Section 9 – Legislative Services	Policy # 4000.00.01
Subject: Bylaw Enforcement Policy	Revision #

PURPOSE:

The purpose of this Bylaw Enforcement Policy is to provide consistent enforcement and management of complaints relating to City of Courtenay bylaws.

POLICY:

The Bylaw Enforcement Policy is complaint based. The City does not have the resources to generally review bylaw compliance on its own initiative; therefore it will primarily rely on complaints from the public in order to initiate any investigations.

The City has no duty to take enforcement action for each bylaw contravention that may occur. Discretion will be exercised by City staff and Council on a case-by-case basis.

Bylaw investigation will be undertaken only in response to written complaints, and where complainants provide their name, address and telephone number. The identity of complainants is protected under the *Freedom of Information and Protection of Privacy Act*. The City will not respond to anonymous complaints. Bylaw investigations may be undertaken in response to complaints or observations from City staff, or other agencies such as the RCMP.

The City's highest bylaw enforcement priority is generally matters relating to public health and safety and complaints relating to these areas will be investigated as soon as possible. Response priority on routine matters such as permits, zoning bylaw violations, etc. will be determined on the order received, and the availability of staff resources.

Voluntary compliance is the first goal of bylaw enforcement. Individuals will be given the opportunity to cease the violation activity before further action is taken. Compliance may be encouraged through notification of municipal fines associated with the offence. Municipal tickets (MTI) may be issued if required at the discretion of the City staff.

A complainant may be requested to sign an affidavit and/or be prepared to stand as a witness in the event enforcement action proceeds to court.

Injunctive or other court proceedings may be initiated if voluntary compliance is not achieved within 90 days of the City issuing a warning. Where voluntary compliance fails, and where injunctive proceedings are recommended, the Chief Administrative Officer (CAO) will request approval from Council to commence legal proceedings.

AUTHORIZATION: R15/2017 4.01	**DATE:** August 8, 2017

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Council may, through a formal resolution of Council, direct staff to investigate a matter, or enforce City bylaws. An individual Council member may refer a bylaw enforcement matter to staff for investigation through the CAO.

PROCEDURES:

1. All bylaw complaints will be directed in writing to the Bylaw Enforcement Officer (BEO), who will undertake a preliminary review of the complaint to ensure the complaint is founded. If no violation exists, the alleged violator and complainant will be advised, and the file will be closed. If a violation exists, the alleged violator will be verbally requested to cease the activity. The BEO may conduct a site visit to determine compliance. The BEO may refer animal complaints to the Animal Control Officer or traffic complaints to the Traffic Control Officer as appropriate.

2. In order for enforcement to be considered, routine complaints must meet the following criteria:

    - Two complete written bylaw complaints signed by unrelated complainants with the City of Courtenay;
    - One complete written bylaw complaint signed by a complainant whose property is located within 100 metres of the property; or
    - One written or verbal complaint from an RCMP officer.

    Complaints involving public health and safety risks to humans, significant adverse environmental impacts and/or harm to City infrastructure require only one written complaint.

3. The BEO will verbally request voluntary compliance with the alleged violator and establish time limits for compliance. If the violation continues, MTI fines may be issued to seek compliance. Alternative dispute resolution processes such as mediation or negotiation may be used at any time in order to seek compliance. If the violation continues, the BEO may send formal letters demanding compliance, and may undertake other remedies as authorized by bylaw. The BEO will maintain a record of all complaints received, and the actions taken to resolve the issue.

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4. Where compliance has not been achieved, the BEO will provide a recommended approach to bylaw enforcement. Where the recommendation is to seek injunctive relief or other forms of legal action, the Director of Legislative Services/Deputy CAO will prepare a report to Council through the CAO. Council will then either resolve to proceed with legal action, decline to proceed, or seek other remedies. Following approval of Council by resolution, with the assistance of legal counsel, staff will initiate if applicable, legal proceedings.

5. All complainants will be advised of the status of their complaint in a timely manner based on available resources. Should the complainant be unsatisfied with the disposition of the complaint, the complainant may appeal to the CAO. If the complainant remains unsatisfied, then an appeal may be made directly to Council in writing.

6. In the case of frivolous, repeat and/or multiple complaints, each complaint will be considered according to this policy. Bylaw enforcement staff will endeavor to balance the interest of the complainant as well as the broader community. The City has the discretion to not to intervene in civil matters that are clearly disputes between individuals.

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