

## Complaints and Bylaw Enforcement

Effective Date: May 1, 2012  
Last Revised: December 3, 2024

### 1. Purpose

This policy outlines the City's overall approach to bylaw enforcement, with the goal of promoting fairness and consistency. The purpose of bylaw enforcement is to ensure public health and safety, protect the natural environment, support agricultural viability, and maintain community standards in accordance with the City's bylaws. As it is not possible to ensure that all of the City's bylaws are being complied with at all times, bylaw enforcement is discretionary.

### 2. Scope

This policy provides a general framework for bylaw enforcement practices within the City, and includes guidance on how bylaw complaints are addressed and prioritized. Council may provide additional policy guidance on bylaw complaint and enforcement issues (e.g., the types of contraventions to prioritize) through other bylaws, policies or resolutions.

### 3. Definitions

In this policy,

- a) **Bylaw Officer** means an employee of the City who is responsible for the enforcement of one or more of its bylaws.
- b) **Bylaw Services** means the City division that is primarily responsible for bylaw enforcement.
- c) **Complainant** means a person who makes a complaint to the City regarding a bylaw contravention.
- d) **Director** means the director responsible for Bylaw Services, and their authorized designate.
- e) **Frivolous Complaint** means a complaint that may have no serious purpose,

value, or merit; has no basis in fact; or otherwise forms part of a pattern of conduct that amounts to an abuse of the complaint process.

- f) **Repeat Complaint** means a complaint from the same person on an issue that has been previously addressed, which involves no further bylaw contraventions and where all reasonable steps have been taken to resolve the issue.
- g) **Valid complaint** means a complaint about a potential bylaw contravention that:
  - (1) contains the complainant's name, address, and telephone number;
  - (2) includes the location and general nature of the potential bylaw contravention, such as the 'who', 'what', 'where,' and 'when' of the issue; and
  - (3) is not a frivolous, repeat, or vexatious complaint.
- h) **Vexatious Complaint** means a complaint that is made for retaliatory or bad faith purposes; forms part of a broader dispute between individuals; or otherwise forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

## 4. Policy Statements

### 4.1 Bylaw Complaints

- a) As the City does not have the resources to proactively monitor compliance with all bylaws at all times, the City's approach to bylaw enforcement is discretionary and primarily complaint-based.
- b) A complainant may submit a bylaw complaint using the forms and procedures established by the Director.
- c) It is the complainant's responsibility to ensure their complaint meets the criteria for a valid complaint under this policy.
- d) Bylaw Services will record valid complaints for the purposes of tracking, follow-up, and statistical analysis of bylaw contraventions.
- e) Bylaw Services will endeavor to respond to all complaints within three (3) business days, subject to workload, resources, and other priorities.

- f) During the regular course of their duties, a Bylaw Officer may seek out and address bylaw contraventions for issues relating to health and safety, the natural environment, and agricultural land. A Bylaw Officer may also proactively enforce bylaw contraventions where an offender knows, or reasonably ought to know, their conduct contravenes the City's bylaws, such as parking and water restriction contraventions.

#### 4.2 Assessing Complaints

- a) The City has no duty to take enforcement action for each bylaw contravention that may occur.
- b) A Bylaw Officer will use discretion, on a case-by-case basis, to evaluate bylaw complaints and take reasonable steps to investigate valid complaints in accordance with this policy.
- c) Anonymous complaints will not be investigated unless potential safety, health, or liability issues are identified.
- d) Frivolous, repeat or vexatious complaints will not be investigated unless potential safety, health, or liability issues are identified. Bylaw Services will respond to frivolous, repeat and vexatious complaints outlining the reasons for not investigating the complaint, and indicating that future complaints will only be pursued if new information or issues are raised by the complainant.
- e) Third-party complaints will be evaluated on a case-by-case basis. Investigations will generally proceed where there are potential safety, health, or liability issues, or a clear linkage to an identifiable complainant.
- f) In consultation with the Director, a Bylaw Officer maintains the discretion to not investigate complaints, or end investigations into complaints, that are deemed to:
  - (1) not be in the public interest to mitigate;
  - (2) not be in the jurisdiction of the City;
  - (3) be primarily related to a dispute between two parties;
  - (4) be more appropriately managed by the complainant through other processes, such as a strata corporation, the Residential Tenancy Branch, or legal action; or
  - (5) not directly impact the complainant, with the exception of Priority 1 contraventions (see below).
- g) Unless deemed a Priority 1 complaint (see below) the complaint will not be

investigated:

- (1) where the complaint site is within the urban City boundary (see 'Schedule A'); and
- (2) where the complainant does not live or work within 200 metres of the complaint site.

