

Bylaw Compliance Policy

Bylaw compliance is essential for maintaining a peaceful community while ensuring public safety, and upholding the quality of life for all residents.



**City of
Courtenay**

courtenay.ca

1. PURPOSE

The City of Courtenay (“City”) prioritizes a safe and harmonious environment for everyone. The City’s Bylaw Services division follows a balanced approach, blending education and enforcement.

The purpose of this Policy is dual: firstly, to provide an understanding of our approach to activities that may negatively impact the environment, public health, safety, and well-being; and secondly, to encourage compliance and promote accountability within our community through responsible enforcement. This is achieved by ensuring fairness, promoting education, and fostering community involvement.

2. OBJECTIVE

Bylaws serve as the foundation upon which our shared spaces and interactions are built. They provide essential guidelines for protecting public health, safety, and welfare, while also addressing various community needs and aspirations. This Policy guides all City enforcement activities complimenting existing protocols, emphasizing regulatory compliance and a customer-centric, problem-solving approach. At the heart of this policy lies our commitment to preserving the unique character and quality of life that defines our community.

3. PRINCIPLES OF COMPLIANCE

The City will strive to foster a community where compliance is a shared responsibility to build a more connected, safer, and stronger community. In line with our commitment to inclusivity and respect for human rights, this policy embraces the following additional principles:

A Balanced Approach:

Considering the potential safety, liability, impact of the infraction, and resource availability, the City will operate on both a proactive and reactive basis. Calls for service will be prioritized in accordance with the priority levels as defined in this policy.

Trauma-Informed Response:

The City prioritizes a trauma-informed response and acknowledges diversity in our community. Grounded in an understanding of and responsiveness to the impact of trauma, Bylaw Services will embed a trauma-informed response into its policies, procedures, and practices, seeking to resist re-traumatization actively. By blending cultural awareness with trauma-informed practices, enforcement becomes effective, empathetic, and considerate of diverse experiences. A trauma-informed response will help build trust, foster better community relations, and contribute to the overall well-being and safety of the community.

Engagement with Curiosity:

Bylaw staff will engage with curiosity when interacting with those involved in bylaw infractions, fostering understanding and empathy.

Commitment to Safety:

To ensure fairness and proportionality, the City will conduct risk assessments based on the severity of the impact on individuals or those around them, recognizing that less urgent situations may have response delays due to response priorities.

Commensurate Intervention:

The intervention will be commensurate with the assessed risk, avoiding both overreaction and underreaction to ensure a just and equitable approach.

Confidentiality:

To ensure all information provided related to the Request for Service details remains confidential in line with the Freedom of Information and Protection of Privacy Act (FOIPPA), the following confidentiality protocols will be in place:

1. **Non-Disclosure:** Complainant identities and provided personal data will not be disclosed to the implicated party or the public.
2. **Response Limitation:** Feedback from the accused will not be relayed to the complainant. Both will be informed of this confidentiality.
3. **Legal Exceptions:** If legal proceedings arise from an investigation, confidentiality may not be guaranteed as courts may require access to personal details.
4. **Duty to Report:** There are circumstances where the City is obligated to report criminal activities or situations involving harm to youth or individuals. The City is committed to adhering to our duty to report any witnessed or reasonably suspected criminal activities to the appropriate authorities or jurisdiction.

By implementing these principles, the City will aim to create a community where compliance is not only a legal obligation but a shared responsibility rooted in respect for all, regardless of background or circumstance. Together, we will build a stronger, more connected, and safer community.



4. RESPONSIBLE SERVICE DELIVERY

Requests for Service

The Request for Service often begins with investigations, typically initiated by written or in-person requests from residents, observations made during routine patrols, or information from external agencies and partners including, but not limited to, RCMP, Island Health, provincial or federal enforcement officers. All such requests for service are received by Bylaw Services. They are then recorded in the City's record management system and responded to in alignment with the City's Strategic Plan for Bylaw Compliance.

How to File a Request for Service

To report a suspected bylaw violation, individuals must submit their request through email, letter, phone, or an official complaint form. This request should include the full name, address, and contact details of the reporting individual, along with a detailed account of the suspected infraction and its location.

