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Lieutenant Governor

CANADA

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come—GREETING.

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Minister of Community Services and  
Minister Responsible for Seniors' and Women's Issues

WHEREAS the Comox Strathcona Regional District was incorporated by Letters Patent issued on August 19, 1965;

AND WHEREAS the Comox Strathcona Regional District is being divided into the Comox Valley Regional District and the Strathcona Regional District to correspond to the geographic and economic communities in this region of British Columbia;

AND WHEREAS the Comox Valley Regional District will be required to establish a regional water supply commission and, by order in council, to develop and adopt a regional growth strategy;

NOW KNOW YE THAT by these presents, We do order and proclaim the following, effective February 15, 2008:

## PART 1 — DEFINITIONS

### Definitions

1 In these letters patent:

“Act” means the *Local Government Act*;

“regional district” means the regional district incorporated under section 2;

“Strathcona Regional District” means the Strathcona Regional District incorporated on February 15, 2008.

## PART 2 — INCORPORATION OF REGIONAL DISTRICT

### Incorporation

2 The residents of the area within the boundaries described in section 3 are incorporated into a regional district under the name “Comox Valley Regional District”.

### Boundaries

3 The boundaries of the regional district are as follows:

Commencing at the northwest corner of Lot 14, Newcastle Land District;  
thence southerly along the westerly boundaries of Lots 14 and 72 to the southwest corner of said Lot 72;  
thence easterly along the southerly boundary of said Lot 72 to the northeast corner of Lot 87;  
thence southerly along the easterly boundaries of Lot 87 and Block 164 to the southeast corner of said Block 164;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 164 to the southwest corner of Block 420;  
thence northerly, westerly, and northerly along the boundaries of Blocks 420 and 164 to the northeast corner of Block 187;  
thence westerly along the northerly boundaries of Blocks 187 and 448 to the most northerly northwest corner of said Block 448;  
thence due west to the southerly boundary of Block 1330, Newcastle and Nelson Land Districts;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 1330 to the southeast corner of Block 1138, Nelson Land District;  
thence westerly along the northerly boundary of Block 489 to the northwest corner thereof;  
thence in a general westerly, northerly, westerly, and southerly direction along the northerly, easterly, northerly, and westerly boundaries of Block 74 to the southeast corner of Block 1283;

thence in a general southerly, easterly, southerly, westerly and northerly direction along the easterly, northerly, easterly, southerly and westerly boundaries of Block 1115 to the northeast corner of Block 321;

thence westerly and southerly along the northerly and westerly boundaries of said Block 321 and continuing southerly along the easterly boundary of Block 1332, Newcastle Land District, to the southeast corner of said Block 1332;

thence westerly along the southerly boundary of said Block 1332 to the southwest corner thereof, being a point on the westerly boundary of the Esquimalt and Nanaimo Railway Company's land grant;

thence northwesterly along said boundary of the Esquimalt and Nanaimo Railway Company's land grant to the southerly boundary of Block 1337, Comox Land District;

thence northeasterly and northwesterly along the southeasterly and northeasterly boundaries of said Block 1337 to and northeasterly along the northwesterly boundary of Block 1339 to the southerly boundary of Block 147;

thence easterly and northerly along the southerly and easterly boundaries of said Block 147 to the southerly boundary of Block 149;

thence easterly along the southerly boundary of said Block 149 to the westerly boundary of Block 28;

thence northerly, easterly, and southeasterly along the westerly, northerly, and northeasterly boundaries of said Block 28 to the right bank of Woodhus Creek;

thence easterly along said right bank of Woodhus Creek produced to and along that of Oyster River to the shore of the Strait of Georgia;

thence due east to the middle line of the Strait of Georgia;

thence southerly along said middle line of the Strait of Georgia to a point due east of the middle line of Baynes Sound, at the entrance thereto;

thence due west to and westerly along said middle line of Baynes Sound to a point due north of the northwest corner of Lot 14, Newcastle Land District;

thence due south to the aforesaid northwest corner of Lot 14, being the point of commencement.

