



Backgrounder: SLRD Bylaw Notice Enforcement and Dispute Adjudication System

In 2003, the Provincial Government introduced the *Local Government Bylaw Notice Enforcement Act* and worked with the City of West Vancouver, the City of North Vancouver and the District of North Vancouver on a pilot project to provide an efficient, cost effective administrative process for dealing with local government bylaw infractions outside of the Provincial Court system. The pilot project was a success and over the years, several more local governments across the Province have established their own bylaw notice enforcement and dispute adjudication systems under the *Act* and *Regulation*.

In 2015, the SLRD Board directed staff to proceed with the establishment of such a system to provide a cost effective tool for the enforcement of appropriate SLRD bylaws. The introduction of the SLRD Bylaw Notice Enforcement and Dispute Adjudication System is the culmination of the Board's initiative.

What are the advantages of the Bylaw Notice system?

- Provides the statutory authority for local governments to issue tickets with penalties up to \$500, including potential surcharges for each infraction. Each day an offence continues to occur is considered a new infraction for which a new ticket may be issued
- Resolves ticketing disputes locally and in a timely manner
- Simplifies and expedites the dispute process by removing straight-forward bylaw contraventions from the Provincial Court system
- Reduces costs for all parties typically associated with going to court (e.g.: court backlogs, lawyers and time spent by enforcement officers waiting to testify)
- Includes dedicated staff members (Screening Officers) to act as a resource to help residents understand the SLRD's regulations, their compliance obligations and their options for dealing with Bylaw Notices
- Provides additional flexibility through Compliance Agreements where appropriate
- Allows for dispute resolution through an independent Provincially appointed adjudicator



How does the SLRD Bylaw Notice Enforcement and Dispute Adjudication System work?

Option 1: Pay the Bylaw Notice

- The new system offers incentives for people to pay their penalties on time. If the Bylaw Notice is paid within 21 days, an early payment discount will be subtracted from the applicable penalty. Conversely, after 21 days the full penalty will be due and after 35 days, a surcharge for late payment will be added to the applicable penalty amount. If the Bylaw Notice is paid, there are no further procedures related to the Notice. Schedule "A" to Squamish-Lillooet Regional District Bylaw Notice Enforcement Bylaw No. 1447-2016 ("Bylaw No. 1447-2016") provides a comprehensive list of the bylaws covered by the system and their corresponding penalties, discounts and surcharges.

Option 2: Dispute the Bylaw Notice

- Those electing to dispute their Bylaw Notice may do so by filing the Notice of Dispute & Request for Adjudication section on the back of the Bylaw Notice within 21 days of receiving it, or being presumed to have received it (e.g.: if the Bylaw Notice was delivered to you by regular mail, you are presumed to have received it on the 7th day after mailing).
- Under the new system, a variety of SLRD employee positions have been designated as "Screening Officers", separate and apart from designations as bylaw enforcement officers. All disputed Notices will be screened and disputants will be contacted to discuss the allegations in the Bylaw Notice. This will help people understand the SLRD's regulations, their compliance obligations and their options for dealing with Bylaw Notices. The Screening Officer may:
 - (a) cancel a Bylaw Notice, if there's a valid reason under the Board-approved Screening Officer Policy No. 1-2016;
 - (b) enter into a Compliance Agreement with a person with appropriate terms and conditions and a reduced penalty as set out in Bylaw No. 1447-2016; or
 - (c) confirm the validity of a Bylaw Notice.
- If the Screening Officer does not cancel a Bylaw Notice, the disputant can then choose whether to pay the penalty in effect as at that date or have the matter resolved by an adjudicator.



- If proceeding to adjudication, the disputant pays a \$25 adjudication administration fee (to help offset the costs of the process) and files a Notice to Confirm Request for Adjudication. A date will be scheduled and the adjudication will take place at the SLRD office.
- It should be noted that the disputant is not required to personally appear at the adjudication. Representation may be made in writing, over the phone or in person.
- If the adjudicator determines that the contravention as alleged did occur, the \$25 administration fee is forfeited and the penalty amount, along with any applicable surcharges in effect as at that date, are due and owing. Conversely, if the adjudicator finds that the allegation in the Bylaw Notice did not occur, the \$25 fee is refunded and the Bylaw Notice is cancelled.
- For a visual representation of the process, see the [Bylaw Notice Enforcement and Dispute Adjudication Process Flowchart](#) <link>

Summary:

By implementing a system of bylaw infraction dispute review (screening) and independent adjudicators, the SLRD is looking to ensure that the regulatory provisions of its bylaws are understood and complied with, and that bylaw contraventions are dealt with in a fair, equitable and cost efficient manner for all concerned.

