



# BOARD Policy

Section:	Protective Services	BRD-0340-50
Title:	Bylaw Enforcement Complaints	024

## 1. PURPOSE

**1.1** The purpose of the Bylaw Enforcement Policy is to obtain compliance with Sunshine Coast Regional District (SCRD) bylaws through effective enforcement based on consistency and fairness. The SCRD Board promotes an enforcement philosophy that supports efforts to achieve voluntary compliance to bylaws through communication and education. Where this is not possible, a progressive approach to enforcement will be utilized including provisions for further enforcement.

## 2. SCOPE

**2.1** This policy applies to enforcement of SCRD bylaws within the SCRD.

## 3. DEFINITIONS

- 3.1** “**Life Safety**”, means a situation that currently or imminently threatens public safety (e.g., dog at large, drinking water concerns, buildings without permit).
- 3.2** “**Bylaw Dispute Adjudication System**” means the system that allows the SCRD to manage bylaw disputes locally rather than through the Provincial Court System.
- 3.3** “**Bylaw Enforcement Officer**” means a person prescribed under the *Community Charter* who is designated by a local government as a Bylaw Enforcement Officer.

## 4. POLICY

### 4.1 Bylaw Enforcement Approach

- 4.1.1** The SCRD may take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion guided by this policy.
- 4.1.2** Bylaw enforcement staff will apply this policy with a view to:
- Accountability.
  - Impartiality.
  - Integrity and professionalism.
  - Upholding community standards.
  - Respecting diversity, needs, values and aspirations of the public.
- 4.1.3** The role of bylaw enforcement staff is to:
- Encourage education and awareness of community standards.
  - Receive and document complaints.
  - Enforce SCRD bylaws in a fair, efficient, equitable and reasonable manner.
  - Apply discretion in the assessment of complaints and enforcement of bylaws in accordance with this policy.
  - Administer enforcement proceedings.
  - Manage communications with complainants and alleged offenders.
  - Provide clear and accurate information, while recognizing stakeholder’s expectations of confidentiality and the importance of timely communication.

### 4.2 Confidentiality and Complaints

- 4.2.1** Unless required or permissible by law, the identity of a complainant, any personal information they provide, and the written complaint itself, will not be disclosed to the subject of complaint or any member of the public.
- 4.2.2** Complainants and subject of complaints are to be advised that any personal information provided is subject to disclosure by order of the BC Information and Privacy Commissioner.



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Requests for information that may involve the disclosure of personal information in complaints or in response to the complaints will be handled in accordance with the *Freedom of Information and Protection of Privacy Act*.

4.2.3 In administering bylaw enforcement, complainants shall be advised that anonymity and confidentiality cannot be assured if the investigation results in court proceedings. If a complainant whose identity must be revealed for enforcement action to proceed and the complainant refuses to have their identity revealed, pursuit of their complaint may be abandoned.

4.2.4 Public inquiries regarding the status of a bylaw enforcement matter under investigation shall be directed to the Corporate Officer or the Chief Administrative Officer.

### 4.3 Role of the SCRD Board

4.3.1 To maintain an administratively fair and unbiased bylaw enforcement system, it is paramount that there is a distinct separation between the elected officials' role to set overarching policy and priorities, and SCRD bylaw enforcement staff's role to execute procedures as established and outlined in this policy. As such, members of the public must be advised to contact the bylaw enforcement department directly.

4.3.2 To maintain impartiality, each SCRD Director remains uninvolved in specific bylaw enforcement decisions unless a matter is put onto an agenda for the Board to consider. The Board shall only consider matters authorizing SCRD staff to bring a property into compliance or legal proceedings that require a resolution of the Board. Board or Director inquiries relating to bylaw enforcement matters shall be directed to the General Manager, Planning and Development Services.

### 4.4 Complaints

4.4.1 The SCRD relies on public complaints to identify potential non-compliance.

4.4.2 Enforcement action will be considered where:

- a) A complete complaint form has been received by a clearly identified individual.
- b) A resolution of the SCRD Board directs enforcement action.
- c) The SCRD receives a referral from a government agency, fire department, RCMP or SCRD staff in the course of their duties.
- d) A life safety issue exists.

4.4.3 If a complaint is not accepted or a decision is made to take no further enforcement action, this will be reported back to a complainant when complainant contact information has been provided.

### 4.5 Actioning Complaints

4.5.1 The factors that will be taken into consideration when deciding whether to investigate include:

- a) The nature of the complaint or alleged violation including potential risk to public health and safety.
- b) The impact of the violation of the community.
- c) The impact of the violation on the complainant or other individuals.

