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Local Government

TOOLKIT:

Bylaw Dispute Adjudication System

Acknowledgements

This *Local Government Bylaw Dispute Adjudication System Toolkit* is the result of collaboration between the participating communities of the North Shore Adjudication Model Pilot Project (District of West Vancouver, District of North Vancouver, and City of North Vancouver), the Local Government Advisory Services Branch of the Ministry of Community Services, the Local Government Management Association of British Columbia (LGMA), and the Court Services Branch of the Ministry of Attorney General.

Court Services Branch would like to recognize Barbara Hamilton, Bylaw Supervisor for the City of North Vancouver, for her assistance in providing the “sample” documents that are included in this toolkit. Thanks also to CivicInfo BC for hosting this Toolkit, and other Bylaw Dispute Adjudication System resources, on its website (www.civicinfo.bc.ca).

Disclaimer

The purpose of this Toolkit is to assist local governments that are implementing the *Local Government Bylaw Notice Enforcement Act*, which allows for locally-based administration and adjudication of bylaw violation disputes. It is intended to be an “evergreen” document, and may be updated periodically, as appropriate.

This Toolkit includes information on how the adjudication model differs from other existing methods of municipal bylaw ticketing and administration. It also includes background information, policies and processes, forms and communication materials that were used as part of the North Shore Adjudication Model pilot project. These materials should be considered guiding documents **only** and should be modified, as appropriate, to fit the requirements of each local government.

This Toolkit is not a legal document and should not be considered as a substitute for the governing legislation and regulations. If in doubt on any information provided in this toolkit, users are encouraged to seek a legal opinion to ensure conformity with the legislation.

Victoria, September 2005

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1. INTRODUCTION

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Bylaw infractions are a common occurrence in any local government that enacts regulatory bylaws. Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. seek voluntary compliance;
2. issue a traffic “offence notice” for parking infractions seeking voluntary payment of a prescribed fine; or
3. initiate formal court proceedings by issuing a Municipal Ticket Information (MTI) or swearing an Information and issuing a Summons.

Initiating formal court proceedings can be costly, and some local governments choose to avoid these enforcement costs by abandoning enforcement if voluntary compliance is not forthcoming.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges’ Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

New Adjudication Model

The goal of the new adjudication model is to create simple, fair, and cost-effective systems for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

Legislation

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches.

The Act, and the authority it provides to establish an adjudication system, applies to both municipalities and regional districts by regulation. In order to proceed, these local governments may make a request to the Ministry of Attorney General to have a regulation enacted, in order to make the Act applicable to them.

1. INTRODUCTION

The legislation is designed to enable the creation of simple, cost-effective administrative systems for enforcing minor bylaw infractions, ranging from parking tickets to dog licensing and minor zoning infractions.

The two main features of an adjudication system are a simple “front-end” ticket process for initiating enforcement, and a locally managed “back-end” venue for a non-judicial adjudicator to hear ticket disputes.

Pilot Project Results

Beginning in May 2004, the adjudication model was piloted in three North Shore municipalities (City of North Vancouver, the District of North Vancouver and the District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes.

An evaluation of the first eight months of the pilot showed reductions in the time from ticket issuance to ticket disposition and the rate of disputed tickets and an improvement in fine payments.

The impact of the reduced dispute rate and ability to attend hearings in writing significantly reduced the time bylaw enforcement officers spent attending court. Further potential to reduce the costs associated with personal service of enforcement documents was also demonstrated.

As a result of this successful pilot, the Attorney General is now expanding the authority for use of the adjudication system to interested local governments across the province.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Under the new model, formal bylaw enforcement action begins with the completion of a Bylaw Notice by a local government bylaw enforcement officer.

The Bylaw Notice informs the recipient of:

1. the alleged bylaw contravention that is being made;
2. the penalty for the contravention; and
3. how to pay the fine or dispute the allegation.

The Bylaw Notice may be delivered in a variety of fashions, including leaving it on a car or mailing it, to the person responsible for the contravention. Unless the Bylaw Notice is delivered in person, it is presumed to have been received, and allowances are made in the event that the person claims not to have received it.

If a Bylaw Notice is mailed, the municipality or regional district may presume that it was received on the 7th day after mailing. If a Bylaw Notice is left on a vehicle or at a residence, business or worksite, the local government may presume that it was received that day. Allowances are made in the event that the intended recipient later claims that the Bylaw Notice was not actually received.

Serving the Bylaw Notice

Once the Bylaw Notice is received, or presumed received, it becomes legally effective and the recipient has a fixed period of time in which to take action on it. The precise duration of this period is set in the local government bylaw, but must be at least 14 days after receipt of the Bylaw Notice.

Within that period, the person named on the Notice, or the registered owner of the car if it was left on a vehicle, must either pay the fine amount noted on the Notice or notify the local government that he or she wishes to dispute the allegation.

In the event the person does neither, the amount of the Notice, plus an additional late payment penalty, if one has been established in the local government bylaw, will be due and owing to the local government.

Screening Officer

In order to reduce the number of disputed Notices forwarded to adjudication, a local government has the option of establishing a screening officer to review disputed Notices.

The screening officer has the authority to cancel a Bylaw Notice if he or she believes that the allegation did not occur, or that the required information is missing from the Notice. The local government may also permit the screening officer to cancel a Bylaw Notice in other circumstances set out by the local government.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

A screening officer may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of dispute adjudication.

Compliance Agreements

For infractions where compliance is a goal, the local government may also authorize a screening officer to enter into a compliance agreement with a person who has received a Bylaw Notice. A compliance agreement will include acknowledgement of the contravention of the bylaw and will typically set out remedies or conditions on future behaviour to be performed within a designated period of time, and reduce or waive the fine at the conclusion of that period.

Disputes

If the screening officer determines that cancellation or a compliance agreement is not possible and the person still wishes to dispute the allegation, the disputant must confirm this and indicate whether he or she plans to appear at the adjudication hearing in person, in writing or by telephone. A disputant may also choose to appear by other electronic means, such as video conferencing, although the local government may require the disputant to cover any extraordinary costs associated with appearing in a less conventional manner.

The screening officer or a clerk will then schedule a day and time for the adjudication, notify the disputant of these details, and request the presence of an adjudicator. The person named in the Bylaw Notice may choose to pay the applicable fine at any time, although payment after the deadline may result in a higher fine amount.

Adjudication of the Dispute

At the adjudication hearing, an adjudicator will hear from both the disputant and the local government and decide whether he or she is satisfied that the contravention occurred as alleged. When considering a matter, the adjudicator can review documents submitted by either party, or hear from the parties or witnesses over the telephone. All adjudications are open to the public.

The appointment, training and management of the adjudicator roster occur at arms-length from the local government. Adjudicators are appointed by the Deputy Attorney General.

Disposition of the Infraction

The function of the adjudicator is strictly to confirm or cancel the Bylaw Notice. The adjudicator has no discretion to reduce or waive the fine amount. The adjudicator also has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The adjudicator must proceed on the basis that the bylaw is legally valid.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

