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Supreme Court of BC Sides with Town of Gibsons On EagleView Heights Legal Challenge

May 6, 2020 – A legal action brought against the Town of Gibsons by the O’Shea/Oceanmount Community Association (OOCA) has been found, in the Town’s favour.

The OOCA initiated the action in response to Zoning Amendment Bylaw No. 1065-41, 2018, which was approved by Council in June 2018 and related to a Development Permit Application by the owner of the property located at 464 Eaglecrest Drive. A condominium/townhouse complex now known as EagleView Heights is currently being developed on the property.

In their petition, the OOCA argued that the Bylaw Amendment conflicted with the Town’s Official Community Plan (OCP) because “it does not maintain the residential character of the Town...and is entirely dissimilar in size and character to the surrounding homes”.

However, in her 36-page judgement, The Honourable Madam Justice Shergill wrote that the Town’s OCP is “intended to guide and to achieve a balance between preservation and development”.

The Justice also disagreed with the OOCA’s assertion that the related Floor Space Ratio had been improperly calculated and communicated by staff to Council, concluding that “Having regard to the whole of the circumstances in this case, I am unable to find a conflict between the OCP and the Amending Bylaw.”

At a Council Meeting on May 5th, 2020, Mayor Beamish acknowledged the decision and expressed his appreciation for the work of staff, who are responsible for providing advice and making recommendations that enable Council to make informed decisions.

As the successful party, the Town was also granted the opportunity to recover its court costs. To date, as the Town’s expenses to defend this legal action exceed \$125,000, it will pursue the recovery of its court costs.

To view the judgement in its entirety, please visit: gibsons.ca/eagleview-heights

For more information:

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“Nature is our most valuable asset”

