DATE: March 27, 2026 | MARKED: URGENT — IMMEDIATE BOARD ACTION REQUIRED

Board of Directors — Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Chair Kate Segall and All Electoral Area Directors
zoning@cvrd.bc.ca | Delivered by Email and Hand

SUBJECT: Urgent Demand for Immediate Hold on Proposed Comprehensive Zoning Bylaw No. 4710 — Constitutional Violations, Provincial Law Conflicts, Illegal Interpretation Framework, Ignored Human Impact, and Call for Civil Referendum

Dear Chair Segall and Members of the CVRD Board of Directors,

We write with the utmost urgency to demand an immediate and unconditional hold on all proceedings related to Comprehensive Zoning Bylaw No. 4710. The grounds for this demand are not matters of opinion, community preference, or policy disagreement. They are documented violations of the **Canadian Charter of Rights and Freedoms**, identified conflicts with multiple provincial statutes, a legally impermissible interpretation framework, a deeply troubling human dimension that has been entirely ignored by the planning process, and a fundamental democratic deficit that cannot be cured by a Board vote alone. This submission demands that the Board act immediately to protect the rights of the people it is elected to serve.

I. Immediate Demand: Place This Bylaw on Hold Now

This submission formally demands the CVRD Board pass a resolution at its next sitting to:

- Immediately suspend all adoption proceedings for Bylaw No. 4710 in its current form;
- Direct staff to cease public hearing scheduling, third reading, and any steps toward adoption until each legal concern raised in this submission has been addressed in writing by qualified, independent legal counsel retained by the CVRD — not CVRD staff;
- Publicly acknowledge, at the next Board meeting, that multiple provisions of the draft bylaw have been identified as constitutionally suspect and potentially ultra vires the Local Government Act;
- Commit to a civil referendum process before any comprehensive zoning consolidation is adopted — a decision of this magnitude, permanently restructuring land use governance for nine electoral areas, requires a democratic mandate beyond a Board vote.

The Board is reminded that adopting a bylaw with known constitutional deficiencies does not insulate the CVRD from liability — it magnifies it. Under s. 52 of the **Constitution Act, 1982**, any bylaw provision inconsistent with the Charter is void to the extent of the inconsistency. Proceeding to adoption knowing these deficiencies exist is not a defensible governance decision.

II. The Human Factor: What This Bylaw Does to Real People

Legal arguments are important. But before engaging the law, the Board must confront what this bylaw does to the people who live under it — a dimension that has been conspicuously and troublingly absent from the planning process.

A. The Rural Landowner Who Loses Their Way of Life Overnight

The Cowichan Valley's electoral areas are home to people who have built lives on rural land over generations — farmers, small-scale producers, tradespeople, and families who chose rural living for its freedom, self-sufficiency, and affordability. This bylaw treats those lives as administrative inconveniences to be standardized.

Consider the real and documented scenarios this bylaw creates:

- A retired tradesperson with a 10-acre hobby farm who stores two unregistered project vehicles in a field behind their house — visible to no one — is now a bylaw offender facing $50,000 per day in fines under s. 4.42.3(g). No prior warning, no grace period, no parcel size threshold.
- A family on 1.5 ha of ALR land who has been growing vegetables and selling the surplus at a roadside stand for 20 years is now prohibited from selling under s. 4.29.10's 'human consumption only' restriction — their small supplement to farm income eliminated without compensation or process.
- An elderly couple who have lived in their 1970s-built farmhouse on ALR land for decades and wish to build a modest new home are told by s. 7.2.4 that their new home cannot exceed 500 m² GFA — less than many suburban homes in Duncan — on land they have farmed for a lifetime.
- A rural resident who has lived affordably in a trailer on their own land while saving to build a permanent home is now a criminal offender under s. 4.29.3 / s. 4.42.3(w). They face the prospect of $50,000 daily fines simply for continuing to exist on land they own.
- A group home operator providing transition housing for people with disabilities is told they must relocate 150 m from any park, school, or daycare under s. 4.28 — effectively excluding them from virtually every viable residential neighborhood in the electoral areas.

