



## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** JUNE 10, 2019 – REGULAR AFTERNOON MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** BYLAW ENFORCEMENT POLICY NO. 08-101

**REPORT:** 19-95  
**FILE:** 0340-50-CDEV1

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### RECOMMENDATION:

**That** Council approve revisions to Bylaw Enforcement: Complaint and Compliance Policy No. 08-108 ('the Policy').

### EXECUTIVE SUMMARY:

Council had previously (February 25, 2019) adopted a resolution that directed staff to review the 250 metre radius restriction under Policy No. 08-108, Bylaw Enforcement Complaints and Compliance.

Nevertheless, feedback that was received at the Regular Evening Council Meeting of May 13 2019 was reviewed and taken into consideration, prompting staff to revise the Policy by removing the 250 metre requirement.

The Township currently has a number of policies related to bylaw enforcement. The majority of these policies have not been updated since 2016. The proposed revisions to 'the Policy', updates the Township's current bylaw enforcement policies, and consolidates and replaces the following policies:

1. Bylaw Enforcement: Bylaw Enforcement Policy No. 08-101;
2. Bylaw Enforcement: Traffic Issues, Policy No. 08-102;
3. Bylaw Enforcement: Confidentiality, Policy No. 08-104;
4. Bylaw Enforcement: Departmental Enforcement, Policy No. 08-105;
5. Bylaw Enforcement: Property Use/Recreational Vehicles, Policy No. 08-106;
6. Bylaw Enforcement: Officer Role, Policy No. 08-107; and

Together, these policies set out general guidelines for Township residents submitting complaints regarding alleged bylaw violations. These policies also provide a framework for Township staff, in Bylaw Enforcement as well as other departments, for responding to and investigating bylaw violation complaints.

In consolidating these policies, staff have attempted to simplify bylaw enforcement procedures. The revisions to the Policy are also aimed at providing the Township with greater discretion over bylaw enforcement decisions.

In revising and consolidating these policies, staff reviewed similar bylaw enforcement policies in neighbouring municipalities.

### PURPOSE:

The purpose of this report is to request Council's consideration and approval of revisions to 'the Policy', and to provide information to assist Council's review of 'the Policy'.

### **BACKGROUND/HISTORY:**

At the Regular Afternoon Council meeting of February 25, 2019, Council adopted the following resolution:

*“That the Unsightly Premises Bylaw be referred to staff for a report, to include a review of the 250 meter radius restriction.”*

Staff have reviewed Policy No. 08-108, and in particular section 4.1 (4.1.1.1) of Policy No. 08-108 (Attachment A), which requires a formal complainant to reside within a 250 metre radius of the alleged violator.

Based on feedback received at the Regular Evening Meeting on May 13, 2019, the 250 metre radius requirement has been removed. In addition, as part of reviewing Policy 08-108, housekeeping revisions have been made to provide further clarity.

Presently, the Township has multiple bylaw enforcement policies, dealing with different aspects of enforcement procedures and the complaint process. These procedures are currently covered under at least seven separate bylaw enforcement policies, as follows:

1. Bylaw Enforcement: Bylaw Enforcement Policy No. 08-101 (Attachment A);
2. Bylaw Enforcement: Traffic Issues, Policy No. 08-102 (Attachment B);
3. Bylaw Enforcement: Confidentiality, Policy No. 08-104 (Attachment C);
4. Bylaw Enforcement: Departmental Enforcement, Policy No. 08-105 (Attachment D);
5. Bylaw Enforcement: Property Use/Recreational Vehicles, Policy No. 08-106 (Attachment E);
6. Bylaw Enforcement: Officer Role, Policy No. 08-107 (Attachment F); and
7. Bylaw Enforcement: Complaint and Compliance, Policy No. 08-108 (Attachment G).

None of these policies have been updated since 2016.

In the revised Policy No. 08-108 (Attachment H), most of the content of these policies has been unchanged. Rather, they have been generally simplified and consolidated into one single policy (Attachment H), and otherwise revised for consistency. The revised Policy aims to create a single standard to guide bylaw enforcement for both complainants and Township staff.

### **DISCUSSION/ANALYSIS:**

The following changes are reflected in the revised Policy (Attachment H):

The 250 metre radius requirement under section 4.1 (4.1.1.1) of Policy No. 08-108 (Attachment A) has been removed, which will likely trigger the need to increase bylaw enforcement resources in future years.