4.5.2 The following types of complaints may not be pursued:

- a) Anonymous complaints.
- b) Complaints without geographic proximity between the complainant and the subject of complaint.
- c) Complaints made for retaliatory or bad faith purposes or which form part of a pattern of conduct by a complainant that is an abuse of process.
- d) Repetitive complaints regarding an issue that has already been addressed. In these cases, the individual will still be notified of the decision not to respond to the complaint and the reasons for this decision.
- e) Private civil matters.



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- f) Landlord vs tenant or tenant vs tenant complaints (on shared property).

### 4.6 Complaint Priority

- 4.6.1 Priority to enforce complaints shall be in the following order:
  - a) Any danger or threat to health or life safety of the public including community security.
  - b) Land alteration without permit or contravention of existing permit (e.g., threat to environment).
  - c) Any inconvenience to the public or other property owners (e.g., noise issues).
  - d) Matters related to zoning regulations (e.g., over-height fence).
  - e) Routine enforcement issues (e.g., dog licensing).

### 4.7 Investigation Process

- 4.7.1 A review of the complaint will be undertaken by the assigned Bylaw Enforcement Officer to determine if the complaint is substantiated.
- 4.7.2 The review may include gathering evidence in support of the bylaw investigation. Statements from witnesses may be obtained. If no violation exists, the complainant may be advised, and a record of the inquiry filed.

### 4.8 Progressive Enforcement

- 4.8.1 A series of steps following a progressive enforcement approach will be taken to encourage voluntary compliance. The compliance process guidelines are:
  - a) The subject of complaint will be contacted personally or by mail and the alleged violation will be outlined.
  - b) The Bylaw Enforcement Officer may meet with the subject of complaint to review the nature of the violation. If a violation exists, the property owner and/or occupant's cooperation will be sought, and the officer will explain how to achieve compliance with the bylaws. Warnings or educational materials may be given, and some matters may be solved informally.
  - c) The subject of complaint may be asked to cease activity immediately or be given a deadline to comply. The subject of complaint will also be advised that failure to comply could result in further enforcement or legal action.
  - d) If the activity continues or the deadline to comply has passed and the violation still exists or has not been remedied, bylaw enforcement staff may send a letter to the subject of complaint outlining the alleged offence and requesting compliance, noting possible consequences of inaction and stating a Municipal Ticket Information or Bylaw Enforcement Notice ticket may be issued if the required corrective action is not taken.
  - e) If corrective action does not occur, bylaw enforcement staff may issue an Municipal Ticket Information to an offender, or a Bylaw Enforcement Notice ticket may be mailed.
  - f) A formal documented Compliance Agreement may be used in lieu of a fine payment where applicable at the Bylaw Enforcement Officer's discretion or as set out in the established dispute process within the SCRD's Screening Officer Bylaw Notice Policy.
  - g) The subject of complaint will be given an opportunity to enter into an adjudicated dispute process in accordance with the Bylaw Enforcement Adjudication System where applicable or dispute any fine at the provincial court level.
  - h) Where progressive enforcement has not achieved voluntary compliance, other enforcement methods may be pursued such as remedial action, direct enforcement, Provincial or Supreme Court such as prosecution under the *Offence Act* or civil proceedings.

## 5. EXCEPTIONS

### 5.1 Verbal Complaints

- 5.1.1 Complaints will be accepted verbally under circumstances where waiting for a written complaint may cause harm, a life safety issue, or extensive damage to property.



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### 5.2 Where a Ticket may be Immediately Issued

5.2.1 Immediate penalties may be issued in circumstances including but not limited to:

- a) Public health, safety, or environmental concerns (including threats to the supply of public drinking water).
- b) Risk or damage to the environment.
- c) Repeat offences or offenders (or where the subject of complaint reasonably ought to have known the conduct contravenes SCRD Bylaws).
- d) Where the SCRD Board has prioritized enforcement.
- e) Retaliatory offenses.
- f) Where a Stop Work Order has been issued.

## 6. AUTHORITY TO ACT

**6.1** The SCRD's *Municipal Ticket Information Bylaw No. 558* and *Bylaw Notice Enforcement Bylaw No. 638* identify which offences are subject to ticketing, who has authority to issue the ticket for each offence and what penalties may be imposed for each offence. The SCRD may also provide other policy guidance or direction on a specific complaint. Enforcement of SCRD bylaws may be pursued in accordance with the terms of the *Offence Act*, the *Community Charter* and the *Local Government Act*.

## 7. REFERENCES (Bylaws, Procedures, Guiding documents)

**7.1** Municipal Ticket Information Bylaw No. 558

**7.2** Bylaw Notice Enforcement Bylaw No. 638

**7.3** SCRD Board Policy BRD-0340-50-023 Screening Officer Bylaw Notice

**7.4** SCRD Bylaw Complaint Form

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