

**BYLAW ENFORCEMENT**

Department	Administration	Policy No.	0340-22
Section	Bylaw Enforcement	Date Approved by Board	February 28, 2008
Repeals		Board Resolution #	RD/08/02/21 (28)

Amended	November 22, 2012	Board Resolution #	RD/12/11/12 (22)
Amended	March 12, 2015	Board Resolution #	RD/15/03/17
Amended	October 12, 2017	Board Resolution #	RD/17/10/20
Amended	November 22, 2018	Board Resolution #	RD/18/11/12 (22)
Amended		Board Resolution #	

Repealed		Board Resolution #	
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1. Purpose

1.1 The purpose of this Policy is to:

- ensure economy and uniformity of administration and enforcement of the PRRD's bylaws and resolutions;
- reduce the PRRD's potential liability;
- ensure that staff provide consistent information to the public and to the Regional Board about Regional District regulations; and
- reinforce the need for cooperation among departmental staff in solving bylaw enforcement problems.

2. Scope

2.1 This policy will apply to the investigation of violations and enforcement of all PRRD bylaws as well as the self-help provisions of the *Local Government Act* and any other statutes that apply to the PRRD.

3. Definitions

3.1 **Regional Board:** means The Peace River Regional District Board.

4. Policy

4.1 Staff are authorized to react to infractions identified through the complaint process and shall not seek out infractions for the following bylaws:

- Zoning bylaws - except as provided by Section 4.3 below
- Unsightly premises bylaw
- Mobile home park bylaw
- Noise bylaw



- 4.2 For all other existing regulatory bylaws, staff are authorized to react to infractions when observed during working hours.
- 4.3 Notwithstanding Section 4.1(a), staff are directed and authorized to investigate bylaw contraventions that may exist after a development application has been denied by the Regional Board or if a permit has expired.
- 4.4 Staff are authorized to prioritize files where harm to the public, environment or Peace River Regional District infrastructure has been identified.
- 4.5 When complaints are received that are not in contravention of PRRD regulations but may be in contravention of another agency, staff will direct the complainant to the other agency.
- 4.6 When complaints are received that are in contravention of PRRD regulations and another agency, staff will advise the landowner and the other agency by way of copy.
- 4.7 ~~Staff will first attempt to resolve bylaw infractions by providing information to all interested parties. A mutually agreeable timeframe for compliance will be established and confirmed by staff in writing. Failing a reasonable attempt by the interested parties to comply, the matter will proceed to the Regional Board. Approval of the Regional Board to proceed with enforcement is required. Self help provisions of the Local Government Act may be invoked. Alternatively, the Regional Board may be asked to approve legal assistance and court proceedings.~~ Staff will first attempt to resolve bylaw infractions by providing information to the alleged contravener. An attempt will be made to establish a mutually agreeable plan and timeline for compliance that will be confirmed by staff in writing. Failing a reasonable attempt to achieve voluntary compliance, enforcement shall be progressive and may include imposing deadlines for compliance. Self-help provisions of the Local Government Act, such as Bylaw Notice Enforcement, may be imposed.
- 4.8 Where staff determines compliance will not be achieved, the Regional Board will be asked to approve legal assistance and court proceedings. Legal costs may be assigned to the alleged contravener.
- 4.9 Complainants are required to provide their concerns in writing and under signature, including their name, address and a statement describing how they are directly affected by the identified concern to the Regional District. Individuals laying a complaint should be made aware they may be required to provide a legal statement if the matter proceeds to court.
- 4.10 Wherever possible, anonymity will be maintained between complainant and the alleged violator. The PRRD is subject to the *Freedom of Information and Protection of Privacy Act* and must follow requirements of the *Act*.



- 4.11 Staff will apply standard enforcement procedures in all electoral areas unless specifically varied by Regional Board resolution. Area Directors will be advised in advance where difficult cases have arisen.
- 4.12 Where rezoning or other development changes are brought to the Regional Board for approval as the result of enforcement actions, the Regional Board report must include comments concerning the enforcement problem so that the Regional Board is fully aware of all the reasons for the proposed rezoning or other changes under the bylaws and the public concern initiating the enforcement action.
- a) Information about the enforcement action shall be provided in the report before discussion of the development application.
- ~~b) Recommended options for the development application shall include consideration of the enforcement action.~~
- ~~i. The development application may be deferred or refused for consideration until any bylaw contravention is resolved; or~~
- ~~ii. The development application may be considered and proceed to review, which would then suspend enforcement action while such review is in progress, except if the applicant unreasonably delays the progress of the application, enforcement will commence.~~
- 4.13 After reviewing development applications brought to the Regional Board as a result of bylaw enforcement actions, the Regional Board shall be provided a staff report where the following options are available:
- a) If the development application is for a permit
- i. Issue the permit, or;
- ii. Issue the permit with additional requirements, or;
- iii. Refuse the permit, or;
- iv. Defer the application, up to 90 days, for consideration until the bylaw contravention(s) are resolved.
- b) If the development application is for a bylaw amendment
- i. Approve the application to advance to the next step, or;
- ii. Alter then adopt the bylaw (in accordance with the *LGA*)
- iii. Adopt the bylaw, or;
- iv. Refuse the bylaw, or;
- v. Defer the application (only if the public hearing has not yet been held), up to 90 days, for consideration until the bylaw contravention(s) are resolved.



4.14 Bylaw Enforcement may be paused

- a) While a development application is being processed by planning staff, bylaw enforcement may be paused after a complete application has been received and reviewed by Planning Staff.
 - i. Where planning staff identify that the applicant is unreasonably delaying the progress of the application, bylaw enforcement may be re-activated.

~~4.15 Enforcement shall be progressive and may include the following remedies:~~

- ~~a) Direct enforcement without the involvement of a court, which generally includes the following:
 - i. Various attempts at resolution with the interested parties.
 - ii. If compliance cannot be achieved, a report to the Regional Board outlining the contravention with recommendations.
 - iii. The interested parties are sent a copy of the Regional Board's report and invited to make a presentation for public consideration at a Regional Board meeting; and
 - iv. After the public consideration, the Regional Board considers appropriate action to be taken.~~
- ~~b) Bylaw Notice Enforcement.~~
- ~~c) Injunction proceedings, both interlocutory and final, in Supreme Court.~~
- ~~d) Quasi criminal proceedings (prosecution) in the Provincial Court.~~

4.15 Correspondence will be conveyed by registered mail when dealing with time sensitive requirements.

Affiliated Procedure	
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