Staff reviewed in particular if any neighbouring municipalities had a radius restriction and or other complaint restrictions, with a comparison to bylaw enforcement staffing levels, which are as follows:

<b>Municipality</b>	<b>Number of Staff</b>	<b>Radius Restriction</b>	<b>Other Restrictions</b>
<b>Township of Langley</b>	<ul style="list-style-type: none"> <li>• 1 Manager</li> <li>• 7 RFT Bylaw Officers</li> </ul>	250 Metre radius for property complaints	None
<b>City of Abbotsford</b>	<ul style="list-style-type: none"> <li>• 1 Manager</li> <li>• 1 Assistant Manager</li> <li>• 9 RFT Bylaw Officers</li> </ul>	None	None
<b>City of Surrey</b>	<ul style="list-style-type: none"> <li>• 4 Managers</li> <li>• (Approx.) 40 RFT Bylaw Officers</li> <li>• Parking Enforcement Contracted Out.</li> </ul>	None	None
<b>City of Delta</b>	<ul style="list-style-type: none"> <li>• 1 Manager</li> <li>• Assistant Manager</li> <li>• 15 RFT Bylaw Officers</li> <li>• 3 Auxiliary Bylaw Officers</li> <li>• 4 TPT Park Patrol Bylaw Officers</li> </ul>	200 metre radius for property complaints take priority; will accept complaints outside of a 200 metre radius.	None
<b>City of Maple Ridge</b>	<ul style="list-style-type: none"> <li>• 1 Manager</li> <li>• 7 RFT</li> <li>• 1 RPT</li> </ul>	None	Limit on complaints. No more than 3 non re-occurring property complaints per year per household.

As indicated above the Township of Langley compared to other neighbouring municipalities, has the lowest number of bylaw enforcement resources. Eliminating the 250 metre radius requirement will increase the number of complaints received, and is expected to prompt a need to request Council consideration of additional staff resources.

There is some redundancy and overlap between these policies that have been removed. For example, four separate policies (Nos. 08-101, 08-106, 08-107 and 08-108) include slightly different procedures for taking bylaw enforcement action. These procedures have been consolidated into one single simplified procedure, primarily under section 5.5 of 'the Policy' (Attachment H).

Several of these policies remain substantially unchanged, and have simply been incorporated into 'the Policy' (Attachment H), such as the traffic violation provisions under Policy No. 08-102, the confidentiality provisions under Policy No. 08-104, and the departmental enforcement procedures under Policy No. 08-105.

Other policies have been consolidated into the general enforcement framework in 'the Policy' (Attachment H), such as the recreational vehicle specific provisions under Policy No. 08-106, which for simplicity will now be dealt with as with any other bylaw violation complaint. However,

'the Policy' (Attachment H) has retained the specific provisions for responding to complaints regarding unlawful secondary suites, under section 5.4.3.

'The Policy' (Attachment H) also includes some new provisions, including:

- (a) a definitions section, which assists in providing clarity and consistency throughout the Policy;
- (b) section 5.2, which provides the Township with the discretion not to investigate complaints where they are frivolous or vexatious, anonymous, or not within the Township's jurisdiction; and
- (c) section 5.6, which provides categories for prioritizing bylaw enforcement complaints, in recognition of the Township's limited resources and current practices of prioritization.

Finally, 'the Policy' (Attachment H) has also been amended to generally incorporate more discretion for the Township in responding to, investigating, and otherwise dealing with complaints over bylaw violations in the Township.

#### **FINANCIAL IMPLICATIONS**

As discussed in a report to Council dated May 13, 2019, limited resources require Bylaw Enforcement department staff to establish clear parameters and a consistent process in accepting complaints, which also prioritizes bylaw enforcement work. The current purpose of limiting the area to 250 metres is to address (by prioritizing) bylaw issues that directly impact a complainant.

Staff continue to receive complaints from complainants that reside outside of a 250 metre radius of an alleged violator. Many of those complaints include a lengthy list of properties in violation of a variety of bylaw infraction, and were identified through canvassing areas in the Township or reviewing properties on the Township's 'Geosource' web map. As a result of removing the 250 metre radius, the Bylaw Enforcement department is expected to experience an increase in workload. The potential need for additional bylaw enforcement resources will be assessed and if necessary incorporated as part of the 2020 budget deliberations for Council's consideration.

