and I decided it was a good design for an in-home guest accommodation business, so we started that.

The Islands' Trust became a problem again almost right away. There weren't any stores or restaurants on this island open past 3:00 PM, and health regulations didn't allow us to provide cooked meals, so we needed to provide cooking facilities for our guests. We soon received a bylaw enforcement notice threatening fines of up to \$1000/day because we were allegedly absentee owners. This notice was sent to several Denman guest accommodation businesses located all over the island, so we knew it wasn't based on neighbor complaints, and in fact it wasn't true. We were in full-time residence. We invited the BEO to visit our home to see that we were living there, and he came and did a much more thorough inspection than necessary to make our point. He noticed that we had a stove in the cabin for our guests. Shortly we

received another enforcement notice stating that we have upstairs sleeping rooms and downstairs kitchens on both sides of the house, and again threatening fines up to \$1000/day if we didn't remove the stove in the cabin. I wrote back saying that one side of the house didn't have an upstairs and we needed the stove for our business. No response.

We attended Local Trust Committee meetings – almost all of them – for over three years, trying to get permission to run our business. We did eventually get it thanks to a great deal of support from the community (and some opposition), but it was an arduous and lengthy process. We learned in the process that hardly any community members ever attend LTC meetings, so few people know what happens in them. We've never used the cabin as a second residence; would never consider that as it's now part of our strange house.

We learned eventually that the complaint was initiated by the bylaw enforcement officer, based on his assumptions about online listings.

I had one more issue with the Trust. Some years later a group of mainly waterfront property owners resolved to abolish the aquaculture beach tenures on the island's west side. Without consultation or warning, this "stewardship" group installed a metal barrier gate to prevent the shellfish farmers from accessing their tenures. Many of the farmers are Asian, with a language barrier, so they were confused and devastated. After some community conflict, FLNRO declared the barrier gate illegal, and required it to be held permanently open, though it couldn't be removed because it had been planted in a midden and removing it would further damage this artifact. The group who did this was given an environmental stewardship award by our LTC.

There are very good reasons why many island residents hate the Islands' Trust.

Before the Islands' Trust continues its overly hasty, inadequately consultative initiative to re-write its guiding policy, it should work very hard on improving its culture. It's tendency to adopt a nose-in-the-air moral high-ground with respect to the minutiae of island life is offensive. Its approach to enforcement is entirely punitive – compassionate enforcement is clearly too out-of-the-box thinking for our Islands' Trust. The bylaws that are created are rarely enforced (some have never been enforced) so they do little or nothing for the environment; though their creation involves expensive Planner, Regional Planning Manager, office staff, and technology staff time.

Really, everything that could be logged here has been logged, everything that could be tenured is tenured, everything that could be subdivided is already subdivided, and fresh water and shorelines are protected and managed by higher jurisdictions. The Islands Trust has run out of useful things to do here and is grasping at straws and wasting our money trying to look busy.

Sincerely,
Marjorie Gang