

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, JUNE 23, 2015  
7:00 PM**

***(RDN Board Chambers)***

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**5. COMMUNICATIONS/CORRESPONDENCE**

(All Directors – One Vote)

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4 **Douglas Heslop**, re Development Variance Permit Application No. PL2014-119 – 3560 Allsop Road, Electoral Area 'C'.

5-6 **Peter Luckham, Chair, Islands Trust Council**, re Islands Trust Council Request for 25% Reduction in Minor Route Ferry Fares.

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(All Directors – One Vote).



June 22, 2015

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC

ATT.: Board of Directors

RE: Development Variance Permit Application No. PL2014-119 Lot 4, Section 17, Range 3, Mountain District, Plan 26264 3560 Allsop Road — Electoral Area 'C'

We are writing to formally oppose the issuance of the above noted variance permit on the grounds that none of the residents in the immediate area were formally notified in advance and given adequate opportunity to comment, and because the issuance of the permit will increase the already unacceptable adverse effect on surrounding neighbours.

The report by Jeremy Holm to Tyler Brown dated May 28, 2015, on the June 9, 2015 Electoral Area Planning Committee agenda includes the following:

PUBLIC CONSULTATION IMPLICATIONS Pending the Committee's recommendation and pursuant to the Local Government Act and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

Please be advised that no such notification (required under the Local Government Act) was received by us, or 5 other neighbours in the immediate area that we have just spoken to. If nothing else all owners and tenants of land that is within 50 metres of the subject property should have been afforded an opportunity to present their evidence and arguments to the Committee on June 9th, 2015.

With respect to the long list of variance applied for we first ask that you reread the Bylaw Enforcement History section, under Background, of Mr. Holmes report. The owners of the property have since October 2011 consistently thumbed their noses at the Regional District of Nanaimo, and carried on in contravention of numerous bylaws. They now, with all the work completed, have the audacity to apply for variances to legitimize them. This sets very dangerous precedent, and indicates that the District has no authority or ability to enforce its bylaws. Furthermore, in that all of the neighbours have over that period of time complained about what was occurring on the property, it indicates that that the Board doesn't respect our rights and concerns.

We also point out that referring in the application to some buildings as 'rabbit hutch',

'garden shed' (actually an entrance to a railway tunnel), is disingenuous at best, and are in fact misrepresentations. Most of the buildings noted are specifically for 'railway' purposes. We also believe that being a residential neighbourhood with children that the trestle is clearly a potential hazard. I remind you that this railway is not a 'model' or toy railway, it is real and full size, and comes with all the noise, odour and pollution of a real railway – and it is close to property lines. The railway has a severe adverse effect on our lives, and nothing that allows it to be closer, or any other such variance, should be granted.

The owner should, if nothing else, be required to comply with all setbacks. No variance should be granted, especially when they were formally informed by the District a long time ago – prior to the work being completed and cost incurred, that what they were doing contravenes the bylaw.

Concern also is there anything protecting the neighbouring in ground water supply from run off?

With the applicants history of blatant disregard for the authority of the Regional District of Nanaimo we are also VERY concerned that this is just the thin edge of the wedge and that at some point in the future there will be public use or assembly – which already occurred when the Antique Car Club was invited by the owners. There were cars parked up and down both streets, and dozens of people on the property. If nothing else we ask that the owner be required to have a covenant registered on the property agreeing that they will at no time have or apply for any type of public activity.

If the variances are granted, and we strongly urge you not to grant them, the District should support applications from any neighbour for any initiative they have for mitigating the noise and odour from this property.

Thank you,

Bernice & Ole Lind  
3583 Ranch Point Road  
Electoral Area "C"

Douglas Helsop  
3584 Ranch Point Road  
Electoral Area "C"

K. & T. Hooper  
3584 Ranch Point Road  
Electoral Area "C"

With regard to the variance application PL2014-119 3560 Allsop Road  
I am unable to attend in person due to out of town business I wish to allow

