

<b>Peace River Regional District Statement of POLICY and PROCEDURE</b>			
Department:	Administration	Policy No.	<b>0340-20-15</b>
Section:	Bylaw Enforcement	Issued:	October 12, 2017
Subject:	<b>Bylaw Enforcement</b>	Effective:	October 12, 2017
Board Resolution # and Date:	RD/17/10/20 October 12, 2017	Page:	1 of 3
		Replaces:	RD/15/03/17
Issued by:	General Manager of Development Services	Dated:	March 15, 2017
Approved by:	Chief Administrative Officer	EADC:	February 19, 2015

## **1 POLICY**

- 1.1 The purpose of the policy is to ensure economy and uniformity of administration and enforcement of the Regional District's bylaws 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 bylaw enforcement problems.
- 1.2 This policy will apply to the investigation of violations and enforcement of all Regional District bylaws as well as the self-help provisions of the *Local Government Act* and any other statutes which apply to the Regional District.

## **2 PROCEDURE**

- 2.1 Staff are authorized to react to infractions identified through the complaint process and shall not seek out infractions, for the following bylaws:
  - a. zoning bylaws; except as provided by section 2.3 below;
  - b. unsightly premises bylaw;
  - c. mobile home park bylaw;
  - d. noise bylaw.
- 2.2 For all other existing regulatory bylaws, staff is authorized to react to infractions when observed during working hours.
- 2.3 Notwithstanding section 2.1(a), staff are directed and authorized to investigate bylaw contraventions that may exist after a development application has been denied by the Regional Board or if a permit has expired.
- 2.4 When complaints are received that are not in contravention of PRRD regulations but may be in contravention of another agency, staff will direct the complainant to the other agency.

Subject:	<b>Bylaw Enforcement Policy 0340-20-15</b>	Page:	2 of 3
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- 2.5 When complaints are received that are in contravention of PRRD regulations and another agency staff will advise the landowner and the other agency by way of copy.
- 2.6 Staff will first attempt to resolve bylaw 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.
- 2.7 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.
- 2.8 Where ever possible, anonymity will be maintained between complainant and the alleged violator.
- 2.9 Staff will apply standard enforcement procedures in all electoral areas unless specifically varied by Board resolution. Area Directors will be advised in advance where difficult cases have arisen.
- 2.10 Where rezoning or other development 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 bylaws and the public concern initiating the enforcement action.
- a) Information about the enforcement action shall be provided in the report before discussion of the development application.
  - b) Recommended options for the development application shall include consideration of the enforcement action.
    - i) The development application may be deferred or refused for consideration until any bylaw contravention is resolved, or;
    - ii) The development application may be considered and proceed to review, which would then suspend enforcement action while such review is in progress, except if the applicant unreasonably delays the progress of the application, enforcement will commence.

Subject:	<b>Bylaw Enforcement Policy 0340-20-15</b>	Page:	3 of 3
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- 2.11 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)
  - e) Bylaw Notice Enforcement
- 2.12 That correspondence is conveyed by registered mail when dealing with time sensitive requirements.