

March 13th, 2024

To Islands Trust, Northern office,  
Susan Yates, Trusty and Margot Thomaidis, Planner 2

This email is to request more information regarding the Snuneymuxw First Nation (SFN) Referral Application Process. I was told by the Islands Trust Planner that this Referral is a requirement of the Development Variance Permit (DVP) process. Secondly, I would like to know if Islands Trust has a policy regarding retaliatory bylaw complaints.

Please email me a copy of the policy that requires all DVPs to be reviewed by the SFN, including their fee policy. Where did this policy originate? Is it a Federal, Provincial or Island Trust policy? Has it been finalized and when did this policy officially go into effect? Does the referral policy clearly state that ALL DVPs be referred to the SFN's Land Clerk?

Does my 34-year-old woodshed that has no foundation, supported by five posts, three walls and a roof and built too close to the property line constitute a First Nations review? What criteria does the Snuneymuxw use to either approve or deny the referral? Does a simple woodshed have the same referral process and fee as a housing development or a new build on undeveloped privately owned land? Importantly, does this policy clearly state that the SFN have a say or claim on a person's privately owned residence, even if that land is not a recognized archaeological site nor land in a Treaty settlement? Is my land part of the Treaty settlement?

With regards to my file DVP # GB-BE-2023.15. On June 29th, 2023 Chloe Straw, Island Trust Planning Team Assistant, emailed acceptance of my file. In Chloe's acceptance letter the Islands Trust First Nation cultural protocol and Archaeology brochure clearly did not indicate that a SFN Referral Application Form and fee were required. It was not until I received Planner Margot Thomadiis's email dated January 5th/24 notifying me that the SFN Referral Application Form was attached and was now a requirement. I met with Margot at the Islands Trust office on January 10th/24 to say that I did not agree with filling out the form. On Feb. 5th/24 I received another email with the SFN Application Fee form attached noting that the fee too is required. I was informed at the start of my DVP application the requirements that would be needed to complete it, I fulfilled the requirements. The imposed SFN Referral requirements were not included as part of the original requirements. Therefore I am questioning whether my file predates the Snuneymuxw's request for their Referral Application. Having filled my DVP application, paid my fees and received acceptance on June 15th, 2023. Does my file fall under the preexisting protocol at the time of submission?

My second question: does the Islands Trust have a policy regarding retaliatory bylaw complaints? I believe I have been a target of retaliatory action [REDACTED] using my woodshed as leverage. My woodshed was built in 1990 unfortunately too close to the property line but well out of the line of view [REDACTED] It had not been a problem all those years including the more recent years when these [REDACTED] [REDACTED]. They have been operating their [REDACTED] business on [REDACTED] this [REDACTED] property. After my failed attempts to communicate my concerns about this disruptive activity, I then reported the [REDACTED] [REDACTED] activity to Islands Trust and the Agricultural Land Reserve. I had received a phone call from [REDACTED] with [REDACTED] intent to report the shed if I reported them. Hence, now my need for this DVP. I ask for your consideration regarding this background information. Furthermore my woodshed stands as it always has been and no ground is being dug up or disturbed.

I believe I have followed Islands Trust's bylaw and DVP policy in a timely manner. On June 2nd, 2023 a letter was mailed to my home informing me of my [REDACTED] bylaw complaint. Following the Bylaw officer, Warren Dingman's site visit I filed a DVP request for the woodshed and paid the required fees by June 15th of 2023. On June 29th I received an email from Chloe Straw notifying me that my application was received and that due to the Islands Trust's high volume the processing of my application may be delayed. If Island Trust would have properly continued the process of my file in a timely manner, would it have been completed before the First Nations referral request for DVPs?

I welcome you Susan and Margot to my property to see the woodshed. I believe that after the site visit you will gain a better understanding of why I am averse to tearing down the shed. At the Islands Trust meeting November 30th/2023, when the survey requirement was waived there was an agreement that Margot would visit my property and take measurements of the shed in relation to my property line. This has not yet been completed.

Sincerely from

Sandra Miller

DVP # GB-BE-2023.15.