

# THE CORPORATION OF THE **CITY OF WHITE ROCK** CORPORATE REPORT



**DATE:** September 20, 2021

**TO:** Governance and Legislation Committee

**FROM:** Carl Isaak, Director, Planning and Development Services

**SUBJECT:** Bylaw Notice Enforcement and Adjudication System

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## **RECOMMENDATIONS**

THAT the Governance and Legislation Committee recommend:

1. Council direct staff to formally request the Ministry of the Attorney General to make the *Local Government Bylaw Notice Enforcement Act* applicable to the City of White Rock; and
  2. Council direct staff to prepare a Bylaw Notice Enforcement Bylaw, a Screening Officer Policy, and amendments to existing bylaws as necessary to implement a bylaw notice and adjudication system.
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## **EXECUTIVE SUMMARY**

This corporate report introduces the Bylaw Notice Enforcement and Adjudication System (the 'system') and requests a resolution to pursue the development of this system.

The system enables a more efficient and cost-effective administrative process for dealing with bylaw infractions, and has been identified by the Citywide Parking Strategy as one of the tools to assist in improving the efficiency of addressing parking violations.

Under the *Local Government Bylaw Notice Act*, in order to participate in this system a local government is required to have the Ministry of the Attorney General enact a regulation to make the *Act* applicable to them.

Once the Attorney General has registered the City under the *Act*, the City's bylaws may be amended to implement the system. A new Screening Officer Policy is also recommended to be prepared as an integral part of the system.

The Governance and Legislation Committee is given background information for discussion purposes and requested to recommend that Council pass resolutions to direct staff to initiate the steps necessary to implement this system.

## **PREVIOUS COUNCIL DIRECTION**

Not applicable.

## **INTRODUCTION/BACKGROUND**

The purpose of this corporate report is to provide information to the Governance and Legislation Committee on the Bylaw Notice Enforcement and Adjudication System and obtain a resolution from Council to pursue the development of this system. The system provides an alternate way to enforce and resolve disputes relating to minor violations of bylaws such as animal control, business licensing, zoning, signs, parking, building, noise, parks, trees, and unsightly premises.

Under the *Local Government Bylaw Notice Act*, in order to participate in this system a local government is required to have the Ministry of the Attorney General enact a regulation to make the *Act* applicable to them.

Once the Attorney General has registered the City under the *Act*, the City's bylaws may be amended to implement the system. A new Screening Officer Policy is also recommended to be prepared as an integral part of the system.

### **History of Bylaw Notice and Adjudication System**

There are currently 103 local governments in British Columbia that have proceeded with a bylaw notice enforcement and dispute adjudication system. The system was introduced in 2004 as a pilot project involving three North Shore municipalities (District of North Vancouver, City of North Vancouver, and City of West Vancouver) as a way to deal with local government bylaw infractions and disputes outside of the Provincial Court system. The experience with the pilot project showed an improvement in collection of outstanding fines, satisfaction with the speed and fairness of the dispute system, and reduction in the number of tickets disputed.

Due to the success of the pilot project, the system was expanded to allow the participation of local government across the Province. The *Local Government Bylaw Enforcement Act* allows that a local government may establish, by bylaw, a system that allows for:

- Offenses to be dealt with by issuing a bylaw notice (ticket), which may be mailed, left at the site of contravention (i.e., car windshield), or delivered in person;
- Penalties for contraventions to be set up to \$500, with potential for reduced penalties for early repayment and/or compliance agreements;
- The timeline for paying and disputing a notice (ticket);
- A process for disputing a ticket, and a fee for disputes that are not successful; and
- Internal screening officers to review disputed tickets, with authority to enter into compliance agreements.

The ability to mail violation notices is an improvement on the current ticketing system, as there are occasions when the infraction occurs after hours or is known to have been committed by an out-of-town contractor or property owner and serving the ticket personally is challenging.

For tickets that do proceed to Provincial Court, this would require the attendance of City staff and/or legal counsel, resulting in lost staff time or legal costs.

### **FINANCIAL IMPLICATIONS**

It is anticipated that the cost of operating a bylaw adjudication system would be offset by the higher rate of fines collected and that it would not result in overall additional costs.

The City does have a Bylaw Ticketing module in the Tempest software which may require minor upgrades to accommodate the different process for Bylaw Notices. Costs, if any, would be brought forward during the budget preparations for the 2022-2026 Financial Plan.

### **LEGAL IMPLICATIONS**

The *Local Government Bylaw Notice Enforcement Act and Regulation and Community Charter* enable local governments to enact their own Bylaw Notice Enforcement Bylaws.

The draft Bylaw Notice Enforcement Bylaw may require legal review prior to being brought forward for consideration.

### **COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

Not applicable.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

This report has been reviewed by Bylaw Enforcement and Parking staff in the Planning and Development Services Department.

If the Bylaw Notice and Adjudication System proceeds, staff from various departments will be involved with providing input on appropriate penalties for the regulatory bylaws that impact their areas of responsibility (e.g. Engineering staff for Street and Traffic Bylaw, etc.).

### **CLIMATE CHANGE IMPLICATIONS**

Not applicable.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

Implementing a Bylaw Adjudication system is under the 2021-22 Strategic Priority theme of “Our Economy” under the objective to improve provision of efficient and cost effective services.

### **OPTIONS / RISKS / ALTERNATIVES**

The following alternative option is available for the Committee’s consideration:

1. Direct staff not to proceed with a bylaw adjudication system and continue to use the Municipal Ticket Information (MTI) and *Offence Act* (long form prosecution) systems for bylaw offences and penalties.

### **CONCLUSION**

This corporate report introduces the Bylaw Notice Enforcement and Adjudication System (the ‘system’) and requests that the Committee recommend that Council pass resolutions to direct staff to initiate the steps necessary to implement this system.

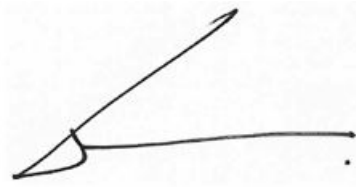
Respectfully submitted,



Carl Isaak, RPP, MCIP  
Director, Planning and Development Services

**Comments from the Chief Administrative Officer**

I concur with the recommendations of this corporate report.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero  
Chief Administrative Officer

Appendix A: Local Government Toolkit: Bylaw Dispute Adjudication System (2005)