B. The Affordability Crisis That This Bylaw Ignores and Worsens

British Columbia is in the grip of a housing affordability and rural poverty crisis that is not abstract — it is lived daily by Cowichan Valley residents. The provincial government's own

housing legislation (Bill 44, 2023) was enacted precisely because of the failure of local land use regulation to accommodate real housing needs. This bylaw moves in the opposite direction of provincial housing policy.

The bylaw's prohibition on non-traditional dwellings (tents, trailers, RVs, buses) on private rural land does not target nuisance uses — it targets **poverty**. In the Cowichan Valley, as in much of rural BC, non-traditional dwelling forms on private land are not lifestyle choices — they are survival strategies for people who cannot afford conventional housing. A bylaw that criminalizes the use of an RV as a home on privately owned rural acreage, with no affordability exemption, no minimum parcel size threshold, and $50,000 daily fines, is a bylaw that targets the most economically vulnerable residents with the most severe regulatory weapon in the bylaw toolkit.

> **The Human Rights Dimension:** Section 7 of the Charter protects life, liberty, and security of the person. Victoria (City) v Adams 2009 BCCA 563 established that bylaws prohibiting shelter to unhoused persons on public space violated s. 7. The same principle applies — with even greater force — when a bylaw prohibits a landowner from sheltering themselves on their own private land. This is not a technical legal argument. It is a question of whether the CVRD intends to use its regulatory power to make vulnerable people homeless.

C. Seniors, Inherited Land, and Generational Farm Families

Nowhere is the human cost more acute than for aging farm families. Many older residents in the CVRD's electoral areas hold ALR land that has been in their families for generations. They did not build their homes under a 500 m² GFA cap. They did not store their equipment under a one-vehicle rule. They did not run their farms under a 'human consumption only' restriction. They built their lives under the old bylaws — and now those bylaws are being swept away, replaced with a uniform urban-influenced regulatory framework that treats a 40-acre working farm the same as a 0.2-hectare residential lot.

The bylaw contains no transition relief for established rural households. No recognition that a way of life built over decades cannot be standardized away without consequence. No compensation mechanism for the de facto taking of property rights that comes from capping what a landowner can build, store, or grow on land they own outright. The human cost of this bylaw is not an abstraction — it is the systematic disruption of rural life, rural livelihoods, and rural community identity in the Cowichan Valley.

III. The Definition Framework: Engineered for Enforcement, Not Public Protection

Two separate but deeply related concerns arise from a thorough review of how this bylaw handles the meaning of words. The first is the absence and proposed use of a concordance table. The second — and more systemic — is that the definitions already contained within Part 3 of the bylaw have been crafted in ways that systematically favour the CVRD's enforcement authority over the rights, understanding, and interests of the public.

A. The Concordance Table: There Is None — And That Makes It Worse

> **The Finding:** There is NO concordance table in the draft bylaw document. Appendix 1 contains only a standard abbreviations list (ALC, ALR, GCB, STR, etc.). If the CVRD is proposing that residents consult a separate concordance table to interpret the bylaw's defined terms, that document exists entirely outside the enacted law — it has no legal status, no binding authority, and no democratic legitimacy.

The CVRD has indicated residents should consult a CVRD-maintained concordance table for 'consistent interpretation' of the CZB. This is legally impermissible on every ground that matters:

- A concordance table hosted on the CVRD website or held by staff is NOT law. It has not been enacted through three readings, a public hearing, or Board adoption. No court, no enforcement officer, and no landowner is bound by it — the bylaw text always prevails.
- It is an unlawful sub-delegation of legislative authority. The Board makes law; staff administers it. If a concordance table can be updated without Board approval, staff gains the power to alter the operative meaning of a legislative instrument without democratic process — violating the maxim "delegatus non potest delegare."
- It creates an access to justice barrier. Requiring residents to consult a CVRD-controlled document to understand their legal obligations reverses the fundamental relationship between government and governed. It disadvantages those without internet access or digital literacy and gives staff a gatekeeping role over a public legal document.
- It destroys enforcement integrity. Every enforcement action premised on a concordance table definition that differs from the bylaw's plain text is void. The CVRD would face systematic invalidation of proceedings and costs awards in judicial review.

