



MAYOR'S OFFICE

MAR 31 2017

VICTORIA, B.C.

March 28, 2017

Ref: 205291

Her Worship Mayor Barbara Desjardins, Chair
Capital Regional District
625 Fisgard St
PO Box 1000
Victoria BC V8W 2S6

Dear Chair Desjardins:

Thank you for your letter of February 23, 2017, regarding the notification of refusal to accept Bylaw 4017 "Capital Regional District Regional Growth Strategy (RGS) Bylaw No. 1, 2016".

Based on this notification, section 439 (2) of the *Local Government Act* requires me to direct the Capital Regional District (CRD) and other affected local governments (the parties) to engage in a dispute resolution process. After careful consideration, I have selected and support your request for a non-binding dispute resolution process because it will provide the opportunity for all parties to resolve outstanding issues in a collaborative forum.

In accordance with section 439 (3) of the Act, I am specifying that the dispute resolution process begin no later than June 14, 2017. In the interest of a timely resolution, I request that the CRD keep the Ministry of Community, Sport and Cultural Development staff apprised of progress towards resolution.

In accordance with the legislation, the choice of a non-binding resolution process is to be confirmed by agreement between the CRD Board and the affected local governments that refused to accept the RGS. I am confident that the parties will work together in good faith to agree on the process and that this step will be completed expeditiously to begin by no later than June 14, 2017.

I have received the CRD Board's request that I include the Director of the Juan de Fuca Electoral Area in the discussion in a way that allows his participation, as equal as possible given the legislation. Please note that, per section 439 (5) of the Act, any affected local government may participate in a non-binding dispute resolution process. Given that the Juan de Fuca Electoral Area is not an affected local government but part of the CRD, I am unable to make any formal requirements for the direct participation of the Director. However, it is expected that the interests and concerns of the electoral areas would be brought forward by the CRD Board as part of the non-binding process. I would therefore advise the Director to work closely with the CRD Board and vice versa so that his views are taken into account during the non-binding process.

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As you are likely aware, per section 439 (6) of the Act, the costs of the dispute resolution process are to be shared between the participating parties, unless you can agree to an alternative cost sharing arrangement. Furthermore, to assist you in reaching agreement on the RGS amendment, I encourage you to consider engaging a neutral third party to facilitate discussions.

One of the underlying principles of the RGS legislation is that the process must conclude. This means that differences must be resolved. While local governments are provided every opportunity to negotiate collaborative solutions, the dispute resolution mechanisms in the legislation ensures that the process will ultimately reach a conclusion. Therefore, if acceptance of the RGS is not reached within 60 days following completion of the non-binding process, I will direct the matter to be settled in a binding dispute resolution process in accordance with section 439 (9) of the Act. I would like to emphasize that the parties may continue to negotiate and come to agreement on a solution at any time during the dispute resolution process.

Please ensure that the parties follow all the requirements set out in the Act and regulations. For reference, I would suggest that all participating parties review the relevant sections of the Act regarding dispute resolution. The Ministry's guide, "Regional Growth Strategies: An Explanatory Guide", may also be helpful:

http://www.cscd.gov.bc.ca/lgd/intergov_relations/library/RGS_Explanatory_Guide_2005.pdf.

Ministry staff are also available to provide you with advice on the next steps of the process as needed. Please contact Kris Nichols, Manager, Intergovernmental Relations and Planning Branch, by telephone at: 778 698-3450; or by email at: Kris.Nichols@gov.bc.ca.

Thank you again for writing.

Sincerely,



Peter Fassbender
Minister

pc: His Worship Mayor Ryan Windsor, District of Central Saanich
Her Worship Mayor Carol Hamilton, City of Colwood
Township of Esquimalt
His Worship Mayor Ken Williams, District of Highlands
His Worship Mayor Stew Young, City of Langford
His Worship Mayor John Ranns, District of Metchosin
Her Worship Mayor Alice Finall, District of North Saanich
His Worship Mayor Nils Jensen, District of Oak Bay
His Worship Mayor Richard Atwell, District of Saanich
His Worship Mayor Steve Price, Town of Sidney
Her Worship Mayor Maja Tait, District of Sooke
Her Worship Mayor Lisa Helps, City of Victoria
His Worship Mayor David Screech, Town of View Royal
Jon Lefebure, Chair, Cowichan Valley Regional District
Robert Lapham, Chief Administrative Officer, Capital Regional District
Mike Hicks, Director, Juan de Fuca Electoral Area
Meggin Messenger, Executive Director, Intergovernmental Relations and Planning
Kris Nichols, Manager, Intergovernmental Relations and Planning