

File No: 66

28 January 2022

VIA EMAIL ([Muni.Minister.@gov.bc.ca](mailto:Muni.Minister.@gov.bc.ca); [mah.dmo@gov.bc.ca](mailto:mah.dmo@gov.bc.ca))

The Honourable Josie Osborne  
Minister of Municipal Affairs  
Room 310 Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Osborne:

**Re: Proposed Telecommunications Tower in Channel Ridge Estates on Salt Spring Island**

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We are counsel for the Concerned Residents of Canvasback Place (“**Concerned Residents**”), who live in the Channel Ridge community in which Rogers and CREST, as proponents, have proposed to construct a telecommunications facility, including a 40-meter tower. The Concerned Residents live between 43 and 150 meters from the proposed tower site.

The Islands Trust’s own Advisory Planning Commission has developed guidelines for the siting of telecommunications towers which, among other things, direct that no such towers should be sited within 500 meters of any facility concerned with continuous human activity. This is in line with other bylaws and guidelines from across the country – it is extremely unusual, and contrary to public health guidance, to site a telecommunications tower so close to residential premises.

Nevertheless, on July 27, 2021, the Salt Spring Island Local Trust Committee (the “**LTC**”), issued a concurrence decision related to the proposed siting of the tower (the “**Concurrence Decision**”).

On December 22, 2021, the Concerned Residents wrote to Islands Trust with their formal complaint (the “**Complaint Letter**”) pursuant to the Handling of Administrative Fairness Complaints Policy (the “**Complaint Policy**”). Your office was copied on that correspondence, but for convenience a copy of that letter is attached as Schedule “A”.<sup>1</sup>

The Complaint Letter set out deficiencies and irregularities in the way the LTC assessed the proposed tower site and arrived at the Concurrence Decision. It set out the Concerned Residents’ position that in assessing the proposed tower site and issuing the Concurrence Decision in relation to the proposed siting, the LTC was negligent, and derelict in its duties to the residents of Salt Spring Island. As the Concerned Residents stated, the LTC did little more than “rubber stamp” the

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<sup>1</sup> Note that the Complaint Letter itself attaches a December 13, 2021 letter from the Concerned Residents to the Innovation, Science and Economic Development branch of Industry Canada (ISED), which is labelled Scheduled “A” to the Complaint Letter.

proponents' proposed tower siting, and it failed to adhere to the Administrative Fairness Principles set out in Trust Council Policy 7.1.1.

Pursuant to the Complaints Policy, the Concerned Residents' complaint is to be directed to the Chair of the Islands Trust, Peter Luckham. However, Chair Luckham is one of two decision-makers whose own decision is the subject of the complaint, the other being Vice-Chair Laura Patrick. Therefore, those two individuals are in a conflict of interest in assessing the complaint, and the Concerned Residents requested that they recuse themselves from considering the complaint, so that the complaint would be handled independently.

On January 19, 2022, Carmen Thiel, Legislative Services Manager for Islands Trust, confirmed receipt of the Concerned Residents' complaint and acknowledged the request for Chair Luckham and Trustee Patrick to recuse themselves from considering it. However, Ms. Thiel's letter explained that if those two individuals are excluded from considering the complaint, then the Executive Committee would be left with only two members to review the complaint, which is below the minimum quorum of three. Ms. Thiel stated further:

I am not aware of a remedy for this situation. Under Policy 7.1.2... there is no other specified trust body or trustee(s) designated to step into this process to handle this situation as you request.

Ms. Thiel's January 19, 2022 letter is attached as Schedule "B".

Notably, the LTC has expressed to the tower proponents that it is troubled by the issues raised by the Concerned Residents. On November 29, 2021, the Chair of the LTC wrote to Cypress Land Services, representing the proponents for the tower, and stated, among other things:

A number of parties have brought to our attention concerns regarding the public consultation process for your application including that a number of elements of the consultation process were not fulfilled to the satisfaction of the neighbourhood.

Although the SS LTC issued a statement of concurrence for your application, we are concerned about the points raised by the residents in and around Channel Ridge.

The LTC's November 29, 2021 letter appended many of the Concerned Residents' letters to the LTC expressing concerns about the proposed siting of the tower.

The LTC's November 29, 2021 letter is attached as Schedule "C".