The Board must formally reject any concordance table mechanism and confirm that all definitional authority rests exclusively within the enacted bylaw text.

B. The Definitions Within the Bylaw: A Pattern of Regulatory Engineering

Beyond the concordance table problem, a detailed analysis of Part 3's 40 pages of definitions and 98 'Includes/Excludes' sub-entries reveals a consistent and troubling pattern: terms are defined broadly when doing so maximizes CVRD enforcement reach, narrowly when doing so limits public rights, and deliberately left undefined when ambiguity serves the CVRD's discretionary authority. This is not oversight — it is structural bias embedded in the language of the law itself.

The governing legal principle is clear: a local government cannot use definitions to achieve regulatory outcomes it could not achieve directly. Where a definition departs from the ordinary meaning of a word to expand enforcement authority or restrict public rights, it is vulnerable to

challenge as unreasonable or used to produce an ultra vires result through indirect means (**Re Rizzo & Rizzo Shoes** [1998] 1 SCR 27; **Sullivan on the Construction of Statutes**, 6th ed.).

1. 'Structure' — Defined So Broadly It Captures Almost Anything

Bylaw Definition: *"Structure means anything that is fixed to, supported by, or sunk into land or water." Includes: Swimming pools; fences; signs; tanks that project 0.6 m above finished grade.*
Problem: A garden stake, compost bin, raised planter bed, portable shed, or fence post is a 'structure' subject to all setback, permit, and enforcement provisions. This definition exists to maximize regulatory reach — not to give residents predictable rules. It serves the CVRD's enforcement interest, not the landowner's right to use their property.

2. 'Residential Shelter' — Defined So Narrowly It Excludes the Populations It Regulates

Bylaw Definition: *"Residential shelter means a building used for the purpose of providing temporary residence for persons displaced from their usual place of residence in the case of an emergency."*
Problem: The ordinary meaning of 'residential shelter' includes group homes, transition housing, and recovery residences. This bylaw narrows the definition to emergency displacement only — yet the 150 m exclusion zone in s. 4.28 applies to the broader population anyway. The definition has been engineered to obscure who is actually affected, preventing those populations from understanding their regulatory exposure or mounting an informed challenge.

3. 'Residential Use' — Defined to Exclude Vulnerable Residents From Protection

Bylaw Definition: *"Residential use means accommodation... where the minimum rental and occupancy period is 30 consecutive days."*
Problem: This definition has been crafted so that persons living in RVs, trailers, or temporary structures on their own land do not qualify as having a 'residential use' — stripping them of residential-use protections while still exposing them to $50,000 per day penalties for unauthorized dwelling. The 30-day minimum is not a tenant protection — it is a mechanism to categorize the most economically vulnerable residents out of the rights the law provides.

4. 'Derelict Vehicle' — Defined to Criminalize Ordinary Rural Property

Bylaw Definition: *"Derelict vehicle means any vehicle... which: (a) is physically wrecked or disabled; (b) is not capable of operating under its own power; OR (c) does not display attached license plates valid for the current year."*
Problem: Under subsection (c), any vehicle without current-year plates is legally 'derelict' regardless of condition, value, or owner intent. A working project vehicle being restored, a seasonal farm machine stored over winter, a classic car awaiting insurance renewal — all are

'derelict vehicles' subject to prohibition under s. 4.42.3(h). This definition transforms ordinary rural property use into a bylaw violation by design.