Respectfully submitted,

Ruby Senghera  
MANAGER, BYLAW ENFORCEMENT  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A	Bylaw Enforcement: Bylaw Enforcement Policy No. 08-101
ATTACHMENT B	Bylaw Enforcement: Traffic Issues, Policy No. 08-102
ATTACHMENT C	Bylaw Enforcement: Confidentiality, Policy No. 08-104
ATTACHMENT D	Bylaw Enforcement: Departmental Enforcement, Policy No. 08-105
ATTACHMENT E	Bylaw Enforcement: Property Use/Recreational Vehicles, Policy No. 08-106
ATTACHMENT F	Bylaw Enforcement: Officer Role, Policy No. 08-107
ATTACHMENT G	Bylaw Enforcement: Complaint and Compliance, Policy No. 08-108
ATTACHMENT H	Proposed Revised Policy No. 08-108



## COUNCIL POLICY

**Subject: Bylaw Enforcement**

<b>Policy No:</b>	<b>08-101</b>
<b>Previous Policy No:</b>	<b>02-009</b>
<b>Approved by Council:</b>	<b>1998-07-20</b>
<b>Revised by Council:</b>	<b>2006-11-06</b>
<b>Revised by Council:</b>	<b>2013-03-03</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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**1. Purpose**

1.1 To establish the Township's approach to bylaw enforcement.

**2. Background**

N/A

**3. Related Policies**

N/A

**4. Policy**

**4.1 Enforcement Action**

- 4.1.1 The goal of bylaw enforcement is to achieve voluntary compliance with the Township's Bylaws where possible. Alleged violators are to be approached informally, advised of the appropriate bylaw and assisted with formulating a course of action to secure compliance. Only when "friendly persuasion" fails, should more formal action be taken.
- 4.1.2 Enforcement action is taken only where there exists a clearly identified complainant, be it a private citizen or the Township, where a lack of bylaw compliance presents real and substantial harm to Township interests. Township staff are expected to carry enforcement action through to resolution.
- 4.1.3 Where no harm to Municipal interests exists, the complainant shall be encouraged to carry the burden of enforcement action. The Bylaw Enforcement Officer will aid the complainant through identification and clarification of relevant bylaws.

- 4.1.4 Township staff and resources are not to be used to further private disputes which do not have a superseding Township interest.
- 4.1.5 In the case of a complaint regarding an alleged unauthorized or non-compliant secondary suite, Bylaw Enforcement will become involved where:
  - i. Two written complaints are received from immediate neighbours and there exists an over-riding Township interest such as public safety or excessive street parking causing potential traffic flow problems for emergency vehicles or
  - ii. One written complaint is received from an existing tenant of the secondary suite and there exists a safety concern as in accordance with the British Columbia Building Code or
  - iii. The Township, as required, deems it necessary to proactively enforce unauthorized or non-compliant secondary suites.

#### 4.2 Procedure

- 4.2.1 Verbal attempts shall be initially taken to secure voluntary compliance with Township bylaws.
- 4.2.2 If voluntary compliance is unsuccessful, a formal attempt in the form of a bylaw violation notice, warning or traffic ticket shall be given to the alleged violator.
- 4.2.3 If formal notice does not remedy the bylaw violation, enforcement is obtained by court action. In the case of a noise complaint, however, in order to decide whether to proceed with court action, more than one complainant must exist who resides in the immediate neighbourhood of the alleged noise violation and who also has a log recording the duration and extent of the noise.
- 4.2.4 Formal enforcement action is never used as first resort unless there exists an immediate danger to public health and/or safety or the infraction contravenes a previous resolution.

#### 4.3 Bylaw Amendment

- 4.3.1 The Bylaw Enforcement Officer and other staff involved with bylaw enforcement have an obligation to recognize and recommend amendments to bylaws which are not serving a necessary Township interest.



## **COUNCIL POLICY**

**Subject: Bylaw Enforcement:  
Traffic Issues**

<b>Policy No:</b>	<b>08-102</b>
<b>Previous Policy No:</b>	<b>02-010</b>
<b>Approved by Council:</b>	<b>2007-04-16</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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1. **Purpose**

1.1. To standardize the enforcement of traffic related issues within the Township.

2. **Background**

2.1. N/A

3. **Related Policy**

3.1. N/A

4. **Policy**

4.1 All traffic related issues on Township highways will require an identified complainant except for where there is a clearly marked traffic control device which will be proactively enforced for community safety.



## **COUNCIL POLICY**

**Subject: Bylaw Enforcement:  
Confidentiality**

<b>Policy No:</b>	<b>08-104</b>
<b>Previous Policy No:</b>	<b>02-013</b>
<b>Approved by Council:</b>	<b>1998-07-20</b>
<b>Revised by Council:</b>	<b>2007-04-16</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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**1. Purpose**

- 1.1. To ensure complainant information is kept confidential.