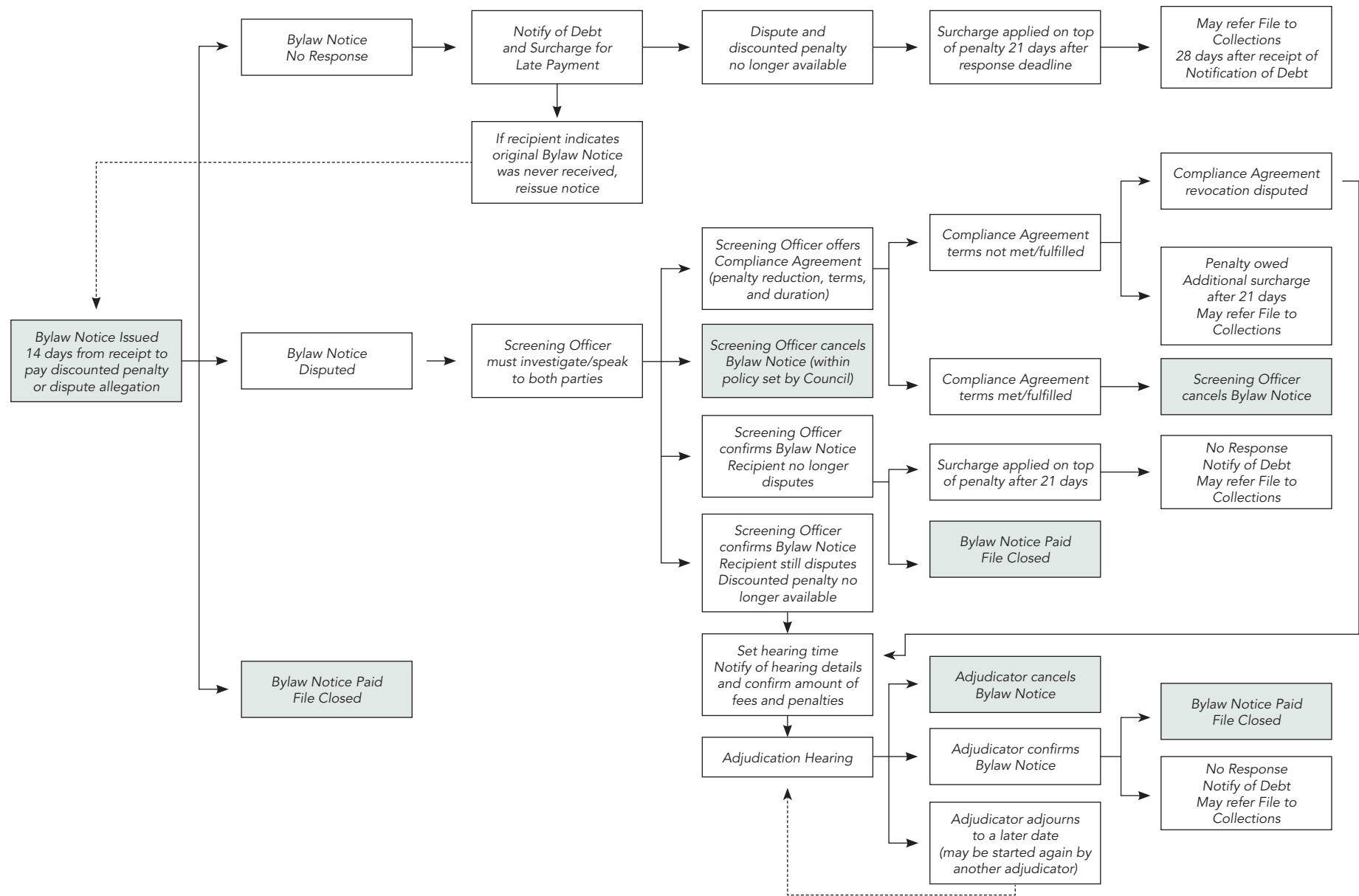
If the Bylaw Notice is confirmed, the fine amount noted on the face of the Bylaw Notice is payable to the local government. In addition, a locally established fee to recover a portion of the cost of the dispute may be imposed. This fee may not exceed \$25.

Appeals

The decision of the adjudicator is final and the Act does not allow for appeals. If a failed disputant or the local government feel that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*.

A challenge to the validity of the local government bylaw or a claim that enforcement of the bylaw infringed on the Charter rights of the disputant must be initiated as a separate matter in the Supreme Court of BC.

2.1. Flowchart: Bylaw Notice Enforcement and Adjudication Process



2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Legal Authority	<i>Local Government Bylaw Notice Enforcement Act</i>	<i>Community Charter or Vancouver Charter</i>	<i>Community Charter or Vancouver Charter, Offence Act</i>
Demand notice used	No.	Typically used where personal service is not immediately feasible.	Possible, but unlikely, to be used until Summons can be obtained.
Legal initiation	Bylaw Notice (BN) certified by enforcement officer.	Municipal Ticket Information (MTI) sworn by enforcement officer.	Court-issued Summons based on sworn "Form 2" Information.
Service requirements	Reasonable delivery.	Personal service.	Personal service.
Notice requirements	BN must contain prescribed information, may include additional information as determined by local government.	MTI must be complete and in the prescribed form.	Summons must be complete and in the prescribed form.
Conviction?	No – contravention of bylaw, but not an offence.	Yes – conviction of a bylaw offence.	Yes – conviction of a bylaw offence.
Single occurrence penalties	Ticket fine amount as in the bylaw; bylaw limit \$500.	Ticket fine amount as in the bylaw; bylaw limit set at \$1000 by regulation.	Court may impose all or part of the applicable fine amount. Fine amount may be a range set in the bylaw, or if no amount is set, up to \$2,000 and 6 months imprisonment; bylaw limit for municipalities other than Vancouver is \$10,000 unless otherwise provided in authorizing statute (e.g. <i>Environmental Management Act</i> limit of \$200,000).
Variation of penalties	Adjudicator cannot modify the ticket fine amount.	The justice must consider the means and ability of the defendant to pay the fine. If the justice believes that the defendant is unable to pay the full amount of the fine, the justice may impose a fine in a lesser amount that the justice considers appropriate.	The justice must consider the means and ability of the defendant to pay the fine. If the justice believes that the defendant is unable to pay the full amount of the fine, the justice may impose a fine in a lesser amount that the justice considers appropriate.

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Continuing penalties	None – require separate BN.	Yes – Effective January 1, 2004 penalties for continuing offences (not exceeding the amount prescribed by regulation) can be established for each day that the offence continues.	Yes – Penalties for continuing offences (ranging from the minimum fine to a maximum of \$ 10,000) can be established for each day that the offence continues.
Early payment discounts?	Yes – bylaw may provide for a discount for payment on or before the last day of the period to pay or dispute, and a surcharge for payment of the penalty within a specified period following the deadline to pay or dispute.	Yes – different penalty amounts permitted before and after 30 days from ticket issuance if ticket is not disputed.	No.
Mandatory Court attendance?	No – payment or dispute in administrative adjudication.	No – payment or dispute in Provincial Court.	Yes – Summons has been issued and appearance in Provincial Court required.
Period to dispute or pay	As set in local government bylaw, but no less than 14 days.	Period to pay or dispute is 14 days.	No option to pay or dispute, appearance on date in Summons.
Dispute the allegation?	Yes – the allegation may be disputed by providing a notice of dispute to the local government in accordance with instructions on the BN.	Yes – the allegation may be disputed by providing notice of dispute to local government by mail or in person at the address set out on the MTI; must include address for the person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.	No notice required; appearance occurs on date in Summons.
Dispute screening	Formal screening; designated “Screening Officer” may: cancel the BN in accordance with local government policy; confirm the BN; or enter into a compliance agreement with BN recipient.	No clear authority for formal dispute screening, although it is known that some local governments abandon MTI proceedings by failing to forward the file to the Court Registry, or withdrawing the file from the Court Registry.	No.

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Administration of the notice of dispute	Local government initiates and retains file. Local government schedules hearing and notifies disputant, enforcement officer and adjudicator organization.	Local government initiates and retains file. Local government transfers a copy of the file to local Court Registry. Court Registry schedules hearing and notifies disputant, enforcement officer, and local government.	Court Registry initiates and retains file. Court Registry schedules hearing and notifies disputant, enforcement officer and local government.
Hearing location	As determined by local government.	Courthouse	Courthouse
Adjudicator selection	Adjudicator selection for scheduled time managed by independent adjudicator organization in accordance with regulations.	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)
Decision-maker	All BN matters determined by an independent adjudicator	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.
Burden of proof	On a balance of probabilities (civil scale)	Beyond a reasonable doubt (criminal scale)	Beyond a reasonable doubt (criminal scale)

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing procedures	Hearings must be open to the public. An adjudicator may adjourn a hearing, and adopt procedures that are conducive to justly and expeditiously resolving a dispute. Before making a determination in a dispute, an adjudicator must provide the parties to the dispute with an opportunity to be heard. A party may be heard, at the election of the party, in person or by an agent, in writing, including by facsimile transmission or electronic mail, or by video conference, audio conference, telephone or other electronic means, if available.	Rules of Court apply. A justice may adopt procedures that are conducive to justly and expeditiously determining the matter. The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent. A witness must be examined on oath or affirmation. The justice has full power and authority to administer to a witness the usual oath or affirmation. A justice may in his or her discretion, before or during a trial, adjourn the trial.	Rules of Court apply. The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent. A witness must be examined on oath or affirmation. The justice has full power and authority to administer to a witness the usual oath or affirmation. A justice may in his or her discretion, before or during a trial, adjourn the trial.
Rules of evidence	An adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person. An adjudicator may accept evidence in any manner the adjudicator considers appropriate including, without limitation, orally, in writing, or electronically. The technical and legal rules of evidence do not apply, except the rules relating to privileged communications.	A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy. A justice may not admit anything that is privileged under the laws of evidence.	A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy. A justice may not admit anything that is privileged under the laws of evidence.

