

## Letter to Minister Chong regarding Vacation Home Rental Hornby Island

July 4, 2011

Hon. Ida Chong

Dear Minister:

### **Re: Hornby Island Bylaws 142 and 143 Vacation Home Rentals.**

I write, on behalf of the Hornby Island Chamber of Commerce, to request that you **not** approve these bylaws. They were passed, on June 29 with amendments. The Public Hearing was held the day before.

These are the reasons

1. There is almost no local support for these bylaws. There has never been a problem with VHRs, and I have pending an FOI request for documents concerning any complaints to the Islands Trust in the last two years about VHR's. I doubt that there are any.
2. No one who said their interest was affected, and who spoke at the Public Hearing spoke in favour of the bylaws.

Fifteen people spoke against the bylaws, and two spoke in favour. That is, I believe **88% opposition.**

The two speakers at the Public Hearing, who spoke in favour of the bylaws, are close personal friends of Trustee, Tony Law. The first is Jan Bevan, who actively campaigned for him in the last election, and the other is Carol Quin, former Area K Director. Neither offered any first hand accounts of problems with VHR's.

A petition against the bylaws, was circulated during the meeting, and should be part of the written submission.

I have requested copies of all of the submissions, and the minutes of the meeting.

3. These bylaws are the invention of the two local trustees, with assistance of the Executive Committee of the Islands Trust. The local trustees are on a frolic of their own. The regulatory bylaws are almost identical to ones proposed by Trustee Law in 2005. I enclose the 2005 proposed bylaw amendments. They had no support then, and have none now.
4. The provisions in amendments to the OCP have been discussed by the public on Hornby, however they were dictated to us by the Islands Trust.
5. The regulatory bylaw provisions were given little circulation, at a time when most property owners were not on the island. The amendments have not been made public. The Public Hearing was held on the eve of the Canada Day long weekend, a major tourist draw for Hornby, and a time when people here are really busy.
6. The campaign by the Trust to get these bylaws passed was marked by deceit.

In particular, the people of Hornby were told at public meetings about VHR's that currently VHR's were "illegal." This was based on Trust staff "interpreting" the current situation that way.

After the bylaws were passed on June 29, Trustee Law circulated a letter, dated July 1, 2011, copy enclosed, continued the deceit as follows:

"Vacation home rentals are not identified as a permitted use in residential zones in the existing Land Use Bylaw and could be subject to enforcement without changes being made."

This statement is untrue, and is the sort of statement bandied about during the last six years by Trustee Law. There is no bylaw prohibiting VHR's, so there is nothing to enforce.

7. The Local Trust Committee has already indicated that they will engage in a campaign of selective bylaw enforcement, contrary to the Rule of Law.

Trustee Law repeats this in his letter of July 1, 2011, as follows:

"Once they (the bylaws) are adopted, the Local Trust Committee will consider a bylaw enforcement policy for vacation home rentals that will specify and limit enforcement activity so that it is directed to priority problem situations."

Selective bylaw enforcement is already a problem on Hornby, and this "bylaw enforcement policy" further opens the door to graft and corruption.

8. Both locally elected Trustees, Law and Hunt, are, in my opinion in breach of their duties to the people of Hornby, as set out in s.6 of the Islands Trust Act.

9. During the Public Hearing, the non resident, non elected Louise Bell, who chaired the meeting, constantly interrupted the speakers. She was asked by more than one speaker, to not vote on the bylaws, because her interests, as an elected representative of next door Denman Island, conflict with the interests of the people of Hornby.

10. These bylaws will have a huge negative economic impact on the people of Hornby, for no good purpose. There will be no benefit to balance the negative impacts.

We ask that you review the following documents before considering these bylaws

- A. Copies of submissions to the Public Hearing,
- B. Copies of any complaints which are revealed by my FOI request,
- C. The minutes of the meeting, and
- D. The 2005 proposed bylaw.

Yours truly,  
Lawrence Pierce LLB.  
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cc Hon Don McRae