**2. Background**

- 2.1. N/A

**3. Related Policy**

- 3.1. N/A

**4. Policy**

- 4.1 Complainant's names are to be kept confidential. Only Township staff directly involved in complaint taking and resolution may have knowledge of complainant's identity. Staff will not reveal the complainant's identity. Confidentiality may only be relaxed in accordance with the following:
- 4.1.1 after the complainant has been notified and assented in writing, the complainant's identity may be revealed as necessary to further prosecution
- 4.1.2 the complainant may voluntarily give written permission for their identity to be made public to avoid unnecessary or further neighbourhood discord or to resolve the bylaw infraction without litigation





## **COUNCIL POLICY**

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<b>Subject:</b>	<b>Bylaw Enforcement: Departmental Enforcement</b>	<b>Policy No:</b>	<b>08-105</b>
		<b>Previous Policy No:</b>	<b>02-014</b>
		<b>Approved by Council:</b>	<b>1998-07-20</b>
		<b>Revised by Council:</b>	<b>2007-04-16</b>
		<b>Revised by Council:</b>	<b>2016-05-30</b>

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### **1. Purpose**

- 1.1. Each division, department, and section is responsible for enforcement of its bylaws.

### **2. Background**

- 2.1. Bylaw enforcement is best managed by the organization affected by the alleged infraction. The bylaw enforcement section may assume conduct of another section's issue where enforcement and litigation resources warrant and appropriate information is provided.

### **3. Related Policy**

- 3.1. N/A

### **4. Policy**

- 4.1 Each municipal division is responsible for their own background investigation of bylaw complaints.
- 4.2 The originating division is responsible to ensure that every reasonable attempt has been made to effect voluntary compliance with Township bylaws.
- 4.3 If the originating division is satisfied that voluntary compliance cannot be effected, a full written report, including background information and action to date will be submitted to the Manager of Bylaws.
- 4.4 Upon approval of the Manager of Bylaws, the originating division may request immediate assistance from the Bylaw Enforcement Department.

## COUNCIL POLICY

**Subject: Bylaw Enforcement: Property  
Use/Recreational Vehicles**

<b>Policy No:</b>	<b>08-106</b>
<b>Previous Policy No:</b>	<b>02-025</b>
<b>Approved by Council:</b>	<b>2013-06-10</b>
<b>Revised by Council:</b>	<b>2014-07-14</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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### 1. Purpose

- 1.1. To establish bylaw enforcement criteria with respect to the parking of recreational vehicles in 'R' or single family residential 'CD' zones.

### 2. Background

- 2.1. Section 107.6 of the Zoning Bylaw provides as follows:  
"In an 'R' or single family residential 'CD' zone, recreational vehicles (including motor homes, travel and tent trailers, campers, boats, and associated trailers) may only be parked in a rear yard or that portion of a side yard located behind the front yard setback of a residence, except between April 1 and September 30 where a recreational vehicle may also be parked in the front yard provided it is not less than 1.6 m from the front lot line."

### 3. Related Policy

- 3.1. N/A

### 4. Policy

#### 4.1. Enforcement Action

- 4.1.1 Step 1 - The goal of bylaw enforcement is to achieve voluntary compliance with the Township's Bylaws wherever possible. Alleged violators are to be advised of the appropriate bylaw and assisted with formulating a course of action to secure compliance.

Step 2 - If voluntary compliance cannot be achieved in step 1, increased enforcement action will commence as described below:

1. Written warning;
2. Formal notice/ticket;
3. Court proceeding.

**4.1.2 Enforcement action is taken only:**

1. When one (1) or more formal complaints (complainants must provide their name, their address, and their phone number) have been made to the Bylaw Department from a complainant who resides within 250 metres radius of an alleged violator;
2. When a recreational vehicle is parked unhitched to a valid licensed vehicle on Township highway/roadway;
3. When a recreational vehicle is parked in the front yard in an 'R' or single family residential 'CD' zone between October 1<sup>st</sup> and March 31<sup>st</sup>.
4. Where there exists an over-riding Township interest such as public safety or excessive street parking, causing potential traffic flow problems.

