



Regional Board Policy

BYLAW COMPLIANCE POLICY

Category: Bylaw Enforcement	Number: BP# 12-2021	Replaces: New Policy
Type:	Authority:	Approved By:
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Board <input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Board <input type="checkbox"/> CAO <input type="checkbox"/> Department Head
Office of Primary Responsibility: Bylaw Enforcement		
Date Adopted:	Board Resolution Number:	Date to be Reviewed: “
Manner Issued: Provided to all bylaw enforcement personnel and Department Heads.		

PURPOSE:

The objective of the Bylaw Compliance Policy is to implement a consistent and transparent approach for obtaining compliance with Regional District of Central Okanagan bylaws. The policy will guide RDCO staff in the decision-making and application of procedural fairness for compliance and enforcement matters.

POLICY:

Definitions:

Board means the duly elected and appointed officials of the Board of Directors of the Regional District of Central Okanagan.

Calls for Service are assignments or complaints that are distributed to Bylaw Enforcement Officers for investigation and other services to their community within the Regional District.

Chief Bylaw Enforcement Officer means the person designated and appointed by the Regional District of Central Okanagan Board to oversee the Bylaw Services department and be accountable for the administration, interpretation and enforcement of local bylaws, regulations and policies including those of the *Community Charter, and Local Government Act*.

Bylaw Enforcement Officer means any person designated and appointed by the Regional District of Central Okanagan Board and is responsible for investigating and enforcing local bylaws, the *Community Charter*, and *Local Government Act*, and includes any other employee, servant, agent, or contractor appointed by the Board.

Department Head(s) means a person or group of persons employed by the Regional District having executive (administrative or supervisory) authority.

Employee(s) means persons employed by the Regional District, including but not limited to regular, temporary and contract employees, and to persons representing or acting on behalf of the Regional District (including but not limited to contractors, volunteers, and students).

Regional District means the Regional District of Central Okanagan.

Screening Officer means the person(s) identified by the Regional District and appointed by the Board to perform the powers, duties and functions as set out in the Local Government Bylaw Notice Enforcement Act.

Southern Interior Bylaw Notice Adjudication Registry is an agreement among local governments, including the Regional District of Central Okanagan that allows for disputes of Bylaw Offences Notices (BONs) by a provincially appointed adjudicator.

Strata Council means the elected executive body for a strata corporation who act as the managing body of the corporation and operates under the Strata Property Act to enforce regulations bylaws and rules by majority vote of the owners.

POLICY STATEMENTS:

ADMINISTRATION

1. The RDCO Department Head(s) and/or designates establish and maintain bylaws to be enforced by Bylaw Enforcement Officers.

GOAL

2. The Regional District's goal is to achieve voluntary compliance of bylaws through a progressive approach (see Appendix A) including education, communication, and enforcement.

SCOPE

3. This Policy applies to bylaw compliance and enforcement actions where the Regional District has a regulatory responsibility under provincial and municipal law including, but not limited to:
 - a. Local Government Act,
 - b. Community Charter,
 - c. Local Government Bylaw Notice Enforcement Act,
 - d. Offence Act; and
 - e. RDCO Bylaws as amended

CALL FOR SERVICE

4. A call for service to investigate a bylaw complaint of an alleged violation must be received in writing by letter, email or on-line. If by phone or in person the complaint will be documented, entered into the reporting system, and assigned. All calls for service must include the following:
 - a. the name, address, and contact information of the complainant.
 - b. the address or, if not available, general location of the violation; and
 - c. details of the alleged bylaw violation, including the duration of violation, if known and/or applicable.
5. Calls for Service received by the Regional District will be recorded, assessed for clarity, and assigned a priority category, using one or more of the following criteria:
 - a. Imminent risk to environmental or public health and safety.
 - b. Magnitude, nature, and duration of the contravention.
 - c. History of non-compliance on the property or alleged offence.
 - d. Potential impact on the community, environment, or structure.
 - e. Legal precedents and statutory timeframes.
 - f. Sufficient evidence to prove non-compliance.
 - g. Reasonable use of Regional District Resources
6. Calls for Service will be responded to in priority order as follows:
 - a. High Priority: Contraventions(s) likely or known to cause serious environmental or public health and safety issues,
 - b. Medium Priority: Contravention(s) which may cause significant impact to property however does not pose a threat to health and safety issues; and
 - c. Low Priority: Contravention(s) are a general nuisance in a neighbourhood unlikely to cause health and safety issues.
7. In accordance with the *Freedom of Information and Protection of Privacy Act* Section 15.1 (d) and 22.1, complainant information is retained in confidence and will not be released unless required by court proceedings.

COMPLIANCE AND ENFORCEMENT

The Regional District will ensure conformity with regulatory requirements and ensure that all enforcement actions are taken to encourage compliance with all bylaws, regulations and legislative acts. Bylaw Enforcement Officers will investigate calls for service in a consistent, compassionate, competent, and transparent manner to ensure good health, safety, and livability of people and property.

8. Calls for Service will require an investigation to determine if a violation has occurred. This may involve a combination of the following activities:
 - a. a review of the bylaw,
 - b. a review of property history and complaints,
 - c. contacting the complainant to obtain a statement or more details,
 - d. contacting the alleged bylaw offender to advise of the complaint and arrange a time to meet, and
 - e. conducting a site inspection.

9. Upon completion of an investigation and a violation be identified, the investigation will follow the Progressive Bylaw Enforcement Process according to Appendix A of this Policy.
10. The Bylaw Enforcement Officer(s) is to ensure that all Calls for Service are thoroughly investigated and may close a file at anytime prior to or during the Progressive Enforcement Process using one or more of the following options:
 - a. Unfounded / No Further Action Required,
 - b. Referral to another Agency/Government for investigation,
 - c. Verbal or Written Warning / Compliance Obtained,
 - d. Concluded by Charge / Compliance Obtained.

EXCLUSIONS

11. When a Call for Service arises in a Strata or similar titled building or lands, all concerns must be taken up with the respective council or property management company for investigation and enforcement.

RELATED POLICIES, PROCEDURES, AGREEMENTS AND/OR BYLAWS:

- Bylaw Notice Disputes – Procedures and Guidelines

***** END OF POLICY *****

<u>Policy No.</u>	<u>Date Adopted</u>	<u>Date Reviewed</u>	<u>Amended</u> <u>(Y/N)</u>	<u>Date Reissued</u>	<u>Authority</u> <u>(Resolution</u> <u>#)</u>

Appendix A

Progressive Bylaw Enforcement Process

Staff			Management / Legal Involvement			Board	
Call for Service	1st/2nd Contact (BON)	3rd/4th Contact (BON)	Charge	Charge	Court Ordered Compliance	Remedial action taken by RDCO	Appeals to Supreme Court Judge
Call for Service received Referred to applicable Bylaw Enforcement Officer for prioritization and investigation.	Attend address of complaint Confirm violation Provide education and guidance Verbal or Written Warning Non-compliance - issue Bylaw Offence Notice (BON)	Non-compliance issue 2 nd Bylaw Offence Notice (BON) Offender(s) may enter a Compliance Agreement by consent of the Screening Officer	Municipal Ticket Information (MTI) (max. fine \$1,000) Direct Enforcement	Long Form Information (max. fine \$10,000)	Court Order to comply. Injunction – obtained to require or order a person to cease from doing a specific action	Board Report Required Remedial Action (Sec. 72/73 Charter)	Board Report Required. Appeals for serious bylaw violations
							



= Proceed



= Enforcement Action



= Stop/Do not proceed without direction from Supervisor/Management