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing outcome	The adjudicator must, after considering the matter, (a) order that the penalty set out in the BN is immediately due and payable, or (b) order that the BN is cancelled.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the MTI.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the Information.
Avenue of appeal	Decisions of adjudicators may not be appealed; however, if a disputant or local government feels an adjudicator went beyond his/her authority, they may make an application to the Supreme Court for judicial review.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.
Failure to respond	If a person fails to respond to a BN within the prescribed time limits, they are deemed to have plead guilty. The fine becomes due and payable immediately.	If a person fails to respond after 14 days, the municipality may file an <i>Affidavit of No Response</i> with the registry and a Justice can convict, or quash the ticket.	Deemed to have plead guilty; fine is due and payable immediately.
Failure to appear at requested hearing	If a person who has requested or required dispute adjudication fails to appear, the adjudicator must order that the penalty set out in the BN is immediately due and payable to the local government indicated on the BN. If the local government subsequently files a certificate of amounts owing with the Provincial Court, the person may make application to the court within 30 days to have the certificate cancelled and a new adjudication date set by the local government.	If a person fails to attend at a court hearing to dispute an MTI, he or she may be found guilty for failure to attend the hearing. If the offender comes before a Court Services justice of the peace within 30 days of the missed hearing date, he or she may file an <i>Affidavit in Support of an Application to Strike Out a Conviction</i> under section 272(4) of the <i>Community Charter</i> or section 482.1(13) of the <i>Vancouver Charter</i> .	If a person fails to attend at a court hearing he or she may be deemed convicted for failure to attend the hearing. The alleged offender must follow certain procedures to bring the dispute hearing back before the court. If a person comes before a justice within 30 days of the missed hearing date, he or she may file an <i>Affidavit Under Section 15(10) of the Offence Act</i> . If a person comes before a justice more than 30 days after the missed hearing date, he or she may file an <i>Affidavit Under Section 16(2) of the Offence Act</i> .

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Costs	A local government may require payment of a fee of not more than \$25 payable by a person who is unsuccessful in dispute adjudication. The purpose of the fee is to recover the costs of the adjudication system. The fee is payable for failed disputes arising from a BN or a compliance agreement.	None may be imposed	Court may impose costs of prosecution. The justice may, in his or her discretion, award and order costs the justice considers reasonable to the local government by the defendant, if the justice convicts or makes an order against the defendant, or costs payable to the defendant by the local government if the justice dismisses an Information. An order of costs must be set out in the conviction, order, or order of dismissal. Costs awarded and ordered to be paid by a person under this section are deemed to be all or part, as the case may be, of a fine imposed against the person.
Suspended or reduced penalty possible?	Before hearing – screening officer, if authorized, may enter into a voluntary compliance agreement with the disputant. Under a compliance agreement, the person must accept liability for the contravention, and may pay a reduced penalty (as set by bylaw) in exchange for observing the terms and conditions the screening officer considers necessary or advisable.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.
Collection of amounts owing	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Successful implementation of a bylaw adjudication system requires some forethought and collaboration. For the North Shore pilot project, planning began approximately six months before the system took effect, and required collaboration not only among the three municipalities, but also amongst staff from the corporate services, bylaw enforcement, information technology and finance departments of each of the three participating municipalities.

When establishing a bylaw adjudication system, here are some questions to consider:

WHAT

- **What bylaws and specific provisions will be dealt with by Bylaw Notice?**

This is an important question to consider, as the adjudication system is best suited to contraventions that are simple to confirm, as the adjudicator's authority is limited to *determining whether the contravention occurred as alleged*.

A hearing before an adjudicator is less formal than a hearing before a Judge or Judicial Justice of the Peace, and an adjudicator is not in a position to impose any conditions of future behaviour when confirming a Bylaw Notice.

- **What penalties will apply for different categories of contraventions?**
- **Will early-payment discounts and/or late-payment surcharges apply?**
- **Will dispute fees apply?**

The maximum penalty under the system is \$500, within which the legislation permits considerable flexibility to establish early and late payment penalties. Prior to January 1, 2004, when the need for the Chief Judge of the Provincial Court to approve Municipal Ticket Information (MTI) penalties was eliminated in the *Community Charter*, most ticket fines were set at less than \$300.

Bylaw infractions heard in court have the potential to result in more significant penalties, as the maximum penalty for an MTI is \$1000. The Bylaw Notice system is designed to work best where a smaller fine would be a sufficient deterrent to future violations, although it can be used as part of an escalating enforcement scheme with persistent bylaw violators.

In the District of West Vancouver, virtually all contraventions of the Street and Traffic Bylaw may be enforced with a Bylaw Notice. The District has "dovetailed" the schedules of its Bylaw Notice and MTI ticketing bylaws to provide escalating penalties for two of the more serious infractions. By policy, the District issues a Bylaw Notice in the first instance of a violation, and may issue a MTI, with double the penalty, for a subsequent violation.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

- **What information is to appear on the face of the Bylaw Notice?**

Beyond the basic information required by the legislation, local governments have considerable flexibility to customize the ticket face, allowing tickets to be designed to suit local enforcement and information management practices.

For example, printed ticket books may be easier to use if all the possible contraventions are listed; this is unnecessary for hand-held electronic ticket printers that may provide a menu of programmed contraventions.

- **What types of contraventions, if any, may be resolved through a compliance agreement?**
- **Under what conditions, and will there be penalty relief? For how long?**

Compliance agreements are only possible if a screening officer has been authorized to enter into the agreement on behalf of the local government. Compliance agreements are best suited to situations of ongoing contravention, rather than a series of incidents of contravention where a reduced penalty is likely to result in sustained correction of the contravention.

WHEN

- **When will the period to pay or dispute the Bylaw Notice end?**

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a ticket, which is consistent with the period to do so under the Municipal Ticket Information system.

In contrast, the equivalent period for paying or disputing a Provincial Violation Ticket is 30 days, if served on a person, or 45 days (from the date of issue) if mailed to the registered owner of a motor vehicle.

WHO

- **Who may issue a Bylaw Notice, and how?**

In the context of the Act, a bylaw enforcement officer means an individual who has been designated by class of employment to enforce one or more bylaws. The same classes of individuals who may be authorized to issue MTIs may be authorized to issue Bylaw Notices.

When implementing the MTI, some local governments elected to specify different classes of enforcement officers for different bylaws, which is consistent with the provincial approach to Violation

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Ticket issuance. Other jurisdictions have authorized some or all of the individuals in these classes to issue MTIs.

- **Will screening officers be used?**
- **Who can be a screening officer?**
- **Under what circumstances can screening officers be authorized to cancel a Bylaw Notice?**

The creation of a screening officer role is an optional element of the system under the legislation, but is highly recommended.

A screening officer does not need to be a bylaw enforcement officer, but should have some familiarity with the bylaws to be enforced and be available to respond to Bylaw Notice recipients in a timely fashion. This might include bylaw or licensing clerks who are available during office hours, senior bylaw enforcement staff or department heads.

The screening officer cancellation policy protects the local government from accusations of preferential or unfair treatment, while still permitting the flexibility to cancel a Bylaw Notice where this is deemed reasonable. The three North Shore municipalities have adopted slightly different screening policies (as outlined in Appendix A of this Toolkit).

WHERE

- **Where will disputes be held? Where should formal correspondence regarding the adjudication of disputes be sent?**

The only stipulation with respect to the location for conducting adjudications is that hearings must be open to the public or be accessible by telephone. The address for correspondence regarding disputes may be the adjudication location or the office where staff responsible for scheduling disputes are located.

HOW

- **How will the new system be explained to the public and internal staff?**

The North Shore municipalities made internal and external communication a priority when establishing the adjudication system. A communication plan for system implementation, identifying the information needs of all potential stakeholders, was created. A news release and backgrounder were prepared for release to the media. See Section 7 for samples of these documents.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Initial Preparations

- ☐ Determine if Bylaw Notice enforcement makes sense for the types of regulatory matters dealt with by your municipality or regional district.
- ☐ Determine if the dispute adjudication system will apply to more than one local government. If so, determine which local government will be responsible for the day to day administration of the shared process and where the adjudication hearings will be held.
- ☐ Provide a Staff Report to the Council or Board recommending implementation of Bylaw Dispute Adjudication System.
- ☐ Forward a copy of a Council or Board resolution indicating the intent to establish a Bylaw Dispute Adjudication System to Court Services Branch, Ministry of Attorney General.
- ☐ Confirm the the Bylaw Notice Enforcement Regulation (B.C. Reg. 175 (2004) has been or will be amended to apply the *Local Government Bylaw Notice Enforcement Act* to your local government.
- ☐ Negotiate an agreement between participating local governments, and enact necessary bylaws to enter into the agreement, if required.

Implementation (Policies and Procedures)

- ☐ Determine key system features, such as the time to pay or dispute, matters to be enforced by Bylaw Notice, use of screening officers, fine and fee amounts, etc.
- ☐ Prepare bylaw to adopt Bylaw Dispute Adjudication System.
- ☐ Prepare Screening Officer Policy, if required.
- ☐ Prepare Registry Operations Policy, if required, (refer to Appendix B).
- ☐ Prepare a communications plan (refer to Sample Communications Plan).
- ☐ Train enforcement officers, screening officers, registry and finance staff.
- ☐ Prepare implementation and operational budgets.
- ☐ Consult with Court Services Branch re: process for scheduling adjudicators.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Implementation (Forms and Systems)

- ☐ Assess enforcement and collections software, make modifications as required.
- ☐ Prepare Bylaw Notice forms.
- ☐ Prepare notification letters (refer to sample mail-delivery letter and re-issue letter).
- ☐ Prepare Screening Officer forms.

