

CHAPTER 51

Islands Trust Amendment Act, 1977

[Assented to 1st September, 1977.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

S.B.C.
1974
c. 43
s. 1.

1. Section 1 of the *Islands Trust Act* is amended
 - (a) in the definition of "designated island" by inserting "an island or group of islands in the trust area, whether or not in Schedule B, designated" after "this Act or", and
 - (b) in the definition of "general trustee" by striking out "general trustee appointed" and substituting "the chairman and 2 vice-chairmen elected".

- S. 2(1). 2. Section 2 (1) is amended by striking out the words after "Trust," and substituting "consisting of the chairman and 2 vice-chairmen elected in accordance with the regulations by the local trustees from among their number as soon as practicable after the general election of the local trustees, to hold office for a term of 2 years or until their successors are elected pursuant to this section."

- S. 2 (2). 3. Section 2 (2) is repealed and the following substituted:
 - (2) If an office of the trust becomes vacant, the local trustees shall elect one of their number to serve the balance of the term.

S. 2 (3a)
and (3b).

4. Section 2 is further amended by inserting after subsection (3) the following:
 - (3a) The minister may direct the date and procedure for the first election of general trustees after the coming into force of this subsection and the date on which they will take office.
 - (3b) When the first elected general trustees take office pursuant to this section the existing appointments of general trustees terminate.

- S. 2 (5). 5. Section 2 (5) is amended by striking out "appointed" and substituting "elected", and by striking out "appointment" and substituting "election".

- S. 2 (6). 6. Section 2 (6) is repealed and the following substituted:
 - (6) The corporation, in addition to its powers under the *Interpretation Act*, may, with the prior approval of the minister, accept, hold and dispose of real property; but shall not, without the prior approval of the minister, incur liabilities or borrow money.

- s. 2 (8). 7. Section 2 (8) is repealed.
- s. 3 (2). 8. Section 3 (2) is amended by adding the following after paragraph (g):
- (h) in respect of the trust area, have and exercise all the power and authority
 - (i) of a municipality under section 694 and Divisions (1), (2), (3) and (4) of Part XXI, and
 - (ii) of a regional district under sections 795 to 798 of the *Municipal Act*, and, for the purposes of this paragraph, a reference to a municipality, regional district, Council, or Regional Board shall be deemed to be a reference to the trust area or the trust committee having jurisdiction, as the case may be, and the Council of a municipality or the Regional Board of a regional district, as the case may be, shall not exercise the power and authority under those sections, Divisions, or sections 798A, 798B, 798C and 798CA in respect of the trust area.
- s. 3 (3). 9. The Act is further amended by adding after section 3 (2) the following:
- (3) For the purpose of enforcing a by-law made under this Act, the trust committee having jurisdiction has all the power and authority of a municipality, and sections 220, 222, 230, 232 to 235, 237 to 239 (1), 240, 241, 243, 244, 734 and 735 of the *Municipal Act* apply.
- s. 4. 10. Section 4 (4) is repealed.
- s. 4 (5). 11. Section 4 (5) is amended by adding “; but, for the purpose of determining a quorum, a general trustee who is also a local trustee may sit as either trustee but not both” after “quorum”.
- s. 6. 12. Section 6 is amended
- (a) by repealing subsection (1) and substituting the following:
 - (1) A trust committee having jurisdiction under section 3 (2) (h) shall not adopt a community plan, regional plan, zoning by-law, subdivision control by-law, development area by-law, or any similar plan or by-law regulating the use or subdivision of land within the trust area, unless the plan or by-law is approved by the minister under this Act or the *Municipal Act*.
 - (b) in subsections (2) and (3) by striking out “Subject to subsection (5),” and substituting “Subject to the regulations,”
 - (c) by repealing subsection (5), and
 - (d) by adding the following after subsection (6):
 - (7) Where a regional plan includes, within the trust area, land or water areas that are designated as having special importance in securing and maintaining the objects of the trust by reason of their
 - (a) scenic value, or
 - (b) recreational potential, or

- (c) natural or scientific interest, or
- (d) delicate ecological characteristics,

those areas shall, on approval of the regional plan by the minister and notwithstanding subsection (1), be under the jurisdiction of the general trustees for the purpose of adopting special protective zoning and subdivision by-laws or regulations.

