



# Alberni-Clayoquot Regional District

## ELECTORAL AREA DIRECTORS COMMITTEE MEETING

THURSDAY, SEPTEMBER 20, 2018, 10:00 AM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

### AGENDA

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	PAGE #
<b>1. <u>CALL TO ORDER</u></b>	
<b>Recognition of Traditional Territories.</b>	
<b>2. <u>APPROVAL OF AGENDA</u></b>	
<i>(motion to approve, including late items requires 2/3 majority vote)</i>	
<b>3. <u>ADOPTION OF MINUTES</u></b>	
a. <b>Electoral Area Directors Committee Meeting held June 21, 2018</b>	<b>3-5</b>
<i>THAT the minutes of the Electoral Area Directors Committee meeting held on June 21, 2018 be adopted.</i>	
<b>4. <u>CORRESPONDENCE FOR ACTION/INFORMATION</u></b>	
<b>5. <u>REQUEST FOR DECISIONS</u></b>	
a. <b>Request for Decision - Rural Planning Projects</b>	<b>6-7</b>
<i>THAT The Electoral Area Directors Committee support additional staff time in 2019 to work on rural planning projects and recommend that the unused budget allocations for OCP updates, zoning bylaw update, subdivision and servicing bylaw and consultant budget from 2018 shift into the 2019 rural planning budget.</i>	
<b>6. <u>REPORTS</u></b>	
a. <b>Memorandum - Short Term Vacation Rentals</b>	<b>8-14</b>
<i>THAT the Electoral Area Directors Committee recommend that the Board of Directors support the action plan for Short Term Vacation Rentals (STR) as presented.</i>	
b. <b>Memorandum - Municipal Ticketing Options</b>	<b>15-26</b>
<i>THAT the Electoral Area Directors Committee recommend that the Board of Directors direct staff to prepare draft sample MTI bylaw, research which bylaws</i>	

*are effectively enforced through MTIs vs enforcement through the courts, and investigate other regional district MTI bylaws.*

7. **LATE BUSINESS**

8. **NEW BUSINESS**

9. **ADJOURN**



# Alberni-Clayoquot Regional District

## MINUTES OF THE ELECTORAL AREA DIRECTORS COMMITTEE

MEETING HELD ON THURSDAY, JUNE 21, 2018, 10:00 AM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

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### DIRECTORS

Keith Wyton, Director, Electoral Area "A" (Bamfield)

### PRESENT:

Mike Kokura, Director, Electoral Area "B" (Beaufort)

Tony Bennett, Director, Electoral Area "C" (Long Beach)

Penny Cote, Director, Electoral Area "D" (Sproat Lake)

John McNabb, Director, Electoral Area "E" (Beaver Creek)

Lucas Banton, Director, Electoral Area "F" (Cherry Creek)

### STAFF PRESENT:

Mike Irg, Manager of Planning and Development

Alex Dyer, Planner

Janice Hill, Executive Assistant

### 1. CALL TO ORDER

The Chairperson called the meeting to order at 10:02 am.

The Chairperson recognized the meeting today is being held in the Tseshaht First Nation and the Hupacasath First Nation Traditional Territories.

### 2. APPROVAL OF AGENDA

*MOVED: Director Banton*

*SECONDED: Director McNabb*

*THAT the agenda be approved as circulated.*

**CARRIED**

### 3. ADOPTION OF MINUTES

a. **Electoral Area Directors Committee Meeting held February 7, 2018**

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT the minutes of the Electoral Area Directors Committee Meeting held on February 7, 2018 be adopted.*

**CARRIED**

### 4. PETITIONS, DELEGATIONS & PRESENTATIONS

**5. CORRESPONDENCE FOR ACTION/INFORMATION**

**6. REQUEST FOR DECISIONS & BYLAWS**

**a. Administrative Memorandum regarding Short Term Vacation Rentals.**

*MOVED: Director Banton*

*SECONDED: Director Wyton*

*THAT the Electoral Area Directors Committee recommend that the Alberni-Clayoquot Regional District Board of Directors direct staff to investigate ticketing options.*

