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REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 17, 2025

SUBJECT **Bylaw Notice Enforcement and Adjudication System**

ISSUE SUMMARY

Requesting approval to establish and implement a Bylaw Notice Enforcement Bylaw (BNE) and Screening Officer Policy for the CRD and the amendments to the Municipal Ticket Information Bylaw No.1871 to align with the new BNE system be approved.

BACKGROUND

At the Capital Regional District (CRD) Board meeting on September 11, 2024, the following motion was carried:

1. *That a Bylaw Notice Enforcement and Adjudication System be endorsed;*
2. *That staff be directed to prepare bylaws, policies and agreements for the implementation of the Bylaw Notice Enforcement and Adjudication System provided for in the Local Government Bylaw Notice Enforcement Act, for the Board's approval; and*
3. *That staff be directed to work with Court Services Branch, Ministry of Attorney General to request the Lieutenant Governor in Council of the Province of British Columbia enact a Regulation under Section 29 of the Local Government Bylaw Notice Enforcement Act, applying the Act to the Capital Regional District.*
4. *That the proposed Bylaw Notice Enforcement and Adjudication System be referred to the Electoral Areas Committee for input before finalizing bylaws, policies, and agreements that will be submitted for CRD Board approval.*

A copy of the staff report dated July 17, 2024, which includes background information on the Bylaw Notice system and process, is attached as Appendix A.

Staff have received the Order in Council from the Ministry of the Attorney General, Justice Services Branch, that the CRD has been added to Schedule 1 of the *Act*, which took effect on April 9, 2025 (see Appendix B). This now allows the CRD to adopt a Bylaw Notice Enforcement and Adjudication system.

The proposed Bylaw is attached to this report as Appendix C. The Bylaw establishes the *Bylaw Notice Enforcement Bylaw*, the role of *Screening Officer* and outlines the types of offences that are subject to enforcement through issuance of a Bylaw Enforcement Notice. The Bylaw includes the current and proposed fine amounts that have been established in the CRD Ticket Information Authorization Bylaw, 1990 (MTI) that are under \$500, and offers an early payment discount and late payment penalty. The proposed Screening Officer policy is attached as Appendix D. Under the *Bylaw Notice Enforcement Act*, a Screening Officer may cancel a Bylaw Enforcement Notice if the violation did not occur as alleged or if the Bylaw Enforcement Notice does not contain the information required by the *Act*. The *Act* also provides that a local government may authorize additional grounds under which a Screening Officer may cancel a Bylaw Notice. The proposed policy establishes additional grounds for cancellation that have been used successfully in other jurisdictions that have implemented the system.

The additional grounds are meant to provide Screening Officers with the flexibility to reduce the number of tickets that proceed to adjudication in circumstances where there are fairness concerns or where a Bylaw Enforcement Notice would not likely be upheld at an adjudication. Examples from the policy include:

- the contravention was necessary for the preservation of health and safety
- the contravention did not occur as alleged
- it is not in the public interest to proceed to adjudication for one of the following reasons:
 - the disputant was permitted or entitled to take action, but the issuing bylaw officer was unaware of this permit or entitlement
 - the matter is of sufficient importance that the CRD wishes to pursue avenues of bylaw enforcement other than under the *Act* or the Bylaw

The Screening Officers listed in the policy are those positions that are bylaw enforcement trained staff or management that are commonly used in screening officer policies in the local governments listed in the *Act*.

Bylaw Services staff have worked to align the CRD Ticket Information Authorization Bylaw, 1990 (MTI), to ensure that it is consistent throughout (see Appendix E). This will assist staff when amending the BNE bylaw, as all amendments must be done in both the MTI and the BNE Bylaws. If the Board approves the BNE system and the bylaw is adopted, Bylaw Services staff will provide training on the new system, ongoing support and be responsible for amendments to the MTI and BNE bylaws. Their involvement is necessary to ensure the enforcement remains consistent and aligns with both bylaws. Both of these bylaws were presented to the Electoral Areas Committee for review on July 9, 2025 prior to submission to this committee and no concerns or changes were raised at that time.

How does the BNE system work?

The primary differences between the current MTI used by the CRD and the new BNE system are laid out in Table A below.