#### **Members of regional district**

- 4** The regional district is comprised of
- (a) the following municipalities:
    - (i) The Corporation of the City of Courtenay;
    - (ii) The Town of Comox;
    - (iii) The Corporation of the Village of Cumberland, and
  - (b) the following electoral areas:
    - (i) Electoral Area A (Baynes Sound);
    - (ii) Electoral Area B (Lazo North);
    - (iii) Electoral Area C (Puntledge – Black Creek);
    - (iv) Electoral Area K (Denman – Hornby Islands).

#### **Electoral area boundaries**

- 5** The boundaries of the electoral areas in the regional district are set out in Schedule A.

**Voting unit**

- 6 The voting unit for the regional district is 1 500 persons.

**PART 3 — TRANSITIONAL PROVISIONS****Municipal directors**

- 7 The last date for the appointment of municipal directors to the first board of the regional district by the councils of the municipalities referred to in section 4 (a) is February 15, 2008.

**Electoral area directors**

- 8 (1) The first electoral area director for each electoral area in the regional district is the person who was the electoral area director for that electoral area in the Comox Strathcona Regional District immediately before the Comox Strathcona Regional District was dissolved.
- (2) The term of office of an electoral area director continued in office under subsection (1)
- (a) begins on February 15, 2008, and
  - (b) ends immediately before December 8, 2008 or when the director's successor takes office, whichever is later.
- (3) The first election of electoral area directors is to be held at the time of the 2008 general local election and in the manner provided by Part 3 of the Act.
- (4) For the first election referred to in subsection (3),
- (a) the chief election officer for the regional district for the 2008 general local election is James Warren, Manager of Legislative Services for the regional district, and
  - (b) the voting places are those places designated in an election bylaw of the regional district or designated by the chief election officer for the 2008 general local election.

**First meeting of the board**

- 9 The first meeting of the board of the regional district is to be held on February 15, 2008 at 11:00 a.m. at 550B Comox Road, Courtenay, British Columbia.

**Election of chair and vice chair**

- 10 (1) At the first meeting of the board, the board must elect a chair and a vice chair.
- (2) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.

**Authorized borrowing to meet current lawful expenditures**

- 11 The regional district may borrow \$5 000 000 to meet current lawful expenditures of the regional district in 2008.

**Assessment roll**

- 12 That part of the assessment roll for the 2008 taxation year for the Comox Strathcona Regional District that is in respect of property located in the regional district is deemed to be the assessment roll for the 2008 taxation year for the regional district.

### Continuation of opt out for Part 26 services

- 13 If a municipality in the regional district has given notice to opt out under section 804.1 (3) of the Act to the board of the Comox Strathcona Regional District and that notice is in effect on February 14, 2008, that notice continues to have effect as if it were given to the board of the regional district.

### Regional water supply commission

- 14 (1) On or before April 30, 2008, the board of the regional district must appoint a select committee, to be known as the Comox Valley Water Supply Commission, to inquire into the following matters for the area of the regional district other than that part within the area of the Islands Trust:
- (a) the status of existing water supply services in the area;
  - (b) the development of a recommended regional water supply service plan and recommended structure for operating the regional district's water supply services in the area;
  - (c) the development of recommended plans, policies and actions related to water demand management and protection of watersheds for major water supplies.
- (2) The select committee must report its findings and opinion to the board on or before December 31, 2009.
- (3) The board may not dissolve the select committee before it has reported its findings and opinion to the board.
- (4) In appointing members to the select committee, the board
- (a) must appoint
    - (i) for each municipality in the regional district, the councillors designated by the council from among its members, with each municipality having the same number of members on the committee as the municipality has directors on the board, and
    - (ii) the directors for electoral areas A, B and C, and
  - (b) may appoint not more than 5 members who are not elected officials of a local government.
- (5) On or before April 30, 2008, the board must appoint an advisory body to provide advice to the Comox Valley Water Supply Commission.
- (6) In appointing members to the advisory body, the board may appoint members representing improvement districts, First Nations, community groups, environmental organizations, government agencies or any other organization or interest the board considers appropriate.