5. 'Sign' — Defined Broadly Enough to Capture a Flag or Window Poster

Bylaw Definition: *"Sign means any device, illustration, illumination, inscription, material, medium, notice, object, structure, or visual projection... visible from any street or from the air... capable of being used to convey information or direct or attract attention."*

Problem: This definition captures a flag, a window poster, a painted mailbox, or a hand-lettered notice visible from the road — all subject to permit requirements and s. 16.2 prohibitions. Combined with the flag prohibition in s. 16.2.1(f), a resident flying a flag on their own property faces enforcement as an unpermitted 'sign.' The definition gives the CVRD maximum discretion over what it can regulate rather than providing residents with clear, predictable rules.

6. Critical Enforcement Terms Left Deliberately Undefined

Most damaging of all are the terms used most frequently as enforcement triggers that are nowhere defined in the bylaw's 40-page definitions section:

"Nuisance" — Used as an enforcement trigger in at least 8 separate provisions (ss. 4.5.1, 4.19.5, 4.19.6, and others) but never defined anywhere in the bylaw. The CVRD can declare virtually any activity a 'nuisance' with no objective standard constraining that determination. The homeowner cannot know in advance what activity crosses the line.

"Excessive" — Used to restrict home-based businesses ('excessive non-local traffic,' s. 4.19.6; 'excessive customer service,' s. 4.19.5) but never defined. The CVRD decides what volume of traffic is 'excessive.' The homeowner has no objective standard to measure compliance against or to use in defending themselves against an enforcement notice.

Legal consequence: The deliberate non-definition of these terms is unconstitutional. A person must be able to know in advance what conduct is prohibited. A bylaw that prohibits 'nuisances' without defining the term fails the legal certainty requirement and is vulnerable to challenge for vagueness (*R v Nova Scotia Pharmaceutical Society* [1992] 2 SCR 606 — the void-for-vagueness doctrine applies to regulatory instruments).

C. The Pattern Is Unmistakable

Broad definitions serve the CVRD's enforcement reach. Narrow definitions limit the public's rights. Undefined terms give the CVRD unlimited discretionary enforcement authority. In every case, the definitional choice benefits the regulator and disadvantages the regulated. This is not a bylaw designed to give the public clear, fair, and accessible rules. This is a bylaw designed to give the CVRD maximum regulatory authority while making it as difficult as possible for residents to understand, challenge, or resist enforcement. Part 3 requires a complete independent review before any version of this bylaw proceeds.

This submission is made in the public interest. It does not constitute legal advice. Affected residents are encouraged to seek independent legal counsel.

IV. Violations of the Canadian Charter of Rights and Freedoms

The following Charter violations have been identified through comprehensive legal review of the March 16, 2026 draft. Each is supported by specific bylaw section reference and applicable constitutional authority. A court finding any of these provisions inconsistent with the Charter will void them under s. 52 of the Constitution Act, 1982.

Charter s. 2(b) — Freedom of Expression — STR Advertising Ban and Home-Based Business Advertising (ss. 4.36.4, 4.19.7–4.19.8)

Bylaw Provision: *No person shall advertise an unpermitted short-term rental or home-based business by any means including handbills, pamphlets, circulars, leaflets, or other printed, typed, or written material.*

Section 2(b) protects commercial expression, including on and from private property. The extension of this advertising ban to private printed materials — personal handbills and leaflets — is overbroad and disproportionate. The CVRD cannot discharge its s. 1 burden by showing that restricting private paper communications between neighbours about a home business or rental is a reasonable limit on expression. This provision fails minimum impairment analysis (Ramsden v Peterborough [1993] 2 SCR 1083).

Charter ss. 2(a), 2(b), 2(d) — Freedom of Religion, Expression, and Association — Flag Prohibition (s. 16.2.1(f))

Bylaw Provision: *All flags are prohibited on any property except national, provincial, or municipal flags.*

Flying a flag on private property is a fundamental expressive act protected under all three Charter freedoms simultaneously — it communicates identity (s. 2(b)), faith (s. 2(a)), and organizational belonging (s. 2(d)). The bylaw's exemption for election signs in s. 16.1.3(e) acknowledges expressive rights in one context while refusing them in another — an inconsistency that cannot survive Oakes proportionality review. This provision, as drafted, violates three fundamental freedoms from a single sentence and is indefensible under s. 1.