Accordingly: the LTC has expressed sympathy for the issues raised by the Concerned Residents; however, it has also explained that it cannot review the Concerned Residents' formal complaint under the Complaints Policy without involving at least one decision-maker who would be in a conflict of interest because they would be reviewing a complaint about their own decision.

As the Minister responsible for local governments, the Concerned Residents request that your office review the issues set out in the Complaint Letter and take all necessary steps to remedy the

deficiencies in the way the Concurrence Decision was procured given that is the only way the Concerned Residents' complaint can be considered without giving rise to a conflict of interest.

As you will appreciate in your capacity as Minister, it is critical to ensure public confidence in the integrity of local government administrative decision-making processes, particularly for decisions with significant, long-lasting impacts on local residents. Presently, there is a crisis of public confidence on Salt Spring Island related to the siting of this proposed tower. The relevant local government – the Salt Spring Island Local Trust Committee – has now expressed that it cannot address this crisis in a manner that avoids a conflict of interest.

Respectfully, in our view, it is time for your office to step in to review this matter and ensure the integrity of a decision which will impact Salt Spring Island and its residents for decades. The decision about the siting of this tower is extremely important to Salt Spring Island residents. It is critical that it be made in a transparent manner that adheres to administrative fairness principles.

We look forward to hearing from you at your earliest convenience.

Yours truly,

BEDDOES LITIGATION LAW CORPORATION

Per:



Arden Beddoes  
[arden@beddoeslitigation.com](mailto:arden@beddoeslitigation.com)  
Direct 604.248.4744

cc: Peter Luckham; Laura Patrick; Peter Grove; Bernie Ries; Justin Wiebe

Encl.

File No: 66

22 December 2021

VIA EMAIL ([information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca))

Islands Trust  
200 – 1627 Fort Street  
Victoria, BC V8R 1H8

Dear Mesdames/Messrs:

**Re: Proposed Telecommunications Tower in Channel Ridge Estates on Salt Spring Island**

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We are counsel for the Concerned Residents of Canvasback Place (“**Concerned Residents**”), who live in the Channel Ridge community in which Rogers and CREST, as proponent, have proposed to construct a telecommunications facility, including a 40-meter tower. The Concerned Residents live between 43 and 150 meters from the proposed tower site. On July 27, 2021, the Salt Spring Island Local Trust Committee (the “**LTC**”), issued a concurrence decision related to the proposed siting of the tower (the “**Concurrence Decision**”).

This letter is the Concerned Residents’ formal complaint to the Islands Trust pursuant to the Handling of Administrative Fairness Complaints Policy (the “**Complaints Policy**”).<sup>1</sup>

The Concerned Residents have repeatedly raised issues about deficiencies and irregularities in the way the LTC assessed the proposed tower site and the procedure it applied in arriving at the Concurrence Decision. The LTC has extensive correspondence and documentation from the Concerned Residents setting out their concerns, much of which is in publicly available materials including LTC meeting agendas. The Concerned Residents have also outlined their concerns in a letter to the Innovation, Science and Economic Development branch of Industry Canada (ISED) sent on December 13, 2021. That letter is enclosed as Schedule “A”.

For the reasons set out in their letter to ISED, and in the extensive correspondence and documents the Concerned Residents have sent to the LTC, the Concerned Residents consider that in assessing the proposed tower site and issuing the Concurrence Decision the LTC was negligent, and derelict in its duties to the residents of Salt Spring Island. It did little more than “rubber stamp” Rogers’ and CREST’s tower proposal without scrutinizing that proposal in any meaningful way. It failed to adhere to the Administrative Fairness Principles set out in Trust Council Policy 7.1.1 (the

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<sup>1</sup> Being Policy 7.1.2, available at: <https://islandstrust.bc.ca/document/policy-7-1-2-handling-of-admin-fairness-complaints/>

“**Principles**”), and failed to conduct a reasonably fair process in arriving at that decision, contrary to sections 1.2 and 1.3 of the Principles.

The LTC also failed to adhere to the Fair Decision Making guidelines in the Principles by, among other things, failing to permit affected persons a reasonable opportunity to examine the information provided to the LTC and participate in the decision-making process, and failing to provide adequate reasons for the Concurrence Decision given the myriad unanswered concerns expressed by the Concerned Residents.

