

June 7, 2023

From: Paul Petrie <[REDACTED]>
Sent: Wednesday, June 7, 2023 11:09 AM
To: Tobi Elliott <telliott@islandstrust.bc.ca>; Dag Falck <dagfalck@gmail.com>; Kristina Evans <kevans@islandstrust.bc.ca>
Cc: South Pender Planner <southpenderplanner@islandstrust.bc.ca>; Monica Petrie <miraonpender@shaw.ca>
Subject: June 3 special meeting

Trustees:

Monica and I are very concerned about the conduct and the outcome of the June 3 LTC meeting. The attached letter outlines our concerns.

Thank you for considering our views.

Paul and Monica Petrie

ATTACHMENT BELOW:

Trustees:

We write to express our concerns about the June 3 special LTC meeting and the outcome of that meeting. The meeting was scheduled to go from 1:00-4:00. The primary purpose was “to provide an additional opportunity for community members to engage collaboratively with the LTC to discuss future project ideas”. We had to leave the meeting at 4:15 to attend the 5:00 PICA AGM dinner at the hall. We understand that after we left the trustees unanimously voted to rescind or repeal Bylaw 122.

How is that possible? Bylaw 122 was duly passed, approved by the Trust Executive Committee and properly incorporated into our Land Use Bylaw by the former LTC. It can't possibly be legal to pass a motion at the end of an exhausting meeting to strike down an established bylaw without due process. The attempt to do so calls into question the LTC's commitment to fair process. It will make it awkward indeed for the LTC to undo this misstep.

The first inkling that Bylaw 122 was even possibly “on the table” was 5 letters from community members included in the May 25th agenda package calling for Bylaw 122 to be rescinded. This was the first notice that there was a move afoot to somehow undo Bylaw 122 at the meeting. Following the posting of the agenda package another 40 letters were received before the June 3rd meeting. Some of these were not posted until well after the meeting.

Of the 40 letters received after the agenda package was posted, 17 of the additional letters were in favour of rescinding or repealing Bylaw 122 and 23 letters supported Bylaw 122. At least a

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dozen of the letters in support of Bylaw 122 were not posted at the time of the June 3 meeting. During the meeting the chair noted that a large number of letters came in after the agenda package was posted and it was impossible for staff to post all the letters before the meeting. The chair suggested that community members should send in their letters at least 7 days before the meeting.

There were 8 days between the posting of the agenda package and the meeting. In the past unposted letters received prior to a meeting were read into the record so everyone's voice would be heard. At the meeting trustee Falck commented that if people wanted their voice to be heard they should attend the meeting and speak to the issues at the meeting.

Many of the individuals who spoke at the meeting spoke in favour of rescinding Bylaw 122 focusing primarily on the issue of legally non-conforming and alleging that the Bylaw was adopted as a result of an unfair process. At one point the chair asked staff to clarify the facts around legally non-conforming and the planner pointed out that the former trustees had protected all existing dwellings with a provision that ensured that the dwellings would be the equivalent to legally conforming prior to the enactment of bylaw 122 even if they exceeded the current dwelling size or setbacks. This did not quell the chorus of complaints about "legally non-conforming".

At another point in the meeting a community member spoke in favour of retaining Bylaw 122 and gave thoughtful reasons to support her position including the demonstrated effectiveness of the variance provision to address exceptional circumstances. Trustee Falck commended that member on having the courage to speak in favour of Bylaw 122 when the prevailing sentiment in the meeting was in the other direction. The next speaker commented on how Bylaw 122 was contrary to the Canadian Charter took issue with the previous speaker implying she didn't understand the issue. She turned around and politely pointed out to the speaker that she was a lawyer and that she did indeed understand the Charter. At that point trustee Evans cautioned those present not to engage in personal comments and to make sure the meeting was a safe environment for all present.

Later in the meeting another community member went on a bit of a tirade about the emotional impact of being legally non-conforming. Trustee Evans again encouraged those present to stick to the issues and avoid personal comments. The chair also reinforced the importance of maintaining a safe environment for all present. Our impression was that that many of the comments in the meeting were often heated and sometimes personal and likely inhibited participation by some members present.

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At the meeting both elected trustees voiced their intent to “bring the community together” after a somewhat divisive prior term. However, the discussion about collectively identifying a work program for the coming term quickly devolved into an attack against Bylaw 122 and to some extent the former trustees who approved that bylaw after more than a dozen public meetings over a 2-year period. The preemptive decision of the LTC to “repeal” Bylaw 122 on June 3 not only continued the divisiveness in the community, in our view it had the unfortunate effect of intensifying that divisiveness.

We ask the LTC to provide clarification to the South Pender community on the current status of the Land Use Bylaw as soon as possible and indicate what steps the LTC will take to correct the decision to repeal Bylaw 122.

Thank you for considering our views,

Yours truly,

Monica and Paul Petrie
