



POLICY MANUAL

POLICY TITLE: Bylaw Enforcement	POLICY #: 0100-033
AUTHORITY: Legislative Administrative	EFFECTIVE DATE: October 20, 2009
	REVIEW SCHEDULE: 2 – 3 years
ISSUED BY: Director of Corporate Administration	APPROVED BY: Council
DATE ISSUED: October 22, 2009	DATE APPROVED: October 20, 2009

PURPOSE:

To describe procedures related to bylaw enforcement, including the issue of confidentiality and the setting of priorities for action.

DEFINITIONS: This section intentionally left blank.

POLICY:

The Town of View Royal does not have the resources to proactively review properties to confirm bylaw compliance. Therefore, it is the policy of the Town to rely on citizen complaints as a means of reporting municipal bylaw infractions. To encourage only valid complaints and to reduce the opportunity for intimidation and neighbourhood conflict, the Town wishes to establish a policy that balances accountability and confidentiality among the various parties to this process. This policy is called the “Bylaw Enforcement Policy”. The following policies shall therefore apply regarding bylaw enforcement:

1.0 CONFIDENTIALITY

- 1.1 As a matter of practice, the identity of the complainant and the written complaint itself will not be disclosed to the alleged offender or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged offender will not be disclosed to the complainant, whether it is in writing or made orally. This policy is in recognition of the fact that many complaints take place in the context of other disputes between neighbours and the motivation for the complaint itself may be

retribution. Disclosure could serve to exacerbate the dispute and may even put persons at risk of harm.

- 1.2 Persons reporting the alleged infractions of municipal bylaws are to be advised that their identity and any personal information they provide will be kept confidential unless they are required to testify in court.
- 1.3 The anonymity and confidentiality given to complainants and alleged offenders under this policy cannot be assured if the investigation results in court proceedings.
- 1.4 Complainants and alleged offenders are to be advised that any personal information that they provide about other parties is subject to disclosure by order of the BC Information and Privacy Commissioner.
- 1.5 If persons request the Town for disclosure of personal information about them in complaints and responses to the complaints under the *Freedom of Information and Protection of Privacy Act*, it shall be the policy of the Town to refuse disclosure under Section 15 of the *Act*, unless consent is obtained from the person who supplied the information and who would otherwise be assured of confidentiality under this policy. The Town, however, is subject to orders issued by the Information and Privacy Commissioner under the *Act* and will not necessarily appeal an order for disclosure.
- 1.6 While the investigation is ongoing or while a resulting matter is before the courts, no information regarding the matter will be made available to the public or the complainant.

2.0 PRIORITIES

Upon receipt of a bylaw complaint, all bylaw infractions will be prioritized in the following order:

- 2.1 High Priority: Life and Safety – the bylaw infraction may adversely impact the environment or the health, safety, and security of citizens or may result in a liability incurred by the Town of View Royal (for example, building without a permit, parking too close to fire hydrant, etc.).
- 2.2 Medium Priority: Demonstrable Impact to Adjacent Property(ies) – the bylaw infraction may demonstrably impact adjacent properties in a negative or adverse manner (for example, fence falling into neighbour's yard, unsightly premise attracting rodents, etc.).

RECORD OF AMENDMENTS	REVIEW DATE	AMENDED	OUTCOME	MOTION #
	December 2013	December 10,2013		C-120 & 121-13

- 2.3 Low Priority: General Nuisance – the bylaw infraction may be a matter that is a general neighbourhood concern (for example, over-height fences, parking issues, etc.).

3.0 PROCEDURES

- 3.1 Reports of alleged infractions of municipal bylaws are to be reported by the complainant to the Bylaw Enforcement Officer.
- 3.2 Copies of this policy will be given to complainants and alleged offenders before requesting their complaints/responses in written form.
- 3.3 To be considered valid by the Town:
 - 3.3.1 a complaint must be in writing – a letter, an email or the Town’s Bylaw Complaint Form (see attached) – and must contain the name, address and phone number of the complainant and must describe the nature and location of the alleged infraction;
 - 3.3.2 the complainant must agree in writing to testify in court, if necessary; and
 - 3.3.3 for secondary suite related complaints, the complainant must reside within a five hundred metre (500m) radius of the property that is the subject of the complaint.
- 3.4 Anonymous complaints of alleged infractions are not to be acted upon unless the alleged infraction is a High Priority matter (see section 2.1 above).
- 3.5 All written complaints are to be acknowledged in writing within two business days of receipt.
- 3.6 Upon receipt of a valid complaint, the Town will initiate an investigation. Should an infraction be found, the Town, in considering whether a remedy is necessary, will consider factors, including, but not limited to, the scale, number and duration of the infraction(s); the current, short and long term impacts caused by the infraction; the potential for precedents; and the resources available to resolve the matter. After consideration, the Town may choose to not carry out any bylaw enforcement action. The complainant will be advised as to the disposition of the complaint in writing.

RECORD OF AMENDMENTS	REVIEW DATE	AMENDED	OUTCOME	MOTION #
	December 2013	December 10,2013		C-120 & 121-13

- 3.7 It is not the policy of the Town to necessarily seek a final legal remedy for all alleged infractions. The Town of View Royal will be the final authority if prosecution is to proceed.
- 3.8 If the final outcome is expected to involve a lengthy process before conclusion, the complainant will be so advised in writing.
- 3.9 The complainant will be advised in writing when the complaint is determined to have been concluded.
- 3.10 Prior to file closure, the Bylaw Enforcement Officer will review the complaint to ensure that any other issues not directly identified in the original complaint are also concluded.

4.0 ATTACHMENTS

- 4.1 Bylaw Complaint Form

5.0 DISTRIBUTION: Electronic file G:\ drive policy manual and Town of View Royal website.

RECORD OF AMENDMENTS	REVIEW DATE	AMENDED	OUTCOME	MOTION #
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