



**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	July 14, 2022	Board Resolution #	RD/22/07/24

Repealed		Board Resolution #	
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**1. Purpose**

1.1 The purpose of this Policy is to:

- a) ensure economy and uniformity of administration and enforcement of the PRRD’s bylaws and resolutions;
- b) reduce the PRRD’s potential liability;
- c) ensure that staff provide consistent information to the public and to the Regional Board about Regional District regulations; and
- d) 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.

3.2 *Unreasonable Delay* means

- a) delay resulting from more than two development applications, or reconsideration of the same development application to address or correct the same issue; or
- b) delay due to failure to provide information necessary for the consideration of the application by the timeline specified to become compliant; or
- c) delay caused by more than two requests for an extension of the timeline specified to become compliant.



#### 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:
  - a) Zoning bylaws - except as provided by Section 4.3 below
  - b) Unsightly premises bylaw
  - c) Mobile home park bylaw
  - d) 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 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 the complainant and the alleged violator. The PRRD is subject to the *Freedom of Information and Protection of Privacy Act* and must follow the 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 file 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. Information about the enforcement action shall be provided in the report before discussion of the development application.
- 4.13 Bylaw enforcement will be paused when a completed development application relevant to the current enforcement has been submitted.
- 4.14 Bylaw enforcement will be concluded and the file closed if a development application relevant to the current enforcement which brings the property into compliance is approved.
- 4.15 Bylaw enforcement may be re-activated if the applicant causes *unreasonable delay* to the progress of a development application.
- 4.16 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.



4.17 Correspondence will be sent by registered mail when dealing with time sensitive requirements.

Affiliated Procedure	
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