

ELECTORAL AREA A BYLAW ENFORCEMENT

Effective Date: October 26, 2018

Approved By: MVRD Board

PURPOSE

The purpose of this policy is to guide staff in undertaking bylaw enforcement investigations and to determine under what circumstances investigations should commence. This policy applies to unsightly premises and nuisances, zoning, and building administration bylaws within Metro Vancouver Regional District's Electoral Area A (excluding University of British Columbia lands, University Endowment Lands, and First Nation reserve lands).

POLICY

Investigations conducted by Regional District staff are generally initiated on a complaint-driven basis; however, Regional District staff may use their discretion in initiating investigations where public interest circumstances warrant such action. Such circumstances may include, but are not limited to: health, safety, and environmental considerations; Regional District liability; and/or the scale or the flagrancy of the violation.

This policy does not supersede enforcement policies and procedures for other Metro Vancouver bylaws enforced within the Electoral Area A such as regional parks, air quality and solid waste bylaws.

COMPLAINT CONSIDERATION PROCESS

In order to be considered, a bylaw complaint must be in writing and must contain the name, address and phone number of the complainant and must describe the nature and specific location of the alleged infraction(s).

Regional District staff will acknowledge all complaints in writing. The Regional District will inform the complainants whether there will be an investigation, or provide reasons why the complaint will not be investigated. Regional District staff will be responsible for responding to complainants within a reasonable amount of time.

When determining the response to a complaint, repeat complaints, or multiple unrelated complaints Regional District staff will consider such matters as the scale, number and duration of the infraction(s); the current, short and long term impacts caused by the infraction and the public interest in having it addressed; consistency of approach to infractions and the resources available to resolve the matter.

The Regional District will employ a respectful, progressive process and where possible, seek voluntary compliance first, unless health, safety, environmental or liability concerns necessitate more immediate or significant action. All cases will be reviewed on their own merit and the response designed to be reasonable, equitable and appropriate to the scale of the offence. The Regional District will consider all tools available to it, including, but not limited to voluntary compliance,

BOARD POLICY

warning letters, demand letters, Notices of Bylaw Violation, Municipal Ticketing and, if necessary, civil court action or prosecution.

The Regional District will handle complaints and bylaw enforcement issues as operational matters to be handled at a staff level rather than at a Board level. Staff will advise the Electoral Area Director of any enforcement actions. In addition, staff will advise the Standing Committee responsible for Electoral Area matters and the Board on enforcement matters on an as-needed basis. Consistent with Regional District bylaws and the *Community Charter*, staff will bring matters to the Board's attention for consideration, where a Board resolution is required in order to take certain action.

CONFIDENTIALITY

In order to maintain confidentiality, the Regional District must not disclose the identity of the complainant or the written complaint to the alleged offender or any member of the public. Similarly, the Regional District must not disclose the response from the alleged offender to the complainant. However, in the event of an investigation proceeding to court, or a Regional District refusal to produce requested records becoming subject to a review by the commissioner pursuant to the *Freedom of Information and Protection of Privacy Act*, it may not be possible for the Regional District to continue to maintain confidentiality of such information, or the Regional District may be required to disclose the information.

COST RECOVERY

If a person subject to a required action directed by the Regional District Board fails to take such required action, the Board may, pursuant to the *Local Government Act*, direct the Regional District to fulfil the requirement at the expense of the person and recover the costs incurred from that person as a debt. If not paid by December 31 of the year in which the work was done, the amount will be added as taxes in arrears as permitted under the *Taxation (Rural Area) Act*, collected by the BC Surveyor of Taxes and paid to the Regional District.

JURISDICTION

Where the Regional District receives a complaint regarding matters beyond its enforcement jurisdiction, when appropriate, the Regional District will request assistance from the relevant agency (e.g. BC Parks, Ministry of Environment, Agricultural Land Commission, Fraser/Coastal Health, etc.). If the complaint is within the jurisdiction of the Regional District and another agency, joint investigations and enforcement may occur. Any disclosure of personal information for law enforcement purposes will comply with the requirements of the *Freedom of Information and Protection of Privacy Act*.