

New Regulation Allows Some Regional District Service Bylaws To Be Adopted Without Inspector's Approval

A new regulation, the Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007 provides two new exceptions for obtaining the Inspector's approval to amendments to establishing bylaws.

1. Exception where service area amendment on petition

The first exception allows for amendments to the boundaries of a service area to be made by a bylaw adopted without the Inspector's approval where:

- the owners of the area to be added or removed submit a petition to the Regional District in accordance with the Regulation; and
- at least two-thirds of the participants in the service area consent to the amendment.

To be a sufficient petition, the petition must contain the information set out in section 2(3) of the Regulation and:

- the petition must be signed by owners that represent at least 50% of the owners of the parcels to be added or removed;
- persons signing the petition represent at least 50% of the net taxable value of the lands to be added to or removed from the service area.

The Regulation does not address the situation where a service area amendment might change the participants in the service.

2. Exception for some amendments increasing requisition limits

The second exception allows for increases of some requisition limits where the amount of the requisition does not exceed 25% of the "base line value" as determined in accordance with the Regulation.

The baseline value depends upon the cost recovery mechanism set out in the establishing bylaw.

The "baseline date" for determining the base line value is the later of:

- the date of adoption of the establishing bylaw; or
- five years before the date of third reading of the amendment bylaw

Example:

If an establishing bylaw was adopted on January 31, 2004, and provided for a maximum requisition within the service area of \$300,000, the bylaw could be amended to increase that requisition by up to \$75,000 without the Inspector's approval. After that, Inspector's approval would be required for any further increases over the succeeding five years.