- One of my greatest concerns is that in the not to distant future this property is going to turn into a public amusement park either with or without the RDN approval.  
I say this because of comments I have heard as well as the fact that said property has undergone all of its construction without permission.
- so why would one stop now!
- If I understand this application correctly it is to cover construction already either completed or currently ongoing.
- When this subject came up last year I was under the understanding that the subject property had received 2 stop work orders which have been ignored.
- Proof of this is in watching the ongoing construction.
- Calls have been put into the RDN with concerns about burning creosote ties without any apparent action from the RDN
- Yet construction using these materials continues.
- What I see is someone who does whatever they want without the proper permits and or consent of the governing body.
- The development has progressed annually and now is requesting variances.
- Kind of like asking for forgiveness rather than permission.
- One could easily draw the conclusion that within this area of the RDN one does not need to get permits rather just do and or build whatever one wishes and if anyone complains then simply ask for a variance!
- If there is any concern over the amount of money and or time invested to this point one might say that that is the price for thumbing ones nose at the RDN community plan and suggested arrogance of the person continuing.

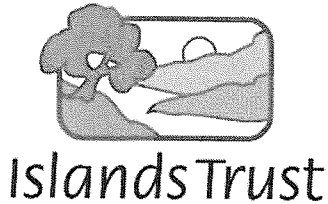
questions

1. How many stop work orders have been issued on the property?
2. Why has the RDN allowed this project to continue as if permits are in place?
3. Since this time last year there has been retaining wall construction on the back of said property which has used creosote rail ties
4. Is this type of material allowed within the RDN?
5. How does this protect our in ground water supply from run off?

- IN an area I previously resided there was an individual who built a structure outside of the towns bylaws.
- They were issued a stop work order yet continued with the construction.
- The final out come was they were ordered to remove the offending structure.
- When they failed to do this the town had it removed and placed the costs against the property which were recovered several years later when the property was sold.
- I would expect nothing less from our elected board members.
- To allow this type of behaviour sends out the message that money rules and one only has to ignore the rules of our society within the RDN.
- Kind of sad when people invest large sums of money to purchase a home with expectations of life style only to have it eroded by persons who it seems see themselves above all others.

DOUGLAS W HESLOP

3584 RANCH POINT RD



200 - 1627 Fort St., Victoria, BC V8R 1H8  
Telephone (250) 405-5151 Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

Email [information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

June 12, 2015

File No.: 0230-20; 3020-20

Dear AVICC members and Bowen Island Municipal Council:

**Re: Islands Trust Council request for 25% reduction in minor route ferry fares**

I am writing to share the Islands Trust's news release about the Islands Trust Council's request that the Province fund a reduction in ferry fares on BC Ferries' minor routes by 25 per cent. I will also be writing to the BC Ferry Commissioner.

On behalf of the Islands Trust Council, I encourage your local government to join us in advocating for provincial government investment in reducing ferry fares on the minor routes. A well-advertised drop in fares on the minor routes would help our communities bounce back and give us all time to work together on longer-term solutions.

Since the enactment of the *Coastal Ferries Act* in 2003, fare increases on some minor routes have increased four to five times higher than inflation. The BC Ferry Commissioner has proposed an additional 1.9 per cent annual fare increase during BC Ferries' next four-year performance term. For 10 years, we have together raised concerns that the fares for ferry-dependent communities have reached the tipping point where they are causing economic challenges and reducing ferry ridership. Our request is timed to influence negotiations for BC Ferries' Coastal Ferry Services Contract from 2016 to 2020. We believe these negotiations are a perfect opportunity for the government to invest in coastal communities.

In May 2015, the Islands Trust hired Perrin Thorau & Associates, a public policy consulting firm with expertise in BC Ferries' markets, to calculate the cost of lowering fares on all minor ferry routes. The consultants built a model using recent BC Ferries operating results and fare information, allowing examination of how ridership will rebound in response to lower fares. The consultants calculated that an additional \$11 to \$14 million is needed annually to reduce fares by 25 per cent from today's prices, on all minor routes on B.C.'s coast. Our funding calculations give the Province credible information to make a sound investment decision.

Thank you for considering this request. Please be in touch with any questions or if you would like more information.