**4.3 Procedure**

- 4.2.1 Verbal attempts shall be initially taken to secure voluntary compliance with Township bylaws.
- 4.2.2 If voluntary compliance is unsuccessful, a formal attempt in the form of a notice/warning ticket shall be provided to the alleged violator.
- 4.2.3 If a formal attempt in the form of a notice/warning ticket is unsuccessful, a violation ticket shall be provided to the alleged violator.
- 4.2.4 If formal notice/ticket does not remedy the bylaw violation, enforcement is obtained by court action.
- 4.2.4 If an immediate danger to public health and/or safety or the infraction contravenes a previous resolution a formal notice/ticket will be issued immediately and/or the vehicle will be towed to a secure storage lot at the owner's expense.



## **COUNCIL POLICY**

**Subject: Bylaw Enforcement:  
Officer Role**

<b>Policy No:</b>	<b>08-107</b>
<b>Previous Policy No:</b>	<b>02-016</b>
<b>Approved by Council:</b>	<b>1998-07-20</b>
<b>Revised by Council:</b>	<b>2007-04-16</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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### **1. Purpose:**

- 1.1 To identify and enable persons with special responsibility for bylaw enforcement in the Township; to maintain the health, safety, and protection of persons and property by resolving complaints and obtaining compliance with bylaws relating to the use of property within the Township.

### **2. Background:**

- 2.1. All Township personnel have a role in enforcement of bylaws. Primary responsibility for enforcement resides in the divisions, departments, and sections having line responsibility for particular bylaws.
- 2.2. Bylaw enforcement officers deal with assigned or referred issues. Issues are referred where enforcement undertaken in a division, department or section has been unsuccessful in obtaining compliance.

### **3. Related Policies:**

- 3.1. N/A

### **4. Policies:**

- 4.1. The Bylaw Enforcement Officer is authorized to investigate and enforce municipal bylaws:
  - 4.1.1. by observing and acting where there is a danger to the health or safety of the public
  - 4.1.2. on receiving written complaints from the public concerning potential bylaw violations
  - 4.1.3. in response to concerns from Council, another division, department, or section
- 4.2 A Bylaw Enforcement Officer will effect and maintain a cooperative relationship with all segments of the community, and will endeavor at all times to obtain a voluntary compliance with the bylaws, where possible, without legal action.



## COUNCIL POLICY

**Subject: Bylaw Enforcement:  
Complaint and Compliance**

<b>Policy No:</b>	<b>08-108</b>
<b>Previous Policy No:</b>	<b>02-017</b>
<b>Approved by Council:</b>	<b>1998-07-20</b>
<b>Revised by Council:</b>	<b>2007-04-16</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

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**1. Purpose:**

- 1.1. To maintain the health, safety, and protection of persons and property by resolving complaints and obtaining compliance with bylaws relating to the use of property within the Township.

**2. Background:**

- 2.1. N/A

**3. Related Policies:**

- 3.1. 08-101 Bylaw Enforcement

**4. Policy**

**4.1. Justification for Taking Action**

- 4.1.1. Complaint investigation should be taken by a person designated by Council as a bylaw enforcement officer in response to:

- 4.1.1.1. When one (1) or more formal complaints (complainants must provide their name, their address, and their phone number) have been made to the Bylaw Department from a complainant who resides within 250 metres radius of an alleged violator

- 4.1.1.2. a request from the Administrator

- 4.1.1.3. a staff report requesting assistance in obtaining compliance with a bylaw relating to the use of property

- 4.1.1.4. observation of a bylaw violation, which constitutes an obvious hazard to life or property

**4.2. Action Procedure**

- 4.2.1. A property use complaint form will be completed for all property use complaints received.

