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To: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; northinfo <northinfo@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>

Subject: Hornby Island Bylaw Changes

Dear Trustees

I have owned property on Hornby Island for over 30+ years and while Hornby is not our permanent residence, we enjoy using our home year round. And while I am not directly impacted by your proposed bylaw changes, as a property owner and taxpayer on the Island, I can't sit idly by without expressing concern with the tone of the discussion at the most recent meeting (attended by zoom).

I attended the January 23rd meeting where there seemed to be a respectful discussion about short term vacation rentals, but based on your recent March meeting, it appears that you have largely ignored suggestions that were put forward at the January meeting.

If the Trustees proposed bylaws restrict short-term vacation rentals to permanent residents only, the Trustees are effectively creating a large class of second-tier property owners. According to the 2021 Census, there were 1,117 total private dwellings on Hornby Island of which 654 were permanent residents. The remaining 463 dwellings were seasonal, recreational, or vacation properties. A bylaw which restricts Temporary Use Permits (TUPs) to permanent residents discriminates against 42 percent of Hornby Island tax payers.

In my view this is not a constructive way to build a respectful and inclusive community.

As a retired senior executive in the private sector, I am acutely aware of the administrative law principles of fairness and justice and feel that these latest changes proposed by the Trustees do not reflect two key administrative law principles:

1. No bias on the part of decision makers
2. Reasons for decision that are detailed and transparent so the individuals concerned know the facts that were relied on and the reasoning behind the decision.

At the public meeting held on January 23, the majority of opinions expressed a desire that if there is to be a cap that the cap number be supported by empirical evidence . Specifically empirical evidence that a higher cap would be detrimental to the Island. Also, that the decision for restricting short term vacation to summer months seems contrary to common sense and that the issuance of TUPs be done in a fair and transparent manner.

At the zoom meeting on March 3, Trustees ended up recommending that the cap for TUP would be 65 down from the 79 cap first proposed at the meeting by Grant Scott.

Bias by decision makers: The decision makers appear to have changed their position from the January 23 public meeting where they were open to a cap for all who met the criteria for sustainable renting. Trustee Alex Alan said he has heard from many who use the gas bar that they want to restrict rentals. This suggests bias on the part of Trustees in that they appear to have given more weight to private comments made subsequent to the public meeting.

Adequate reasons for decisions: The Islands Trust Staff Sonia Zupanek said at the March 3 meeting that there was no data supporting the need for either decision - ie. the cap or issuance of TUPs to permanent residents only. Sonia also said that Trustees can make any decision which they feel is in the best interests of Hornby Island. I question whether a decision that disenfranchises 42 percent of tax payers is in the best interest of Hornby Island.

I urge you to consider the following.

- TUPs should be open to all residents not just permanent residents. It's likely non permanent residents who rent their Hornby property use their rental revenue to pay property taxes and employ local islanders to do maintenance on their properties. We have seen no empirical evidence that this rental income "leaves the island" as the Trustees and some of permanent residents have suggested.
- The cap should be based on successful applications for TUPs which meet all reasonable environmental and social criteria
- Short term rentals should be permitted all year round, not just in the summer months. As noted by Grant Scott at the January 23 public meeting it didn't seem to make sense to exclude winter month rentals given that there are special events at Christmas and herring fest that visitors might wish to participate in.

Respectfully

Kim Hesketh