



The Corporation of the City of Courtenay

# Briefing Note

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**To:** Council  
**From:** Manager of Bylaw Services  
**Subject:** **Bylaw Dispute Adjudication System - Update**

**File No.:** 3900-00  
**Date:** August 28, 2024

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**PURPOSE:** To update Council on the status of the Bylaw Dispute Adjudication System (BDAS).

## **BACKGROUND:**

The City of Courtenay currently utilizes the Municipal Ticket Information (MTI) system for issuing tickets related to contraventions of regulatory bylaws, with varying fine amounts. Under the MTI system, tickets must be personally served and disputed tickets can only be resolved within Provincial Court. In the case of the City of Courtenay, this means a Bylaw Enforcement Officer (BEO) has to arrange for a court date, manage disputants, witnesses, evidence, legal documents and appear to present the case before the courts for all infractions ranging from off leash dogs to unsightly premises.

City Council identified the implementation of the new bylaw adjudication program as a Council Strategic Priority, for transition and implementation in 2024 and 2025. At the February 14, 2024 Council meeting, Council approved the BDAS and directed staff to proceed with the preparation of all bylaws, policies, procedures, and agreements as necessary.

## **DISCUSSION:**

The proposed BDAS program offers a modernized and efficient approach to bylaw enforcement, aligning with the newly adopted Bylaw Compliance Policy and Strategic Plan for Bylaw Compliance. Most notably, under the BDAS, the dispute requirements are commensurate with the infraction type as residents wishing to dispute tickets for less serious infractions can do so through a more accessible and less complex adjudication process instead of a full court proceeding as required under the MTI system.

The BDAS aims to provide a mechanism for addressing contraventions of the City bylaws through the issuance of Adjudication Notices (aka tickets). Based on the Bylaw Compliance Policy, bylaw services focus on achieving voluntary compliance through community education, followed by a compliance-focused approach and if necessary a court process. In anticipation, and proceeding the implementation of the BDAS program, all City departments will be required to identify Bylaw contraventions deemed appropriate for inclusion under the BDAS. The maximum allowable contravention fine under the BDAS is \$500, anything above \$500 will continue to follow the MTI process. A draft bylaw for the BDAS has been completed and currently under review with the City's legal counsel.

In anticipation of Council's consideration by the BDAS Bylaw, the Province was consulted for next steps. The response received from the Ministry of the Attorney General requested the City supply a resolution document confirming the City of Courtenay's intent to establish a Bylaw Dispute Adjudication System program. Typically, after consideration of the City's intent to implement a BDAS bylaw, the Province of BC would seek an Order in Council which then goes to Cabinet for approval. The entire process can take up to eight weeks to complete. In corresponding with the Ministry of the Attorney General, the City has been

advised that as this is an election year, nothing can be submitted to Cabinet until spring of 2025. As such, the City cannot implement the BDAS program until after Cabinet approval.

Although there is an unanticipated delay in the consideration of the BDAS bylaw, staff are taking steps to minimize the resulting enforcement impacts. The original approach to the BDAS implementation was to have the BDAS established by bylaw and then proceed with amending other City bylaws to reflect the new ticketing authority. This approach would expand the enforceability of the BDAS over time with each bylaw amendment. For example, even if the City has an approved BDAS Bylaw, without amending the Traffic Regulation Bylaw to reflect the new system parking tickets and their dispute processes would remain under the MTI system. To decrease enforceability delays, while the City waits for Cabinet to resume, staff will focus on preparing bylaw amendments to the Traffic Regulation Bylaw and the Animal Control Bylaw, work originally planned to be undertaken after the BDAS was implemented in 2025. This approach will see the BDAS bylaw and related bylaw amendments considered concurrently rather than consecutively, decreasing enforcement delays as much as possible.

**POLICY ANALYSIS:**

The proposed system is in alignment with the City's Bylaw Enforcement Policy and Strategic Plan for Bylaw Compliance, and is in accordance with Section 2 of the Local Government Bylaw Notice Enforcement Act, allowing local governments to enforce bylaws through a notice system.

**FINANCIAL IMPLICATIONS:**

There may be some potential parking ticket revenue lost as a result of the time delay, however based on historic ticketing information, the impact is anticipated to be minimal as voluntary compliance remains the focus of bylaw services, with ticketing as the last option.

**ADMINISTRATIVE IMPLICATIONS:**

There are no administrative implications. The overall objective is to get all the administrative responsibilities completed to allow us to forward the Bylaw Dispute Adjudication System resolution to the Province of BC to get onto the agenda for Cabinet and approval.

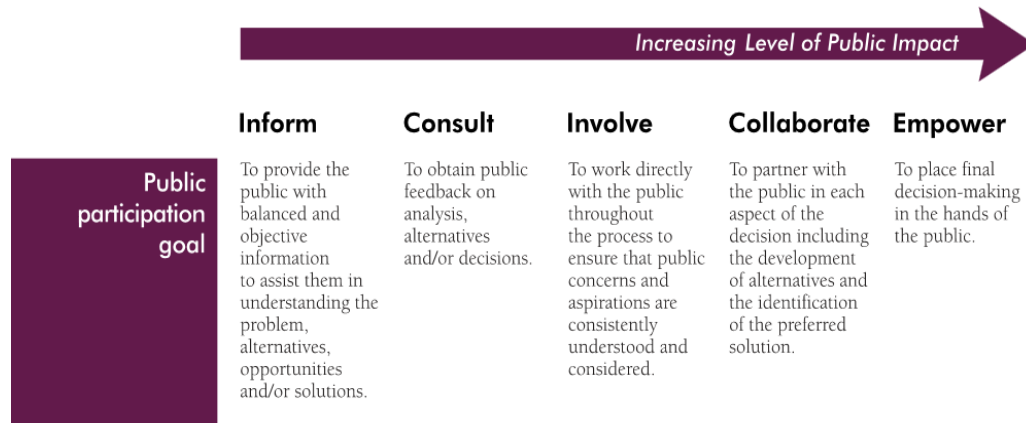
**STRATEGIC PRIORITIES REFERENCE:**

This initiative addresses the following strategic priorities:

- Streets and Transportation - Implement new bylaw adjudication program

**PUBLIC ENGAGEMENT:**

The public will be informed of this update to the timeline for the implementation of the new Bylaw Dispute Adjudication System via this report to Council in accordance with the IAP2 Spectrum of Public Participation. Upon approval of the new BDAS, public communication will include social media, website updates, and printed information brochures outlining the process changes.



**RECOMMENDATION:**

That Council receive the “Bylaw Dispute Adudication System – Update” briefing note.

**ATTACHMENTS:**

1. Staff Report – Bylaw Dispute Adudication System – February 14, 2024

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