- 4.2.2. Action to obtain compliance with a bylaw may not be commenced until the validity of the complaint, the nature of the infraction, and applicable section of the regulatory bylaw is determined.
- 4.2.3. If the validity of a complaint cannot be confirmed, e.g. noise, a letter may be sent informing the alleged violator of the complaint received. This letter, while clearly stating that the Township is not currently in a position to confirm the alleged infraction, should include the pertinent position of the municipal bylaw for the alleged violator's information.
- 4.2.4. During the course of investigation, notes should be kept and all conversations and interviews with the alleged offender(s) should be confirmed by letter.
- 4.2.5. Should the complaint be valid, and a time frame has been given to the alleged offender to comply with the bylaw being breached, a letter confirming the time allowed may be sent by regular mail. If upon expiry of the time frame prescribed in the initial letter, the bylaw infraction has not been resolved, and no extenuating circumstances exist, a second letter will be sent. This letter, while stipulating a similar allowable time frame for compliance, will inform the alleged violator of the municipality's intention to take further action, which may include the issuance of an MTI or bylaw notice, as may be necessary to achieve compliance.
- 4.2.6. If the bylaw violation is not resolved by the expiry of the time frame stipulated in the second letter, a third letter will be prepared for and signed by the Manager of Bylaws.
- 4.2.7. The Manager of Bylaws, in the third letter, will notify the offender(s) of the proposed action and offer to meet with the offender(s) should they wish to give reasons why non-compliance should be allowed to continue.
- 4.2.8. Where a meeting has been held, a follow-up letter will be sent confirming the details of the meeting. This letter will contain the date by which compliance is required to forestall any further action.
- 4.2.9. Should compliance still not be obtained, the bylaw officer will prepare a memo to the manager of bylaws with recommendation as to the appropriate action to be undertaken, e.g. Council report, legal action.
- 4.2.10. The Manager of Bylaws, to gain compliance, may prepare a report for Council recommending that action be taken under section 260 of the Community Charter as appropriate. In addition to the written report, the Manager of Bylaws should attend the meeting of Council at which the written report is considered to provide such other information as may be necessary to fully inform Council of the nature of the nuisance and bylaw violation.
- 4.2.11. If at any time during the above procedure, the violation is resolved, the authorized action can be suspended or halted, and the complainant and the alleged offender will be notified by separate letters that the infraction has been resolved.

- 4.2.12. At the approval of the Manager of Bylaws, *sections* 4.2.1 through 4.2.10 may be expedited by the laying of an information or other action as appropriate and reasonable, including the issuance of a bylaw notice under the Bylaw Notice Enforcement Bylaw 2008 No. 4703 and amendments thereto, where this course of action may be deemed necessary, e.g. failure to heed to stop work order, a noise bylaw infraction persists, or some other violation requiring immediate action.
- 4.2.13. In accordance with a Council resolution, staff may proceed directly to enforcement for a repeated violation, e.g. where an illegal suite has been previously decommissioned and found by inspection to have been recommissioned.
- 4.2.14. To maintain consistency and in consideration of Township resources, the Manager of Bylaws will be responsible for all communications with the Township's legal counsel and will advise the bylaw officer of the file status.



## COUNCIL POLICY

**Subject: Bylaw Enforcement**

<b>Policy No.:</b>	<b>08-108</b>
<b>Previous Policy No.:</b>	<b>02-017</b>
<b>Approved by Council:</b>	<b>1998-07-20</b>
<b>Revised by Council:</b>	<b>2007-04-16</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>

**1. Purpose:**

1.1. To set out:

- (a) the Township's approach to bylaw enforcement; and
- (b) how Township staff should respond to complaints over alleged bylaw contraventions.

1.2 To promote the efficient use of the Township's resources and provide a general framework on how the Township responds to complaints over alleged bylaw contraventions.

**2. Background:**

2.1. N/A

**3. Related Policies:**

3.1. N/A

**4. Definitions:**

4.1. The following terms in this Policy shall have the below set out definitions:

**"Bylaw Department"** means the Department of Bylaw Enforcement for the Township.

**"Complainant"** includes a natural person, a company, corporation, partnership, firm, association, society, or party.

**"Discretion"** means the freedom to decide what should be done, or not be done, in a particular situation, given the available information.

**"Frivolous Complaint"** means a complaint not having any serious purpose or value.

**"Identity"** means anything that would reveal the name, address, phone number, race, national or ethnic origin, religious or political beliefs, age, sex, gender, marital status, and/or family status of a Complainant.



**“Manager of Bylaws”** means the person appointed by Township Council to the position having that name, their designates and their authorized agents.

**“Property”** means all real Property, including, but not limited to, buildings, structures or improvements located on real Property.

**“Township”** means the Corporation of the Township of Langley.

**“Vexatious Complaint”** means a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the Complainant that amounts to an abuse of the complaint process.

5. **Policy:**

5.1. Justification for Taking Action

5.1.1. A complaint investigation should be undertaken by a person designated as a bylaw enforcement officer in response to:

- (a) one (1) or more formal complaints (Complainants must provide their name, their address, and their phone number in writing) being received by the Bylaw Department from a Complainant;
- (b) a request from the Township’s Administrator;
- (c) a staff report from another Township department requesting assistance in obtaining compliance with a bylaw relating to the use of Property, as set out under section 5.3 below;
- (d) an observation of a bylaw contravention, which constitutes a clear hazard to life, Property or municipal services;
- (e) an observation of a traffic related contravention on Township highways where there is a clearly marked traffic control device or where the Bylaw Department receives a complaint from an identified Complainant orally or in writing; or
- (f) where the Manager of Bylaws otherwise considers, in their sole Discretion, that a complaint investigation is appropriate.

