

APRM, #1-4401 William Head Road, RR#1, Victoria, BC, V9C 3Y6

Mayor Ranns and Council,
District of Metchosin,
4450 Happy Valley Road,
Victoria,
BC, V9C 3Z3

12 July 2010

Dear Mayor and Council,

Re: Proposed Bylaw Enforcement Policy Amendment

The proposed amendment attracted much attention from APRM members, and after receiving several submissions from members, this letter is presented as a summary of their concerns.

There is general agreement that health, safety and environmental concerns are appropriate issues for enforcement. What is glaringly missing is the need to enforce the requirements of the bylaws, (especially the Land Use Bylaw, but also the Soil Deposit and Removal Bylaw, Tree Cutting Bylaw etc) based on the community's OCP which provides the vision and principles for the development of the community. If these bylaws are not enforced, how can we be sure that there are not issues with health, safety and the environment in relation to the many, possibly hundreds, of illegal occupied suites and buildings in Metchosin?

The consensus is that, as the Land Use Bylaw is the defining bylaw for the future of Metchosin, its requirements must be enforced.

The proposal that a bylaw be enforced only "on the complaint from an adjacent neighbour or one directly impacted by the alleged offence" is totally inadequate to meet the objectives set out in the OCP.

The key reasons for this are:

- A municipality that does not have the will to enforce its own bylaws, duly adopted by public consent, will soon be overrun by those who have no concern for the bylaws and who will deliberately ignore them in pursuit of their private advantage, thus threatening the planned direction of the community.
- To rely on a complaint by a neighbour to initiate action is a totally passive approach to possible bylaw infractions which clearly sets neighbour against neighbour, when the main issue may well relate to the unwillingness of the municipality to enforce its own bylaws, even when it is aware of the infraction. It is recognized that this approach minimizes municipal costs, but has been so ineffective that we now have gross

abuse of the OCP and Land Use Bylaw in terms of illegal buildings in Metchosis, an issue which the community is finding very difficult to address. As an aside, how would the CRD work if the mayors were restricted to comment on the actions of their adjacent municipal governments? It is noted that the Mayor comments broadly on issues before the CRD.

- All taxpayers in Metchosis are adversely affected when the OCP and Land Use Bylaws are not enforced and illegal suites and buildings proliferate and the occupants do not pay their share of taxes. In a municipality where the Council prides itself on its frugality, it is astounding to see its tolerance of tax cheaters due to its own lax policy on bylaw enforcement. This issue alone surely gives every taxpayer in Metchosis the right to complain about an OCP or bylaw infraction on illegal building.
- As the municipality does not go looking for illegal buildings, it is clear that it can offer no assurance that health, safety and environmental issues are being addressed in relation to those buildings. The concern for health and safety in the proposed amendment therefore seems bogus, for it is fundamental that one of the key functions of a municipality is to ensure that health and safety standards in buildings are met. The proposal to leave it to a neighbour to raise a health or safety issue is simply an attempt to dodge the clear responsibility of the District.
- Taking the safety issue further, there are sites in Metchosis with multiple occupied buildings and only one address. At these sites, where are the first responders to a 911 call to go, or the ambulance? Are these services to be excluded from making a complaint because the municipality will not address the issue?

In conclusion, the recommended policy amendment has had no support from our members. We all need to recognize that if Metchosis is to be successful in the direction it has set for itself, to be a rural area adjacent to a city, it must be prepared to accept the difficult task, and costs, of enforcement of its Bylaws to achieve the objectives set out in the OCP as well as the responsibilities allocated to the District under the Community Charter and Local Government Act.

Finally, on a related point, I note that the Council agenda contains several applications for Development Permits or Applications for Variances. What actions have been taken to ensure that all these applications are consistent with the District's "clean hands" policy.

Sincerely,

Ken Farquharson
President APRM

