



# qathet REGIONAL DISTRICT

<b>SECTION 2</b>	<b>ADMINISTRATION POLICIES</b>
<b>POLICY</b>	<b>2.12</b>
<b>SUBJECT</b>	<b>BYLAW COMPLAINTS AND ENFORCEMENT</b>
<b>ADOPTED</b>	<b>August 25, 2022</b>

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## **POLICY STATEMENT**

This policy is to establish procedures for accepting, processing and investigating bylaw complaints and enforcing bylaws in the qathet Regional District (qRD) Electoral Areas. This policy is intended to provide guidance to staff, elected officials and the public to ensure administrative fairness in the enforcement of regulations.

## **PURPOSE**

This policy will ensure that bylaw complaints and enforcement are consistently received, addressed and recorded from receipt through to completion.

## **SCOPE**

This policy applies to all qRD employees, contractors, volunteers, and elected officials.

## **AUTHORITY TO ACT**

The *Local Government Act* and *Community Charter* provides local governments with the authority to enforce regulatory bylaws within their jurisdiction.

General complaints can be referred to Administrative Policy No. 2.11: General Complaints.

## **POLICY/GUIDELINES**

The qRD strives to gain voluntary compliance with qRD bylaws through the development of public information materials (print and web-based information), community education and community outreach. Enforcement of qRD bylaws works primarily on a reactive, complaint-driven basis. The objective of the bylaw inquiries and complaints policy is to provide certainty and consistency in the handling of public inquiries, complaints, investigations and enforcement related to Regional District bylaws.

## **PROCEDURES**

### ***Inquiries:***

1. All public inquiries regarding bylaws shall be handled in a timely and responsive manner by the departmental manager/staff responsible for the service.
2. All Board inquiries relating to bylaw enforcement matters shall be directed to the Chief Administrative Officer.
3. Media inquiries regarding the status of a bylaw enforcement matter shall be directed to the Chief Administrative Officer.

### ***Complaints:***

1. All bylaw complaints must be submitted in writing before they will be considered for investigation. Complainants must provide a detailed description of the complaint and their contact information (name, address, telephone number). Anonymous complaints will not be addressed. Email is an acceptable form of written complaint.
2. The priority of bylaw complaints shall be as follows: any danger to health, safety or property; any inconvenience to the public or other property owners; and then routine matters related to land use zoning regulations.
3. All bylaw enforcement matters are considered confidential and every effort will be made to ensure confidentiality of the complainant. However, the Freedom of Information and Protection of Privacy Act, Section 15(1) (d), gives the Regional District discretion in identifying a confidential source of law enforcement information. A complainant may need to be identified if the complainant's evidence is crucial in court to an enforcement action.
4. All written complaints are to be forwarded to the Manager of Administrative Services except for matters relating to planning bylaws which are to be forwarded to the Manager of Planning Services. If the concern is raised from Regional District staff, then the Chief Administrative Officer should be advised and then the appropriate departmental manager.

5. Members of the Board are not to be involved in any way with the sanctioning of an investigation, making a decision on who shall be investigated or the assessment of a complaint.

***Investigation:***

The following are the investigative process guidelines:

1. A letter is sent acknowledging receipt of the complaint and an explanation of the course of investigative action to be taken.
2. A preliminary review of the complaint is undertaken to ensure the complaint is well-founded. Part of the review may include gathering of evidence in support of the investigation.
3. If a violation does not exist, the complainant is advised and a record of the complaint and investigation is filed.
4. If a violation does exist, the following criteria may be taken into account during the investigation: duration of the violation; whether similar violations have occurred in the past; and policy implications of the enforcement action.

***Voluntary Compliance:***

The following are the voluntary compliance process guidelines:

1. The alleged offender is contacted personally or by letter from the appropriate departmental manager outlining the alleged violation. The property owner or occupant's cooperation is sought.
2. If compliance is not achieved, a report for the Board is prepared by the appropriate departmental manager outlining the alleged violation and lack of voluntary compliance. Following support from the Board, the alleged offender is contacted in writing with a letter from the Board outlining the alleged violation. The property owner or occupant's cooperation is sought and a deadline to comply is negotiated.
3. If compliance is still not achieved, a report for the Board is prepared by the appropriate departmental manager outlining the alleged violation and lack of voluntary compliance. Following support from the Board, the alleged offender is contacted in writing with a demand letter prepared by Regional District legal counsel outlining the alleged violation. The property owner or occupant's cooperation is sought and a deadline to comply is demanded.