*MOVED: Director Wyton*

*SECONDED: Director McNabb*

*THAT the Electoral Area Directors Committee direct staff prepare options for notifying residents about the ACRD Short Term Vacation Rental policy and report back to the Board of Directors.*

**CARRIED**

**7. REPORTS**

**a. Development Permit Procedures**

Brochure and Verbal Update – M. Irg (Discussion)

**b. Sproat Lake, Beaver Creek and Cherry Creek Noise Bylaws**

(Discussion)

**c. Cannabis Regulations – Update on Non-Medical Cannabis Policy and Zoning Bylaw Amendment – M. Irg (Verbal)**

(Discussion)

**d. June 2018 Monthly Planning Report**

*MOVED: Director Kokura*

*SECONDED: Director McNabb*

*THAT the Electoral Area Directors Committee receives reports a-d.*

**CARRIED**

**8. LATE BUSINESS**

**9. IN-CAMERA**

*MOVED: Director Bennett*

*SECONDED: Director McNabb*

*THAT the meeting be closed to the public as per section:*

- i. 90 (1) (f) of the Community Charter: Law enforcement, if the regional district considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.*

**CARRIED**

The meeting was closed to the public at 11:16 am.

The meeting was re-opened to the public at 11:35 am.

**10. RECOMMENDATIONS FROM IN-CAMERA**

**11. ADJOURN**

*MOVED: Director McNabb*

*SECONDED: Director Kokura*

*THAT this meeting be adjourned 11:36 am.*

**CARRIED**

Certified Correct:

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Keith Wyton,  
Chairperson

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Wendy Thomson,  
Manager of Administrative Services



## REQUEST FOR DECISION

**To:** Electoral Area Directors Committee  
**From:** Mike Irg Manager of Planning and Development  
**Date:** September 20, 2018  
**Subject:** Rural Planning Projects

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### **Recommendation:**

The Electoral Area Directors Committee support additional staff time in 2019 to work on rural planning projects and recommend that the unused budget allocations for OCP updates, zoning bylaw update, subdivision and servicing bylaw and consultant budget from 2018 shift into the 2019 rural planning budget.

### **Desired Outcome:**

To complete the work priorities established by the Board of Directors in an efficient and cost effective manner. This was the approach used to complete the vacation rental policy.

### **Summary:**

There are several rural planning projects underway and budgeted for in 2018. A zoning bylaw rewrite, OCP rewrites, and a new subdivision and servicing bylaw. All of these projects are budgeted for and the original plan was to utilize consultants. The current part-time junior planner is scheduled to return from leave January 1, 2019. If approved by the Board, they would work to complete the long term projects and the temporary junior planner currently filling in for the leave could continue to work on current planning applications after January 1, 2019 until the long term projects approved by the Board are completed.

### **Time Requirements – Staff & Elected Officials:**

Work will be done during normal office hours. Evening public meetings are a normal component of public engagement and staff participation will continue as per past practice.

The first priority would be to complete the zoning bylaw. This would involve amendments to the OCPs and the zoning bylaw being completed in conjunction. Public consultation on any OCP update is required and the proposed zoning bylaw changes would be included in the public consultation.

If approved, staff would provide regular progress updates to the Board.

### **Financial:**

Utilizing existing staff has an hourly cost of \$48.28/hour (overtime for evening meetings would be as per the collective agreement) versus consultant costs at a minimum of \$90/hour plus travel time. The 2018 budget includes funding for OCP updates, zoning bylaw completion, subdivision and servicing bylaw, and general consulting cost.

The cost of this work would come from the rural planning budget. The staff time budgeted for this project would be tracked and used only for the projects approved by the Board within the time parameters established.

Note: ACRD noise bylaws and dangerous dog bylaws are paid for by individual electoral areas, which are Cherry Creek, Beaver Creek and Sproat Lake.

**Policy or Legislation:**

The ACRD is required to keep OCPs, and the zoning bylaw up to date. The budget and work plan has been approved in the 2018 budget.

There are six OCP in the ACRD and each must be amended prior to adopting a new zoning bylaw as the *Local Government Act* requires zoning bylaws to comply with OCP policies. An example is property that will be zoned residential under the proposed zoning bylaw but has a current commercial designation under the OCP requires an OCP amendment.