Sincerely,

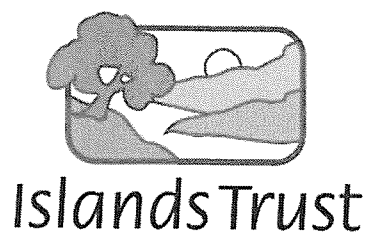
Peter Luckham  
Chair, Islands Trust Council  
[Pluckham@islandstrust.bc.ca](mailto:Pluckham@islandstrust.bc.ca)

Attach: June 11, 2015 News release "Islands Trust ask Province to reduce ferry fares on minor routes by 25%

cc. Islands Trust Council  
Islands Trust website

*Preserving island communities, culture and environment*

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



# News Release

200 - 1627 Fort Street Victoria BC V8R 1H8

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information@islandstrust.bc.ca www.islandstrust.bc.ca

June 11, 2015

2015-11-IT

## ISLANDS TRUST ASKS PROVINCE TO REDUCE FERRY FARES ON MINOR ROUTES BY 25%

VICTORIA — The Islands Trust Council is asking the Province of British Columbia to invest an additional \$11 to \$14 million annually for four years to reduce fares on all BC Ferries' minor routes. This request is timed to influence negotiations for BC Ferries' Coastal Ferry Services Contract from 2016 to 2020.

In May 2015, the Islands Trust hired Perrin Thorau & Associates, a public policy consulting firm with expertise in BC Ferries' markets, to calculate the cost of lowering fares on all minor ferry routes. The consultants built a model using recent BC Ferries operating results and fare information, allowing examination of how ridership will rebound in response to lower fares. The consultants calculated that an additional \$11 to \$14 million is needed annually to reduce fares by 25 per cent from today's prices, on all minor routes on B.C.'s coast.

"Ferry-dependent communities are struggling under the weight of ferry fares that have increased at a pace well above the rate of inflation," said Peter Luckham, Islands Trust Council Chair. "We have a constructive proposal. By strategically investing an additional \$11 to \$14 million annually, the Province can lower fares on BC Ferries' minor routes by 25 per cent. Affordable fares would attract more customers into the ferry system, bolster B.C.'s economy and result in increased provincial tax revenues - a win-win for everyone."

Since the enactment of the *Coastal Ferries Act* in 2003, fare increases on some minor routes have increased four to five times higher than inflation. The BC Ferry Commissioner has proposed an additional 1.9 per cent annual fare increase during BC Ferries' next four-year performance term.

For 10 years, the Islands Trust Council and local government partners have raised concerns that the fares for ferry-dependent communities have reached the tipping point where they are causing economic challenges and reducing ferry ridership.

"For years, we've heard clearly from our communities that ferry fare increases have been too steep and are causing hardship for coastal families and businesses. I appreciate the work that has been done to keep future fare increases lower than in the past, but remain concerned that present fares are unaffordable for our communities," said Luckham. "Current negotiations for a renewed Coastal Ferry Services Contract are a perfect opportunity for the government to invest in coastal communities. Our funding estimates give the Province credible information to make a sound investment decision. We believe a well-advertised drop in fares on the minor routes would help our communities bounce back and give us all time to work on longer-term solutions with the Province."

The Islands Trust is a federation of local government bodies representing 25,000 people living within the Islands Trust Area and another 10,000 non-resident property-owners. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

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### CONTACT

Peter Luckham  
Chair, Islands Trust Council  
(250) 210-2553

### Background:

Perrin Thorau & Associates May 2015 report: [\*\*Calculating Investment Needed to Reduce BC Minor Routes Fares by 25%\*\*](#)

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*Preserving Island communities, culture and environment*

Bowen, Denman, Hornby, Gabriola, Galiano, Gambier, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis



RDN REPORT	
CAO APPROVAL <del>###</del>	
EAP	
COW	
JUN 22 2015	
RHD	
BOARD	✓

**STAFF REPORT**

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**TO:** J. Harrison  
Director, Corporate Services

**DATE:** June 22, 2015

**FROM:** J. Hill  
Manager, Administrative Services

**MEETING:** Board – June 23, 2015

**SUBJECT:** Amendment to Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725

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**RECOMMENDATIONS:**

1. That third reading of “Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725, 2015” be rescinded.
2. That “Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725, 2015” be amended as follows:
  - By deleting “Taxi Saver Service” throughout the bylaw and replacing it with “Taxi Saver Contribution Service”;
  - By deleting Section 2 and replacing it with the following:

“2. **Service**

    - (1) A Taxi Saver Contribution Service is hereby established for the purpose of providing a contribution toward the operation of a Taxi Saver Program on Gabriola Island to provide assistance to residents of Gabriola Island who are persons with disabilities or seniors with low incomes (the “Service”).
    - (2) For the purpose of this bylaw a “low income senior” means a person 65 years of age or older who is enrolled in the MSP Regular Premium Assistance Program or qualifies for another provincial or federal income assistance program on the basis of financial need.”
3. That “Gabriola Island Taxi Saver Contribution Service Establishment Bylaw No. 1725, 2015” be read a third time as amended.
4. That the Board approve the revised Elector Response Form as provided in Attachment 2.



