



Governance & Services Committee

TO: Governance and Services Committee

FROM: Todd Cashin
Director of Community Services

DATE: July 9, 2020

SUBJECT: Bylaw Enforcement Policy

Purpose: To provide information on the need for policy governing bylaw enforcement issues and procedures.

Executive Summary:

The Regional District currently does not have a formal Board policy on addressing bylaw complaints. The current approach to addressing bylaw enforcement issues is led by an informal bylaw enforcement procedure which is primarily complaint-based and does not necessarily provide enough direction to staff on different situations which may occur.

Further, Regional District does not have the resources available to proactively monitor all areas of the Central Okanagan to confirm compliance with all bylaws and therefore cannot take enforcement action with respect to every contravention of a bylaw that may occur.

Staff is recommending that a formal policy be created to ensure that effective enforcement is based on public safety, consistency, fairness and available resources.

RECOMMENDATION:

THAT the Governance and Services Committee receive for information the Director of Community Services July 9, 2020 report on the need for a formal Bylaw Enforcement Policy .

Respectfully Submitted:


Todd Cashin
Director of Community Services

Approved for Board's Consideration


Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	Receiving the report for information achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities”.
Policy:	Receiving the report for information complies with the Regional Growth Strategy: Our Health and Our Governance.

Regional Board Policy:Regional Board Strategic Priorities 2019-2022

RDCO’s strategic priorities, developed by the Regional Board, speak to important goals, services and needs on which the Board wishes to focus the organization’s attention and resources.

Sustainable Communities has been identified as a priority:

- We will initiate and support efforts to create a healthy built environment in which all people throughout the region enjoy a high quality of life with access to safe neighbourhoods including a diverse range of housing options.

Regional Growth Strategy

The Regional Growth Strategy is a long-range planning tool that assists with a coordinated future for our communities, while dealing with regional issues and decisions that cross local political boundaries. Ten regional issues were identified in the RGS, some of which include:

- Our Health
 - Goal: To contribute to the improvement of community health, safety and social well-being.
- Our Governance
 - Goal: To respond to the needs of the region with an effective and efficient governance service model.

Background:

The RDCO currently operates under an informal bylaw enforcement procedure. The Regional District does not have the resources to proactively monitor all areas of the Central Okanagan to confirm compliance with all applicable bylaws and therefore cannot take enforcement action with respect to every contravention of a bylaw that may occur within its jurisdiction.

Given this, staff is recommending that a formal policy be created to ensure that effective enforcement is based on public safety, consistency, fairness and available resources.

A formal policy would:

- set the criteria for assessing, triaging and prioritizing valid complaints;
- establish standards for confidentiality, investigative processes, compliance and enforcement to ensure similar files are treated in a similar way;
- avoid arbitrary or inconsistent decisions;

- encourage voluntary compliance and standardize compliance agreements;
- provide staff with guidance on, and limits to, exercising discretion; and
- provide the public with clarity and details on how and why enforcement decisions have been made.

Further, a formal policy will also assist in educating the public with the principles of being a good neighbour and also provide transparency on how bylaw enforcement is handled from the time a complaint is made through to the outcome of the issue.

Finally, demonstrating a commitment to administrative fairness increases the public's confidence in our enforcement program and will also give the Regional Board confidence that the public is being treated fairly.

The B.C. Ombudsperson released a guide in 2016 aimed at improving the fairness of local government bylaw enforcement programs "***Bylaw Enforcement: Best Practices Guide for Local Governments***". *The guide is to help municipal officials review and revise bylaw enforcement programs to support fair treatment, save money and inspire public confidence. Whether it's animal control, noise complaints, unsightly premises, building permits – or any other area covered under a bylaw – this report provides a path to fairness. Too often bylaw enforcement can result in unnecessary conflict, unfairness and frustration*".

Since 2016, various local governments have developed formal bylaw enforcement policies and staff will undertake a review of these while developing a formal policy for the Regional District.

External Implications:

Adopting bylaw enforcement practices that are based on administrative fairness principles will assist the RDCO with building stronger community relationships.

Financial Considerations:

Adopting bylaw enforcement practices that are based on administrative fairness principles will assist the RDCO in reducing the number of complaints received, resolve issues more quickly and effectively, thus saving time and money.

Legal Considerations:

The RDCO has no duty to take enforcement action for each bylaw contravention that may occur. However, discretion is exercised by RDCO staff on a case by case basis and standardizing processes will assist in reducing conflict and potential legal matters.

Considerations not applicable to this report:

- *General*
- *Alternative Recommendation*