3.2. Bylaws and Bylaw Notices

Section 2 of the *Local Government Bylaw Notice Enforcement Act* ("the Act") provides that a local government may deal with contraventions of its bylaws via Bylaw Notice.

If a local government wants to implement a bylaw dispute adjudication system, it must adopt an authorizing bylaw that:

- designates the bylaw contraventions that may be dealt with by Bylaw Notice;
- establishes the amount of the penalty for contravention of the specified local government bylaws;
- establishes the period for paying or disputing a Bylaw Notice;
- establishes the role of screening officer and their duties and authorities, including the ability to enter into compliance agreements; and
- designates bylaw enforcement officers.

While the Act permits two or more local governments to enter into arrangements for the joint provision of a bylaw dispute adjudication system, each participating local government must individually adopt an authorizing bylaw, as outlined above.

Local governments undertaking a bylaw dispute adjudication system will need to ensure that the Bylaw Notices (tickets) issued include all required information, as set out in section 4(4) of Act.

A Bylaw Notice must contain the following information:

- the particulars of the alleged contravention of the bylaw in sufficient detail that the alleged will be able to identify the bylaw and the contravention alleged;
- the amount of the penalty, the amount of a discount for early payment of the penalty, the amount of a surcharge for late payment and the consequences for failing to respond to the Bylaw Notice;
- acceptable methods of paying the penalty;
- how to dispute the allegation of the notice; and
- any other information required under the regulations.

Although the Act requires that the above information be included on a Bylaw Notice, local governments may organize or supplement this information as they see fit.

3.2. Bylaws and Bylaw Notices

Delivery of Notices

Under section 7 of the Act, a Bylaw Notice may be delivered in person, left at the site of the contravention (e.g. placed on windshield of car or left with a person at a construction site) or mailed.

The recipient of a Bylaw Notice has a limited time period in which to pay the penalty or indicate that he or she wishes to dispute the allegation. In the case of all three North Shore municipalities, this period was set at 14 days from actual or presumed receipt of the Bylaw Notice.

If the Bylaw Notice recipient disputes the allegation, he or she must first discuss the allegation and basis for the dispute with a screening officer before proceeding to a hearing before an adjudicator.

If the Bylaw Notice Recipient Does Not Respond

If the recipient takes no action – neither paying the penalty nor disputing the allegation – within the time period the local government must notify the person that the penalty set out in the Bylaw Notice is now due and advise of how and where payment can be made.

This may be done in a letter accompanied by a copy of the original Bylaw Notice.

In the case of the North Shore municipalities, the recipient of a Bylaw Notice has 14 days after receiving the original Bylaw Notice to pay the fine or dispute the allegation, after which the local government issues a letter outlining what has occurred and the consequences of late payment.

Once the period to dispute the allegation has ended, early discounts no longer apply and the full penalty is due. In addition, section 6 of the Act permits a local government to assess a surcharge on top of the penalty for the contravention, if payment is not made promptly.

If, within 21 days of receiving notification that penalty is immediately due, the person named in the Bylaw Notice informs the local government that he or she did not receive the original Bylaw Notice, then the local government must re-issue the original Bylaw Notice. In this case, the period to pay or dispute the allegation begins again, with opportunities to pay the discounted amount or dispute the allegation in the notice.

3.3. Bylaw Notice and Enforcement Letter – Samples

Front of Bylaw Notice is used for street and traffic offences

CITY OF NORTH VANCOUVER PROVINCE OF BRITISH COLUMBIA
BY-LAW NOTICE
 THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF
 THE CITY OF NORTH VANCOUVER STREET AND TRAFFIC BY-LAW 6234,
 AS AMENDED, AS FOLLOWS: **TICKET NO. NV000001**
 DATE _____
 LOCATION _____ TIME _____
 DECAL YR/MO/ _____ LIC. NO. _____ COLOR _____
 MAKE _____ TYPE _____ PROV. _____
 NAME _____ D.O.B. _____
 ADDRESS _____

GROUP 1801 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$20.00**
☐ OVER PARKED PARKING 501.15 ☐ JAYWALKING 11.03 ☐ EXPIRED METER 1304
☐ PARKED LONGER THAN 72 HOURS 505 ☐ NO VALID PARKING TICKET 1304
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1802 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$25.00**
PARKED:
☐ FACING TRAFFIC FLOW/MORE THAN 30m FROM CURB 503 ☐ AGAINST YELLOW CURB 501.16 ☐ WITHIN 5m OF STOP SIGN 501.7
☐ WITHIN 5m OF FIRE HYDRANT 501.4 ☐ CONTRARY TO SIGN 501.14 ☐ ON CROSSWALK 501.5
☐ WITHIN 5m OF LANE 501.3 ☐ ON SIDEWALK/BOULEVARD 501.1 ☐ OUTSIDE STALLS 503.3
☐ WITHIN 5m OF DRIVEWAY 501.2 ☐ IN LANE 501.8 ☐ IN BUS ZONE / STOP 500
☐ WITHIN 5m OF CROSSWALK / INTERSECTION 501.5
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1803 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$30.00**
☐ FAILING TO DISPLAY VALID MUNICIPAL DECAL 803.2 ☐ STUDDED TIRES 903.1 ☐ TIRES NOT IN GOOD ORDER 903.2
☐ OVERLENGTH/WEIGHT RESIDENTIAL STREET (1800 TO 0800 HRS) 505
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1804 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$100.00**
☐ VEHICLE WEIGHT, LOADS, DIMENSIONS 901 ☐ SECUREMENT OF VEHICLE LOADS 903

GROUP 1805 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$75.00**
☐ FAILING TO REMOVE SNOW 814 OR RUBBISH FROM SIDEWALK 815 ☐ FAILING TO DISPLAY VALID LICENCE PLATE 820.1
☐ VEHICLE HORNS/ALARM 515 ☐ DISABLED ZONE 509.9 ☐ SKATEBOARDING 408
☐ NO HELMET 408.8
☐ OTHER OFFENCES IN THIS GROUP _____

ISSUING OFFICER _____
 YOU MAY REMIT PAYMENT OF THE INDICATED PENALTY EITHER IN PERSON - 141 W. 14TH ST., OR BY MAIL - 147 E. 14TH ST., NORTH VANCOUVER, V7L 2N4, OR BY PHONE 604.990.4225, OR ONLINE www.cnv.org/parkingticket WITHIN 14 DAYS OF THE ABOVE DATE. THE ATTACHMENT CONSTITUTES AN INTEGRAL PART OF THE TICKET AND SHOWS PENALTY, LATE PENALTY AND DISPUTE INSTRUCTIONS.

TICKET NO. **NV000001**
OFFICE NOTICE

Front of "flysheet" that accompanies the Bylaw Notice

INSTRUCTIONS
DETACH THIS SHEET BEFORE MAKING PAYMENT
PENALTIES

PENALTIES LISTED BELOW MAY ONLY BE ACCEPTED IN THE MANNER NOTED:

	DISCOUNTED PENALTY WITHIN 14 DAYS	PENALTY AFTER 14 DAYS	LATE PENALTY AFTER 34 DAYS
GROUP 1801 OFFENCES	\$20.00	\$30.00	\$45.00
GROUP 1802 OFFENCES	\$25.00	\$35.00	\$50.00
GROUP 1803 OFFENCES	\$30.00	\$40.00	\$55.00
GROUP 1804 OFFENCES	\$100.00	\$150.00	\$200.00
GROUP 1805 OFFENCES	\$75.00	\$85.00	\$100.00

PAYMENT OPTIONS
 CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD
 IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
 BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
 BY PHONE - 604.990.4225
 ONLINE - www.cnv.org/parkingticket

MAILING INSTRUCTIONS
 BYLAW VIOLATION MUST ACCOMPANY CHEQUE.
DO NOT MAIL CASH. MAKE CHEQUE OR MONEY ORDER PAYABLE TO "CITY OF NORTH VANCOUVER".

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE.
 A CHARGE WILL BE ADDED FOR DISHONoured CHEQUES.
 DISHONoured CHEQUES INVALIDATE ANY RECEIPT.
 UNPAID FINES MAY BE REFERRED TO OUR COLLECTION AGENT.

RECEIPTS MAILED ONLY ON REQUEST.

IF YOU WISH TO DISPUTE THE ALLEGED CONTRAVENTION PLEASE SEE REVERSE SIDE FOR INSTRUCTIONS.

3.3. Bylaw Notice and Enforcement Letter – Samples

Back of “flysheet” that accompanies the Bylaw Notice

ENQUIRIES MAY BE DIRECTED TO THE BYLAW OFFICE, 147 EAST 14TH STREET BETWEEN 0830 AND 1830 HOURS, MONDAY TO FRIDAY, 604.904.7378. parking@cnv.org

ADJUDICATION REQUEST

IF YOU WISH TO DISPUTE, COMPLETE THE FOLLOWING FORM AND RETURN IT WITHIN 14 DAYS TO THE CITY OF NORTH VANCOUVER. A SCREENING OFFICER WILL TELEPHONE TO ASSIST YOU.

