



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3900-20

From: Director of Corporate Services

Date: April 23, 2025

Subject: Municipal Enforcement Bylaw No. 3185 – Bylaw Adjudication

PURPOSE: To present Council with Municipal Enforcement Bylaw No. 3185 for consideration of 1st, 2nd, and 3rd reading.

BACKGROUND:

The creation and implementation of a new Bylaw Dispute Adjudication System (BDAS), designed to streamline ticket dispute processes, was identified as a Council Strategic Priority for 2024 and 2025.

At its regular meeting on February 14, 2024, Council approved the following:

1. *THAT Council direct staff to proceed with the preparation of all bylaws, policies, procedures and agreements necessary to create a Bylaw Adjudication Program; and,*
2. *THAT staff be authorized to work with the Province of BC as needed to gain provincial approval for the City of Courtenay to sue the Bylaw Adjudication System as outlined in the Local Government Bylaw Notice Enforcement Act.*

As directed by Council, staff formally presented the referenced resolution to the BC Ministry of the Attorney General, outlining the City's intent to establish a Bylaw Dispute Adjudication System. The required Order in Council was delayed due to the 2024 Provincial Election and its impact on Cabinet proceedings. Looking ahead and seeking to facilitate Council's swift action upon receipt of the Order, staff proactively drafted Municipal Enforcement Bylaw No. 3185.

DISCUSSION:

While Council previously approved the adoption and implementation of a Bylaw Dispute Adjudication System, Provincial approval was required before it could proceed. This crucial step was achieved on April 7, 2025, when the City of Courtenay was added to Schedule 1 of the Bylaw Notice Enforcement Regulation, B.C. Reg. 175/2004, by Order of the Lieutenant Governor in Council in the Province of British Columbia (attached). This Provincial approval allows the City to consider "Municipal Enforcement Bylaw No. 3185," the legal mechanism authorizing the issuance of municipal tickets and BDAS.

The implementation of BDAS provides a modernized, efficient, and accessible approach to bylaw enforcement, resulting in more cost-effective resolutions for both the City and its residents. Although the majority of bylaw non-compliance penalties will now fall under the BDAS (the maximum allowable contravention fine under the BDAS is \$500.00) penalties for more significant violations, such as those that cause significant environmental damage) will follow the MTI process. The determination of which enforcement approach is appropriate will be significantly informed by the impact of the non-compliant act.

The implementation of the BDAS will be undertaken in alignment with the Bylaw Compliance Strategy, adopted by Council in 2023. This strategy prioritizes voluntary compliance through public awareness and education, using a CARE (Communicate, Advise, Reinforce, Enforce) approach. While bylaw tickets and

adjudication notices remain a component of the compliance continuum, the primary goal is to resolve bylaw contraventions through proactive engagement and education. The BDAS, along with its associated bylaw mechanism, will be a key component of the City's approach to bylaw enforcement, fully integrated with the Bylaw Compliance Policy.

POLICY ANALYSIS:

The Bylaw Dispute Adjudication System will be implemented in alignment with the City's Bylaw Compliance Policy and Bylaw Compliance Strategy.

Section 2 of the *Local Government Act Bylaw Enforcement Act*, authorizes local governments to enforce bylaws through a notice system.

FINANCIAL IMPLICATIONS:

The *Local Government Bylaw Notice Enforcement Act* mandates that local governments fund and administer the Bylaw Dispute Adjudication System (BDAS). Adjudicators cost \$500 per day plus expenses, regardless of the number of hearings scheduled. To realize cost-effectiveness, the Act allows joint BDAS administration across jurisdictions. Therefore, Courtenay will partner with the Comox Valley Regional District (CVRD), which already provides adjudication services for the Town of Comox and anticipates adding Village of Cumberland. While Courtenay will cover BDAS operating costs, sharing these expenses regionally and avoiding Provincial Court proceedings significantly enhances the system's economic viability and cost savings.

ADMINISTRATIVE IMPLICATIONS:

The Bylaw Dispute Adjudication System, managed by the Manager of Bylaw Services with support from other department managers, incorporates new pre-adjudication screening of ticket disputes. This system utilizes a new Screening Officer Policy and procedures aligned with industry best practices.

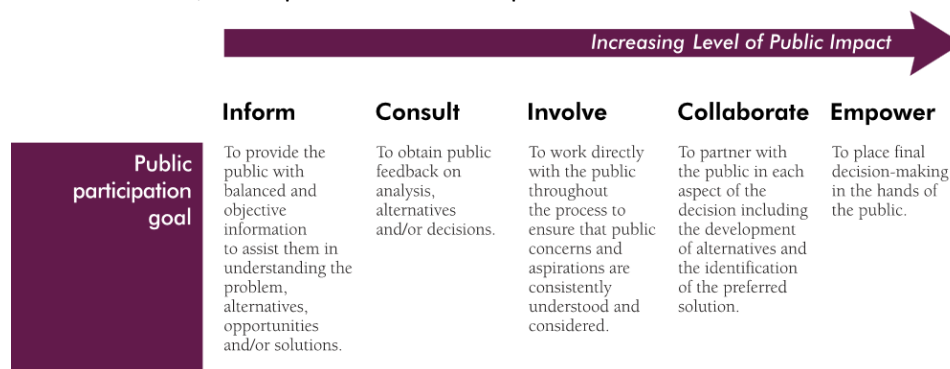
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Streets and Transportation - Implement new bylaw adjudication program

PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation via the City's website, social media channels, and a printed and online process brochure:



OPTIONS:

1. THAT Council give first, second and third reading to Municipal Enforcement Bylaw No. 3185, 2025.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Province of British Columbia Order in Council Approval
2. Municipal Enforcement Bylaw No. 3185, 2025

Prepared by: Mike Kurvers, Manager of Bylaw Services
Kate O'Connell, Director of Corporate Services
Reviewed by: Kate O'Connell, Director of Corporate Services
Concurrence: Geoff Garbutt, M.P.I., MCIP, RPP, City Manager (CAO)