Charter s. 7 — Life, Liberty, and Security of the Person — Prohibition on Non-Traditional Dwellings on Private Land (ss. 4.29.3, 4.42.3(w))

Bylaw Provision: *Use of a tent, trailer, motor vehicle, recreational vehicle, houseboat, float home, or agricultural building for residential use is prohibited in all zones.*

Section 7 protects against government action that deprives persons of life, liberty, or security of the person except in accordance with the principles of fundamental justice. Victoria (City) v Adams 2009 BCCA 563 established that preventing shelter on public land violates s. 7. This bylaw goes further — it prohibits a landowner from sheltering themselves on their own private property. Applied without hardship exemption, minimum parcel threshold, or affordability consideration, this provision deprives economically vulnerable rural landowners of the basic liberty to exist on land they own. It is inconsistent with the principles of fundamental justice.

Charter s. 8 — Protection Against Unreasonable Search — Enforcement Entry Powers — Incomplete Reproduction of LGA s. 284 (s. 2.2.4)

Bylaw Provision: *Bylaw enforcement officers may enter any parcel, building, or premises at all reasonable times to check compliance.*

The bylaw reproduces the permissive portion of LGA s. 284 while omitting the statute's dwelling-specific protection requiring either owner consent or a court order for entry into residences. The Supreme Court of Canada established in Hunter v Southam [1984] 2 SCR 145 that warrantless

searches of private spaces are presumptively unreasonable. The bylaw as drafted creates an apparent authority for warrantless home entry that does not exist in law. This is not a minor drafting error — it is an active invitation to unconstitutional enforcement.

Charter s. 15 and BC Human Rights Code s. 8 — Equality Rights — Residential Shelter Exclusion Zones (s. 4.28)

Bylaw Provision: *All residential shelters must be located a minimum of 150 m from schools, parks, daycares, and P-1 conservation zones.*

This provision mandatorily excludes group homes, transition housing, and recovery residences — which serve persons with disabilities, mental health conditions, and addiction recovery needs — from large portions of every residential neighbourhood in the electoral areas. This constitutes prima facie discrimination under Charter s. 15 and BC Human Rights Code s. 8 on the grounds of disability and mental disability. Mandatory separation distance requirements for group homes have been found discriminatory in multiple Canadian jurisdictions operating under equivalent human rights codes. In Ontario, the Human Rights Tribunal refused to dismiss a disability discrimination challenge to Toronto's mandatory 250-metre group home separation rules, prompting Toronto, Sarnia, Smiths Falls, and Kitchener to repeal their separation distances entirely. The Manitoba Court of Appeal found a comparable zoning bylaw breached Charter s. 15 because it restricted group homes for persons with disabilities to limited zones with mandatory separation distances, and the municipality offered no evidence to justify the infringement under s. 1. The Ontario Human Rights Commission has stated formally in published policy that imposing minimum separation distances on group homes while permitting other housing of similar scale is discriminatory. These are not Ontario-only principles — they flow from human rights codes and Charter provisions identical in scope and effect to those in force in BC. The Meiorin test (British Columbia (Public Service Employee Relations Commission) v BCGSEU [1999] 3 SCR 3) requires bona fide justification with individualized accommodation — a blanket 150 m rule applied without individualized assessment fails this test categorically. The CVRD faces direct institutional liability under the Human Rights Code if this provision is adopted and enforced.