Index of Documents and Forms:

<List and link key documents and forms contained in the Index of Bylaw Notice Enforcement Documents>



BYLAW NOTICE FAQs

What is a Bylaw Notice?

A Bylaw Notice is essentially a ticket, similar to a parking ticket, for a contravention of a local government bylaw. It can be served by delivery to a person directly, by regular mail or, in the case of a parking infraction, on the vehicle itself.

Are Bylaw Notices issued for all types of contraventions?

No, they may only be issued in respect of the bylaws cited in Schedule "A" of Bylaw No. 1447-2016. Generally, the goal of bylaw enforcement is to achieve compliance with the regulations of the Regional District. Bylaw Notices are just one of several different enforcement tools that the SLRD may use, ranging from warnings to court injunctions.

If I receive a Bylaw Notice and pay it, do I still have to comply with the bylaw?

Yes, payment of a Bylaw Notice does not grant a person a permit to continue violating a bylaw. Multiple Bylaw Notices could be issued as each day that a bylaw is being contravened is, legally, a separate contravention subject to a separate penalty.

If I disagree with a Bylaw Notice, how do I dispute it?

The back of the Bylaw Notice form contains a section entitled Notice of Dispute & Request for Adjudication. You must fill out this section and submit it to the SLRD in person or by mail within 21 days from the date you received it or are presumed to have received it (e.g. if mailed to you, you are presumed to have received it on the 7th day after the date of mailing). Subject to the provisions of the *Act*, if you do not meet the deadline, you cannot dispute the Bylaw Notice.

What does a Screening Officer do?

A Screening Officer reviews the Bylaw Notice with you, answers any questions you may have, and explains your options. The Screening Officer may cancel the Bylaw Notice, enter into a Compliance Agreement with you, or affirm the ticket. If affirmed, you may pay the penalty at this stage, or confirm your request for adjudication and pay the \$25 adjudication administration fee, which is returned or forfeited depending on whether you are successful or not at the adjudication.



What is a Compliance Agreement?

A Compliance Agreement is a contract between the SLRD and a person in contravention of an SLRD bylaw regarding how bylaw compliance is to be achieved. Terms and conditions are set out in the Agreement and the person is entitled to a reduced penalty amount. Column A4 of Schedule "A" to Bylaw No. 1447-2016 lists all the bylaw contraventions for which a Compliance Agreement is available and Column A5 lists the applicable discount. If a person breaches a Compliance Agreement, it may be rescinded and the original penalty amount and any surcharges will be due and owing.

What happens if a Bylaw Notice proceeds to adjudication?

If a Bylaw Notice (or the question of whether a Compliance Agreement was breached) proceeds to adjudication, an independent adjudicator will determine the matter based on the alleged bylaw contravention (or Compliance Agreement breach) and the evidence of the parties. Evidence can be presented orally, in writing or electronically and the adjudicator may accept any evidence he or she considers to be credible, trustworthy and relevant. The standard of proof is on a balance of probabilities.

It is important to keep in mind that the adjudicator will only determine whether:

- (a) the contravention alleged in a Bylaw Notice occurred as alleged; or
- (b) the terms and conditions of a compliance Agreement were observed or performed.

The adjudicator cannot consider challenges to the bylaw itself, constitutional issues or claims to rights under the Charter of Rights and Freedoms, or to aboriginal or treaty rights. Such challenges must go to the Supreme Court of BC.

A person may choose to submit their dispute in person (or through an authorized agent), over the phone, or in writing. Adjudications must be open to the public, unless they are based solely on written materials, in which case the written materials must be made available to the public by the local government in any reasonable manner.

What happens if I don't pay the penalty?

If you don't pay the penalty promptly when you receive the ticket, you will lose the discount after 21 days and will owe a surcharge after 35 days. Disputing a Bylaw Notice does not "stop the clock". If you lose an adjudication, the penalty and any surcharges are due and owing. If you still don't pay, the debt will be sent to a collection agency and may be registered as a judgement in Provincial Court.