**Options Considered:**

The other option is to utilize outside consultants.



Submitted by: \_\_\_\_\_

Mike Irg, MCIP, RPP, Manager of Planning & Development



Approved by: \_\_\_\_\_

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

## MEMORANDUM

TO: Electoral Area Directors Committee

FROM: Mike Irg, Manager of Planning and Development

MEETING DATE: September 20, 2018, 2018

RE: Short Term Vacation Rentals

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**Recommendation:** *THAT the Electoral Area Directors Committee recommend that the Board of Directors support the action plan for Short Term Vacation Rentals (STR) as presented.*

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Staff recommended action plan for Short Term Vacation Rentals (STR):

1. A public information campaign that involves advertising in the local newspaper and a bulk mail out, informing the public of the ACRD policies regarding STR.
2. Identify existing STRs in the ACRD using a company such as Host Compliance to identify all STRs within the ACRD's jurisdiction. The estimated cost is \$3,000 to \$6,000 for a year with monthly reports provided.
3. Staff send a letter to all STR operators and/or the property owner, outlining the ACRD policy regarding STR operating in residential zones and the option of applying for a temporary use permit.
4. Where the ACRD has already received a complaint regarding a STR operating contrary to zoning, proceed with bylaw enforcement if an application for a TUP is not made.
5. Report back to the Board in January 2019 with options for enforcement on those properties that are continuing to operate and/or advertise without applying for a TUP.
6. Review options for municipal ticketing (options are attached as a separate memorandum).

### Summary:

The Board has requested staff prepare a comprehensive phased approach for enforcing STR operations in the electoral areas of the ACRD, specifically including public information, enforcing non-compliant operators, timelines, cost and municipal ticketing.

### Desired Outcome:

A fair and consistent approach to STR applications and enforcement.

### Bylaw Enforcement:

Currently bylaw enforcement is a complaint driven process. Letters detailing the TUP application process were sent to the owners of properties when the ACRD had received a written complaint about the operation of a STR contrary to zoning within the past two years. To date, most of those property owners

have not applied for a TUP to legalize their short term rental accommodation use. The Bylaw Enforcement Officer has followed up with phone calls and planning staff have had discussions about application requirements with some of the property owners.

### **Background:**

The ACRD Board of Directors adopted the Short Term Vacation Rentals Temporary Use Permit (STR) Policy at the January 24, 2018 meeting. The adoption of the policy and associated amendment to the Development Procedures Bylaw followed a public consultation process that took place during the fall of 2017.

Following the public consultation period, a report was prepared for the Board with the recommendation that a policy document be prepared requiring that STR applications are first considered by Temporary Use Permit (TUP). The policy document was drafted to include criteria for evaluating TUP applications and suggested conditions in issuing a TUP which are to be considered on a case by case basis for each TUP application. The policy was considered and supported by the Electoral Area Directors Committee on January 17, 2018 and adopted by the Board on January 24, 2018. The policy is attached to this memorandum for information.

While there are numerous STRs in the ACRD, only a very limited number have applied for a TUP under the STR Policy and the Board has asked staff to present options for bring STR into compliance which can be done when a property owner applies for a TUP, voluntarily stops operating, or the ACRD takes enforcement action to stop the STR.

### **Financial:**

The 2018 rural planning budget includes staff time to process and enforce STR (\$50,000 budgeted for in 2018) and there is money available to hire Host Compliance to compile a list of STR in the ACRD. Staff would then report back in January with a budget for 2019. If the Board wishes to bring STR properties into compliance, additional resources will be required for bylaw enforcement. Through the development of the STR TUP Policy, the public input was the TUP application process needs to also include bylaw enforcement of those properties that do not apply and receive a TUP.

### **STR TUP Policy and Application Process:**

See attached

### **Options:**

1. A public information campaign. This would involve letting the public know there is a Policy for applying to legally operate a STR through a temporary use permit application process. This could include general mail outs, ads in the local newspaper and radio ads.
2. Identify existing properties that are operating STR , notify the property owners that the ACRD is aware of the STR and that it is currently not permitted under ACRD bylaws and give the property owners the opportunity to apply under the STR policy.
3. Identify existing properties that are operating STR and proceed with enforcement action on those properties.
4. Maintain the current enforcement process which is based on written complaints.
5. Not enforce the zoning bylaw for STR.



