

Request for Public Hearings

Submitted to Bob Wylie, Provincial Approving Officer
May 30, 2008

Executive Summary

This submission encourages provincial approving officer, Bob Wylie, to hold public hearings prior to deciding whether to approve subdivision applications by Western Forest Products for lands stretching from Sooke to Jordan River.

In doing so, the submission draws on all relevant sources of the law governing subdivision applications in British Columbia, including the *Land Title Act*, court decisions, and the opinions of legal experts.

First, Mr. Wylie is informed that he may reject a subdivision if it is contrary to the public interest (s. 85(3), and that he is authorized by section 86(1)(b) of the *Land Title Act* to hear from “all persons who in [his] opinion are affected by the subdivision.” It is also noted that BC courts and planning experts alike have endorsed public hearings as an acceptable means for assisting approving officers in deciding whether subdivisions are in the public interest.

Next, the submission outlines four ways in which Mr. Wylie’s decision would be enhanced by holding a public hearing:

- by enhancing the legitimacy of the decision-making process affecting these important areas. (A brief account is given of the provincial government’s acts allowed WFP to submit its subdivision proposal before local governments had completed important planning initiatives.)
- by assisting in his ability to determine what the public interest is;
- by incorporating the vital principles of sustainable development, which uphold the public’s right to be involved in decisions that affect them; and,
- by utilizing the truth-finding function of public hearings and utilizing the expansive knowledge base that exists in the public.

Finally, the submission notifies Mr. Wylie that he may be under a legal obligation to hold a public hearing. On the basis of section 25 of the *Freedom of Information and Protection of Privacy Act*, the submission suggests that the disclosure of information regarding the WFP subdivisions is clearly in the public interest and should be disclosed to the public without delay in the form of a public hearing.