Simply put, the residents of Salt Spring Island, and the Concerned Residents in particular, have expressed overwhelming opposition to the proposed tower site and provided detailed, substantive and supported arguments for those concerns. For example, the Concerned Residents have outlined how the LTC relied on false information from the proponent in reaching the Concurrence Decision, how the Concurrence Decision contravenes several local Trust Area by-laws, and how the LTC’s treatment of this proposal diverges sharply from how a smaller and less intrusive tower proposal (Blain Road) was considered by the LTC in 2019. However, the Concerned Residents have been ignored, and their requests for explanations stonewalled at every turn. They have been left with no option but to escalate their concerns, and they will continue to do so until those concerns are meaningfully addressed.

As the enclosed letter to ISED sets out, the Concerned Residents have asked that ISED delay issuing any required permits or approvals for the tower while the Concerned Residents escalate their concerns and exercise their rights under administrative law.

We note that this complaint relates to a local trust committee. Accordingly, pursuant to Part C, section 1.2 of the Complaints Policy it should be directed to the Chair of the Islands Trust, Peter Luckham. However, we note that Chair Luckham is also on the LTC and therefore is one of the trustees whose actions and decisions are the subject of this complaint. The same is true for Vice-Chair Laura Patrick. Those individuals are therefore in a conflict of interest as regards this complaint, and we trust that they will recuse themselves from any related decision-making processes. Please confirm that this complaint will be handled independently, and by whom. We have copied this letter to the Minister of Municipal Affairs to ensure this complaint is handled independently and transparently.

As set out in their letter to ISED, the Concerned Residents intend to use every available avenue of obtaining information about why the LTC employed such a shockingly deficient process in considering the proposed tower site. This will involve exercising their access to information rights and researching the motivations of all relevant stakeholders, including the owner of the land on which the tower is proposed to be sited.

To this end, the Concerned Residents require that the Island Trust and the LTC provide them with all records of any kind related to the LTC’s Concurrence Decision. The LTC is obliged by administrative law principles to provide the Concerned Residents with that record, and we look forward to receiving it without delay.

Pursuant to Part C, section 1.2.2 of the Complaints Policy, the Concerned Residents acknowledge that this complaint is not confidential. We look forward to the Island Trust's studious and independent assessment of this complaint.

Please direct correspondence related to this matter to the undersigned.

Yours truly,

BEDDOES LITIGATION LAW CORPORATION

Per: 

Arden Beddoes  
[arden@beddoeslitigation.com](mailto:arden@beddoeslitigation.com)  
Direct 604.248.4744

cc: Chair Peter Luckham; the Honourable Josie Osborne, Ministry of Municipal Affairs; Justin Wiebe

Encl.

File No: 66

13 December 2021

**VIA EMAIL ([ic.spectrumvictoria-victoriaspectre.ic@canada.ca](mailto:ic.spectrumvictoria-victoriaspectre.ic@canada.ca))**

Industry Canada – Innovation, Science and Economic Development (ISED)  
Spectrum Management and Telecommunications  
Vancouver Island District Office  
1230 Government Street, Room 430  
Victoria, BC V8W 3M4

Dear Mesdames/Messrs.:

**Re: Proposed Telecommunications Tower in Channel Ridge Estates on Salt Spring Island**

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We are counsel for the Concerned Residents of Canvasback Place (“**Concerned Residents**”), who live in the Channel Ridge community in which Rogers, as proponent, has proposed to construct a telecommunications facility, including a 40-meter tower. The residents live between 43 and 150 meters of the proposed tower site.

For the reasons set out below, the Concerned Residents kindly request that ISED delay its approval of the site of the proposed tower pending further steps and investigations by the Concerned Residents, which may include seeking a public law remedy via judicial review.

The proposed tower is predominantly a Rogers facility, but it would also house equipment for Capital Region Emergency Service Telecommunications (CREST). The relevant local government for planning purposes is the Salt Spring Island Local Trust Committee (“**LTC**”). The LTC issued a decision concurring with the proposed siting of the tower on July 27, 2021 (the “**Concurrence Decision**”).