Prepared by: \_\_\_\_\_

Mike Irg MCIP, RPP  
Manager of Planning and Development



Approved by: \_\_\_\_\_

Douglas Holmes BBA, CPA, CA  
Chief Administrative Officer



Alberni-Clayoquot Regional District

## SHORT TERM VACATION RENTALS TEMPORARY USE PERMIT POLICY

Policy Issued by: Board of Directors  
Date Adopted: January 24, 2018  
Date(s) Amended:

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### 1.0 POLICY GUIDELINE

The intent of this policy is to provide guidance to the public and Alberni-Clayoquot Regional District's (ACRD) when considering Temporary Use Permit (TUP) applications for short term vacation rentals (STRs).

The ACRD preference for managing STR's, where it is appropriate, is with TUPs. If the ACRD issues a TUP, a term limit of not greater than three years shall apply (two years in the South Long Beach 'Area C' Official Community Plan area) to TUPs issued for STR use on land within an Official Community Plan (OCP) area.

When considering a temporary use permit for a STR, the ACRD recognizes that the primary use of the property is residential. A STR TUP is a way to allow residents and residential property owners to participate in the tourism economy.

### 2.0 PURPOSE

TUPs may be considered by the Regional Board to allow STR uses to occur for a short period of time (less than a month). The permit contains detailed requirements at the discretion of the Regional Board and is only in effect for a limited period of time. TUPs allow a use on a temporary basis that would otherwise not be permitted in the Zoning Bylaw.

Should it be determined that a STR use is inappropriate, incompatible or unviable at a particular location, or if there is a change in property ownership, a TUP may be allowed to lapse or not be renewed (subject to application) within a relatively short time period (ie. within one year of operation). If an STR is being operated contrary to the conditions of use in the TUP, there will be an option for the ACRD to consider revoking the TUP.

It is the Board's policy to consider STR TUPs for properties in zones that allow permanent residence in single family dwellings and not for properties in zones that allow seasonal, recreational or vacation residential use including, but not limited to, the Salmon Beach (SB) District and Vacation Home (RVH) District.

### 3.0 POLICY

#### 3.1 Regulation

Properties within all of the land use designations in the ACRD Electoral Area OCPs (Bamfield, Beaufort, South Long Beach, Sproat Lake, Beaver Creek and Cherry Creek) are designated under the *Local Government Act* (LGA) (s. 492) as areas in which TUPs may be issued.

The LGA (s. 493) permits, on application by an owner of land, the ACRD to issue a TUP by resolution to land within a designated OCP area to:

- allow a use not permitted by a Zoning Bylaw; and
- specify conditions under which the temporary use may be carried on.

ACRD OCPs include policy permitting issuing TUPs for commercial or industrial use in appropriate areas within all land use designations. A TUP may be considered within ACRD OCP areas. If a property owner within an Electoral Area wants to apply for a TUP, and the property is not within an OCP area, approval of the TUP is by bylaw and subject to a Public Hearing.

The ACRD Zoning Bylaw No. 15 was adopted in 1973 and does not include regulation on STRs in residential districts, as these types of rentals were not an issue at that time. Certain “Commercial” and “Cottage” zones permit the operation of a STR on a permanent basis or under certain parameters.

### **3.2 Notification and referral**

If the ACRD Regional Board passes a resolution to consider issuing a TUP, it must give notice to all neighbouring property owners and residents within 100m, and post a notice in the newspaper (as per the *Local Government Act* and ACRD Development Procedures Bylaw P1342).

Prior to the Regional Board issuing a TUP, the application will be reviewed and discussed at the Electoral Area (EA) Advisory Planning Commission (APC) meeting. A public information meeting may also occur prior to the issuance of a TUP, if deemed necessary by the EA APC or Regional Board.