PLEASE PRINT

BYLAW NOTICE NO. _____

DATE OF ISSUE _____

LICENCE PLATE NO. _____

REGISTERED OWNER OF THE VEHICLE:

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____

DAYTIME PHONE NUMBER _____

SIGNATURE

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

PAYMENT OPTIONS:

IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
BY PHONE - 604.904.4225
ONLINE - www.cnv.org/parkingticket



The Corporation of **THE CITY OF NORTH VANCOUVER**

BYLAW ENFORCEMENT

March 9, 2004

Ms. Jane Doe
1231 Any Street
Burnaby, BC
V3N 1Y6

Dear Ms. Doe:

Re: Parking Violation Ticket FP88997788

On March 5, 2004 BC licence #ABC1234 was observed in violation of the City of North Vancouver Street and Traffic Bylaw #6234. As a result, the enclosed violation ticket number FP88997788 was issued.

Enquiries with the Insurance Corporation of BC indicate that you are the last registered owner of the vehicle.

Yours truly,

City of North Vancouver Parking Enforcement

/ck

Enclosure

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

4. OVERVIEW OF SCREENING OFFICER ROLE

The position of screening officer, described in section 10 of the Act, is optional – but is recommended based on the experience of the North Shore pilot. If a local government elects to implement this position, the screening officer must review each disputed allegation before it can be referred to an adjudicator.

To ensure consistency and assist with the screening process, local governments may wish to develop a screening officer policy in order to provide guidelines for screening officers during the Bylaw Notice screening process.

The screening officer, after reviewing a Bylaw Notice, may:

1. cancel the notice, if
 - a) the contravention did not occur as alleged;
 - b) the bylaw notice does not meet the requirements set out in the Act; or,
 - c) the grounds for cancellation authorized by the local government are satisfied;
2. confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn; or
3. enter into a compliance agreement with the person, if this is authorized in the bylaw.

Screening officers act as “gatekeepers” to the adjudication system by reviewing all disputed Bylaw Notices prior to going to adjudication. This review, between the screening officer and disputant, creates a number of efficiencies for the system.

The screening process results in a number of disputed Bylaw Notices avoiding adjudication, resulting in cost and time savings. In addition, the process is often educational as screening officers explain the bylaw in question, allowing citizens to better understand bylaws and, in some cases, realize the error(s) they committed. This causes some citizens to withdraw their notice to dispute following their discussion with a screening officer.

Statistics from the North Shore Evaluation Report demonstrate the effectiveness and efficiencies that result, in large part, from the screening process. Following the 14-day period to pay or dispute the Bylaw Notice, only 1.8% of recipients triggered a formal review of the case by a screening officer during the pilot project. This figure does not reflect cases where screening officers merely explained the bylaw or the dispute process.

Although one jurisdiction reported that as many as 20% of individuals whose Bylaw Notices were confirmed by the Screening Officer claimed they would dispute the matter before an adjudicator, only 9% of screening officer reviews led to adjudications. In all, 0.2% of the tickets issued during the evaluated period resulted in adjudication hearings, and in 85% of these cases the Bylaw Notice was confirmed by the adjudicator.

Appendix A in this Toolkit contains copies of screening policies for the three North Shore municipalities.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Screening officers are required to provide disputants with as much information as they can, answer all questions openly, and take detailed notes of the conversation including date and time. The following are screening guidelines:

1. Identify your name and position as a Screening Officer with CNV.
2. State your authority to make a determination based upon authority granted by CNV.
3. Discuss the notice, listen carefully to the Disputant's information, and record this information.
4. Advise the Disputant that he/she may pay the fine before the early discount deadline and receive that discount. However, once the notice goes forward to Adjudication, the early discount is lost and an adjudication fee is added to the full penalty. At the Adjudication, if the notice is quashed, no fees or penalties need to be paid.
5. Determine how the Disputant wishes to proceed with the hearing (in person, by phone, or in writing).
6. Provide the address of the Adjudication Hearing room (141 W. 14th Avenue, North Vancouver) and advise of any necessary contact information such as fax number, email address and mailing address if the Disputant needs these to send documents.
7. Advise the Disputant that if the Adjudicator upholds the notice, it is due and payable immediately. Also, advise the Disputant that the fine increase 21 days after adjudication and then proceeds to collection.
8. Explain that once a date and time are set for adjudication, the additional adjudication fee must be paid even if the Disputant decides not to go ahead with the Adjudication.
9. Verify you have the correct address and daytime phone number of the Disputant.
10. Explain that the Dispute Coordinator will call to set up a hearing date and time along with instructions about phone, fax, or written submission to the Hearing. The Dispute Coordinator will also send written confirmation of the hearing. State clearly that the Disputant cannot discuss the notice with the Dispute Coordinator.
11. Ask if the Disputant has any more questions or needs any more information.
12. Ask if the Disputant wishes to say anything else at all and note the response.
13. Make a decision to cancel or uphold the notice; explain this to Disputant and make notes.
14. If cancelling, do so immediately; if upholding, continue to the Dispute Coordinator.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Following the conversation with the Disputant:

1. Notify the Dispute Coordinator to request Adjudication Hearing.
2. In the file, note the date and time the Dispute Coordinator was notified.
3. Prepare reports needed for Adjudication

4.2. Screening Officer Submission for Adjudication – Sample

The adjudicator is provided with a record of the screening officer's review of the disputed allegation. This may include evidence collected that supports the allegation.

A sample of the written submission use by the City of North Vancouver is shown on the right.



The Corporation of **THE CITY OF NORTH VANCOUVER**
BYLAW ENFORCEMENT

SCREENING OFFICER SUBMISSION FOR ADJUDICATION

TICKET INFORMATION:

Ticket Number:	Violation:
Date of Issue:	Time of Issue:
Location:	Officer:
Section:	Fine Amount:

SCREENING OFFICER EVIDENCE:

Screening Officer Signature

PAYMENT INFORMATION:

Total fine due and payable immediately if ticket upheld:

Violation Amount:	\$
Adjudication fee:	\$
Total owing:	\$

5. OVERVIEW OF ADJUDICATION PROCESS

Upon receipt of confirmation that the recipient of a Bylaw Notice wishes to proceed to adjudication on the disputed allegation, the local government typically selects a date and time for the hearing in consultation with the person.

Disputants have the right to be heard, and this right may be exercised in one of the following manners:

- in person, or by an agent;
- in writing; or
- by video conference, audio conference, telephone or other electronic means, if available.

The local government then contacts the organization responsible for managing the pool of adjudicators with the date, time, nature of the Bylaw Notice and the name of the recipient.

The adjudicator is selected on a rotational basis, although the rotation may be varied if the next adjudicator on the list is unavailable on the chosen day, or is unable to hear the matter due to a personal connection to the recipient of the Bylaw Notice.

All dispute adjudications are open to the public and each dispute typically requires twenty minutes or less. The adjudicator's decision is made on a balance of probabilities, as in civil claim proceedings, and may be based on any evidence that the adjudicator considers relevant and credible.

The adjudicator may accept evidence in writing, orally (in person or by telephone) or other electronic means from the disputant, the enforcement officer or any other witness to the alleged bylaw contravention.

The decision before the adjudicator is **strictly** whether a violation of a local government bylaw occurred, or did not occur. The process is not designed, nor intended, to deal with challenges to the fairness of the bylaw, validity or other legal questions. Adjudicators may only confirm the Bylaw Notice or cancel it outright. Fine reduction is not an option under the legislation.

The legislation does not permit the local government or the disputant, as the parties to the dispute, to appeal the decision of the adjudicator. Either party may, however, seek relief in the Supreme Court under the *Judicial Review Procedures* if they believe that the adjudicator exceeded his or her authority, or made an error at law.

5.1. Adjudicator

Under section 15 of the *Local Government Bylaw Notice Enforcement Act*, it is the responsibility of the Deputy Attorney General to appoint adjudicators to determine the disputes.

Adjudicators must meet prescribed qualifications and must not be an employee of, or hold an elected office in, a local government. These criteria provide the basis for an objective adjudication system separate from the local government.

One or more rosters of adjudicators must be established for the purpose of selecting adjudicators to hear disputes in respect of Bylaw Notices. Rosters may be established for the province generally, or for one or more local governments.

Qualifications, responsibilities and requirements for rosters, remuneration and expenses are established in the Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004). The selection process for adjudicators, as well as instructions to adjudicators when hearing disputes, is also prescribed by regulation in order to maintain consistency, neutrality and fairness.

Qualification and coordination of adjudicators is handled by the Court Services Branch of the Ministry of Attorney General.

5.2. Notice of Adjudication – Sample

Once the screening officer has confirmed that the recipient of a Bylaw Notice wishes to proceed to adjudication, the local government must schedule an adjudication hearing and ensure that all parties are notified.

