

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



**DATE:** January 16, 2023

**TO:** Mayor and Council

**FROM:** Anne Berry, Director, Planning & Development Services

**SUBJECT:** Proposed Council Policy No. 518 – Bylaw Enforcement

---

**RECOMMENDATION**

THAT Council approve Council Policy No. 518 – Bylaw Enforcement, as presented in the staff report titled “Proposed Council Policy No. 518 – Bylaw Enforcement,” dated January 16, 2023.

---

**EXECUTIVE SUMMARY**

The City of White Rock has well-established bylaw enforcement practices which are consistent with the best practices within the Ombudsperson’s Guide to Bylaw Enforcement. These practices are not currently supported by an existing Council policy, therefore, in the interests of accountability and transparency to the community, staff recommends that Council consider endorsing a policy which would outline the city’s established practices and help clarify the city’s overall philosophy to bylaw enforcement. A Council policy will provide enforcement staff with guidance and limits to the exercising of discretion and will provide the public with clarity regarding complaint and enforcement decisions and processes.

**PREVIOUS COUNCIL DIRECTION**

Although no Council direction has been provided specifically to prepare a Bylaw Enforcement Policy, Council has provided previous direction to proceed with the implementation of a Bylaw Notice Enforcement Bylaw and adjudication system in place of the city’s current Municipal Ticket Information System process. This work is currently underway, and the preparation of this policy is in alignment with that process.

**INTRODUCTION/BACKGROUND**

Local governments often establish bylaw enforcement policies to guide their staff and clarify for the public the general approach taken to bylaw enforcement within that community. The Provincial Office of the Ombudsperson has developed a guide to help local governments develop, adopt and implement best practices that encourage fairness in bylaw enforcement (Attachment A). The guide contains valuable practices for all stages of bylaw enforcement: establishing bylaws, responding to complaints, conducting investigations, making enforcement decisions, and handling appeals. An identified best practice within the guide is for local governments to develop a complaints policy to provide direction to staff and information for the public about how to make complaints,

recording complaints, how staff will respond to complaints and how complainants will be informed of outcomes.

The City of White Rock has well-established bylaw enforcement practices which are consistent with the best practices within the Ombudsperson's Guide. These practices are not currently supported by an existing Council policy, therefore, in the interests of accountability and transparency to the community, staff recommends that Council consider endorsing a policy which would outline the city's established practices and help clarify the city's overall philosophy to bylaw enforcement. Whether a resident has reported a bylaw infraction or has been the subject of enforcement action, the goal is to help ensure everyone is treated fairly. A Council policy will provide enforcement staff with guidance and limits to the exercising of discretion and will provide the public with clarity regarding complaint and enforcement decisions and processes.

### **Local Government Bylaw Enforcement**

Bylaw enforcement refers to actions taken by a local government to ensure community members comply with local bylaws. Local governments have the authority to regulate, prohibit, and impose requirements by bylaw concerning various matters, and to enforce those rules, local governments may engage in a range of bylaw enforcement activities such as:

- Educating the public about regulatory rules.
- Conducting inspections to ensure that regulations are being followed.
- Mediating between members of the public.
- Leveraging voluntary compliance with the regulations where possible.
- Seeking formal consequences for bylaw contraventions where compliance is not forthcoming, or harm has been done to the community.

Due to our limited resources, the City of White Rock's practice is primarily to seek voluntary compliance on bylaw matters, unless the matter poses a significant health and safety hazard or is a matter on which the city has directed pro-active enforcement such as issuing parking tickets for parking violations. Enforcement requires individuals with specialized training, knowledge, or experience. Bylaw enforcement is carried out primarily by employees and local government officers appointed by name or job classification as bylaw enforcement officers.

Bylaw enforcement systems can range on a spectrum from voluntary compliance to enforcement. Compliance strategies typically involve public education, warnings, informal or dispute resolution, and mediation. Enforcement ranges from issuing bylaw tickets, injunctions, direct enforcement action and prosecution. Most local governments fall somewhere in the middle, incorporating elements of both regimes, depending on the priorities of the local government council, and the capacity of the organization.

In the City of White Rock, the established system of ticketing is based on the Municipal Ticket Information system process under the Community Charter. Staff have been directed by Council to prepare and implement a Bylaw Notice Enforcement Bylaw, and adjudication system, under the Bylaw Notice Enforcement Act regulations, to improve the city's ability to enforce and adjudicate bylaw enforcement matters. This change will offer greater flexibility for the city when it comes to resolving bylaw disputes. This work is currently underway. In keeping with the city's approach to continuous process improvement, and in preparation for the new system, staff have identified the need for a Bylaw Enforcement Policy, to support the city's current bylaw enforcement practices.

