



Department: All

POLICY STATEMENT

BY-LAW ENFORCEMENT

PURPOSE

The purpose of the policy is to ensure economy and uniformity of administration and enforcement of the Regional District's by-laws and resolutions; to reduce the Regional District's potential liability; to ensure that staff provide consistent information to the public and to the Board about Regional District regulations; and to reinforce the need for cooperation among departmental staff in solving by-law enforcement problems.

APPLICATION

This policy will apply to the investigation of violations and enforcement of all Regional District by-laws as well as the self-help provisions of the *Local Government Act* and any other statutes which apply to the Regional District.

1. Staff are authorized to react to infractions identified through the complaint process and shall not seek out infractions.
2. Staff will first attempt to resolve by-law infractions by providing information to all interested parties. A mutually agreeable timeframe for compliance will be established and confirmed by staff in writing. Failing a reasonable attempt by the interested parties to comply, the matter will proceed to the Board. Approval of the Board to proceed with enforcement is required. Self-help provisions of the *Local Government Act* may be invoked. Alternatively, the Board may be asked to approve legal assistance and court proceedings.
3. Complainants are required to provide their concerns in writing and under signature, including their name and address to the Regional District. Individuals laying a complaint should be made aware they may be required to provide a legal statement if the matter proceeds to court.
4. Where ever possible, anonymity will be maintained between the complainant and the alleged violator.
5. Staff will apply standard enforcement procedures in all electoral areas unless specifically varied by a Board resolution. Area Directors will be advised in advance where difficult cases have arisen.

BY-LAW ENFORCEMENT

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6. Where rezoning or other changes are brought to the Board for approval as the result of enforcement actions, the Board report must include comments concerning the enforcement problem so that the Regional Board is fully aware of all the reasons for the proposed rezoning or other changes under the by-laws and the public concern initiating the enforcement action.
7. Enforcement shall be progressive and may include the following remedies:
 - a) Direct enforcement without the involvement of a court generally includes:
 - (i) various attempts at resolution with the interested parties;
 - (ii) if compliance cannot be achieved, report to the Board outlining the contravention with recommendations;
 - (iii) the interested parties are sent a copy of the Regional Board's Report and invited to make a presentation for public consideration at a Regional Board meeting; and
 - (iv) after the public consideration, the Board considers appropriate action to be taken.
 - b) Injunction proceedings, both interlocutory and final, in Supreme Court.
 - c) Quasi criminal proceedings (prosecution) in the Provincial Court.
 - d) Municipal Ticketing Information (MTI)