In the case of the North Short pilot, because the registry serves three local governments, the process for giving notice to the local government that issued the Bylaw Notice is slightly more formal.

On the right is a sample of the Notice of Adjudication issued by the North Shore Bylaw Dispute Registry.

NORTH SHORE BYLAW ADJUDICATOR		NOTICE OF ADJUDICATION Form 99-1 2004	
141 14 TH ST. WEST NORTH VANCOUVER, BC V7M 1H9		Phone #: 604 904 7378 Fax #: 604 983 7448	
TO: TESTER, COREY, A 3 ANY STREET ANYTOWN, BC P0S 0D0		OFFENCE NO: FP11111111 OFFENCE DATE: 22 May 2002 OFFICER 111 ENFORCEMENT AGENCY: City Of North Vancouver BC LICENCE TEST03	
As the registered owner of this BC Licence plate you have been Charged with the following offence:			
On the: 22 day of MAY, 2002 at: 11:11 AM at or near: 3 BROWN STREET			
the driver did stop stand or park the vehicle Within 1m Of Driveway contrary to City of North Vancouver Bylaw #6234 Section 501.33			
Set Fine \$50	Adjudication Fee \$25	Total : \$75.00	
Take notice that on the: 05 day of JULY, 2002 at 09:00 AM your adjudication will be held at:			
ADJUDICATION ROOM 141 14 th St. West North Vancouver, BC V7M 1H9			
This will confirm that you have requested dispute adjudication in respect to the Bylaw Notice #FP11111111 Your adjudication will be held on the date and time and location noted above. You are required to attend at that time. If you do not appear, the adjudicator may order that the penalty in the bylaw notice and the adjudication fee are immediately due and payable, by you, to the City of North Vancouver.			
Issued at North Vancouver, British Columbia this 27 day of JUNE, 2002			
For General Inquiries about the Violation Notice, please contact 604 904 7378 City of North Vancouver Bylaw Office 147 14 TH ST. EAST, North Vancouver, BC V7L 2N4			
Office Use Only			
I certify that a copy of this Notice was:			
☐ Sent by mail to registered owner	☐	☐ Given to adjudicator or Agent	☐
☐ Given personally to registered owner	☐	☐ Sent by mail to adjudicator	
Adjudication Coordinator _____		Date _____	
I certify that I have given notice to the (Agency – City of North Vancouver) of the registered owner's intention to challenge the officer's evidence.			
Adjudication Coordinator _____		Date _____	

5.3. Adjudicator File Notes – Sample

LOCAL GOVERNMENT BYLAW DISPUTE ADJUDICATION SYSTEM

Adjudicator's File Note

Re: Corporation of the City of North Vancouver
Notice # NV1234567 (not actual file #)

Notice Issued May 31, 2004
Alleged Infraction of Bylaw 6234, Section 820.1

The evidence of the Bylaw Enforcement Officer was that a valid decal was not displayed. The disputant said that he could not recall if the decal was on the plate. He noted that there was valid insurance on the vehicle. I advised him that the issue was not whether there was valid insurance, but whether the decal was displayed.

I upheld the Notice as I found it more likely than not based on the evidence before me that the current year decal was not displayed. Disputant did not think that the City of North Vancouver should be concerned about decals. Explained to Disputant the wording of the bylaw and that if he believed the bylaw was improperly enacted he would have to pursue the issue through the Supreme Court of B.C.

Signed by Adjudicator.

5.4. Notice of Adjudication Outcome – Sample

September 9, 2004

Mr. John Doe
22-1104 Any Street
Vancouver, BC
V6E 1C9

Re: Bylaw Notice NV1234567

The Bylaw Adjudicator has notified the City of North Vancouver that at a hearing on September 9, 2004 the above noted bylaw notice was upheld. The total penalty and fee now outstanding on this notice is \$60.00.

On September 30, 2004 a further surcharge of \$15.00 will be added if this amount remains unpaid.

You may remit payment to the City of North Vancouver

IN PERSON 141 West 14th Street, North Vancouver, BC
By Mail 147 East 14th Street, North Vancouver, BC V7L 2N4
By Phone 604.990.4225
Internet <http://www.cnv.org/parkingticket>

All unpaid penalties and fees may be referred to our collection agent. Inquiries may be made to the City of North Vancouver Bylaw office by telephone at 604.904.7378 or by email at parking@cnv.org.

Yours truly,

City of North Vancouver

/ck

6. OVERVIEW – BUDGET AND COST INFORMATION

The actual cost of a local government bylaw dispute adjudication system will vary depending on the volume of bylaw infraction activity, screening and registry operations policies, the cost-recovery fees imposed on confirmed Bylaw Notices, and opportunities to achieve efficiencies through inter-local partnerships.

Information technology costs may also vary widely, depending on whether a manual or electronic system is used, and may affect the start-up and ongoing operations differently.

In the case of the North Shore communities, the Districts of West and North Vancouver and the City of North Vancouver entered into an Inter-Municipal Agreement to create a single administrative structure for handling cases referred for adjudication by the screening officers in the separate municipalities.

This agreement set out the cost-sharing arrangement for each of the municipalities, based on the use of services of adjudicators.

In addition to the one time capital (computer software) start-up costs of setting up a bylaw dispute adjudication system, it is estimated that annual administration costs for the North Shore municipalities will be under \$20,000. These costs will be shared equally.

It should be noted however, that costs may vary for other local governments.

6.1. Pilot Costing Model – Adjudicator Services: North Shore

ADJUDICATOR COSTS	DAILY COSTS	PER DISPUTE ¹
Attended - Full Day	\$350.00	\$19.44
Attended - Half Day	\$175.00	\$19.44
Telephone Dispute		\$16.66
Written Dispute		\$12.50
ADMINISTRATIVE COSTS	DAILY COSTS	
Attended - Full	\$262.50	\$14.58
Attended - Half	\$131.25	\$14.58
Telephone Disputes		\$12.50
Written Disputes		\$12.50
TRAINING & START UP COSTS	DAILY COSTS	PER DISPUTE ²
Training (per student, 5 students)	\$1,750.00	\$5.83
Start Up-Systems	\$1,000.00	\$3.33
Start Up –Other	\$500.00	\$1.67
SUMMARY OF TOTAL COSTS PER DISPUTE		PER DISPUTE
Full Day		\$44.86
Half Day		\$44.86
Telephone Dispute		\$39.99
Written Dispute		\$35.83

Source: Court Services Branch, Ministry of Attorney General

¹ Based on an average of 20 minutes scheduled per dispute.

² Based on 300 disputes.

6.2. Summary of North Shore Pilot Project Bylaw Registry Costs

Estimated Ongoing Costs for a Bylaw Notice Enforcement System

(Based on 30,000 Bylaw Notices issued annually)

ITEM	COST	NOTES
Pre-Hearing: Ticket Screening	\$13,770	Dispute rate 1.8%; 45 minutes per screening; Average hourly cost \$34 (salary and benefits)
Pre-Hearing: Dispute Scheduling	\$680	20 minutes per adjudication scheduled; Average hourly cost \$34 (salary and benefits)
Adjudicator	\$1,498	\$374.50 per hearing day; 4 hearing days per year
Administrative Costs	\$1,165	\$291.31 per hearing day; City of North Vancouver not certain if costs will continue
Administrative Costs (Hearing days only)	\$400	\$100 per hearing day for record keeping and cheque issuance
Security Officer	\$256	\$16 per hour for 4 hours each hearing day (4 per year)
Council Chamber Cost	\$1,600	\$400 per hearing day
Annual Estimated Administration Costs	\$19,369	

Source: Evaluation Report – North Shore Bylaw Notice Adjudication Registry

7. INFORMATION TECHNOLOGY OVERVIEW

Local governments should plan conservatively when anticipating the length of time needed to develop the information technology that may be required to implement a bylaw dispute adjudication system. This may be particularly true if the local government uses an outside software provider.

The local government should take into account that it will likely be necessary to upgrade the ticket processing system business rules, database, screens and reports. Hardware upgrades and operating systems/database upgrades will also need to be reviewed. Ticket stock changes – both handheld and written – will need to be considered.

Local governments should consider whether it would be efficient or necessary to integrate any current ticketing system with the new local government bylaw dispute adjudication system. Alternatively, run two systems concurrently until all tickets are dealt with under the old system. Costs of integrating the two systems will likely be a deciding factor in how the local government proceeds.

If a new system or an upgrade is considered, the following information from the authorizing bylaw will need to be known in order to configure the IT systems.

Specifically:

- the time period to pay or dispute the Bylaw Notice;
- whether screening officers will be used;
- whether early-payment discounts, late-payment surcharges and/or dispute fees will apply; and
- who may issue a Bylaw Notice and how.

