

Island ^{Reprint} Tides

Visit www.islandtides.com for more interesting articles on other BC, national & international topics

Reprint from Volume 19 Number 9

May 3, 2007

Islands Trust meets B&B Ganges Marina in court

The Islands Trust and B&B Ganges Marina met in court in late April over a petition brought by the Salt Spring Island Local Trust Committee to enforce its bylaw in regards to the marina's float camp. Arguments of the opposing parties, before Mr Justice Tysoe in Vancouver Supreme Court, took three days following considerable preparations on the part of the respective legal counsels and closed on Friday, April 20.

'This was a substantial case that involved constitutional arguments and is of significance to every local government in British Columbia that has navigable waters,' said Kim Benson, Chair of the Islands Trust Council. 'We were pleased that the provincial Attorney General's office participated to argue in support of the applicability of our land use bylaw to the float camp.'

B&B Ganges Marina's counsel, John Alexander, argued that the float camp was in fact a vessel regulated exclusively by the federal government and, therefore, immune from local land use

regulations. He also argued that all marina facilities should be exempt from local government regulation.

The Islands Trust chose to take B&B Ganges Marina to court and not to exercise the option of towing the float camp out of the harbour, particularly after it sank last summer. Further investigations by the Islands Trust revealed that the float camp barge had sunk previously in 2000 before it was in Ganges Harbour and would be difficult to insure. 'Towing the float camp just wasn't a responsible risk to take on behalf of taxpayers,' said Linda Adams, Chief Administrative Officer.

'We are optimistic that the judgment will be speedy and, of course, are very hopeful that it will go in our favour,' added Adams. 'The court suggested that it expected to render judgment within about three months, which Islands Trust counsel, Francesca Marzari of Lidstone Young Anderson, indicates would be relatively quick, given the complexity of the issues.' ✍

© Island Tides Publishing Ltd. This article may be reproduced with this attribution, in its entirety, with notification to Island Tides Publishing Ltd.

'This article was published (May 3, 2007) in 'Gulf Islands, Island Tides'. 'Island Tides' is an independent, regional newspaper distributing 15,000-20,000 copies in the Southern Strait of Georgia from Tsawwassen to Victoria, BC.'

Island Tides, Box 55, Pender Island, BC, Canada. Phone: 250-629-3660. Fax: 250-629-3838.
Email: islandtides@islandtides.com. Website: <http://www.islandtides.com>