However, as set out below, the Concerned Residents’ reasonable and relevant concerns about the proposed tower were not properly addressed by the LTC and Rogers at the local planning phase for this proposal. The Concerned Residents have identified serious deficiencies in the process undertaken by Rogers and the LTC, including material, false assertions made by Rogers in its application to the LTC which resulted in the Concurrence Decision. These issues have been raised directly and repeatedly with the LTC, both before and after the Concurrence Decision; however, the LTC has taken no remediating steps, nor has it expressed any concern with having made the Concurrence Decision in reliance on false assertions.

The Concurrence Decision followed a May 31, 2021 submission from Rogers to the LTC formally requesting concurrence with Rogers’ proposed siting of the tower, and purporting to summarize

the local consultation undertaken by Rogers. However, Rogers' submission contained material, false assertions which were relied upon by the LTC.

For example, the first sentence of the cover letter to Rogers' submission states that it had "completed the public consultation process, following Islands Trust draft Model Public Consultation Protocol for Local Trust Areas". LTC staff had previously advised Rogers that the Model Protocol should serve as a guiding document in advancing its proposal. However, to the knowledge of the Concerned Residents, Rogers and the LTC categorically did not abide by, let alone complete, the public consultation process set out in the Model Protocol. While this letter does not set out all of the deficiencies and irregularities related to Rogers' proposal and the SSI LTC's consideration of it, following are examples of Rogers' and the LTC's failure to follow the Model Protocol:

- Rogers did not engage in the pre-consultation steps provided for in the Model Protocol.
- Rogers did not conduct a site investigation meeting as provided for in the Model Protocol.
- The LTC did not provide Rogers with its preferences and requirements which would follow a site investigation meeting, as set out in the Model Protocol.
- Perhaps most concerningly, Rogers did not provide a site rationale, and was not required to do so by the LTC, despite that this requirement is set out in the Model Protocol. A site rationale would explain the need for a tower specifically on the proposed site having regard to other potential site locations. The Concerned Residents have repeatedly noted the obvious availability of other potential sites which are at least 20 times farther away from the nearest occupied residence. Neither Rogers nor the LTC has ever explained why a site that is only 43 meters from the nearest residence was selected over other available sites which are approximately 1000 meters from the nearest residence. The LTC did not require any such explanation from Rogers, and no part of the public consultation record reflects any coherent rationale for the currently proposed site.
- Further, Rogers did not hold a public information session, which is required by the Model Protocol for any tower over 15 meters in height or where there is significant public interest in the proposal. Both of those conditions apply to the present proposal.

Despite these deficiencies, LTC staff falsely stated in a report recommending concurrence with the proposed tower siting that "the proponent has undertaken an enhanced consultation, using the default ISED CPC-2-0-03 protocol as well as guidelines extracted from the [Model Protocol]". As set out above, Rogers absolutely did not fulfill the requirements of the Model Protocol. Further, the Concerned Residents consider that Rogers also failed to meet the requirements of ISED CPC-2-0-03 because it did not respond fully and transparently to questions raised during what nominal consultation took place, particularly questions related to why a tower was required on the proposed site as opposed to available sites which are much farther from occupied residences.



Generally, despite Rogers' clear failure to engage in any meaningful public consultation either pursuant to the Model Protocol or otherwise, and despite the complete lack of any explanation as to why the proposed tower must be constructed so close to existing residents on a sparsely populated island with extensive tracts of unoccupied land, the LTC uncritically accepted Rogers' proposal, providing only sparse and inadequate reasons for the Concurrence Decision.

Among the few reasons for the Concurrence Decision which were provided by the LTC was the fact that Salt Spring Island Land Use Bylaw No. 355 permits the siting of public utilities in every zone. However, the LTC did not address other important Salt Spring Island bylaws which were not observed in relation to the proposed tower.

To provide just one example: the Salt Spring Island Official Community Plan (Bylaw No. 434) sets out a general objective to "adopt the precautionary principle" in land-use decision-making, so that "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically." The bylaw goes on to state that there is a "right for the community to know complete and accurate information on potential human health and environmental impacts as best it can be determined" and that decision makers will require "the proponent to supply this information to the public". The bylaw also creates "an obligation to consider alternatives and select the alternative with the least potential impact on human health and the environment", and a "responsibility to make decisions in a transparent, participatory manner, relying on the best available information".