V. Provisions Ultra Vires the Local Government Act and Other Provincial Statutes

The following provisions exceed the CVRD's delegated authority under the LGA or directly conflict with other provincial legislation that prevails over a local bylaw:

- Food Cultivation 'Human Consumption Only' (s. 4.29.10): No provision of LGA s. 479 authorizes a regional district to regulate the disposition of products grown on private residential land. Restricting what a homeowner can do with vegetables grown in their garden goes beyond land use regulation into personal property law — a domain outside the CVRD's jurisdiction. This provision is ultra vires the LGA and conflicts with the Farm Practices Protection (Right to Farm) Act, which protects the growing and sale of farm products.
- Water Bottling Prohibition (s. 4.42.3(x)): Prohibiting water bottling in all zones with no exception conflicts with the Water Sustainability Act, which grants provincial licences for commercial water extraction. The bylaw's own s. 4.42.4 acknowledges that provincial enactments prevail — rendering this prohibition unenforceable against licensed operators and void for operational conflict.

- ALR Dwelling Size Caps Without ALC Authority (s. 7.2.4): Imposing a 325 m² building footprint cap on A-1 ALR parcels of 2 ha or less, and a 500 m² gross floor area cap on all A-1 ALR parcels regardless of size, without ALC concurrence, adds restrictions beyond what the ALC Act and ALR Use Regulation require. On land where the ALC Act expressly prevails over any inconsistent CVRD bylaw (s. 2.7.1), the CVRD has no authority to impose residential size restrictions that go beyond the ALC's own framework. The ALC governs ALR land use comprehensively and does not prescribe maximum dwelling sizes — it focuses on ensuring residences are ancillary to agricultural use. The CVRD's size caps represent an unauthorized regulatory overlay on provincially paramount land, imposed without ALC concurrence and in excess of the CVRD's delegated jurisdiction over ALR parcels.$5,000 Irrevocable Security Deposit for Occupying an Existing Home (s. 4.40.2(b)): There is no provision in the LGA authorizing a financial security deposit as a condition of a homeowner continuing to live in their existing legal dwelling during construction. This is an unauthorized financial imposition without statutory basis.
- Entry Powers Deficiency (s. 2.2.4): The omission of LGA s. 284's dwelling-specific protections creates an enforcement mechanism that exceeds the authority granted by the provincial statute it purports to rely upon.

VI. The Democratic Deficit — A Civil Referendum Is Required

This bylaw is not a technical housekeeping amendment. It is a fundamental and permanent restructuring of land use governance across nine electoral areas, affecting hundreds of thousands of hectares of privately owned land and thousands of rural households. It permanently repeals bylaws that communities have lived under for decades. It consolidates legislative authority into a single document that, once adopted, the Board can amend with a simple majority vote, without the area-by-area public hearing requirements that currently protect individual communities.

The Board is elected to govern — not to unilaterally restructure the fundamental regulatory framework within which its constituents live. A decision of this magnitude demands a democratic mandate that a Board vote cannot provide, particularly when:

- Three of nine Electoral Area Directors voted against the companion OCP that this bylaw implements;
- Director McClinton stated publicly that the OCP 'clearly does not reflect the wishes of all the people in the CVRD';
- Community opposition was described at adoption as 'palpable' by a dissenting Director;
- The bylaw consolidates nine area-specific frameworks — each adopted with its own community input — into one document that erases area-specific protections and local character in favour of uniformity.

> **Formal Recommendation:** This submission formally recommends that the CVRD Board resolve that no Comprehensive Zoning Bylaw consolidating the nine existing electoral area

> zoning bylaws into a single instrument shall be adopted without a prior civil referendum conducted under the provisions of the Local Government Act (Part 4, Division 5 — Assent Voting) across all affected electoral areas. The referendum question should ask residents directly whether they consent to the consolidation and harmonization of their area's zoning framework under a single region-wide bylaw.

The LGA provides for assent voting. The CVRD has used this mechanism before for significant decisions. There is no more significant land use decision in the history of these electoral areas than the permanent consolidation and standardization of their zoning frameworks. The people who live under these rules have a right to vote on them.

VII. Background — Who Drove This Process and Why It Matters

In 2018, the CVRD Board directed staff to harmonize and modernize both the Electoral Area OCPs and the Zoning Bylaws. In 2021, a harmonized OCP was adopted. In November 2025, the Modernized OCP (Bylaw 4373) was adopted — over the objections of Directors Morrison, McClinton, and Acton. The CZB is the implementing instrument of that contested OCP.