The North Shore participants in the pilot project worked with different companies to provide bylaw enforcement software. The Districts of North Vancouver and West Vancouver contracted with Tempest Development Corporation. The City of North Vancouver's software is provided by ETEC, marketed by Parksmart. Both companies developed software to accommodate the requirements of the bylaw dispute adjudication system.

Any local government considering implementing a bylaw dispute adjudication system should ensure that a prospective budget is prepared for software upgrade requirements. Depending if the software system is in-house or contracted, the financial impact may be significant.

7.1. Information Technology Impacts – Case Study: City of North Vancouver

As a result of the decision to implement a bylaw dispute adjudication system in partnership with the other North Shore municipalities, the City needed to review the impact on its existing IT systems and business processes.

After a review, three options were identified:

1. accommodate changes within the existing system;
2. upgrade IT systems and businesses processes; or
3. search for another solution.

The City chose the second option and implemented changes to its IT system and business processes. The City opted to use a packaged solution for the issuance and management of parking tickets. This software system was developed by Enforcement Technology (ETEC) of California and is distributed in Canada by Parksmart.

Implementation of the new software necessitated a number of business rule changes:

Changes to the ticket process

Tickets have a fixed fine amount and customers get a discount for early payment; late payment penalties still apply. This required changes to the ticket capture and printing process. The City retained the same fee structure, including a first and second late fee.

The ticket printout indicates the price including the 'first late' fee, but also an early payment price that excludes the 'first late' fee. The ticket record gets stored with the discounted price, allowing the use of the first and second late fee processes as before. This minimized the amount of change to the fee logic.

Court venue replaced by adjudication hearing

The arena to handle ticket disputes moved from a court to an adjudication process. A screening officer role was created to screen all disputed tickets prior to adjudication hearings.

This required the system to record screening officer notes and the outcome of the screening officer review. If the disputant wished to pursue adjudication, they could request a dispute hearing. To operationalize this component, the City purchased the "court module" that was available with the software package.

The City hosts adjudication sessions on behalf of the three North Shore jurisdictions, adding the task of co-ordination and the requirement of the "court module".

7.1. Information Technology Impacts – Case Study: City of North Vancouver

Miscellaneous Changes

Other necessary but minor changes were also needed, including:

- changes to reports to handle the new logic flows;
- changes to the selection process for sending tickets to collections to handle the new business rules (i.e. not sending tickets that are pending adjudication to collections);
- changes to business rules regarding "resetting" the ticket start date when a customer claims they did not receive the original ticket.

The City of North Vancouver found that one advantage of implementing new software is that it allowed for old tickets to proceed through the old system.

This transition period avoids the process of converting older tickets into the new system, minimizing additional changes to the new software. Conversely, it does require ticket administration in two different systems during the transition period. These "pros" and "cons" need to be weighed and assessed by each individual municipality.

8. COMMUNICATIONS PLAN AND MATERIALS

8.1. Communications Plan – Sample

Bylaw Notice Dispute Adjudication System

Targeted Communications Plan for
North Vancouver District, North Vancouver City
and District of West Vancouver

Revised: February 29, 2004

Communications Goal

To bring awareness to the newly formed Bylaw Dispute Adjudication System (BDAS).

Introduction

On May 3, 2004, the North Shore municipalities will introduce a new Bylaw Dispute Adjudication System. The BDAS will allow local municipalities to deal with bylaw disputes (i.e. parking tickets) at the local level, rather than through the Provincial Court system.

In addition to communications already initiated by the Provincial Government, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will carry out a targeted communications campaign, aimed at North Shore residents, as well as other Lower Mainland citizens who may be affected by the BDAS.

Targeted Audience

Residents of the three North Shore Municipalities, as well as other Lower Mainland citizens who may be affected by the BDAS.

Communications Strategies

1. Media Release with Backgrounder/Fact Sheet:

A tri-municipal media release and backgrounder/fact sheet will be prepared and distributed to all Lower Mainland media (newspaper, television, radio).

Target date for distribution: April 6, 2004.

2. Web Sites:

The media release/backgrounder will also be prominently posted on the three municipal web sites.

Target date for posting: April 6, 2004.

3. Advertising Notices:

All three municipalities have regular advertising space booked in the two local newspapers. We will utilize this space to communicate the new system throughout the months of April and May. In order to reach the widest possible audience, the notices will be consistent and will carry the three municipal identifiers and contact information.

Advertising schedule is as follows:

- **District of North Vancouver**

District Dialogue News Page – Outlook Newspaper.

- Notices to run: **April 15***, 29
May 13

- **City of North Vancouver**

City Views News Page – North Shore News

- Notices to run: **April 25***
May 2

- **District of West Vancouver**

Tidings News Page – North Shore News

- Notices to run: **April 18***
May 30

Note (*): The notices running on April 15, 18 and 25 will introduce the new BDAS, and will be more comprehensive than the follow-up notices.

4. On-Hold Recordings

The District of North Vancouver has an On-hold Messaging System, where callers to the District hear recorded messages while on hold. This system will be utilized throughout April and May (and continued on a periodic basis) to communicate the new Bylaw Dispute Adjudication System.

Conclusion

The commitment of this Communications Plan is to support the DBAS through effective and efficient communications to ensure that the widest possible audience is reached.

8.2. Information Sheet and Backgrounder – Sample



District of North Vancouver * City of North Vancouver * District of West Vancouver

infosheet

April 16, 2004

North Shore's new Bylaw Enforcement System

Effective May 3, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will become the first in B.C. to implement a new *Bylaw Enforcement System*. The new system will allow these municipalities to deal with bylaw disputes, such as parking tickets, at the local level rather than through the Provincial Court system.

Previously, anyone wishing to dispute a parking ticket had to appear in a B.C. Provincial Court, an expensive and time-consuming process for the disputant, the Province and Municipalities. In 2003, 43,000 tickets were issued across the North Shore, approximately 1,000 of which were disputed.

Under the new system, a provincially appointed adjudicator, centrally located at North Vancouver City Hall (141 W. 14th Street), will hear all disputes. The system will work as follows:

- If the ticket is paid within 14 days, a discount will apply. After a fixed number of days, a surcharge is added (Note: fine, discount and surcharge amounts vary in each North Shore municipality).
- Those electing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued (by phone, fax, e-mail or in person) within 14 days of issuance.
- The disputant will be contacted by a Screening Officer who will review the case and, if appropriate, cancel the ticket. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
- If proceeding to adjudication, the disputant will apply in writing for an adjudicator to hear the case. A date will be scheduled, and the

adjudication will be conducted at North Vancouver City Hall. It should be noted that the disputant would not be required to personally appear at the adjudication. Representation may alternatively be made in writing, or over the phone. If the ticket is upheld, the full ticket charge, surcharge and a \$25 adjudication fee (to offset the cost of the process) may be applicable and payable.

If the Bylaw Enforcement System is successful, it will be implemented in other B.C. municipalities and may soon encompass other bylaw contraventions.

For more information on the new Bylaw Enforcement System, contact:

- City of North Vancouver: Bruce Hawkshaw – 604-990-4234
- District of North Vancouver: Dennis Back – 604-990-2205
- District of West Vancouver: Rick Beauchamp – 604-925-7003

Attachment: Bylaw Enforcement System Backgrounder.

8.2. Information Sheet and Backgrounder – Sample

Bylaw Enforcement System Backgrounder

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

When:

Effective May 3, 2004.

What:

B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

Why:

The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.
- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:

1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

APPENDICES

A. Screening Policies

- District of West Vancouver
- District of North Vancouver
- City of North Vancouver

B. North Shore Bylaw Dispute Registry – Operations Policy

C. Project Stakeholders – Contact Information

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

District of West Vancouver CORPORATE POLICY

Administration Division
Policy #02-10-211
CIS File: 0282-02-10-211
Page 1 of 3

Screening Officer Bylaw Notice Policy

1.0 Purpose

WHEREAS the District of West Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice;

AND WHEREAS the District of West Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

AND WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the District of West Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances;

NOW THEREFORE the District of West Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances set out in this policy.

2.0 Policy

2.1 The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.

Document #: 161177

DISTRICT OF WEST VANCOUVER Corporate Policy

Policy #02-10-211 Screening Officer Bylaw Notice Policy Page 2 of 3

- (b) An exception specified in the Bylaw or a related enactment is made out;
 - (i) Handicap vehicle in time zone or pay lot.
- (c) There is a poor likelihood of success at adjudication for the District, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
- (e) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

DISTRICT OF WEST VANCOUVER **Corporate Policy**

Policy #02-10-211 Screening Officer Bylaw Notice Policy Page 3 of 3

- (g) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
 - (i) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (ii) The sign indicating the Bylaw requirement was not visible.

Approval Date Council April 5, 2004-04-13 Item 5.5	Approved by: David Stuart, Municipal Manager
Amendment Date:	Approved by:
Amendment Date:	Approved by:

APPENDIX A – DISTRICT OF NORTH VANCOUVER – SCREENING POLICY



The Corporation of the District of North Vancouver

CORPORATE POLICY MANUAL

Section:	Legislative & Regulatory Affairs	9
Sub-Section:	Bylaw Enforcement – General	4000
Title:	SCREENING OFFICER BYLAW NOTICE	2

POLICY

The District of North Vancouver authorizes the Screening Officer to cancel Bylaw Notices in the described circumstances.