These objectives and directions were completely ignored with respect to the proposed tower. The Concerned Residents have repeatedly noted the widely accepted uncertainty regarding the risk of potential health effects when living in very close proximity to telecommunications towers, as well as the obvious availability of alternative sites which would dramatically reduce those risks in observance of the precautionary principle. Regardless, the LTC approved Rogers' proposed siting without providing any explanation for why alternative sites could not be used, let alone a transparent explanation following a participatory process.

Nonetheless, in recommending that the LTC concur with the proposed siting of the tower, LTC staff stated that the proposal did not conflict with the Official Community Plan. Staff did not explain how this could be so given the above-noted provisions of the Plan.

Relatedly, while LTC staff acknowledged that the Islands Trust Advisory Planning Commission had previously developed guidelines for the siting of telecommunications towers, and that those guidelines recommend that antennae systems not be located "close to schools, hospitals, or senior care facilities", they ignored the fact that the same guidelines also direct that no cell phone antenna should be installed within 500 meters of any facility concerned with continuous human activity. The guidelines direct that proponents wishing to install facilities within that distance "should demonstrate, using an independent consultant acceptable to the Islands Trust, that incident power density is less than 2 micro watts per square cm at any facility concerned with continuous human activity within 500 meters of the proposed antenna".

Until recently, the Concerned Residents had understandably taken comfort in the existence of such requirements, and they had faith that their local government would hold relevant proponents accountable for following them. This has not occurred. The Concerned Residents have been provided with no explanation for why they should be comfortable with the proposed tower being sited an order of magnitude closer to human-occupied facilities than their own local government has previously recommended. Nor did the LTC require Rogers to make any demonstration as to the power density from the proposed tower, let alone through an independent consultant.

At least one member of the LTC has candidly and publicly acknowledged the deficiencies in the process applied to the proposed tower. At an August 31, 2021 meeting of the SSI LTC, Trustee Peter Grove commented: “I have to say I am feeling extremely uncomfortable about where we’re at, and my discomfort lies with what I think – what appears to me to be a lack of due process ... no one, to the best of my knowledge, was visited in [the Canvasback] community in regard to the tower”.

At a meeting of the LTC on November 9, 2021, the committee considered its July 27, 2021 Concurrence Decision, and specifically whether it should rescind that decision. The agenda for November 9, 2021 noted that after the Concurrence Decision the LTC received “numerous pieces of correspondence urging [it] to reconsider their decision”. Prior to November 9, 2021, the Concerned Residents had communicated to the LTC all of the deficiencies and irregularities noted above – and many more – including the fact that Rogers explicitly made false statements in its materials applying for the concurrence, specifically in relation to the extent of consultation with local residents that had occurred.

However, without addressing *any* of these issues in any manner whatsoever, the LTC declined to reconsider the Concurrence Decision. At present, the Concerned Residents do not know whether or how the LTC considered any of these issues, either before the Concurrence Decision or after. From the perspective of the Concerned Residents, the LTC has done nothing more than “rubber stamp” Rogers’ proposal, taking all of its representations at face value, without scrutiny. Accordingly, we consider that the LTC has failed to adhere to even the most minimal procedural standards with respect to Rogers’ proposal, and has generally behaved negligently in failing to investigate and address the serious deficiencies and irregularities the Concerned Residents have identified.

Finally, the Concerned Residents note that there is already a smaller tower operated by Telus adjacent to the site of Rogers’ proposed tower. The Concerned Residents are therefore being asked to bear a dramatically unequal burden compared to other Salt Spring Island residents as regards proximity to telecommunications towers. This context aggravates the harm resulting from the procedural deficiencies set out above.

The Concerned Residents are in the process of preparing a formal complaint related to the forgoing concerns to the Chair of Islands Trust and the British Columbia Ombudsperson. The Concerned Residents are also strongly considering seeking judicial review of the Concurrence Decision. As part of this process, the Concerned Residents are exercising their access to information rights in order to obtain information about the opaque and inexplicable process which led to the

Concurrence Decision. Further, the Concerned Residents are researching the identities and motivations of all relevant stakeholders, including those related to major landowners in the Channel Ridge Region who stand to benefit financially from the current proposed siting of the tower.