Table A: Key Differences between Municipal Ticket Information and Bylaw Notice Enforcement

	Municipal Ticket Information	Bylaw Notice Enforcement
Max Penalty	\$3,000	\$500
Manner of Service	Must be in person to the accused (or another adult at their address)	In person, by mail or affixed to a stationary object, i.e., front door of dwelling or a vehicle
Disputed Ticket	May be litigated through provincial courts to a standard 'Beyond Reasonable Doubt'	Step 1: Reviewed by Screening Officer: may result in education resulting in a reduction, entering into a Compliance Agreement, which is valid for one year or if an agreement cannot be reached Step 2: Goes to adjudication to be decided on a standard of 'Balance of Probabilities'
Consequence, If Ignored	No penalty, fine immediately due	Penalty added to fine and immediately due

Functionally, the BNE is easier to administer and should lead to lower costs for the CRD by significantly reducing ticket disputes that are heard in provincial court, as the BNE are addressed with current staff and an adjudicator, which cost is covered by the \$25 fee charged to the disputant. Those appealing the system in good faith will have the opportunity to work with staff to better understand the bylaw and come to a mutually beneficial agreement. Staff will report back to the Committee on the effectiveness after a full year of use of the system to show costs saved, compliance rate and how many notices lead to adjudication including the result.

ALTERNATIVES

Alternative 1

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4683, "Bylaw Notice Enforcement Bylaw No. 1, 2025" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4683 be adopted.
3. That Bylaw No. 4703, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 87, 2025" be introduced and read a first, second, and third time; and
4. That Bylaw No. 4703 be adopted.
5. That the Screening Officer Bylaw Notice Policy, as attached hereto as Appendix D, be adopted.

Alternative 2

That this report be referred back to staff for additional information based on Planning and Protective Services Committee direction.

IMPLICATIONS

Alignment with Board & Corporate Priorities

The introduction of a Bylaw Dispute Adjudication System supports the CRD Board's focus on the delivery of efficient, effective and economically viable services, as well as the opportunity to partner with other local governments in the delivery of services.

Alignment with Existing Plans & Strategies

As an alternative to the MTI, the BNE enables a more efficient and cost-effective administrative process for addressing bylaw violations and has been identified by Bylaw and Animal Care Services staff as an effective additional tool to assist in improving the efficiency of enforcing and gaining compliance with bylaw violations.

Financial Implications

The costs associated with introducing the system are estimated to be approximately \$5,000, which will go towards printing the initial stock of BNE books and training. The annual costs to support the system are estimated to be approximately \$2,500, which would be for maintaining stock of the BNE books, both of which can be accommodated within current departmental operating budgets and using existing staff and software. The costs associated with administering and maintaining the system will be borne by Bylaw and Animal Care Services, and those departments that wish to participate will be charged an administration fee to cover the cost of the system and support.

Service Delivery

While the BNE will be available for use immediately following the three readings and adoption by the Board, staff are planning to practically implement the system in a graduated manner throughout the remainder of 2025. During this time, the website will be updated to inform the public about the system and approach and to explain how it differs from alternate municipal ticketing tools. Staff will provide training to other departments on how the system can be used as one of several compliance tools and ticketing options available to enforcement staff, which will be utilized as required and in accordance with operational and enforcement objectives.

CONCLUSION

The proposed Bylaw and Policy were developed in response to CRD Board direction to establish the framework for introduction of the Bylaw Notice Enforcement and Adjudication System at the CRD. The draft Bylaws and Screening Officer Policy are provided to the Planning and Protective Services Committee for recommendation to the CRD Board for final approval.

RECOMMENDATION

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4683, "Bylaw Notice Enforcement Bylaw No. 1, 2025" be introduced and read a first, second, and third time; and
2. That Bylaw No. 4683 be adopted.
3. That Bylaw No. 4703, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 87, 2025" be introduced and read a first, second, and third time; and
4. That Bylaw No. 4703 be adopted.
5. That the Screening Officer Bylaw Notice Policy, as attached hereto as Appendix D, be adopted.

Submitted by:	Shawn Carby, C.D., BHSc., MAL, Senior Manager, Protective Services
Concurrence:	Don Elliott, Acting General Manager, Housing, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Staff Report to Planning and Protective Services Committee – Bylaw Notice Enforcement and Adjudication System – July 17, 2024
- Appendix B: Order of the Lieutenant Governor in Council – April 7, 2025
- Appendix C: Bylaw No. 4683, "A Bylaw Respecting the Enforcement of Bylaw Notices"
- Appendix D: Screening Officer Bylaw Notice Policy
- Appendix E: Bylaw No. 4703, "A Bylaw to Amend Bylaw No. 1857 Capital Regional District Ticket Information Authorization Bylaw, 1990"