Frivolous Complaints

Frivolous complaints will be addressed based on their alignment with the priorities established in this policy. The Manager reserves the right to exercise discretion when evaluating such complaints. In instances of repeat frivolous complaints, the Manager will consider the complaint history and assess whether there is a pattern of misuse.

Anonymous Complaints

Anonymous complaints will also be evaluated, and the Manager will assess their merits in terms of safety, liability, and impact. This approach ensures that resources are allocated to address genuine concerns, discourages the submission of unfounded or repetitive complaints, and upholds the integrity of the complaint resolution process.

Responding to Requests for Service

In the evaluation and addressing of service calls, staff consider various factors such as the type and duration of the violation, past incidents or recurring breaches, immediate and future implications of the violation, implications for setting a precedent, and available resources for resolution.

Reporting Outcomes

The City encourages open dialogue and we request that individuals making requests should inform the Bylaw Enforcement Officer of any changes in the situation, whether improvement or deterioration. Staff at the City are committed to communicating with service requesters, however ongoing updates on enforcement approaches will not be provided. While respecting confidentiality constraints, staff will accommodate specific inquiries for details when feasible, in accordance with FOIPPA. Once a situation is resolved, the individual who made the request will be notified.

5. FACILITATING COMPLIANCE

The City aims to ensure adherence to regulations by raising awareness and encouraging changes in behavior that will prevent reoccurring violations.

The City will utilize a CARE approach as outlined in this policy when facilitating compliance.



CARE
Communicate — Advise — Reinforce — Enforce

Communicate:

Proactively interact with community members to keep them informed and educate them about bylaws and regulations.

Advise:

Offer clear and concise guidance that will assist in understanding compliance requirements to ensure the community is well-informed about what aligns with the regulations.

Reinforce:

Provide essential information about best practices and regulations through good neighbour guides and other educational forums.

Enforce:

Deploy various enforcement strategies when non-compliance is detected to assure adherence to standards and encourage positive adjustments.

6. ASSESSMENT IN PRIORITY LEVELS

Each Request for Service undergoes careful assessment, ensuring a prioritized and systematic response. The following are the levels of priority for each Request for Service:

Priority One:

The safety of residents or potential liability to the City stands paramount. Calls for service that have the potential to cause adverse impacts on the environment, public safety, or City infrastructure will necessitate immediate response and fall under Priority One. Examples of Priority One include but are not limited to aggressive dogs, parking in front of fire hydrants, parking too close to an intersection, hazardous trees, unauthorized encampments, garbage leachate, buildings without permits, and accessibility obstructions.

Priority Two:

If there are calls for service where multiple individuals have raised similar concerns about the same issue and it directly impacts them, these cases will be given second priority.

Priority Three:

All other calls that do not fall within the top two priority levels are addressed thereafter.



Discretion:

