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Latest Galiano lawsuit claims OCP amendments in 2000 are 'illegal'

A writ filed by Forest Lot owners Lloyd Baines, Fred King, Olaf Knezevic, Gundy McNab, and James Trueit on August 5 against the Galiano Island Local Trust Committee, seeks a declaration that the Amendments to the 1995 Galiano Official Community Plan and the associated Land Use Bylaw, both adopted on March 1, 2000, are illegal and must be set aside. The amendments to which this refers set out requirements for rezoning of Forest Lands to permit residential occupancy. These conditions may require that land be covenanted and that it be transferred in part to a Community Forest.

The writ claims that the Trust Committee 'lacks the statutory authority' to 'delegate' its powers to regulate land use

to 'non-government authorities' in favour of whom covenants are granted by forest land owners (presumably referring to the Silva Forest Foundation). Similarly, it also claims that the Trust Committee cannot 'fetter' its authority to consider rezoning applications by stipulating the conditions of approval as policy in the OCP.

It also claims that the Trust Committee cannot regulate forestry and forest practices within the Trust Area, and cannot mandate the transfer of land ownership within the Trust Area, and cannot demand amenities 'other than in accordance with the applicable legislation.' ✍

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