#### **4.3 Prioritizing Complaints**

- a) The City's response to valid complaints is generally prioritized (e.g., Priority 1 takes precedence over Priority 2, which takes precedence over Priority 3) as follows:
  - (1) Priority 1: Health and Safety - the alleged bylaw contravention may adversely impact public health and safety, the natural environment, or agricultural land. These contraventions will be investigated and enforced as soon as possible, given the availability of staff and other resources, with contraventions posing immediate risks to health and safety taking precedence.
  - (2) Priority 2: Significant Negative Impact to Adjacent Properties – the alleged bylaw contravention is significantly impacting adjacent properties in a negative manner, but it does not pose an immediate risk to public health and safety, the environment, or agricultural land. The City's investigation and enforcement of Priority 2 matters is most often initiated in response to valid complaints.
  - (3) Priority 3: General Nuisance - the alleged bylaw contravention may be a matter that is a general neighbourhood concern. These contraventions tend to be cosmetic in nature and do not affect public health and safety, the natural environment, or agricultural land. The City's investigation and enforcement of Priority 3 matters is initiated in response to valid complaints.

#### **4.4 Investigations**

- a) Investigations will be initiated after a Bylaw Officer receives and confirms a valid complaint or, acting in the regular course of their duties, learns of a potential Priority 1 contravention. For certainty, a Bylaw Officer may initiate any investigation without a complaint, at the discretion of the Director.
- b) Bylaw Services will maintain a record of inspections and investigations undertaken, utilizing the forms and procedures established by the Director.

- c) Bylaw Services is not required to proactively disclose follow-up information to complainants. Bylaw Services may respond to specific requests for information, subject to confidentiality requirements.
- d) Council is not responsible for sanctioning investigations or making decisions regarding who or what will be investigated.

#### **4.5 Entering Private Property**

- a) A Bylaw Officer may enter on or into property to investigate potential bylaw contraventions in accordance with the provisions of the Community Charter.

#### **4.6 Enforcement**

- a) The City generally promotes an enforcement philosophy that seeks voluntary bylaw compliance by way of progressive enforcement, where education serves as the foundation. The objective is to achieve compliance with City bylaws without unnecessarily punitive or formal legal measures.
- b) Education and warnings are usually the first step, and offenders are usually provided time to comply with the bylaw. Whenever possible, the person(s) responsible for a bylaw contravention will be informed of bylaw requirements and requested to comply within a reasonable timeframe, normally up to 14 days, depending on the severity of the contravention and the requirements contained in the pertinent bylaw. Where compliance cannot be reasonably achieved within the compliance timeframe, the Bylaw Officer may require a written compliance plan.
- c) If voluntary compliance has not been achieved through education and warnings, the issuance of a Bylaw Notice (ticket) is generally the next bylaw enforcement action.
- d) Where compliance is not achieved through previous enforcement action, the Bylaw Officer, in consultation with the Director, will determine a recommended approach to bylaw enforcement. This may include, but is not limited to:
  - (1) Sending a demand letter from legal counsel to the property owner demanding compliance;
  - (2) Undertaking direct action by the City to correct the contravention; or
  - (3) Seeking injunctive relief.
- e) In the case of injunctive relief, staff will present a report to Council for the approval to commence legal proceedings. Council may decide whether to

provide funding for the legal action, or recommend other actions. In urgent situations, legal action may be initiated prior to Council approval, subject to later ratification.

- f) Enforcement based on education and warnings is not appropriate in all circumstances. More direct enforcement approaches may occur in some situations, such as:
  - (1) public health and safety or when the natural environment is at risk;
  - (2) the contravention is occurring on public property;
  - (3) the contravention is significantly impacting agricultural property;
  - (4) enforcement follows a widespread public education campaign;
  - (5) the bylaw contravention is part of a history or pattern of repeated behavior;
  - (6) Council has provided policy guidance on a specific issue; or
  - (7) the offender knows, or reasonably ought to know, their conduct contravenes the City's bylaws.
- g) Examples of where the City routinely uses direct ticketing are parking and water restriction contraventions.
- h) In all circumstances, the City maintains discretion regarding the approach used to enforce any particular bylaw, including the ability to not enforce, and set aside progressive enforcement for more immediate action.

#### **4.7 Roles and Responsibilities**

- a) To maintain administrative fairness, a separation between the role of Council and City staff is required. Generally, Council is responsible for enacting bylaws for the overall benefit of the community and providing policy direction for bylaw enforcement priorities. City staff are responsible for operationalizing the bylaw complaint process and enforcement procedures.
- b) When Council members are contacted directly by persons with a bylaw complaint, or persons who have been subject to bylaw enforcement, they will direct such persons to contact Bylaw Services directly for the appropriate information and next steps in the bylaw enforcement process.
- c) To maintain impartiality, Council members will endeavour to remain uninvolved in specific bylaw enforcement files or decisions until, if applicable, such time that a matter is placed on a Council agenda.

#### 4.8 Confidentiality

- a) The City is committed to its privacy and confidentiality obligations under the Freedom of Information and Protection of Privacy Act.
- b) The City recognizes the importance of confidentiality in maintaining effective investigation techniques and mitigating against negative impacts associated with making a complaint, including the prospect of individual retaliation. The City will not disclose a complainant's identity to the person who is the subject of a complaint, or any other person, except as authorized or required by law.

#### 5. Related Policies

Other related policies include:

- (a) C033 - Bylaw Notice of Enforcement – Penalty Disputes