### **3.3 Term and renewal**

A property owner can apply for a TUP, which can be issued for up to three years, and can be renewed once for a further three years. The South Long Beach (Area C) OCP permits TUPs for a period up to two years, with consideration for renewal for another two years. At the end of the two or three years, the property owner may have the option of applying for a subsequent TUP. The issuance of a TUP should not be interpreted as eventually leading to permanent zoning, however, a property owner can apply to rezone their property to a zone that permits the operation of a STR on a permanent basis or under certain parameters.

### **3.4 Criteria**

In evaluating a TUP application submitted to the Regional Board by the applicant, the Regional District may consider the following criteria:

- a. the use must be clearly temporary or seasonal in nature;
- b. the use must not alter the residential appearance of the property;
- c. one STR permitted per property;
- d. compatibility of the proposal with adjacent uses; and
- e. impact of the proposed use on the natural environment, including groundwater.

### **3.5 Conditions**

3.5.1 In issuing a TUP, the Regional District may specify conditions including, but not limited to:

- a. the buildings to be used;
- b. the area of use;
- c. the hours of use;

- d. form and character; and
- e. environmental protection.

3.5.2 In issuing a TUP for a STR, the Regional District may specify conditions, in addition to those listed under sub-section 3.5.1, including, but not limited to:

- a. Screening or fencing in order to address potential impacts or to address neighbour privacy issues;
- b. The owner or caretaker's contact information, with availability or accessibility by phone 24 hours a day and 7 days a week, as well as a copy of any issued TUP, posted in a visible public location;
- c. The owner or caretaker living on-site or available within 20 minutes;
- d. Where appropriate, the owner or a permanent resident may be required to live on-site;
- e. The posting of the following information in a form specified in the TUP at a site accessible and visible to the public:
  - I. any applicable Regional District noise control and sign bylaws;
  - II. clear noise rules and quiet times;
  - III. measures to address water conservation;
  - IV. fire safety regulations;
  - V. boater safety and marine patrol information;
  - VI. storage and management of garbage;
  - VII. control of pets (if pets are permitted); and
  - VIII. Contact phone number for the STR caretaker to respond to public complaints;
- f. Confirmation of adequate on-site sewage system capable of accommodating the STR;
- g. Confirmation that the dwelling has adequate safety for occupation (which may include review by a ACRD Building Inspector);
- h. A maximum occupancy of two (2) persons per bedroom within a dwelling unit when such a dwelling unit is being occupied as a STR;
- i. A maximum of one (1) boat per STR rental, if adequate dock space is provided;
- j. The provision of on-site parking available for STR (for example, one parking space for each bedroom);
- k. With the exception of an Accessory Dwelling Unit, the prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings for STR occupancy;
- l. Rescinding and/or terminating the TUP if the STR is not adhering to the conditions, or if there is a change of ownership; and
- m. Other requirements that the Regional District Board may consider appropriate.

### 3.1 APPLICATION

This policy applies to all properties within the ACRD.

### 3.2 RESPONSIBILITY

Planning and Development Services Department.

### 4.0 DEFINITIONS

“**short term vacation rental**” means the use of a dwelling unit for the temporary commercial accommodation of paying guests for a period of less than one month. This use does not include bed and breakfast.

**“dwelling unit”** means habitable space consisting of one or more rooms which constitute one self-contained unit with a separate entrance and complete living facilities, occupied or intended to be occupied as a home or residence by one or more persons, including provisions for living, sleeping, cooking, eating and sanitation.

**5.0 POLICY AMENDMENT**

This policy may be amended by the Board of Directors as needed.



## MEMORANDUM

**To:** Electoral Area Directors Committee  
**From:** Mike Irg, Manager of Planning and Development  
**Date:** September 20, 2018  
**Subject:** Municipal Ticketing Options

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### **Recommendation:**

That the Electoral Area Directors Committee recommend that the Board of Directors direct staff to prepare draft sample MTI bylaw, research which bylaws are effectively enforced through MTIs vs enforcement through the courts, and investigate other regional district MTI bylaws.