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (b) An exception specified in the Bylaw or a related enactment is made out;
- (c) There is a poor likelihood of success at adjudication for the District. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly; or
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.
- (e) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit; or
 - (ii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
- (f) The person exercised due diligence in their efforts to comply with the Bylaw. For example:
 - (i) As a result of mechanical problems the person could not comply with the Bylaw.

REASON FOR POLICY

Whereas

1. the District of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and
2. the District of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and
3. the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*.

the District of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances.

AUTHORITY TO ACT

Delegated to Staff.

Approval Date:	April 5, 2004	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	
3. Amendment Date:		Approved by:	

APPENDIX A – CITY OF NORTH VANCOUVER – SCREENING POLICY

SCREENING OFFICER BYLAW NOTICE POLICY

WHEREAS the City of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and

WHEREAS the City of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the City pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the City of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances,

NOW THEREFORE the City of North Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances.

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and the person is not willing to enter a compliance agreement or a compliance agreement is not available for the offence:
 - (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
 - (b) An exception specified in the Bylaw or a related enactment is made out;
 - (c) There is a poor likelihood of success at adjudication for the City. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.

2

- (e) The Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice does not live in the vicinity, or the vehicle is not registered in the vicinity, and the screening officer is satisfied the person is a tourist or visitor to the City and the person is not a repeat offender.
 - (iii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iv) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
 - (v) The offence occurred as a result of a mechanical problem and the person could not reasonably comply with the bylaw.

Encouragement to Purchase Skateboard Helmets - File: 3030-01

PURSUANT to the report of the City Clerk dated July 15, 2004, entitled “Encouragement to Purchase Skateboard Helmets”:

THAT City of North Vancouver Screening Officers be authorized to cancel tickets issued under section 408.8 of the “Street and Traffic Bylaw, 1991, No. 6234, which is:

”No person shall propel, coast ride or in any other way use roller skates or a skateboard on any street, including the roadway, lane and sidewalk, public open space, plaza, other City properties or skateboard park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice”;

ON THE PROVISIO THAT a proof of purchase of a helmet is provided within 14 days of the issuance of the ticket.

CARRIED UNANIMOUSLY

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

North Shore Bylaw Dispute Adjudication Registry

Operations Policy

Purpose

The North Shore Bylaw Dispute Adjudication Registry (hereafter called the *Adjudication Registry*) provides a transparent and impartial process whereby disputants may challenge a Bylaw Notice issued by CNV, the District of North Vancouver, or the Municipality of West Vancouver. The Adjudication Registry is managed by the CNV in accordance with City Bylaw No. 7600.

Parties Involved

The process of disputing a notice involves five parties:

1. The Bylaw Officer (the CNV employee authorized to issue the notice)
2. The Disputant (the party disputing the notice).
3. The Screening Officer (the CNV employee designated under Bylaw No. 7600 to act as the Screening Officer).
4. The Dispute Coordinator (the CNV employee who coordinates the activities of the Adjudication Registry).
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld).

Dispute Process

When a notice is disputed, the Disputant enters into a two step adjudication process:

Adjudication Step 1: Screening Officer

The disputant contacts the Screening Officer; this communication may be by phone, in person, or in writing. The Screening Officer acts as follows:

1. Reviews the notice with the Disputant (see Appendix C: *Screening Checklist*) and undertakes the appropriate investigation including communication with the Bylaw Officer issuing the notice to determine the validity of the notice. Data is entered into the AutoPROCESS system. The Screening Officer has the authority to either uphold or dismiss the notice in accordance with the cancellation policy set by Mayor and Council (See Appendix D: *Screening Officer Bylaw Notice Policy*).
2. If the notice is dismissed, the Screening Officer cancels the notice and no further action is required by the Disputant.
3. If the Screening Officer upholds the notice, three options are available:
 - i. The Disputant may pay the discounted fine.
 - ii. The Disputant may go forward with adjudication.
 - iii. Where permitted, the Disputant may enter into a compliance agreement in accordance with CNV Bylaw No. 7600.

For all options, the Disputant is advised of applicable fines, fees, and surcharges.

4. If the Disputant chooses to go forward with adjudication, the Screening Officer prepares a file for the Dispute Coordinator that includes two copies of each of the following documents:
 - i. A report prepared by the Screening Officer based upon communication with the Disputant and quote the bylaw section.
 - ii. A report prepared by the Bylaw Officer issuing the notice including rationale for issuing the notice.

Adjudication Step 2: Dispute Adjudication

The Dispute Coordinator receives the file from a CNV Screening Officer or other Municipal Screening Officer participating in the Adjudication Registry. Adjudication cannot proceed until the notice has been screened by a Screening Officer; the Dispute Coordinator only receives files from a Screening Officer, not from the Disputant. The Dispute Coordinator:

1. Confirms that the file is complete and requests additional information if necessary.
2. Liaises with the Adjudicator to set dates for the Adjudication Registry and then enters these dates into the calendar of the autoPROCESS ticket system.
3. Informs the Disputant of the available dates and agrees on the date and time.
4. Prepares a Notice of Adjudication to be sent to the Disputant and to the municipality concerned which confirms the date and time of the Adjudication Hearing along with the Disputant's preferred method of participation: in person, by phone, or through submission of documentation prior to the date of adjudication.
5. Coordinates with CNV departments, as necessary, to prepare for the Adjudication Registry. This includes preparing an agenda for the scheduled date of the Adjudication Registry. The agenda includes time, notice number, name of Disputant, method of participation by Disputant, and municipal authority issuing the notice.

The following CNV departments must be notified of the forthcoming adjudication dates:

- i. Finance-Cashier and Accounting (notices issued by other municipalities may be paid at the CNV only on the day of the Adjudication Registry).
- ii. Building Services (to set up the room for the Adjudication Registry).
- iii. Information Technology (to set up computers for the Adjudication Registry).
- iv. Security.
- v. Bylaw Supervisor.
- vi. The municipal authority issuing the notice, if other than the CNV.
- vii. Bylaw Manager.
- viii. Adjudication room (booking).
- ix. City Hall Receptionist
- x. City Clerk
- xi. Director Corporate Services

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

6. Maintains an updated file and has this file available, as requested, for the Adjudicator. This file, which must be obtained from the municipality involved, includes the following documents:
 - i. The report prepared by the Screening Officer.
 - ii The report prepared by the Bylaw Officer.
 - iii Any additional information detailing the rationale for not dismissing the notice.
 - iv A copy of the Notice of Adjudication.
 - v A copy of the Bylaw Notice.
 - vi A printed quote of the bylaw section under which the notice was issued.
7. Following the Adjudication Hearing, returns the file to the CNV or other Municipal Authority with outcome of the Hearing noted.
8. If a CNV notice is dismissed at the Adjudication Registry, no further action is required.
9. If a CNV notice is upheld at the Adjudication Registry, the CNV prepares a letter to the Disputant which states the bylaw notice number, confirms the adjudication decision, states the total fine and fees outstanding along with the date on which a surcharge will be applied along with the amount of the surcharge, provides alternative methods of payment, and states that the notice will be referred to a collection agent if left unpaid.

APPENDIX C – Project Stakeholders – Contact Information

Project Stakeholders Contact Information

(Last Updated: September 2005)

INDIVIDUAL	ORGANIZATION	CONTACT INFORMATION
Wayne Willows <i>A/ Director</i>	Court Services Branch, Ministry of Attorney General	(250) 356-1529 Wayne.Willows@gov.bc.ca
Kate Kimberley <i>Senior Policy and Planning Analyst</i>	Court Services Branch, Ministry of Attorney General	(250) 356-6680 Kate.Kimberley@gov.bc.ca
Marijke Edmondson <i>Manager, Local Government Liaison</i>	Local Government Advisory Services Branch, Ministry of Community Services	(250) 387-4032 Marijke.Edmondson@gov.bc.ca
Tom MacDonald <i>Executive Director</i>	Local Government Management Association (LGMA)	(250) 383-7032 tmacdonald@lgma.ca
Ken Vance <i>Senior Policy Analyst</i>	Union of British Columbia Municipalities (UBCM)	(604) 270-8226 kvance@civicnet.bc.ca
Rick Beauchamp <i>Director of Administrative Services</i>	District of West Vancouver	(604) 925-7003 rbeauchamp@westvancouver.ca
Dennis Back <i>Director of Corporate Services</i>	District of North Vancouver	(604) 990-2205 dennis_back@dnv.org
Barbara Hamilton <i>Supervisor, Bylaw Enforcement</i>	City of North Vancouver	(604) 904-7378 bhamilton@cnv.org