
March 2, 2022

BULLETIN

FURTHER AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION NOW IN EFFECT

In a [previous bulletin](#) we reviewed legislative changes to be introduced by the *Municipal Affairs Statutes Amendment Act (No. 2), 2021* (the “Amendment Act”), the status of which at that time was still “proposed”. A month later (November 25, 2021) the Amendment Act received royal assent, but the “commencement” section (s. 57, in case you were wondering) meant that only the following key changes were given immediate effect:

- the option to waive the public hearing for a zoning bylaw that is consistent with an official community plan has been repackaged as an option to decide not to hold a public hearing, with notice to be given before first reading of the bylaw; and
- allowing the delegation of decisions on “minor” development variance permits, as long as the bylaw delegating the decision includes criteria for determining whether the variance is minor, and guidelines for the delegate to consider when making the decision whether to issue the development variance permit.

Other provisions were left waiting in the wings, to be given effect only by further regulation of the Lieutenant Governor in Council (LGC). A regulation made February 28, 2022, has now given effect to further sections of the Amendment Act, including:

- revised public notice requirements, allowing local governments to establish, by bylaw, alternative notice methods, such as providing online notice (providing notice via newspaper remains an option); and
- amendments to the *Islands Trust Act* which add cooperation with First Nations to the objects of that Act; set out avenues for the trust council to provide financial support to certain community groups; and make notice requirements consistent with those in the *Community Charter*.

Several sections of the Amendment Act have yet to come into force, but again, may be brought into law by regulation of the LGC. These include:

- requirements that local governments consider developing a code of conduct for council members, or updating an existing code. If a local government elects not to establish or

update a code, it will have to give reasons for this decision, and reconsider the decision before January 1st of the year of the next general election; and

- the removal of historic regulatory restrictions around Powell River's mill-site area, allowing future changes to the City's boundaries near the mill-site area to come about through regulation rather than legislative amendment.

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