



Islands Trust

Hornby Island Trustee Alex Allen Report

At our last local Trust meeting in July, we had an astounding turnout with over 100 of you attending in the middle of summer on a beautiful sunny day. At the town hall, 25 of you stood up to share your thoughts and concerns over the Bylaw Enforcement Notification (BEN) system, and 99% gave approval for the Ford Cove renovations and the Beulah Creek Juice Bar application.

Yes, it was all about the BEN ticketing system on our island and cause for concern for many property owners, particularly those who have vacation rentals.

We heard you, loud and clear. "We need an island-wide dialogue. Self-regulation is not working. Need to explain to the community before put in place." "Not enough notification on BEN." "It's a cultural shift. Fining is a very dramatic measure." "We need more consultation and more information." "Don't like the no holds barred list [of infractions]." "We need to sit down and talk about it." "It's not the Hornby way." "We have a real need to re-examine this all. Let's do it carefully." "We need sensible regulations that have community support, not a sledgehammer versus a scalpel."

I apologized; I realized we all need some time on this, even though according to staff, no active enforcement could take place for a year or more. Miles Drew, the now-retired, Islands Trust Manager of Bylaw Enforcement and Compliance, shared this reality on vacation rental investigations alone. He added Hornby has over 165 vacation rentals listed and not one is in compliance with one or more of the following: the number of guests, the time of year rentals occur, frequency of renting, lack of parking and lack of signage.

What many of you forget is that these bylaws have existed since 2014. All the contraventions and penalties listed in the BEN example for Hornby Island are your bylaws decided by you as community members and reviewed by the Advisory Planning Commission. But times change and sometimes the community changes

and we need to address these by the only way we can. Let's look at our Official Community Plan, let's look at our bylaws, let's have the dialogue and sit down and talk about it. It is after all a living document. Like an indoor plant, it wants to be in the shade, even though it was happy in the sun a few years ago; and it could do with a larger pot while we're at it and how about some fish fertilizer. Living documents are like that.

For those of you who missed the last few LTC meetings, BEN is a fair and cost-effective method for dealing with most bylaw violations. After an investigation confirms a contravention, an opportunity is given to comply. If no compliance, then a ticket is issued with a fine. A ticket can be disputed and if valid then a screening officer will cancel the ticket. If not valid then the officer can authorize a reduction in the fine in return for compliance. Still not happy with the decision, then a formal adjudication hearing (not in court) will take place. Here, evidence is presented and the adjudicator decides if a bylaw violation did or did not occur. That's it. But as we heard, it's more to do with our actual bylaws and not the ticketing system.

And so, this fall we will be having the APC review our current vacation rental bylaws and report back to us. We also have a committee of community members looking at all our bylaws and coming back to us with recommendations.

And then, we go to you, the community, for public consultation on our OCP and LUB, and in particular, vacation rental regulations.

After that? BEN 101 and whether you, the community, want to go in this direction. It's going to be an exciting term.

**Next LTC Meeting, Friday, September 13,
11:30 am at New Horizons.¶**

"A fallen leaf is nothing
more than a summer's
wave good bye."

- Anonymous