### Financial reporting for Comox Strathcona Regional District

- 15 (1) For the 2007 and 2008 fiscal years of the Comox Strathcona Regional District, the regional district must perform the duties under the *Financial Information Act* and sections 814 and 814.1 of the *Local Government Act* that the Comox Strathcona Regional District would have had to perform if it was not dissolved.
- (2) For the purposes of subsection (1) in relation to the 2008 fiscal year of the Comox Strathcona Regional District, the regional district may hold a meeting for the purpose of presenting the statements and report referred to in section 814.1 of the Act by June 30, 2008.

### **Continuation of services**

- 16 (1) A service operated by the Comox Strathcona Regional District for which an establishing bylaw was not adopted or for which an establishing bylaw is not required under section 800 (2) of the Act
- (a) is continued as a service of the regional district if the service area for the service is wholly within the boundaries of the regional district, and
  - (b) is continued as a service of the Strathcona Regional District if the service area for the service is wholly within the boundaries of the Strathcona Regional District.
- (2) Subject to subsection (3), an establishing bylaw of the Comox Strathcona Regional District that authorizes the operation of a service for a service area that includes an area within the regional district and the Strathcona Regional District
- (a) remains in force as an establishing bylaw of the regional district in relation to that part of the service area that is within the boundaries of the regional district, and
  - (b) remains in force as an establishing bylaw of the Strathcona Regional District in relation to that part of the service area that is within the boundaries of the Strathcona Regional District.
- (3) The establishing bylaws of the Comox Strathcona Regional District that authorize the operation of the following services remain in force as establishing bylaws of the regional district:
- (a) Black Creek / Oyster Bay Fire Protection service;
  - (b) Black Creek / Oyster Bay Water service;
  - (c) Regional Solid Waste Management service.

### **Transfer of assets and liabilities of Comox Strathcona Regional District**

- 17 (1) Subject to subsections (2) and (4), all assets and liabilities, whether real or contingent, of the Comox Strathcona Regional District are allocated and assigned to the regional district.
- (2) The following assets and liabilities, whether real or contingent, of the Comox Strathcona Regional District are allocated and assigned to the Strathcona Regional District:
- (a) assets, other than reserve funds, and liabilities that
    - (i) are directly associated with a service operated by the Comox Strathcona Regional District that on February 15, 2008 is operated in whole or in part by the Strathcona Regional District, and
    - (ii) may be separated or divided from other assets and liabilities of the Comox Strathcona Regional District;
  - (b) the portion, calculated under subsection (3), of a reserve fund established for a service operated by the Comox Strathcona Regional District that on February 15, 2008 is operated in whole or in part by the Strathcona Regional District;
  - (c) assets and liabilities related to a security issuing bylaw of the Comox Strathcona Regional District that
    - (i) remains in force as a bylaw of the Strathcona Regional District, and
    - (ii) states as its authority a loan authorization bylaw of a municipality in the Strathcona Regional District.
- (3) For the purposes of subsection (2)(b), the portion of a reserve fund allocated and assigned to the Strathcona Regional District is that portion of the value of the reserve fund that the converted value of land and improvements in the service area in the Strathcona Regional

District is of the converted value of land and improvements in the service area in the Comox Strathcona Regional District before it was divided.

- (4) Four shares of the North Island 9-1-1 Corporation held by the Comox Strathcona Regional District are allocated and assigned to the Strathcona Regional District.

#### **Transitional service administration arrangements**

- 18** (1) Subject to subsections (2), (4) and (5), the regional district must administer and operate until December 31, 2009 all services operated by the Comox Strathcona Regional District that on February 15, 2008 are operated in whole or in part by the Strathcona Regional District.
- (2) Subject to subsection (4), the regional district must administer and operate the Greater Campbell River Pool / Arena Service until December 31, 2008.
- (3) Subject to subsections (4) and (5), in respect of each service administered and operated by the regional district under subsections (1) and (2), the Strathcona Regional District must pay the regional district an amount for administering and operating that service that is equivalent to the amount that is recovered from the service area.
- (4) Subsections (2) and (3) cease to apply before December 31, 2008 in relation to the Greater Campbell River Pool / Arena Service on agreement by the regional district and the Strathcona Regional District.
- (5) Subsections (1) and (3) cease to apply before December 31, 2009 in relation to a service on agreement by the regional district and the Strathcona Regional District.