**PURPOSE:**

To amend the proposed Taxi Saver Service Establishment Bylaw in response to recommendations provided by Ministry staff and to clarify the definition of “low income senior”, and to approve a revised Elector Response Form to be used in conjunction with the Alternative Approval Process.

**BACKGROUND:**

At the May 26, 2015 Regular Board meeting, the RDN Board introduced and gave three readings to Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725 (Attachment 1) and approved an Elector Response Form to use in conjunction with the Alternative Approval Process to be undertaken prior to the deadline of September 8, 2015 as established by the Board.

Following third reading, the bylaw was forwarded to the Inspector of Municipalities for approval. Ministry staff have reviewed the bylaw and are recommending that due to the nature of the service, the bylaw be established as a ‘contribution’ service instead of a regular service as the Regional District will not be administering the service and will have little involvement in the service other than providing funding to the Gabriola Recreation Society to administer the Taxi Saver Program.

Amendments to the bylaw are presented for the Board’s consideration to change the service to a contribution service and to clarify the definition of “low income senior” to align with what is provided in the draft Service Agreement to reduce uncertainty about who the service will apply to.

A revised Elector Response Form is also provided for the Board’s consideration that incorporates the proposed changes to the bylaw. This form must be approved by the Board. Staff recommend proceeding with the amendments to Bylaw No. 1725 and approving the revised Elector Response Form as presented.

**ALTERNATIVES:**

1. To amend “Gabriola Island Taxi Saver Contribution Service Establishment Bylaw No. 1725, 2015” and approve the revised Elector Response Form.
2. To provide alternative direction.

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

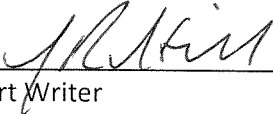
**STRATEGIC PLAN IMPLICATIONS:**


N/A

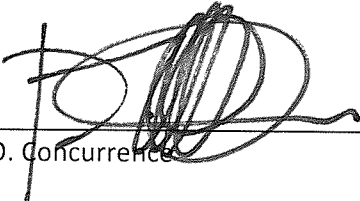
**SUMMARY/CONCLUSIONS:**

Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725 was forwarded to the Inspector of Municipalities for approval following third reading that was given at the May 26, 2015 Board meeting. Ministry staff are recommending that the Service be established as a 'contribution' service instead of a regular service as the Regional District will not be administering the service. Amendments to the bylaw are provided for the Board's consideration to change the service to a contribution service and to clarify the definition of "low income senior" to align with what is provided in the draft Service Agreement.

A revised Elector Response Form is also provided for the Board's consideration that incorporates the proposed amendments to the bylaw. Staff recommend proceeding with the amendments to Bylaw No. 1725 and approving the revised Elector Response Form as presented.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Director Concurrence

  
\_\_\_\_\_  
C.A.O. Concurrence

# Attachment 1

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1725

#### A BYLAW TO ESTABLISH A TAXI SAVER SERVICE ON GABRIOLA ISLAND

WHEREAS under sections 796 and 800 of the *Local Government Act* a regional district may, by bylaw, establish and operate any service the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish a Taxi Saver Service on Gabriola Island for the purpose of providing a Taxi Saver Program to provide assistance to residents of Gabriola Island who are persons with disabilities or seniors with low incomes;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under section 801(1)(a) of the *Local Government Act*;

AND WHEREAS the approval of the electors in the participating area has been obtained by an alternative approval process under section 801.3 of the *Local Government Act*;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. **Citation**

This bylaw may be cited for all purposes as the “Gabriola Island Taxi Saver Service Establishment Bylaw No. 1725, 2015”.

2. **Service**

A Taxi Saver Service is hereby established to provide a Taxi Saver Program on Gabriola Island to provide assistance to residents of Gabriola Island who are persons with disabilities or seniors with low incomes (the “Service”).

3. **Boundaries**

The boundaries of the Service Area are coterminous with the boundaries of Gabriola Island (the “Service Area”).