### **Summary:**

The Board has requested staff prepare a comprehensive phased approach for enforcing Short Term Vacation Rental (STR) operations in the electoral areas of the ACRD. This included options for Municipal Ticketing Information (MTI). Regional Districts have the ability to institute MTIs for minor and medium contraventions with the authority granted through the *Community Charter* and the *Local Government Act*. (Attached are two information pamphlets from the Ministry of Municipal Affairs and Housing on Municipal Ticketing and Bylaw Enforcement). Appendix A below is the current bylaw enforcement process and Appendix B is an example of the enforcement process with a MTI bylaw.

### **Desired Outcome:**

To have a fair and efficient bylaw enforcement program.

### **Time Requirements – Staff & Elected Officials:**

There are time requirements to draft and implement a MTI bylaw as well as additional staff time for enforcement. A MTI bylaw will improve the efficiency of bylaw enforcement but also result in an increased expectation for enforcement. If tickets are disputed, there is staff time involved in attending court.

If the Board wishes to adopt a MTI bylaw, additional staff resources would be required. This will be dependent on which bylaws and offences the Board wishes to include in a MTI bylaw. While not required, the Board may wish to gather public input prior to implementing a MTI bylaw which could take significant staff time.

If the ACRD Board adopts a MTI Bylaw additional staff time would be required to administer the bylaw. At a minimum, an additional half time full-time equivalent (FTE) would be required.

### **Financial:**

There are costs associated with preparing and implementing a MTI bylaw as well as staff time to enforce and write tickets when an enforcement issue cannot be resolved.

The fines associated with the tickets needs to be considered. Staff have looked at examples of some other regional district MTI bylaws and fines range between \$100 and \$500. The *Community Charter Bylaw Enforcement Ticket Regulation* sets a maximum fine amount of \$1,000.

**Policy or Legislation:**

Section 414 of the *Local Government Act* and Part 8 of the *Community Charter* give Regional Districts the ability to issue MTIs. Section 264 of the *Community Charter* requires a MTI system to be implemented by bylaw. The MTI bylaw must establish which offences are subject to municipal ticketing, who can issue the ticket, and what the penalty is for each offence. The maximum fine \$1,000.00. Tickets may be disputed in provincial court.

Certain types of bylaws may be more effectively enforced utilizing MTIs than other bylaws. If this recommendation is approved, staff will look into how other jurisdictions use MTIs and other legal action in their enforcement process.

If the ACRD wishes to create a MTI bylaw consideration will need to be given to which bylaws and which bylaw contraventions will be subject to ticketing. For example, A MTI bylaw could include a fine for commercial or industrial use of a residential property.

Submitted by:   
Mike Irg, MCIP, RPP, Manager of Planning & Development

Approved by:   
Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

## APPENDIX A

### Current ACRD Bylaw Enforcement Process

- A. Respond to written complaints;
- B. The first step is to write a letter to the property owner, informing them the Regional District has received a complaint. The owner is asked to contact the Bylaw Enforcement Officer to discuss the complaint;
- C. If we do not get a response or a second letter is sent by registered mail to the property owner. A second letter is also sent if there is an infraction and the owner is unwilling to resolve the problem;
- D. At this point we begin building evidence and investigating the matter to determine what action is required;
- E. Staff determine if there if there is a bylaw infraction. If there is an infraction we proceed with enforcement action. If the complaint is not furthered we inform the complainant;
- F. At this point if there is still no response or compliance from the property owner a registered letter is sent stating the owner must cease and desist;
- G. The majority of complaints are resolved by this time. However, if there is still no resolution we report to the Regional Board and request formal approval to proceed with legal action. The file is then forwarded to the Regional District's legal counsel;
- H. The Bylaw Enforcement Officer continues to work in conjunction with legal counsel until the issue is resolved or goes to court.

It should be noted that most cases are dealt with in house and do not require outside legal counsel but it is important to deal with each situation as if it will proceed to court.