5.2. Some Complaints Will Not Be Investigated

5.2.1 While all complaints will be received by the Township, not all complaints will be investigated, including, but not limited to, the following:

- (a) a Frivolous Complaint or a Vexatious Complaint;
- (b) anonymous complaints, unless the alleged contravention constitutes a clear hazard to life, Property or municipal services, or is a contravention that the Township otherwise proactively enforces;

- (c) complaints that are private in nature (e.g. disputes between neighbours), which are more appropriately managed by the Complainant through their own access to private resolution processes, such as through stratas, the Residential Tenancy Branch, private legal action, etc.; and
- (d) complaints that involve Property not located within the Township or, in the Township's sole Discretion, are more properly within the jurisdiction of another enforcement body.

5.2.2 In all cases, whether or not a complaint is investigated is within the sole Discretion of the Township.

### 5.3. Departmental Enforcement

5.3.1 Each Township department will be responsible for their own background investigation of bylaw complaints.

5.3.2 The Township department responsible for the original complaint will be responsible to ensure that all reasonable attempts have been made to effect voluntary compliance with the Township's bylaws in accordance with this Policy.

5.3.3 If the Township department responsible for the original complaint is satisfied that voluntary compliance cannot be achieved, a full written report, including background information and action to date may be submitted to the Manager of Bylaws.

5.3.4 Upon approval of the report set out in section 5.3.3 above, by the Manager of Bylaws, the Township department responsible for the original complaint may request assistance from the Bylaw Department.

### 5.4. Enforcement Approach

5.4.1 The Township promotes an enforcement philosophy that seeks voluntary compliance with Township bylaws where possible. Options for obtaining voluntary compliance include education, warnings, information, and non-penalty enforcement, including providing a contravenor with a reasonable time frame to comply. Verbal or other non-formal steps to obtain compliance will be made in the early stages of an investigation, where possible, with respect to non-reoccurring bylaw contraventions.

5.4.2 Formal enforcement action may be taken, in the Township's sole Discretion, including in the following situations:

- (a) a bylaw contravention which constitutes a clear hazard to life, Property or municipal services;
- (b) a bylaw contravention which occurs on Township Property; or
- (c) a bylaw contravention where the contravener knows, or ought to have known, that their conduct is in contravention of the Township's bylaws.

5.4.3 In the case of a complaint regarding an alleged unauthorized or non-compliant secondary suite, the Township will only take enforcement action where:

- (a) two written complaints are received from immediate neighbours, and there exists an over-riding Township interest, such as public safety or excessive street parking causing potential traffic flow problems;
- (b) one written complaint is received from an existing tenant of the secondary suite, and there exists a safety concern, under the British Columbia Building Code or otherwise; or
- (c) the Township, in its sole Discretion, deems it necessary to proactively enforce unauthorized or non-compliant secondary suites.

#### 5.5 Enforcement Responses

5.5.1 A complaint must be made by completing and submitting a Property use complaint form, or otherwise in writing, and must include the information set out in section 5.1.1. above.

5.5.2 Action by the Township to obtain compliance with a bylaw may not be commenced until the validity of the complaint, the nature of the contravention, and the applicable section of the regulatory bylaw is determined.

5.5.3 If the validity of a complaint cannot be confirmed by the Township (e.g. a one time noise contravention), a letter may be sent by the Township informing the alleged contravenor of the complaint received. This letter should include the relevant details related to the alleged bylaw contravention, including the section of the Township bylaw for the alleged contravenor's information.

5.5.4 During the course of the Township's investigation into a complaint, the Township should take all reasonable efforts to make notes, and all conversations and interviews with the alleged contravenor(s) may be confirmed in writing, by e-mail, letter or otherwise.

5.5.5 The bylaw officer may exercise Discretion in determining an appropriate time frame for compliance, and in doing so, may consider any reasonable factor, including but not limited to, the following:

- (a) the nature of the contravention;
- (b) the duration of the contravention;
- (c) any deadline contained in the applicable Township bylaw, which deadline will generally be considered a minimum time frame for compliance;
- (d) the Township's previous history with the contravenor or the Property;

- (e) repeat offences by the contravenor or at the Property;
- (f) the short and long term impacts of the contravention; and
- (g) any other extenuating circumstances, in the Township's sole Discretion.

