



POLICY

Subject Area:	Corporate – City Wide	Policy #	3.21
Policy Title:	Bylaw Enforcement Policy		
Authority:	Corporate	Effective Date:	2021-04-28
	Legislative	Review Date:	New
Issued By:	Dominic Long Director of Community Safety & Corporate Support	Issue Date:	2021-04-28
		Manner Issued:	E-mail to All Staff or Department Heads/City Website

Purpose

To promote the efficient use of City resources and provide a general framework on how the City responds to Calls for Service related to bylaw contraventions.

Policy

The City does not have the resources to proactively monitor all areas of the city to confirm compliance. This policy sets out direction to employees and give information to the public about the City's approach to bylaw enforcement including, how to make a call for service, how employees will record, assess, and respond to calls for service, and how the requestor will be informed of the outcome.

Scope

This policy applies to all employees engaged in bylaw enforcement activities on behalf of the City. City bylaws are operationally decentralized, with enforcement staff in several divisions and departments. It is the responsibility of each manager to ensure enforcement staff and clerical staff:

- Are aware of this policy;
- Receive appropriate training of this policy; and
- Are performing job duties in compliance with this policy

Application

Bylaw services provides general oversight to the City's bylaw compliance model to promote consistency and efficiency in the City's approach. Bylaw services also manages the Bylaw Adjudication System, more formal legal enforcement remedies and collection of debts arising from bylaw offences.

Definitions

Valid complaint: a complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant's name, address and telephone number, and which is not a vexatious complaint.

Vexatious complaint: a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the complainant that amounts to abuse of the complaint process.

Complaints

Making a call for service:

- Calls for Service can be made using the City's Poco Sort & Report app, by email, by phone, or in person.
- All Calls for Service will be entered in the City's database for tracking, follow-up, resolution and statistical record.
- When submitting a Call for Service, requestors must provide their name, address, telephone number, email contact information, and the exact address where the alleged contravention has occurred.
- Requests based on a general description of a house or location may not be investigated.
- Vexatious complaints will not be acted upon
- The City keeps the identity of every requestor confidential.

The anonymity and confidentiality given to requestors and alleged contraveners under this policy cannot be assured in all circumstances, particularly if a Call for Service has been publicly disclosed by the requestor, or if an investigation results in court proceedings.

The identity of requestors, the details of the City's investigation and enforcements, and any identifying information will only be used and disclosed in accordance with the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996. Situations in which requestor information or enforcement history may be disclosed, include:

- if required by Court order, warrant or other similar judicial or quasi-judicial process;
- if required under the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996;
- if required as part of the disclosure process in the event of a prosecution or civil proceeding; or
- if the person to whom the personal information pertains consents to the disclosure;
- as a last resort, it may be necessary for witnesses to provide evidence at an adjudication hearing or in court proceedings;
- a requestor should be informed of the possibility that their evidence may be required at an adjudication hearing or in court proceedings at the time of the initial Call for Service or during the investigative process.
- except in situations of significant risk to the environment or human safety, the requestor will be provided the option of consenting to the disclosure or withdrawing the Call for Service.

Guiding Principles

Education is the foundation of the City's progressive bylaw compliance approach; the mandate is to achieve voluntary compliance with the City's bylaws, and provincial regulations pertaining to bylaw enforcement through:

- Step 1: Community education including, but not limited to, posted traffic signs;
- Step 2: Voluntary compliance on a case-by-case basis; and
- Step 3: Bylaw notices, municipal tickets, fees, and court proceedings.
- Step 4: Formal legal enforcement, including but not limited to remedial action orders and court injunctions
- Requestors may be asked to take additional steps before making a call for service, prior to the City investigating the matter.

The following factors are considered when deciding whether or not to investigate a matter:

- adverse impact to the environment or public safety;
- the impact of the contravention on the community;
- the impact of the contravention on the requestor; or

Immediate action may be taken, including foregoing education and warnings, in situations where:

- environmental or human health, safety, or security are at risk;
- the infraction is occurring on City-owned lands; or
- the contravener knows or ought to have known that their actions contravene the City's bylaws.

Response to Calls for Service is generally triaged as follows:

Priority #1: Safety and Liability

- The alleged bylaw contravention has the potential to cause adverse impacts to the environment or public safety.
- These types of calls will be responded to as soon as possible, based on available staff resources.
- Prior warning or education may not be appropriate in these cases.

Priority #2: Significant negative impact to adjacent properties

- The alleged bylaw violation is significantly impacting adjacent properties in a negative manner, but does not pose an immediate risk to the environment or public safety. Generally, enforcement efforts are directed at seeking voluntary compliance, without ticketing, and employees will consider whether education is sufficient to prevent ongoing contraventions. Staff will often issue a warning and provide a short time line for compliance before ticketing

Priority # 3: General

- Enforcement staff will respond to general calls as resources permit, and in accordance with their Operating Procedures.
- Enforcement staff will investigate the matter, focus on education, and provide opportunities for voluntary compliance.

- Discretion may be used to determine whether it is in the City's or the community's best interest to pursue the matter.

Recording, assessing and responding to calls for service

Upon receipt of a written request, a Call for Service will be generated and the alleged bylaw contravention will be investigated and enforced, based on the priority system outlined and City resources.

- While all Calls for Services are received and recorded, not all calls will be investigated in person.
- In general, an anonymous Call for Service will not be acted upon, unless the alleged contravention adversely impacts the environment or public safety, or upon the recommendation of the Manager.
- Enforcement staff will exercise discretion when determining appropriate enforcement action, including the best method to gain compliance.
- Enforcement staff will conduct site inspections in accordance with applicable law.
- Employees must act in accordance with this Policy and Operating Procedures.
- Relevant consideration for assessing and responding to Calls for Service, including exercising discretion, in consultation with the Manager, to determine appropriate action, includes, but is not limited to:
 - the nature of the contravention;
 - the duration of the contravention;
 - previous history;
 - repeat offences;
 - the short term and long-term impacts of the contravention;
 - the potential to establish precedent; and
 - the resources available to resolve the matter.

Review

This policy shall be reviewed as required in response to changes in the City of Port Coquitlam's corporate goals and Council directives.

End of Policy