## APPENDIX B

### Enforcement Process if MTI is adopted

- A. Respond to written complaints;
- B. The first step is to write a letter to the property owner, informing them the Regional District has received a complaint. The owner is asked to contact the Bylaw Enforcement Officer to discuss the complaint;
- C. If we do not get a response or a second letter is sent by registered mail to the property owner. A second letter is also sent if there is an infraction and the owner is unwilling to resolve the problem;
- D. At this point we begin building evidence and investigating the matter to determine what action is required;
- E. Staff determine if there if there is a bylaw infraction. If there is an infraction we proceed with enforcement action. If the complaint is not furthered we inform the complainant;
- F. If the property does not comply with ACRD Bylaws, a ticket is issue to the property owner.
  - i. The property owner pays the fine and complies with ACRD Bylaws then the file is closed.
  - ii. The property owner can dispute the ticket in Provincial Court.
  - iii. If a person fails to respond to a ticket, the ACRD can submit the ticket to the court for consideration by a justice.
- G. At this point if there is still no response or compliance from the property owner a registered letter is sent stating the owner must cease and desist;
- H. The majority of complaints are resolved by this time. However, if there is still no resolution we report to the Regional Board and request formal approval to proceed with legal action. The file is then forwarded to the Regional District's legal counsel;



## Municipal Ticketing

The Municipal Ticket Information system (also referred to as MTI or municipal ticketing) enables the prosecution by local governments of minor to medium contraventions of local government bylaws.

Municipal ticketing can be used by municipalities, regional districts and also applies to local trust committees of the Islands Trust under the *Community Charter*, *Local Government Act* and the *Islands Trust Act*. The City of Vancouver is authorized to use a form of municipal ticketing provided in the *Vancouver Charter*.

## Municipal Ticket Information System

In its design, the municipal ticket information system resembles a provincial violation ticket. An enforcement officer can certify the allegation and deliver the ticket to the alleged offender without first visiting a provincial court justice to swear the information and obtain a summons. The alleged offender may then choose to admit to the offence and pay the penalty without appearing in court.

## Municipal Ticketing Bylaw

In order to use municipal ticketing, a local government must first adopt a bylaw that lays out the key elements of how ticketing will work in that jurisdiction. This is usually done in a comprehensive bylaw that identifies:

- Which offences are subject to municipal ticketing
- Who can issue the municipal ticket for each offence
- What penalties may be imposed for each offence

The *Community Charter* Bylaw Enforcement Ticket Regulation provides certain limitations on the:

- Authority to designate bylaw contraventions that are subject to ticketing
- Classes of individuals who may issue tickets
- Maximum penalties that may be imposed by a ticket

## Bylaw Contraventions Not Subject to Ticketing

Under the *Community Charter* Bylaw Enforcement Ticket Regulation, local governments may not enforce bylaws establishing motor vehicle speed limits or regulating the discharge of firearms through the municipal ticketing information system. In the case of speed limits, police may issue a provincial violation ticket, which ensures that penalty points associated with this infraction are applied. For the discharge of firearms, prosecution under the *Offence Act* ensures that the alleged offender must appear before a judge in order to resolve the charge.

## Issuing a Ticket

A local government council or board may allow one or several classes of persons, such as police officers, bylaw enforcement officers or local assistants to the fire commissioner, to issue tickets for any given contravention. This means that individuals with specialized knowledge of the bylaw in question may be authorized to apply that knowledge in the investigation and issuing of a ticket.

## Penalties

The penalty established for any contravention enforced through ticketing may not exceed \$1,000 -- the current maximum penalty permitted under the *Community Charter* Bylaw Enforcement Ticket Regulation. The penalty is the amount that must be paid to avoid an appearance in court or a deemed conviction. If the ticket is disputed, the justice hearing the case may impose a lesser fine if there are mitigating circumstances.

## Ticket Formats

### Form A

For a general ticket, Form A, established in the Bylaw Enforcement Ticket Regulation, provides the front of all copies of the ticket, Form A.1 provides the back of the copy that the local government will provide to the court and Form A.2 provides the back of the alleged contravener's copy.

- [Form A \(PDF\)](#)

### Form B

For a motor vehicle-related ticket, Form B provides the front of all copies of the ticket, Form B.1 provides the back of the copy that the local government will provide to the court and Form B.2 provides the back of the alleged contravener's copy.

Forms B.3 and B.4 provide both sides of the demand notice that may be left on the windshield of a vehicle and later completed with the details of the registered owner of the vehicle.

