

Shalini Nakai

From: Tobi Elliott <telliott@islandstrust.bc.ca>

Sent: Tuesday, January 27, 2026 2:39 PM

To: charlesblackwell@mac.com

Cc: Gabriola Island Local Trust Committee <GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca>

Subject: Re: Additional Cultural Heritage Protections?

Dear Mr. Blackwell,

Thank you for reaching out with your questions on discussions on potential land usage changes. I appreciate your concerns as a landowner, and I would be happy to provide some clarity.

First, no decisions have been made regarding a change to land use or restricting land use along the shoreline. The concept of a "shoreline buffer zone" was introduced so we can begin the conversation with resident landholders about how we can protect the sensitive shoreline area of Gabriola. The foreshore, intertidal areas and upland areas connected to the shores of these islands are known to have greater environmental and cultural sensitivities.

However it is at this point a conversation for discussion, so I'm glad you raised these questions. As of now, there are no changes to regulations, or land use, or zoning. The shoreline buffer is not a policy or a change to the land use bylaw. There have been no restrictions imposed on property owners, including yourself.

Secondly, being located within the 200m buffer — if this consideration, or lens, were to be implemented — does not prevent you from exercising your rights as a property owner to renovate, rebuild, replace structures; instead, it indicates that extra care may be necessary in the future *should regulations be put in place* to protect the area. You retain your existing property rights to the zoning you have.

Third, if there are any changes to zoning or regulations discussed in the future, you will be consulted as a landholder on Gabriola. If a new land use bylaw is adopted in future, any existing structures that comply with local bylaws will continue to be lawful, even if future zoning changes occur.

Note on Non-conforming protection: There is very strong protection under the *Local Government Act* for landholders when land use bylaws change over time. [Division 14 of the Local Government Act](#) sets out non-conforming protection for structures that secures the right of landowners to repair, restore and maintain structures that were built before a change in the land use bylaw. Existing structures built in compliance with existing bylaws remain lawful. If zoning changes in the future, these buildings may be considered a "continuing non-conforming use."

Under Section 528 and 529 of the Local Government Act, such uses can continue, as long as they aren't discontinued or expanded in a way that increases the non-conformity. So if a septic field was built before a land use bylaw dictated that all septic fields had to be 15 or 30 m from the setback to the sea, you have the right to upgrade that septic field in the same place. That septic field is "lawful non conforming".

Non conforming use law is frequently argued in court, and there are many precedents that set out what determines a lawful non-conforming use of a property, and not. (Here is a [good article by Young Anderson](#).)

Third, it's important to note that existing provincial laws continue to apply. Under the Heritage Conservation Act, if development may disturb a known or suspected archaeological site, a provincial permit and an archaeological assessment are required. So, consideration of a shoreline buffer would help highlight to new and existing property owners that protection of cultural heritage may need to be considered. But again, there is no change in regulations and no policies have been put in place.

Finally, as you might be aware, the Local Trust Committee is engaged in a review of Gabriola's Official Community Plan, which dates back to 1997. There is a necessary process of public and stakeholder review, with referrals to rights holders and other agencies who could be affected, whenever there is a substantial change like the review and update of an OCP that is 30 years old. You will be consulted! You can find more information at the project webpage here: <https://islandstrust.bc.ca/island-planning/gabriola/projects/gabriola-ocpreview/>

If you have any further questions or need additional information, please feel free to reach out.

Thank you, Tobi Elliott

Tobi Elliott

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Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am grateful to live, work and play in the treaty lands and territories of the BŌKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwáəðən, səlilwətəʔ, SEMYOME, shishálh, Sḱwǝwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SḶÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJŌŁŁLP, WSIKEM, Xeláltxw, Xwémalhkww, Xwsepsum, and xʷməθkʷəjəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Charles Blackwell <[REDACTED]>
Sent: Sunday, January 25, 2026 4:47 PM
To: Susan Yates <syates@islandstrust.bc.ca>; telliott@islandstrust.bc.ca; Laura Patrick <lpattick@islandstrust.bc.ca>
Cc: northinfo <northinfo@islandstrust.bc.ca>
Subject: Additional Cultural Heritage Protections?

Good morning all.

Hmm. As far as I can tell, the main source of revenue for the Islands Trust is property taxes levied from local trust areas. In other words my tax dollars help fund your organization.

And democracy dictates that taxation requires representation. Property owners' representation — or at the very least, consultation — on issues that will materially affect our properties on Gabriola.

Well, there has been none regarding the "Additional Cultural Heritage Protection" and the "two-hundred-metre shoreline buffer". Not only here has been a lack of consultation with the electorate, but also what can only be described as secrecy and willful prevarication surrounding these changes. In sharp contrast, you have had numerous, in-depth discussions with, and input from, First Nations. (From what I can gather from the enormous section on your website entitled "Engagement with Indigenous Governing Bodies".)

On top of this misrepresentation by population, from what I have been able to glean, it appears that while the Islands Trust has no authority over any of the First Nations reserves on the islands, it is proposing to give the First Nations, [REDACTED], some sort of control over what happens on private property on Gabriola. [REDACTED] This one-sidedness adds insult to injury, and is also, obviously, wholly inconsistent with democracy as it is practised all over the civilized world.

Worst still, in the much-too-late-in-the-process meetings you have convened, the Islands Trust has been unwilling to give a straight, simple answer as to what these new "protections" actually mean for property owners. (One is left to assume they amount to another layer of bureaucracy on top of the endless red tape already being endlessly unrolled by the Islands Trust.)

So let me be crystal clear. I paid north of \$1 million for my property, That sum was most of my life savings, so there is zero chance I will not be spending whatever is required of the remaining time and money I have left in my retired life getting to the bottom of this, publicizing what I find out, and helping to safeguard property values on this island.

Maybe you can help me start this journey by telling me, in very simple jargon-free terms, what you think these new protections and buffers will actually mean for me, and so many other Gabriolans with shoreline properties?

Charles Blackwell