5.5.6 Should the Township determine that a complaint is valid, and a time frame has been given to the alleged contravenor to comply with the bylaw being contravened, a letter confirming the time allowed may be sent to the contravenor by regular mail. If upon expiry of the time frame for compliance required by the Township, the bylaw contravention has not been resolved, and the Township determines, in its sole Discretion, that there are no reasonable extenuating circumstances for this delay, a further letter may be sent by the Township to the contravenor. This letter may provide for a further allowable time frame for compliance, and will inform the contravenor of the Township's intention to take further action, which may include the issuance of bylaw notices, as may be necessary to achieve compliance.

5.5.7 If the bylaw contravention is not resolved or no progress has been made to the satisfaction of the Township by the expiry of the time frame stipulated in the letter set out under section 5.5.6, the Township may offer to meet with the contravenor(s), at the Township's sole Discretion, to provide the contravenor(s) with a further opportunity to achieve compliance.

5.5.8 Where a meeting has been held in accordance with section 5.5.7 above, the Township will send a follow-up letter confirming the details of the meeting and the date by which compliance is required to prevent any further enforcement action by the Township.

5.5.9 Should compliance not be obtained through reasonable efforts, including through informal and formal communication with the contravenor(s), or as otherwise set out herein, the investigating bylaw officer will prepare a memorandum to the Manager of Bylaws, including a recommendation as to the appropriate action to be undertaken, such as the issuance of bylaw offence notices, or a Council Report authorizing legal action.

5.5.10 The Manager of Bylaws, at their sole Discretion, may prepare a Council Report recommending that action be taken under the *Community Charter*, or otherwise.

5.5.11 If at any time during the above set out bylaw enforcement procedure, the contravention is resolved, the authorized action may be suspended or halted, and the Complainant and the contravenor will be notified that the contravention has been resolved.

5.5.12 Notwithstanding sections 5.5.1 through 5.5.10, where the Township has determined that a bylaw contravention has occurred, the Township may at any time, at its sole Discretion, expedite the enforcement of the bylaw contravention by not following one or more of the steps set out in this Policy, but instead proceeding with immediate enforcement action,

including but not limited to, the laying of an information or taking any other action as appropriate and reasonable, including the issuance of a bylaw notice under the Bylaw Notice Enforcement Bylaw 2008 No. 4703, as amended or replaced (e.g. a failure to comply with a stop work order, a noise bylaw contravention is continuing, or where any other contravention requiring immediate action is continuing).

5.5.13 In accordance with a previous Council resolution, the Township may proceed directly to enforcement for a repeated contravention, at the Township's sole Discretion (e.g. where an illegal suite has been previously decommissioned and found by inspection to have been recommissioned).

5.5.14 To maintain consistency, and in consideration of Township resources, the Manager of Bylaws will generally be responsible for all communications with the Township's legal counsel, unless otherwise directed.

## 5.6 Prioritizing Bylaw Enforcement Complaints

5.6.1 The Township's response to valid complaints are generally prioritized into three categories:

Priority 1: Health and Safety - the alleged bylaw contravention may adversely impact the health or public safety of the community. These contraventions will generally be investigated and enforced as soon as reasonably possible, subject to the availability of Township staff and other resources.

Priority 2: Significant Negative Impact to Adjacent Properties - the alleged bylaw contravention is significantly impacting adjacent properties in a negative manner, but it generally does not pose an immediate risk to the health or public safety of the community. The Township's investigation and enforcement of Priority 2 matters will most often be initiated in response to valid complaints received by the Township, as set out in this Policy.

Priority 3: General Nuisance - the alleged bylaw contravention may be a matter that is a general community concern. These contraventions are less serious in nature and generally do not affect the health or public safety of the community.

## 5.7 Bylaw Amendment

5.7.1 The Manager of Bylaws, and other Township staff involved with bylaw enforcement, should take all reasonable efforts to identify and recommend amendments to bylaws which are not serving a necessary Township interest.

## 5.8 Confidentiality

5.8.1 The Identity of a Complainant is to be kept confidential. Only Township staff directly involved in complaint taking and resolution may have knowledge of a Complainant's Identity. Township staff will not reveal the Identity of a Complainant's Identity, except in accordance with the following:

- (a) where the Complainant has provided the Township with their written permission for their Identity to be made public; or
- (b) where the Township is otherwise required by law to disclose the complainant's Identity.