



DISTRICT OF NORTH SAANICH

COUNCIL POLICY

TITLE: BYLAW ENFORCEMENT - COMPLAINANTS	NO. COU-143
<p><u>POLICY STATEMENT:</u></p> <p>Bylaw complaints are to be addressed in a fair and consistent manner with citizen health and safety as the primary consideration.</p> <p><u>PURPOSE:</u></p> <p>The purpose of this policy is to provide guidance to staff and the public regarding the receipt of complaints from citizens of the District of North Saanich and on the initiation of investigation and enforcement proceedings related to contraventions of municipal bylaws and for achievement of voluntary compliance, when possible. Council may provide other policy guidance or direction on specific complaints or enforcement issues.</p> <p>The District relies on citizen complaints as a means of reporting bylaw infractions. To encourage only valid complaints and to reduce the opportunity for intimidation and neighbourhood conflict, the District wishes to establish a policy that balances accountability and confidentiality among the parties to this process.</p> <p>The policy should be reviewed and revised as necessary given changing circumstances in the community.</p> <p><u>DEFINITIONS:</u></p> <p>For the purpose of this policy, a “Bylaw Officer” includes a peace officer, Building Inspector/Bylaw Officer, Member of the Royal Canadian Mounted Police or any other person authorized by Council and the Director of Planning and Community Services to enforce District bylaws.</p> <p><u>INVESTIGATION & PROCEDURES:</u></p>	

EFFECTIVE DATE: 1979	APPROVED BY: COUNCIL PREVIOUS POLICY NO. 10002.1	LAST AMENDMENT: 2018	REF:	PAGE 1 of 5
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TITLE: BYLAW ENFORCEMENT - COMPLAINANTS	NO. COU-143
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- 1) A Bylaw Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of District bylaws especially in cases of imminent health or safety concerns and in cases where an infraction is underway and delay in response would result in significant economic cost to remedy.
- 2) In the course of their duties, Bylaw Enforcement staff should emphasize accountability, impartiality, integrity, protection, respectfulness and service.
- 3) Investigations must be initiated by written complaint, either by District Complaint form or via email, from a citizen of North Saanich. A complaint with respect to an alleged contravention of a municipal bylaw must be submitted in writing before the complaint will be considered for investigation, and must contain:
 - a) The name, address and contact information of the complainant; and,
 - b) A description of the nature and location of the alleged contravention.
- 4) The District of North Saanich will not respond to an anonymous complaint, unless it involves an issue related to public safety.
- 5) Staff will only consider investigating a complaint from outside the District if it relates to a health and safety issue or economic loss.
- 6) Complainants will be notified in a timely manner, by email or telephone, confirming receipt of their complaint. On subsequent enquiries concerning the complaint, while the investigation is ongoing or while a resulting matter is before the courts, no information will be made available to the complainant. The complainant will be advised that the complaint is under investigation or has been concluded with satisfactory compliance.
- 7) The Bylaw Enforcement Officer and the Director of Planning & Community Services, before entering into an investigation, will assess the validity of the complaint ensuring the complaint is not frivolous or vexatious in nature and has legitimate basis. Meritless Complaints will be considered in accordance with the procedures outlined in the Meritless Complaints Section below.
- 8) Citizen complaints received by members of Council should be directed to District staff for investigation. While all complaints will be prioritized based on the severity of the circumstances, investigation and enforcement priority may be given to alleged contraventions that adversely affect the health, safety and security of the public; adversely affect the environment; or may result in liability for the District.

EFFECTIVE DATE: 1979	APPROVED BY: COUNCIL	LAST AMENDMENT: 2018	REF:	PAGE 2 of 5
	PREVIOUS POLICY NO. 10002.1			

TITLE: BYLAW ENFORCEMENT - COMPLAINANTS	NO. COU-143
--	--------------------

- 9) Council may provide direction on specific types of bylaw enforcement issues and may direct its enforcement staff to prioritize enforcement of certain bylaws or to issue warnings tickets for specific categories of violations.
- 10) Alleged offenders will be notified of bylaw contraventions either in person or by formal letter. They will be advised that the preferred method of resolution is voluntary compliance in a reasonable amount of time. If the violation continues they will be notified of the fines outlined in the bylaw.
- 11) If compliance is still not obtained, the Bylaw Enforcement Officer through the Chief Administrative Officer, will present a report to Council requesting approval to commence legal proceedings or action under Section 17 of the Community Charter – Municipal action at defaulter’s expense.
Mayor and Council will decide whether to proceed to legal action or Section 17 of the Community Charter, decline to do so, or recommend other actions.
- 12) Complaints alleging that an unauthorized secondary suite or an additional dwelling unit has been constructed will only be investigated if the complaint received is from the occupants residing within 150 metres of the subject property.
- 13) Animal Control Bylaw No. 751 as amended or replaced, will be enforced under the terms of any current contract agreement.
- 14) Noise complaints are often subjective in nature. All complaints will be investigated, but will not proceed to legal action unless there is a corroborative complaint. The exception would be in circumstances where due to location, other properties would not be affected.
- 15) Meritless Complaints
 - a) In this section, “meritless” means: a baseless complaint; a repeated complaint on a matter which has been investigated and concluded; a complaint based on a civil matter that is a dispute between private individuals; a complaint made for retaliatory or bad faith purposes; or a complaint which forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.
 - b) Each complaint will be dealt with on its own merits and according to this policy, but complaints determined to be meritless may not be investigated further; and, where a complainant engages in a pattern of repeated meritless complaints, the District may consider responding only where the complainant provides new information or raises a new issue.
 - c) Any decision to restrict response to a complainant who is making repeated meritless complaints will be referred to and made by the Director of Planning and Community Services or the Chief Administrative Officer.

EFFECTIVE DATE: 1979	APPROVED BY: COUNCIL	LAST AMENDMENT: 2018	REF:	PAGE 3 of 5
	PREVIOUS POLICY NO. 10002.1			

TITLE: BYLAW ENFORCEMENT - COMPLAINANTS	NO. COU-143
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- d) A decision to restrict response to a complainant as described above must be clearly communicated to the complainant in writing as soon as possible, including the nature of the restrictions, the reason for them, and when they may be reconsidered.
- e) A decision to restrict response to a complainant does not apply to any new complaint which raises health or safety issues not yet investigated by the District, and does not prevent or limit other necessary contact with the District that is unrelated to the meritless complaints.

CONFIDENTIALTY:

1. The identity of a complainant is confidential and shall not be disclosed to anyone for any purpose, except as required by law.
2. Throughout the bylaw enforcement process the District will adhere to the regulations contained in the Freedom of Information and Protection of Privacy Act and the District of North Saanich Information Handling and Privacy Policy.

EFFECTIVE DATE: 1979	APPROVED BY: COUNCIL	LAST AMENDMENT: 2018	REF:	PAGE 4 of 5
	PREVIOUS POLICY NO. 10002.1			

TITLE: BYLAW ENFORCEMENT - COMPLAINANTS	NO. COU-143
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EFFECTIVE DATE: 1979	APPROVED BY: COUNCIL	LAST AMENDMENT: 2018	REF:	PAGE 5 of 5
	PREVIOUS POLICY NO. 10002.1			