

Policy Title: Bylaw Enforcement Policy	Policy Number: P30
Policy Category: Planning and Development	
Approval Date: February 23, 2010	Policy Owner: Planning and Development Branch
Approved by: Electoral Areas Services Committee	File Reference: 0340-50

Purpose

The objective of the bylaw enforcement policy is to provide consistency in the enforcement of regional district bylaws. The bylaw enforcement policy identifies responsibilities, enforcement authority and methods, and policies and operational guidelines to enforce regional district bylaws.

The regional district does not have a duty to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction. Discretion may be exercised by the regional district on a case-by-case basis.

Policies:

1. Inquiries

- (1) Inquiries regarding bylaws will be handled in a timely and responsive manner by the department and staff responsible for the service.
- (2) Media inquiries regarding the status of a bylaw enforcement matter shall be directed to the senior manager of building and bylaw compliance.
- (3) Board inquiries relating to bylaw enforcement shall be directed to the chief administrative officer.

2. Complaint Process

- (1) All complaints from members of the public must be submitted in writing and must include contact information. Anonymous complaints will not be addressed. Email is an acceptable form of written complaint.
- (2) The priority of enforcement complaints shall be the following: danger to health, safety, environment or property; inconvenience to the public or

other property owners; and then routine matters related to zoning regulations.

- (3) Nuisance related complaints will be investigated if the regional district receives complaints regarding the matter from at least two residents at two unrelated properties that are adjacent to the subject of the complaint. An investigation may be opened if the affected residence is determined to be the only affected property due to proximity or lack of additional residences in the area.
- (4) All enforcement matters are confidential and efforts will be made to ensure confidentiality of the complainant. However, the Freedom of Information and Protection of Privacy Act Section 15(1) (d) authorizes the regional district to identify a confidential source of law enforcement information. A complainant may need to be identified if the complainant's evidence is necessary for an enforcement action.
- (5) Written complaints from members of the public are to be forwarded to the senior manager of building and bylaw compliance. If the infraction is reported by regional district staff, then the chief administrative officer should be advised and then the appropriate general manager.

3. Investigation Process

The following are the investigation process guidelines:

- (1) Communication is sent to the complainant acknowledging the complaint.
- (2) A preliminary review of the complaint is undertaken to determine if the complaint is substantiated.
- (3) The review may include gathering evidence in support of the bylaw investigation. Statements from witnesses should be obtained when possible, in the prescribed statement taking format.
- (4) If no violation exists, the complainant is so advised and a record of the inquiry filed.

4. Enforcement

- (1) In considering how to enforce an alleged offence the following criteria may be taken into account:
 - a. The duration of the alleged violation
 - b. Whether similar violations have occurred in the past

- c. The policy implications of the enforcement action
- (2) Where a complaint involves the building regulation bylaw, the building inspector is authorized to proceed with the investigation and enforcement action as appropriate and as outlined in this policy.
- (3) The enforcement options available to the regional district when an alleged offence is confirmed include:
 - a. **Voluntary compliance** - The individual is contacted and the violation is outlined. Co-operation is sought and a deadline to comply is discussed. Staff may promote mediation for resolving minor bylaw disputes and may utilize support services such as restorative justice and health services to assist.
 - b. **Quasi-criminal proceedings in provincial court or bylaw adjudication process**- Includes ticketing, long form information, bylaw offence notices, and compliance agreements.
 - c. **Injunction proceedings** - An injunction is a court order directing a person to do, or not to do, a specified act. The provincial court has no jurisdiction to grant injunctions. Injunctions in respect to acts that are breaches of regional district bylaws must be sought in Supreme Court. As a result, injunction proceedings are conducted by a lawyer and require a board resolution.
 - d. **Direct enforcement** - Direct enforcement involves carrying out enforcement remedies and adding the cost of doing so to the property taxes of the subject property where the cost remains unpaid.

5. Reporting To Board

- (1) For each enforcement matter that may involve Supreme Court proceedings or long form information a report will be provided to the board that includes the history and recommended action.
- (2) The senior manager of building and bylaw compliance will report to the board as required.

6. Staff Safety

- (1) The safety of staff and/or agents of the regional district is paramount. The senior manager of building and bylaw compliance shall make arrangements for staff to be accompanied by a private security firm or a police officer(s) as required when it is believed that staff's safety may be at risk while administering the bylaws of the regional district.

Operational Guidelines:

1. Voluntary Compliance Process

The following are the voluntary compliance process guidelines:

- (1) The alleged offender is contacted personally or by letter and the alleged violation is outlined.
- (2) If a violation exists, then the property owner and/or occupant's cooperation is sought.
 - a. The person may be asked to cease activity immediately, or a deadline to comply may be discussed. They are also advised that failure to comply could result in further legal action.
 - b. A bylaw compliance officer may meet with the person to review the nature of the violation and to discuss how to achieve compliance with the bylaws.

2. Enforcement Process

The following are the enforcement process guidelines:

- (1) Where activity has not ceased or where compliance is not yet achieved, the bylaw compliance officer may use ticketing to encourage voluntary compliance. Ticketing includes the use of municipal ticket information (MTI) or bylaw offence notice (BON) within the dispute adjudication system.
- (2) The dispute adjudication system allows for an assigned screening officer to review a disputed BON to cancel the BON, enter into a compliance agreement or proceed to an adjudication hearing. MTI disputes are referred directly to Provincial Court for resolution.
- (3) Where activity has not ceased or where compliance is not achieved via the enforcement process, the bylaw compliance officer may prepare a report for board indicating whether a long form information or injunctive proceedings may be required.

3. Injunctive Proceedings Process

The following are the injunctive proceedings process guidelines:

- (1) Board approval will be obtained. The chief administrative officer will request a board resolution and retain legal counsel to commence bylaw enforcement proceedings.
- (2) At the end of the proceedings, the complainant and the board, if required, will be advised of the outcome, and the file closed.

4. Direct Enforcement Process

The following steps are the direct enforcement process guidelines:

- (1) A letter is sent to the owner outlining the required tasks. The letter may advise that failure to comply with the bylaws within the outlined time frame will result in the regional district effecting compliance on the subject property and any costs will be added to the property taxes as taxes in arrears if they are not paid by December 31st;
- (2) Should the owner fail to comply with the bylaws within the given time frame as outlined in the first letter:
 - a. A second letter may be sent to the owner advising them that they have failed to comply with the bylaws of the regional district. The letter will advise that failure to comply with the bylaws within the outlined time frame will result in the regional district effecting compliance on the subject property and any expenses that year will be added to the property taxes as taxes in arrears if they are not paid by December 31st;
 - b. If the subject property requires that substantial work be completed before compliance is achieved, then staff may obtain estimates for the costs and advise the owner of the estimated costs should the regional district effect compliance.
- (3) Should the property not be brought into compliance within the stipulated deadline, the regional district may effect compliance and any costs incurred to achieve compliance will be invoiced to the owner. If unpaid by December 31st, the costs will be added to the taxes payable as taxes in arrears.

Revision History

Approval Date	Approved By	Description of Change
August 11, 2020	Board	Administrative updates
November 3, 2025	EASC	Updates: adjudication, nuisance complaints and building bylaw infractions enforcement