(8) A community plan, regional plan, zoning by-law, or land use contract adopted by a municipality or regional district prior to the coming into force of section 3 (2) (h) remains in force insofar as it applies to land within the trust area as if it had been adopted by the trust, and may, subject to the approval of the minister under subsection (1), be repealed, amended, or re-enacted by the trust committee having jurisdiction.

s. 7.

13. Section 7 is amended

- (a) in subsection (1) by inserting "to amend a by-law under section 3 (2) (h) or" after "application", and by striking out "section 6 (1), (2), or (3)" and substituting "section 6 (2) or (3)", and
- (b) in subsection (3) by inserting "an amendment of a by-law under section 3 (2) (h) or" after "approval of" and by striking out "section 6 (1), (2), or (3)" and substituting "section 6 (2) or (3)".

Ss. 7A and 7B. 14.

No by-laws or
permits
contrary to
trust.

The Act is further amended by inserting the following after section 7:

7A. A Regional Board or a Council of a municipality, all or part of which is within the trust area, shall not

- (a) adopt a by-law, or
- (b) undertake work, or
- (c) issue a permit

respecting the trust area that is contrary to, or at variance with, the by-law of the trust.

Municipal
Act
s. 707
applies.

7B. Where the trust advises a Regional Board or a Council of a municipality that it proposes to adopt

- (a) a zoning by-law, or an amendment of it, or
- (b) an official community plan, or an alteration, addition, or extension of it,

affecting land in the regional district or municipality, the Regional Board or Council, as the case may be, may withhold a building permit, and in that case section 707 of the *Municipal Act* applies to the trust.

s. 8.

15. Section 8 (b) is amended by striking out "section 6 (1), (2), or (3)" and substituting "section 6 (2) or (3)".

- s. 9. 16. Section 9 is amended
- (a) by repealing subsections (1) and (2),
 - (b) in subsection (3) by inserting “, including a manager,” after “employees”, and by striking out “general affairs” and substituting “affairs”,
 - (c) in subsection (5) by striking out “, the manager appointed under subsection (1),” and by striking out “under subsection (4)” and substituting “under subsection (2)”, and
 - (d) by renumbering subsections (3), (4) and (5) as subsections (1), (2) and (3).
- s. 11. 17. Section 11 is amended by adding after paragraph (d) the following:
- (e) grouping 2 or more islands in the trust area, whether or not in Schedule B, as a designated island,
 - (f) respecting remuneration and expenses of trustees,
 - (g) respecting the election of general trustees, and
 - (h) resolving any conflict between this Act and the *Municipal Act* or making further provisions of the *Municipal Act* apply under this Act.
- s. 11C. 18. The Act is further amended by inserting the following after section 11B:
Land Commission Act.
- s. 12. 19. Section 12 is amended by renumbering it as subsection (1), and by adding the following:
- (2) To meet part of the amount appropriated under subsection (1), the Minister of Finance, on the requisition of the minister, may levy on the assessed value on lands and improvements within the trust area, excluding property that is taxable for school purposes only by special Act, according to the basis of assessment as fixed for taxation for school purposes for the current year; but the amount so levied shall not exceed the product of a levy of 1 1/2 mills.
 - (3) Subject to this Act, the *Assessment Act* and the *Taxation Act* apply to the assessment, levy, collection and recovery of taxes on lands imposed under subsection (2), and to the addition of interest to the taxes when delinquent, in the same manner as taxes imposed on lands under the *Taxation Act*.
 - (4) The taxes on lands assessed under this section shall, for all purposes of the *Taxation Act*, be deemed to be Provincial taxes imposed and assessed under this Act, and, on collection or recovery, shall be accounted for as such.

- Schedules. 20. Schedules A and B shall be deemed to have come into force on September 5, 1974, and this section is retroactive to the extent necessary for that purpose.
- Commence-
ment. 21. This Act, excepting section 20, comes into force on a day to be fixed by Proclamation.