The city promotes an enforcement philosophy that seeks voluntary bylaw compliance in respect of most private property matters. In essence, seeking voluntary compliance means that a local government may encourage the person responsible for the contravention to rectify the situation voluntarily if the infringement involves a property owner failing to take action regarding their property as required in a bylaw. Education is usually the first step, and offenders are generally provided time to comply with the bylaw. Ticketing is generally seen as a tool only where cooperation and compliance cannot reasonably be achieved, with the exception of certain areas of proactive enforcement such as parking.

### **Proposed Bylaw Enforcement Policy No. 518**

An effective policy should be based on the principles of administrative fairness. The draft document sets out in policy form the practices currently being applied by enforcement staff and is broken out into sections for ease of use and clarity of understanding. It is anticipated that this policy will be reviewed as enforcement demands evolve based on the needs of the community and the direction of Council.

The proposed policy clearly outlines under what conditions complaints will be investigated, and what kind of complaints will not be investigated (ex. anonymous, frivolous, vexatious etc.). Definitions are included and the policy has been written in plain language so that it can be easily understood, by the public and staff.

White Rock has limited resources for bylaw enforcement. The draft policy has been prepared to help the city manage public expectations when it comes to the resolution of bylaw matters. It outlines the city's standards and approach to enforcement, how complaints are responded to, and how the city prioritizes its response to complaints. The policy also speaks to the Bylaw Officer's ability to use discretion in the determination of timeframes for compliance, recognizing that not all enforcement matters are alike.

Complaints will be prioritized into the following three categories:

Priority 1: Health and Safety - the alleged bylaw contravention may adversely impact the health or public safety of the community. These contraventions will generally be investigated and enforced as soon as reasonably possible, subject to the availability of city staff and other resources.

Priority 2: Significant Negative Impact to Adjacent Properties - the alleged bylaw contravention is significantly impacting adjacent properties in a negative manner, but it generally does not pose an immediate risk to the health or public safety of the community. The city's investigation and enforcement of Priority 2 matters will most often be initiated in response to valid complaints received by the city, as set out in this Policy.

Priority 3: General Nuisance - the alleged bylaw contravention may be a matter that is a general community concern. These contraventions are less serious in nature and generally do not affect the health or public safety of the community.

### **LEGAL IMPLICATIONS**

It is important to note that nothing in the policy can override the mandatory requirements of a bylaw. Nor can a policy be as prescriptive as a bylaw, in that staff require discretion in the exercising of enforcement. Achieving fairness in discretionary decision making requires staff to consider the specific circumstances of each alleged violation.

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

Adopting and applying a Council policy regarding the city’s approach to bylaw enforcement will communicate to the public how the city prioritizes complaints to make efficient use of its resources and will help manage community expectations regarding bylaw enforcement matters.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The proposed policy clarifies how departments will communicate internally when bylaw enforcement support is required, to ensure consistency in the city’s approach to applying enforcement measures.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

The preparation and adoption of a Bylaw Enforcement Policy is aligned with the city’s objective to manage the delivery of city services efficiently and effectively, and the objective to follow best practices in governance.

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

A Bylaw Enforcement Policy is not a mandatory requirement of local governments, rather a best practice. The following alternative options are available for Council’s consideration:

1. Not adopt proposed Bylaw Enforcement Policy No. 518. Status quo would remain. The city would continue to apply its current enforcement strategies. This option would not enhance administrative fairness for the community.

**CONCLUSION**

When there is public dissatisfaction with the enforcement process, or the outcome of a bylaw investigation, complaints from the public are sometimes submitted to the Office of Ombudsperson. If the Office of the Ombudsperson determines that an investigation into the complaint is warranted, the Ombudsperson will look to see if the city has applied administrative fairness in the matter. Having and following a policy is a best practice that will ensure administrative fairness, transparency, and will help to enhance citizen satisfaction in the City of White Rock.

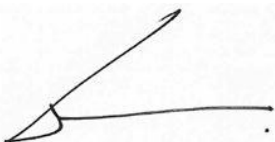
Respectfully submitted,



Anne Berry  
Director, Planning & Development Services

**Comments from the Chief Administrative Officer**

I concur with the recommendation of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

Appendix A: Office of the Ombudsperson, Bylaw Enforcement: Best Practices Guide for Local Governments

Appendix B: Draft Bylaw Enforcement Policy No. 51