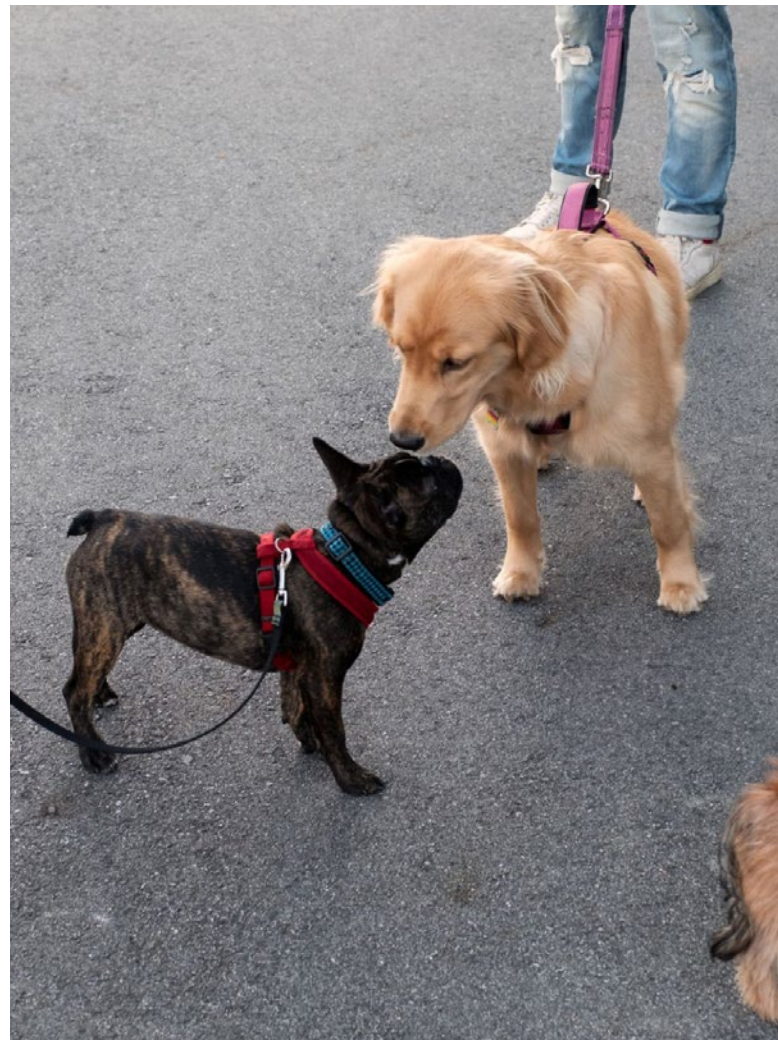
The City recognizes that it is not mandatory to enforce every bylaw violation. The exercise of enforcement discretion is guided by established policy frameworks. The Manager evaluates each complaint in instances where an Enforcement Officer proposes exercising discretion. Situations characterized as retaliatory, frivolous, or minor may be pursued or not, depending on the circumstances and resource availability. This approach ensures a balanced and reasonable application of bylaw enforcement and compliance. In cases where discretion is considered, collaboration with the Manager may be sought for additional input.

