

Seaway Drive Unsightly Property Litigation

The City is providing this information to the public in response to an article filed by the Nanaimo News which did not include the history or background for the litigation between the City of Parksville and Don Violette and incorrectly states that the bylaw enforcement actions on the property are the result of a vendetta.

The properties along Seaway Drive were incorporated into the City in the 1990s. At that time, there were several unauthorized, historic community wells on City property which provided water to some homes and cabins. Island Health expressed concern about drinking water safety and advised the City to decommission these wells. The owners were offered a reduced rate to connect to the City's water system and except for Mr Violette's property, all homes connected to City water.

In 2017, prior to Mr Violette acquiring the property, he met with City staff and expressed a desire to stay connected to the well on the City's property and register an easement to continue using the well. Discussions with Mr Violette and the City commenced prior to Mayor O'Brien ever being elected to the City Council.

In 2018, Mr Violette formally applied to the City to stop the decommissioning of one of the wells so he could continue to use it for irrigation purposes. When this situation was presented for Council consideration, Mayor O'Brien, as a Councillor from 2018 to 2022, recused himself from the discussion. The decisions to move forward with decommissioning all the wells were made by Council without any involvement from Mayor O'Brien and based on recommendations from engineering staff and Island Health drinking water officers. Council delegated engineering staff to proceed with decommissioning.

Starting in 2021, a series of complaints were made to the City's bylaw compliance department citing concerns about noise bylaw violations and unsightly conditions at the property. Mayor O'Brien did not submit these complaints. Bylaw complaints are handled by delegated bylaw officers who have the authority to investigate derived from the *Community Charter*.

In the majority of bylaw cases, City staff obtain voluntary compliance from the homeowner and Council does not play a direct role. However, in rare cases, voluntary compliance is not achieved, and staff must pursue other avenues. Mr Violette was unwilling or unable to comply with the City's unsightly premises bylaw terms. Staff sought and obtained Council approval to seek relief from the court. As he had done previously, Mayor O'Brien again recused himself from all discussions on this matter.

Evidence was submitted to the court in October 2024. The court rules preclude the City from filing new information after the initial submission. Several court delays occurred, including one where the owners requested more time for personal reasons and the City agreed. The judge reviewed the case in August 2025 and found the evidence provided from October 2024 did not confirm an ongoing bylaw violation. The court did not rule on whether the property complies with City bylaws or not.

The City had an option to appeal the decision; however, that is a costly process. As the file has been slowly proceeding through the legal system, the City has updated several of its bylaws and has other more cost-effective means of pursuing enforcement.

Adhering to City bylaws is important and, where bylaw compliance officers deem a property to be in violation of the terms of the City's unsightly premises, compliance and enforcement action will proceed. Elected officials are prohibited from interfering with operational bylaw enforcement.

Mayor O' Brien has recused himself from all Council discussions about the legal matters involving Mr Violette and his property, both in his previous capacity as a Councillor and now as the Mayor. This is a matter of public record and is demonstrated in the minutes of each of the meetings.

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For more information:

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*The City of Parksville is located on the traditional territory of the Coast Salish Nations,
home to the Snaw-Naw-As First Nation and the Qualicum First Nation.*

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