



Bylaw Enforcement System Backgrounder

The Sunshine Coast Regional District (SCRD) is introducing a new Graduated Bylaw Enforcement System, which will allow the Regional District to deal with minor bylaw disputes such as Building and Ports Bylaw offences at the local level, rather than through the Provincial Court system.

WHEN:

Effective February 1st, 2011.

WHAT:

Residents of the Sunshine Coast Regional District will have the opportunity to dispute bylaw violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded in this case by local government.

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 minor bylaw 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 bylaw 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 ticket may do so by first contacting the Regional District 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 Regional District 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 the Regional District Field Road Board Room. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

BENEFITS:

- The Local Government has 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 other like jurisdictions, Bylaw Officers have issued a number of tickets, some of which require 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 Sunshine Coast Regional District as well as the Province of British Columbia ensure that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and local government 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.