4. **Participating Area**

Electoral Area ‘B’ is the sole participating area in the Service.

5. **Cost Recovery**

In accordance with section 803 of the *Local Government Act*, the annual cost of providing the Service may be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
- (c) fees and charges imposed under section 363 of the *Local Government Act*;
- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. **Maximum Requisition**

In accordance with section 800.1 (1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

- (a) fifteen thousand dollars (\$15,000); or
- (b) the amount obtained by applying a property value tax rate of \$0.0152 per \$1,000 to the net taxable value of land and improvements in the Service Area.

Introduced and read three times this 26th day of May, 2015.

Received the approval of the Inspector of Municipalities this \_\_\_ day of \_\_\_\_\_, 2015.

Received the approval of the electors under section 801.3 of the *Local Government Act* this \_\_\_ day of \_\_\_\_\_, 2015.

Adopted this \_\_\_ day of \_\_\_\_\_, 2015.

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CHAIRPERSON

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CORPORATE OFFICER

“**Gabriola Island Taxi Saver Contribution Service Establishment Bylaw No. 1725, 2015**” to establish a Taxi Saver Contribution Service for the purpose of providing a contribution toward the operation of a Taxi Saver Program on Gabriola Island to provide assistance to residents of Gabriola Island who are persons with disabilities or seniors with low incomes.

Pursuant to section 86 of the *Community Charter*, I certify that:

- I am a person entitled to be registered as an elector (pursuant to the *Local Government Act*) of Gabriola Island;
- I have not previously signed an Elector Response Form with respect to this Bylaw; and
- I am **OPPOSED** to the adoption of “Gabriola Island Taxi Saver Contribution Service Establishment Bylaw No. 1725, 2015” to establish a Taxi Saver Contribution Service for the purpose of providing a contribution toward the operation of a Taxi Saver Program on Gabriola Island to provide assistance to residents of Gabriola Island who are persons with disabilities or seniors with low incomes, without first obtaining the assent of the electors in a voting proceeding (referendum).

**FULL NAME OF ELECTOR:** \_\_\_\_\_  
(Please Print Full Name)

**ELECTOR’S RESIDENTIAL ADDRESS:** \_\_\_\_\_  
(State Full Address)

**SIGNATURE OF ELECTOR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

<b>To be completed by Non-Resident Property Electors only</b>
I am entitled to register as a non-resident property elector as an owner of the property located at the following address: _____

**Deadline:** For this Elector Response Form to be counted, it must be submitted in person or by mail to be received by the Corporate Officer **NO LATER THAN 4:00 PM ON TUESDAY, SEPTEMBER 8, 2015.**

- **Postmarks WILL NOT be accepted as the date of submission.**
- **ORIGINAL SIGNATURES ARE REQUIRED, therefore the Elector Response Forms may not be returned by email or by fax.**

Approval of the electors by the alternate approval process is obtained if less than 336 Elector Response Forms are received by the stated deadline. Submit the Elector Response Form to:

Corporate Services Department  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
Phone: 250-390-4111/1-877-607-4111

Office Hours: (Monday, Tuesday, Thursday, Friday, 8:30 AM – 4:30 PM / Wednesday 8:30 AM – 5:30 PM)  
excluding Statutory Holidays.

## INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

### Resident electors:

- age 18 or older;
- a Canadian citizen;
- a resident of British Columbia for at least 6 months immediately before signing this elector response form;
- a resident of Gabriola Island for at least 30 days before signing this elector response form; and
- not disqualified by any enactment from voting in an election or otherwise disqualified by law.

### Non-resident property elector:

- not entitled to register as a resident elector of Gabriola Island;
- age 18 or older;
- a Canadian citizen;
- a resident of British Columbia for at least 6 months immediately before signing this elector response form;
- a registered owner of real property on Gabriola Island for at least 30 days before signing this elector response form;
- the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
- not disqualified by any enactment from voting in an election or otherwise disqualified by law;
- **if there is more than one registered owner of the property (either as joint tenants or tenants in common), only one of those individuals, with the written consent of the majority of the owners, may register as a non-resident property elector; and**
- **a person may only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.**

**Note:** No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

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An accurate copy of this Elector Response Form may be utilized (either single-sided or double-sided), provided that it is made of the form prior to any electors signing such form, so that only Elector Response Forms with original signatures are submitted.