#### **York Road fire protection service**

- 19** (1) Subject to subsection (2),
  - (a) the regional district must provide fire protection services to the Strathcona Regional District's York Road fire protection service area, and
  - (b) for providing fire protection services under paragraph (a), the Strathcona Regional District must pay the regional district an amount that is equivalent to the amount that is recovered from the service area.
- (2) This section ceases to apply on agreement by the regional district and the Strathcona Regional District.

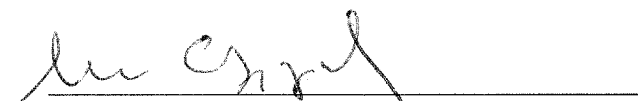
#### **Dispute resolution on transitional matters**

- 20** (1) If the regional district and the Strathcona Regional District disagree on any matter arising from the division of the Comox Strathcona Regional District, the board of the regional district or the board of the Strathcona Regional District may request, on or before December 31, 2009, the Inspector of Municipalities to review the matter.
- (2) If the Inspector of Municipalities agrees to review the matter which is the subject of the disagreement, the Inspector of Municipalities may make recommendations to the boards of the regional district and the Strathcona Regional District to resolve the disagreement.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Steven J. Point, OBC, Lieutenant Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this *1<sup>st</sup>* day of *February*, in the year of Our Lord two thousand and eight and in the fifty-sixth year of Our Reign.

By Command.

A handwritten signature in cursive script, appearing to read "M. C. ...", is written over a horizontal line.

Attorney General



## **SCHEDULE A: ELECTORAL AREA BOUNDARY DESCRIPTIONS**

### **Electoral Area A (Baynes Sound)**

Commencing at the northwest corner of Lot 14, Newcastle Land District;  
thence southerly along the westerly boundaries of Lots 14 and 72 to the southwest corner of said Lot 72;  
thence easterly along the southerly boundary of said Lot 72 to the northeast corner of Lot 87;  
thence southerly along the easterly boundaries of Lot 87 and Block 164 to the southeast corner of said Block 164;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 164 to the southwest corner of Block 420;  
thence northerly, westerly, and northerly along the boundaries of Blocks 420 and 164 to the northeast corner of Block 187;  
thence westerly along the northerly boundaries of Blocks 187 and 448 to the most northerly northwest corner of said Block 448;  
thence due west to the southerly boundary of Block 1330, Newcastle and Nelson Land Districts;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 1330 to the southeast corner of Block 1138, Nelson Land District;  
thence in a general northerly, westerly, northerly and easterly direction along the westerly, southerly, westerly, and northerly boundaries of Block 1329 to the point of intersection with the southerly boundary of Block 1026;  
thence in a general northerly and easterly direction along the westerly and northerly boundaries of said Block 1026 to the most southerly southwest corner of Block 545;  
thence in a general northerly, westerly, northerly and easterly direction along the westerly, southerly, westerly and northerly boundaries of said Block 545 to the southeast corner of Block 833, being a point on the northeasterly boundary of the Village of Cumberland as defined in The British Columbia Gazette, under date of January 2, 2003;  
thence southeasterly along the northeasterly boundary of said Village of Cumberland to the southwest corner of Block 354;  
thence northerly and easterly along the westerly and northerly boundaries of said Block 354 to the northeast corner thereof, being a point on the westerly boundary of the aforesaid Village of Cumberland;  
thence in a general northerly and easterly direction along the westerly and northerly boundaries of said Village of Cumberland to the point of intersection of the northerly boundary of Section 36, Township 10, Comox Land District with the centre line of Cumberland Road;  
thence in a general northerly direction along the said centre line of Cumberland Road, to the point of intersection with the southeasterly boundary of the City of Courtenay as defined by notice in the British Columbia Gazette under date of December 20, 2007;  
thence in a general northeasterly, southeasterly and northeasterly direction along the southeasterly, southwesterly and southeasterly boundaries of the said City of Courtenay to the point of intersection with the middle line of Comox Harbour;  
thence in a general southeasterly direction along the said middle line of Comox Harbour to the entrance of said Comox Harbour;  
thence southerly along the northerly prolongation of the middle line of Baynes Sound and continuing southerly along the said middle line of Baynes Sound to the point of intersection with a point drawn due north of the northwest corner of Lot 14, Newcastle Land District;  
thence due south to the aforesaid northwest corner of Lot 14, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the

corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

#### **Electoral Area B (Lazo North)**

Commencing at the point of intersection of the middle line of Comox Harbour and the southeasterly boundary of the City of Courtenay as defined by notice in The British Columbia Gazette under date of December 20, 2007;

thence in a general southeasterly direction along the said middle line of Comox Harbour to the entrance of said Comox Harbour;

thence due east to the middle line of the Strait of Georgia;

thence northerly along said middle line of the Strait of Georgia to a point due east of the intersection of the centre line of Left Road and the natural high water mark of Vancouver Island, on the easterly shore thereof;

thence due west to said point of intersection;

thence southwesterly along the centre line of Left Road to its intersection with the centre line of Coleman Road;

thence northwesterly and southwesterly along the said centre lines of Coleman Road and Poulten Road to a point due north of the most northerly northwest corner of Lot 41, Block 29, Comox Land District, Registered Plan 2262, on file in the Land Title Office, Victoria;

thence due south to said most northerly northwest corner of Lot 41, Plan 2262;

thence southwesterly along the northwesterly boundary of said Lot 41, Plan 2262 to the most westerly northwest corner thereof;

thence southeasterly along the northeasterly boundaries of Lots 174, 137, 164, 105, 163, and 107 to the northwesterly boundary of Section 62;

thence southwesterly along the northwesterly boundary of said Section 62 to the northwest corner thereof and continuing in the same straight line to the middle line of Portuguese Creek;

thence southerly along the said middle line of Portuguese Creek to the point of intersection of the northeasterly boundary of Section 35 produced northwesterly;

thence southeasterly to and along said boundary to the southeast corner thereof;

thence southwesterly along the southeasterly boundary of Section 35 and continuing southwesterly in the same straight line to the middle line of Tsolum River;

thence southerly along the said middle line of Tsolum River to the point of intersection with the southwesterly boundary of the aforesaid City of Courtenay;

thence in a general southeasterly, southwesterly, southeasterly and northeasterly direction along the southwesterly, northwesterly, southwesterly and southeasterly boundaries of the said City of Courtenay to the point of intersection with the middle line of Comox Harbour, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

#### **Electoral Area C (Puntledge River – Black Creek)**

Commencing at the point of intersection of the middle line of Tsolum River and the southwesterly boundary of the City of Courtenay as defined by notice in The British Columbia Gazette under date of December 20, 2007;

thence in a general southeasterly, southwesterly and southeasterly direction along the southwesterly, northwesterly and southwesterly boundaries of the said City of Courtenay to the intersection with the centre line of Cumberland Road;

thence in a general southerly direction along the said centre line of Cumberland Road to the point of intersection with the northerly boundary of the Village of Cumberland as defined by notice in The British Columbia Gazette under date of January 2, 2003;

thence in a general westerly and southerly direction along the northerly and westerly boundaries of said Village of Cumberland to the most northerly northeast corner of Block 354;

thence westerly and southerly along the northerly and westerly boundaries of said Block 354 to the southwest corner thereof, being a point on the northeasterly boundary of the aforesaid Village of Cumberland;

thence northwesterly along the northeasterly boundary of the said Village of Cumberland to the southeast corner of Block 833;

thence in a general westerly and southerly direction along the northerly and westerly boundaries of Block 545 to the southwest corner thereof;