The public face of this process has been Director Ian Morrison (Cowichan Lake South/Skutz Falls), who also voted **against** the companion OCP at adoption, having apparently recognized midway through the process that the consolidation had departed from what residents were promised at the outset. The stated rationale — administrative efficiency and consistency — is legitimate as an aspiration. But efficiency cannot be purchased at the cost of constitutional rights, legal validity, and democratic legitimacy. A bylaw that is efficient to administer but unconstitutional in multiple provisions has achieved nothing.

VIII. Summary and Conclusion

The CVRD Board is being asked to adopt a bylaw that:

- Violates freedom of expression (Charter s. 2(b)) through overbroad advertising prohibitions and a blanket flag ban;
- Violates freedom of religion and freedom of association (Charter ss. 2(a) and 2(d)) through the same flag prohibition;
- Violates the right to life, liberty, and security of the person (Charter s. 7) by prohibiting shelter on private land without affordability exemption;
- Creates conditions for warrantless home entry by omitting Charter s. 8 protections that exist in the very statute it relies upon;
- Directly discriminates against persons with disabilities in violation of Charter s. 15 and the BC Human Rights Code through residential shelter exclusion zones;

- Includes provisions that are ultra vires the LGA — including restrictions on what residents can do with food they grow on their own land;
- Conflicts with the Water Sustainability Act, the Agricultural Land Commission Act, and the Farm Practices Protection (Right to Farm) Act;
- Proposes an illegal interpretation framework — a concordance table with no legal authority — that would allow staff to effectively alter bylaw meaning without democratic process;
- Criminalizes rural poverty by imposing maximum $50,000 daily fines on economically vulnerable people for living in non-traditional dwellings on their own land;
- Erases decades of area-specific community character and replaces it with uniform regulation designed for administrative convenience rather than community wellbeing;
- Was born from a contested political process that three directors opposed and that community members described as failing to reflect their actual wishes.

This is not a bylaw that needs amendment. This is a bylaw that needs to be **stopped**, **reviewed by independent legal counsel**, **referred to a civil referendum**, and if revived at all, rebuilt from the ground up with genuine community participation, area-specific sensitivity, and rigorous constitutional compliance.

> **Final Demand:** We call upon the Board to immediately resolve to hold all adoption proceedings for Bylaw No. 4710. We call upon the Board to commit publicly to a civil referendum before any comprehensive zoning consolidation proceeds. We call upon the Board to acknowledge that governance means protecting the rights of the governed — not overriding them with efficiency-driven regulatory instruments that have not been tested for constitutional compliance. The residents and landowners of the Cowichan Valley deserve better. They deserve lawful governance. And they deserve the right to vote on the rules that govern their land, their homes, and their lives.

Respectfully and urgently submitted,

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Lyle Jordan

Father, Husband and 8 year resident of North Cowichan

Date: March 27, 2026

Legal References:

CVRD Draft Bylaw No. 4710 (March 16, 2026) | Canadian Charter of Rights and Freedoms, ss. 1, 2(a), 2(b), 2(d), 7, 8, 15 | Constitution Act, 1982, s. 52 | BC Local Government Act, ss. 284, 479, 481, 528, 536 | BC Interpretation Act, RSBC 1996, c 238 | Agricultural Land Commission Act | Farm Practices Protection (Right to Farm) Act | BC Human Rights Code, s. 8 | Water Sustainability Act | Hunter v Southam [1984] 2 SCR 145 | Victoria (City) v Adams 2009 BCCA 563 | Ramsden v Peterborough [1993] 2 SCR 1083 | British Columbia

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(PSERC) v BCGSEU [1999] 3 SCR 3 (Meiorin) | Committee for the Commonwealth of Canada v Canada [1991] 1 SCR 139 | Reference re Secession of Quebec [1998] 2 SCR 217