We bring the forgoing concerns to the attention of ISED as the federal body responsible for issuing final permits and approvals for the proposed tower. We kindly request that ISED delay issuing any permits or approvals for the proposed tower while the Concerned Residents take immediate investigative and other steps as set out above. Among other things, if the Concurrence Decision were quashed on judicial review or otherwise varied or rescinded by the LTC or in any other manner, then further consideration and approvals by ISED could be moot.

We will update ISED promptly with any new developments related to this matter. If you have any questions or concerns related to the content of this letter, please do not hesitate to contact the undersigned.

Yours truly,

BEDDOES LITIGATION LAW CORPORATION

Per:



Arden Beddoes  
[arden@beddoeslitigation.com](mailto:arden@beddoeslitigation.com)  
Direct 604.248.4744

cc: Justin Wiebe



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Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

January 19, 2022

File Number: 2220-20-Concerned Residents

Arden Beddoes  
Beddoes Litigation  
1700-808 Nelson Street  
Vancouver, BC  
V6Z 2H2

## SCHEDULE "B"

Sent via email: [arden@beddoeslitigation.com](mailto:arden@beddoeslitigation.com)

Dear Arden Beddoes:

**Re: Complaint Regarding the Decision Making Process of the Salt Spring Island Local Trust Committee re Referral for a Proposed Telecommunications Tower, Channel Ridge, Salt Spring Island**

This confirms receipt of your correspondence to Islands Trust, dated December 22, 2021, in which you raise concerns about the Salt Spring Island Local Trust Committee's (SSLTC) decision-making process for the above-noted referral, and request that an Administrative Fairness Complaint process be initiated. We note that the Government of Canada regulates and approves tower siting decisions and as part of that process the proponent must consult with a local land-use authority, in this case the SSLTC.

You have confirmed that this complaint is not confidential and therefore may be shared with the SSLTC, staff and other Islands Trust officials as appropriate. You copied Chair Luckham in your letter.

The Islands Trust's process for handling concerns such as yours is covered under [Trust Council Policy 7.1.2 Handling of Administrative Fairness Complaints](#). As described in the policy, the role of the Executive Committee is to initially consider complaints, and to subsequently review activities and provide advice and recommendations to local trust committees, if requested. The Executive Committee does not have the power to judicially review the conduct of a local trust committee. The complaint must pertain to administrative fairness matters and not political decisions made in good faith and following regular and usual administrative and procedural practices.

In keeping with the policy, and as a normal course of events, your letter of complaint would be placed on the agenda of an upcoming meeting of the Executive Committee, which would then take further steps as outlined in the policy. However, you have also asked for confirmation that Chair Luckham and Trustee Patrick will recuse themselves from any related decision-making processes. This presents a structural problem. Pursuant to section 3.2.4.4 of the policy, Executive Committee members Chair Luckham and Vice-Chair Patrick would not take part in the Executive Committee's review of an administrative fairness complaint. The Executive Committee is a four-member body and a quorum is three of its members. Chair Luckham and Trustee Patrick are also members of the three-person SSLTC where a quorum is two of its members. If they were to recuse themselves, this would result in a situation where the two remaining members of the Executive Committee, or the one remaining member of the SSLTC would not constitute a quorum and therefore neither body would have the ability to pass any resolutions as part of Administrative Fairness Complaint process. I am not aware of a remedy for


Arden Beddoes  
January 19, 2022  
Page 2

this situation. Under Policy 7.1.2, and given the circumstances described above, there is no other specified trust body or trustee(s) designated to step into this process to handle this situation as you request.

You have also asked that Islands Trust provide you with *all records related to the SSLTC's concurrence decision*. Your request for records will be processed in accordance with the *Freedom of Information and Protection of Privacy Act* and has been forwarded to FOI staff at the Islands Trust office on Salt Spring Island.

Our policy on Administrative Fairness Complaints makes note of the role of the Ombudsperson's Office. Given the makeup of the Executive Committee and the SSLTC, where two members of each body serve on both committees, and the problems this creates in processing this Administrative Fairness Complaint, an available solution is for you to contact the Ombudsperson's Office directly to determine if it can assist you under the [Ombudsperson Act](#).