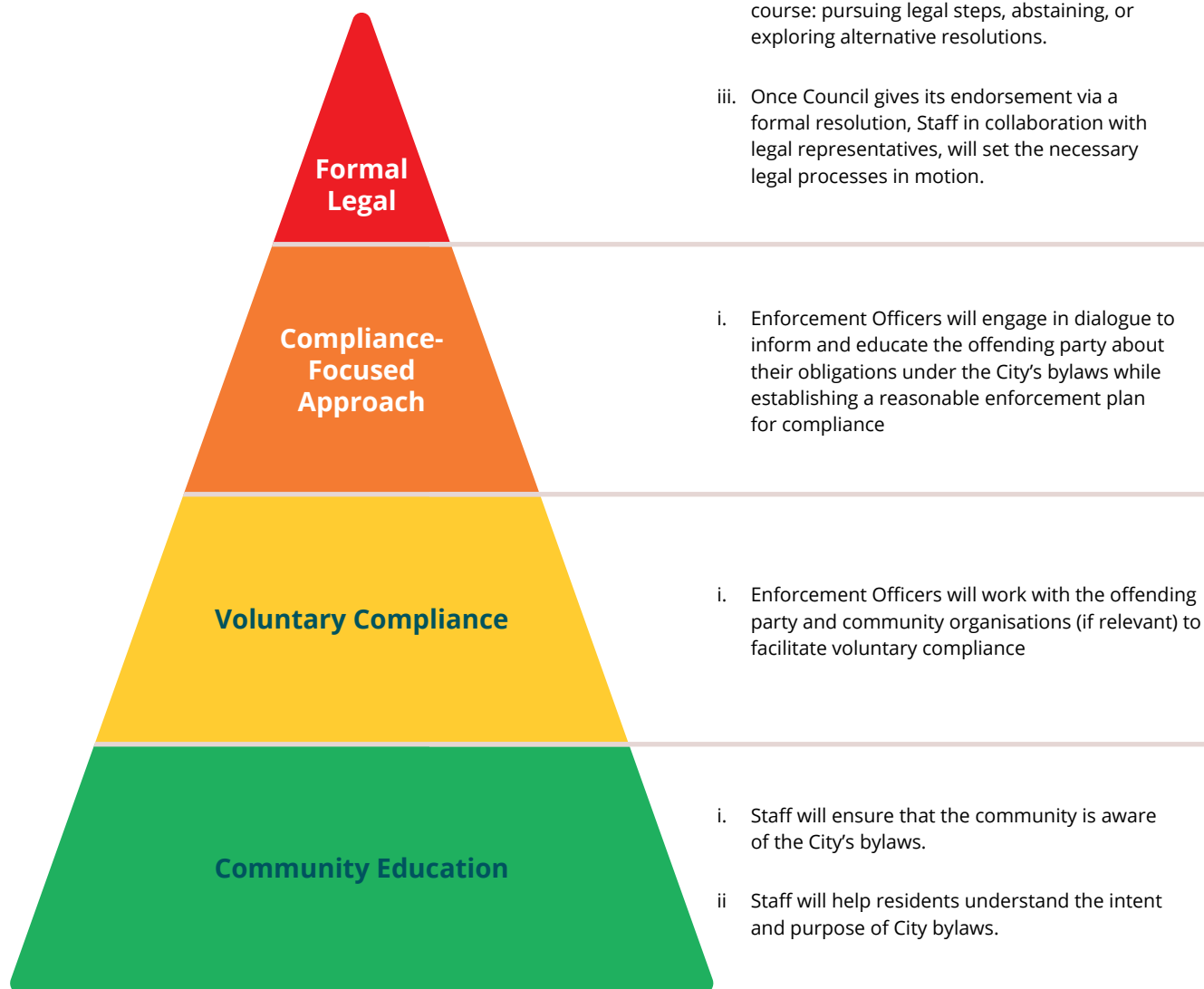
7. ENFORCEMENT

The City will utilize its CARE enforcement approach which includes a blend of education and enforcement. The primary goal of this approach is to promote voluntary adherence to bylaws. Voluntary adherence is shown by the immediate undertaking of corrective actions and the resolution of non-compliant behavior, thereby ensuring a community that abides by the established regulations for the welfare of all its members.

Staff will proactively provide communication and education about bylaws (Communicate), offering clear guidance (Advise), providing information through educational materials (Reinforce), and use enforcement strategies for non-compliance (Enforce) to ensure community adherence to regulations. Enforcement of City Bylaws will operate on a continuum, ensuring a balanced and considerate approach in every situation, allowing for flexibility while upholding the rule of law within the community.

Depending on the nature and severity of the situation, enforcement actions may be expedited through the continuum based on the priority levels as identified in this policy.





Collaborative Solutions: Maximizing Community Partnerships to Expand Bylaw Services

In order to provide a comprehensive range of services, the City acknowledges its resource limitations and strategically collaborates with community partners. The City will work with community organizations such as outreach support services, restorative justice, health services, and the RCMP to address bylaw violations through collaborative efforts, when appropriate.

Additionally, the City promotes mediation as an effective mechanism for resolving minor bylaw disputes. This non-confrontational approach encourages voluntary participation from both parties involved—the offender and the service requestor. By referring cases to mediation/ restorative justice services, the City seeks to minimize the need for further interventions while empowering residents to actively contribute to the resolution of issues within our community.

This collaborative approach not only optimizes the utilization of available resources but also fosters a stronger and more resilient community network, ultimately enhancing the overall quality and accessibility of services for our residents.

8. POLICY EXCEPTIONS

If an exception is deemed justifiable and in alignment with provincial and federal regulations, it may not warrant enforcement action.

9. DEFINITIONS

“City” means the City of Courtenay

“Enforcement Officer” means any person acting on behalf of the City for the purpose of processing Requests for Service related to bylaw contraventions

“FOIPPA” means Freedom of Information and Protection of Privacy Act

“Manager” means the exempt staff member accountable for bylaw compliance.

“Requests for Service” means a concern brought forward to the City related to a bylaw infraction

“Staff” means a City employee.