thence southerly and westerly along the westerly and northerly boundaries of Block 1026 to the point of intersection with the northerly boundary of Block 1329;

thence in a general westerly, southerly, easterly, and southerly direction along the northerly, westerly, southerly, and westerly boundaries of said Block 1329 to the most southerly southeast corner of Block 1138;

thence westerly along the northerly boundary of Block 489 to the northwest corner thereof;

thence in a general westerly, northerly, westerly, and southerly direction along the northerly, easterly, northerly, and westerly boundaries of Block 74 to the southeast corner of Block 1283;

thence in a general southerly, easterly, southerly, westerly and northerly direction along the easterly, northerly, easterly, southerly and westerly boundaries of Block 1115 to the northeast corner of Block 321;

thence westerly and southerly along the northerly and westerly boundaries of said Block 321 and continuing southerly along the easterly boundary of Block 1332, Newcastle Land District, to the southeast corner of said Block 1332;

thence westerly along the southerly boundary of said Block 1332 to the southwest corner thereof, being a point on the westerly boundary of the Esquimalt and Nanaimo Railway Company's land grant;

thence northwesterly along said boundary of the Esquimalt and Nanaimo Railway Company's land grant to the southerly boundary of Block 1337, Comox Land District;

thence northeasterly and northwesterly along the southeasterly and northeasterly boundaries of said Block 1337 to and northeasterly along the northwesterly boundary of Block 1339 to the southerly boundary of Block 147;

thence easterly and northerly along the southerly and easterly boundaries of said Block 147 to the southerly boundary of Block 149;

thence easterly along the southerly boundary of said Block 149 to the westerly boundary of Block 28;

thence northerly, easterly, and southeasterly along the westerly, northerly, and northeasterly boundaries of said Block 28 to the right bank of Woodhus Creek;

thence easterly along said right bank of Woodhus Creek produced to and along that of Oyster River to the shore of the Strait of Georgia;

thence due east to the middle line of the Strait of Georgia;

thence southerly along said middle line of the Strait of Georgia to the point due east of the intersection of the centre line of Left Road and the natural high water mark of Vancouver Island, on the easterly shore thereof;

thence due west to said point of intersection;

thence southwesterly along the centre line of Left Road to its intersection with the centre line of Coleman Road;

thence northwesterly and southwesterly along the said centre lines of Coleman Road and Poulten Road to a point due north of the most northerly northwest corner of

Lot 41, Block 29, Comox Land District, Registered Plan 2262, on file in the Land Title Office, Victoria;

thence due south to said most northerly northwest corner of Lot 41, Plan 2262;

thence southwesterly along the northwesterly boundary of Lot 41 of Block 29, Plan 2262 to the most westerly northwest corner thereof;

thence southeasterly along the northeasterly boundaries of Lots 174, 137, 164, 105, 163, and 107 to the northwesterly boundary of Section 62;

thence southwesterly along the northwesterly boundary of said Section 62 to the northwest corner thereof and continuing in the same straight line to the middle line of Portuguese Creek;

thence southerly along the said middle line of Portuguese Creek to the point of intersection with the northeasterly boundary of Section 35 produced northwesterly;

thence southeasterly to and along the said boundary to the southeast corner thereof;

thence southwesterly along the southeasterly boundary of Section 35 and continuing southwesterly in the same straight line to the middle line of Tsolum River;

thence southerly along the said middle line of Tsolum River to the point of intersection with the southwesterly boundary of the aforesaid City of Courtenay, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

**Electoral Area K (Denman – Hornby Islands)**

Commencing at a point on the middle line of Comox Harbour, at the entrance thereto;

thence due east to the middle line of the Strait of Georgia;

thence southerly along said middle line of the Strait of Georgia to a point due east of the middle line of Baynes Sound, at the entrance thereto;

thence due west to and westerly along said middle line of Baynes Sound to a point due north of the northwest corner of Lot 14, Newcastle Land District;

thence in a general northerly direction along the middle line of Baynes Sound and the northerly prolongation thereof to the point of intersection with the middle point of Comox Harbour, at the entrance thereto, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.