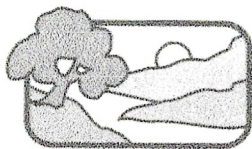
Sincerely,



Carmen Thiel  
Legislative Services Manager

pc: Executive Committee  
Salt Spring Island Local Trust Committee  
Russ Hotsenpiller, CAO  
David Marlor, Director, Local Planning Services  
Stefan Cermak, Regional Planning Manager, Salt Spring Island  
Daniela Murphy, FOI Coordinator, Salt Spring Office

## SCHEDULE "C"



Islands Trust

1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8  
Telephone: 250-537-9114

Toll Free via Enquiry BC in Vancouver: 604-660-2421  
Elsewhere in British Columbia: 1-800-663-7867

Email: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) | Website: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

November 29, 2021

File No: SS-CELLA-2020.1

**To:** Cypress Land Services,  
c/o Tawny Verigin (via email: [tawny@cypresslandservices.com](mailto:tawny@cypresslandservices.com))

**Re: Request for Facilitation of Discussion with Residents and First Nations Post-Concurrence for ROGERS Telecommunication Tower Proposal W2716 (Channel Ridge, Salt Spring Island)**

Dear Ms. Verigin,

I am writing to you on behalf of the Salt Spring Island Local Trust Committee (SS LTC) regarding the recent statement of concurrence issued by the SS LTC for a Telecommunications Facility (W2716) in Channel Ridge on Salt Spring Island. A number of parties have brought to our attention concerns regarding the public consultation process for your application including that a number of elements of the consultation process were not fulfilled to the satisfaction of the neighborhood (Appendix No. 1).

Although the SS LTC issued a statement of concurrence for your application, we are concerned about the points raised by the residents in and around Channel Ridge. It seems apparent to the SS LTC that more communication is necessary with neighbouring property owners regarding the placement of the telecommunications facility and what consideration may be made regarding the final placement of the telecommunications facility on that site. In response, the SS LTC contacted Innovation, Science and Economic Development Canada (ISED) for advice on reconsideration of the decision (Appendix No. 2). ISED has indicated that rescinding concurrence can be done in limited situations. Furthermore, ISED recommended that the SS LTC contact you directly.

Based on the above and attached, the SS LTC requests that Cypress Land Services host a public meeting to answer questions about fulfillment of the requirements to consult and how impacts can be minimized to those most impacted by the placement of the telecommunications facility in the proposed location. I suggest that this be best facilitated via an in person meeting which I and other members of the SS LTC may wish to attend in order for us to understand more clearly the process that was conducted in order to fulfill the public consultation required.

Please see attached letters (Appendix No.1) and staff memorandum (Appendix No. 2) for further information.

Yours sincerely,

Peter Luckham  
Chair, Salt Spring Island Local Trust Committee

c.c. Innovation, Science and Economic Development Canada (c/o Bernie Ries) (via email: [bernie.ries@ised-isde.gc.ca](mailto:bernie.ries@ised-isde.gc.ca))  
c.c. Salt Spring Island Local Trust Committee

*Preserving and protecting over 450 islands and surrounding waters in the Salish Sea*

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

## APPENDICES

1. Letters received post-concurrence
  - a. 2021-08-08\_E. Senkpiel to LTC re. SS-CELLA-2020.1
  - b. 2021-08-17\_C. Nichols-Ledger and F. Ledger to LTC re. SS-CELLA-2020.1
  - c. 2021-08-21\_J. Clark to LTC re. SS-CELLA-2020.1
  - d. 2021-08-22\_H. Korte to LTC re. SS-CELLA-2020.1
  - e. 2021-08-22\_L. Read to LTC re. SS-CELLA-2020.1
  - f. 2021-08-25\_H. Korte\_G. Horth\_CREST\_G. Holman re. SS-CELLA-2020.1
  - g. 2021-09-13\_Concerned Residents of Canvasback Place to LTC re. SS-CELLA-2020.1
  - h. 2021-09-29\_IT Response to J. Clark re. SS-CELLA-2020.1
  - i. 2021-09-30\_J. Clark to LTC re. SS-CELLA-2020.1
  - j. 2021-10-07\_IT to M. Forde re. SS-CELLA-2020.1
  - k. 2021-10-19\_IT to SS LTC re. SS-CELLA-2020.1
  - l. 2021-10-26\_J. Clark to LTC re. SS-CELLA-2020.1
2. Staff Memorandum dated November 9, 2021