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CAPITAL REGIONAL DISTRICT CORPORATE POLICY

Policy Type	CRD Board		
Section	Bylaw and Animal Care Services		
Title	Screening Officer Bylaw Notice Policy		
Adopted Date		Policy Number	
Last Amended			
Policy Owner	Housing, Planning and Protective Services		

1. POLICY:

The Screening Officer is authorized to cancel a Bylaw Notice where satisfied one or more reasons exist and a compliance agreement is not authorized.

2. PURPOSE:

The Regional District 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.

The Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the Regional District pursuant to s.10(2)(a) of the *Local Government Bylaw Notice Enforcement Act*.

The Capital Regional District finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances. The Regional District authorizes the Screening Officer to cancel Bylaw Notices pursuant to the conditions set out in this policy.

3. SCOPE:

This policy applies to all Bylaw Notices issued by the Capital Regional District. It guides individuals appointed as Screening Officers in the exercise of their discretion under Bylaw No. 4683, "Bylaw Enforcement Notice Bylaw No. 1, 2025".

4. DEFINITIONS:

"Act" means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.

"Bylaw Enforcement Officer" means a person in a class prescribed under Section 273(c) of the *Community Charter* who is designated by the Capital Regional District Board as a bylaw enforcement officer.

"Bylaw Notice" means a notice under section 4 [bylaw notice] of the *Local Government Bylaw Notice Enforcement Act*.

"Disputant" means the party disputing the notice.

"Regulation" means the *Bylaw Notice Enforcement Regulation*, BC Reg 175/2004.

"Screening Officer" means a person in a class designated by bylaw under Section 2(3)(b) [application of act] of the *Local Government Bylaw Notice Enforcement Act* and appointed as a screening officer by the Regional District Board of Directors.

5. PROCEDURE:

1. The Screening Officer is authorized to cancel a Bylaw Notice where they are satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:
 - a) A jurisdictional issue arises that cannot be addressed by the adjudicator.
 - b) The bylaw notice does not comply with section 5 of the *Act*, in that it was issued more than six months after the contravention is alleged to have occurred.
 - c) The contravention did not occur as alleged.
 - d) The identity of the person or company cannot be established.
 - e) Identity cannot be proven, for example, where satisfied the bylaw notice was issued to the wrong person.
 - f) There is a poor likelihood of success at adjudication for the Capital Regional District, including, for example:
 - i. the evidence is inadequate to show a contravention;
 - ii. incorrect information was relied upon by the bylaw enforcement officer;
 - iii. the bylaw notice was not completed properly; or
 - iv. the bylaw provision is ambiguous or otherwise poorly worded.
 - g) The contravention was necessary for the preservation of health and safety, for example, where satisfied the contravention was the result of a medical emergency.
 - h) Multiple bylaw notices were issued arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate bylaw notice.
 - i) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - i. the disputant was permitted or entitled to take action, but the issuing bylaw officer was unaware of this permit or entitlement;
 - ii. the Bylaw has changed since the bylaw notice was issued; and now authorizes the contravention.
 - iii. the disputant has a compelling case for undue hardship (i.e. undergoing a personal tragedy at the time of the contravention).
 - iv. the contravention was the result of a medical emergency.
 - v. the disputant is a tourist or visitor to the CRD, provided that they have not previously been issued a bylaw notice.
 - vi. the matter involves public health or safety requiring a penalty or other remedy beyond the jurisdiction of the *Act* or the Bylaw; or
 - vii. the matter is of sufficient importance that the CRD wishes to pursue avenues of bylaw enforcement other than under the *Act* or the Bylaw.
2. A Screening Officer will confirm a bylaw notice where, in the opinion of the Screening Officer, none of the grounds for cancellation in section 5.1 of this policy are applicable.
3. Where permitted under the Bylaw, a Screening Officer may enter into a compliance agreement if the Screening Officer determines that:
 - a) the circumstances favour a compliance agreement as the best means of ensuring future compliant behaviour through terms and conditions that the Screening Officer considers necessary or advisable;

- b) the bylaw notice contravener will likely fulfill the terms and conditions under the compliance agreement based on the contravener's willingness:
 - i. to accept liability for the contravention as alleged in the bylaw notice; and
 - ii. to comply with the terms and conditions of the compliance agreement;
 - c) the contravener has not previously committed the same contravention within the last 12 months; and;
 - d) the contravener has not, within the past 36 months, breached or otherwise failed to perform the terms and conditions of a compliance agreement with the CRD.
4. Subject to the agreement of the contravener and the Screening Officer, on behalf of the CRD, a compliance agreement may be amended, provided that:
- i. the amendment is in writing;
 - ii. the amendment cannot amend the reduced payment amount;
 - iii. the contravener is not, at the time, in breach of a term of the compliance agreement;
 - iv. the compliance agreement has not been rescinded; and
 - v. the compliance agreement has not expired.
5. Where a contravener breaches or otherwise fails to perform a term or condition of a compliance agreement, the Screening Officer will either:
- i. provide the contravener with an opportunity to immediately correct the breach or failure to perform and put the compliance agreement back in good standing; or
 - ii. immediately rescind the compliance agreement and provide the contravener with notice of the rescission, including:
 - a. the information that the contravener may, within 14 days of receiving notification of the rescission, require the Screening Officer to submit for dispute adjudication the issue of whether the contravener observed or performed the terms and conditions of the compliance agreement; and
 - b. the consequences of failing to respond to the rescission notice.
6. In considering between the options set out in subsections 5 (a) and (b) above, the Screening Officer will consider:
- i. the seriousness of the breach;
 - ii. the seriousness of the consequences of the breach;
 - iii. the contravener's explanation for the breach;
 - iv. whether the contravener exercised due diligence to avoid the breach;
 - v. whether the breach is capable of being immediately corrected;
 - vi. whether the contravener has previously been in breach of the compliance agreement; and
 - vii. whether the reduced penalty has been paid.
7. If an application to set aside a bylaw notice debt is made pursuant to section 5 of the Regulation by a person named in a bylaw notice who owes a debt to the CRD:
- i. in respect of a failure to dispute a compliance agreement rescission within the prescribed time or a failure to appear at a scheduled hearing; or
 - ii. in respect of a failure to dispute a bylaw notice under section 25(2) of the Act [original bylaw notice not received] within the time permitted,

the Screening Officer will review the application and, if satisfied on a balance of probabilities that the failure to dispute or appear, as the case may be, was not the person's fault, the screening officer must cancel the debt; and

- iii. in respect of subsection 7(i) above, refer the dispute to adjudication; or
 - iv. in respect of subsection 7(ii) above, restart the CRD's 28-day response period under Bylaw 4683.
8. In reviewing an application under section 5 of the Regulation, the Screening Officer will consider all available information and will question the applicant thoroughly with respect to the evidence put forward in support of the application, as well as question any third parties who may have relevant evidence to consider.
9. An application to set aside a debt owing in respect to a failure to dispute a compliance agreement rescission cannot be considered by the Screening Officer who entered into the compliance agreement.
10. If a debt is cancelled under section 7 of this policy, in relation to which a Certificate of Amounts Owed has been filed in the Provincial Court, the Screening Officer will withdraw the Certificate from the Court.

Adoption Date	Description:
BOARD MEETING DATE	

6. REVIEWS:

Review Date	Description:
Three years after adoption	

7. RELATED POLICY, PROCEDURE OR GUIDELINE:

Bylaw No. 4683, "Bylaw Notice Enforcement Bylaw No. 1, 2025"

Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990"