- [Form B \(PDF\)](#)

## Responding to a Ticket

Upon being served with a ticket, which may be personally delivered or left at a person's place of residence with someone who appears to be at least 16 years of age, a person has 14 calendar days in which to pay the fine amount specified on the ticket and accept liability for the offence, or notify the local government that they wish to dispute the ticket.

Instructions for how to provide this notice must be printed on the ticket (Forms A.2 or B.2). The local government may establish an incentive for early payment by specifying one fine amount if the ticket fine is paid within 30 calendar days, and another fine amount if the ticket fine is paid after that period.

## Disputed Tickets

Disputed municipal tickets are referred by the local government to the provincial court for hearing. Upon referral, the clerk of the court issues a notice of a hearing that sets the time and place for the hearing, and notifies both the local government and the disputant.

The penalties associated with a municipal ticket information do not place the alleged contravener in jeopardy of imprisonment, and the fine amounts are relatively small, therefore the presiding justice has some flexibility to hear a wider range of relevant, credible and trustworthy testimony as evidence and to adopt procedures that speed the fair conclusion of the hearing.

If a person has indicated that they wish to dispute the allegation and fails to attend the hearing, the justice must review the ticket and convict the person in their absence and impose the penalty if the ticket appears to be in order. A person convicted in their absence who was not at fault for missing the hearing, may apply to the court for a time extension under limited circumstances. This appearance may be in writing, based on an affidavit (Form C) submitted attesting to the reasons for failing to respond or appear.

- [Form C \(PDF\)](#)

## Failing to Respond to a Ticket

If a person fails to respond to the ticket at all, neither paying the fine nor notifying the local government that they want to dispute, the local government may submit the ticket to the court for consideration by a justice. The justice must review the ticket and convict the person in his or her absence and impose the penalty if the ticket appears to be in order.

## Legislation

- *Community Charter*
- *Local Government Act*
- *Vancouver Charter*
- *Islands Trust Act*
- *Community Charter Bylaw Enforcement Ticket Regulation*



## Local Government Bylaw Enforcement

Local government bylaw enforcement refers to actions that may be taken by a municipality or regional district to ensure members of the community comply with local government bylaws.

### Bylaw Enforcement Activities

Local governments have authority to regulate, prohibit and impose requirements, by bylaw, in relation to various matters. To enforce those rules, local governments may engage in a range of bylaw enforcement activities such as:

- Educating the public about regulatory rules
- Conducting inspections to ensure that rules are being followed
- Mediating between members of the public
- Leveraging voluntary compliance with the rules where possible
- Seeking formal consequences for bylaw contraventions where compliance is not forthcoming or harm has been done to the community

When undertaking bylaw enforcement, local governments must make choices about when to take enforcement action. Most bylaw investigations are initiated after a complaint, although some bylaws are subject to ongoing inspections for compliance.

Local governments often establish bylaw enforcement policies to guide their staff and clarify for the public the general approach taken to bylaw enforcement in that community. The Office of the Ombudsperson has developed a guide to help local governments develop, adopt and implement best practices that encourage fairness in bylaw enforcement.

- [Bylaw Enforcement: Best Practices Guide for Local Governments \(PDF, 1.3MB\)](#)

### Inspection & Personnel

Local governments may conduct an inspection for specific purposes including to determine compliance with their bylaws. Inspections may include entering onto or into property. That entry may typically take place only at reasonable times and in a reasonable manner after taking reasonable steps to advise the property owner or occupant. Inspection of a private dwelling is more restricted. Local governments may also apply to the provincial court for an entry warrant if reasonable requests are refused or to enter into a private dwelling.

Most bylaws require enforcement by individuals with specialized training, knowledge or experience. Bylaw enforcement is carried out primarily by employees and officers of a local government who are appointed by name or job classification as bylaw enforcement officers. Police officers and special constables under the *Police Act* may also be bylaw enforcement officers. The Licence Inspectors' and Bylaw Officers' Association of British Columbia is the professional association to which many bylaw enforcement officers belong.

## Bylaw Contraventions

The *Community Charter* provides that contravention of a local government bylaw that regulates, requires or prohibits is an offence. The local government may use multiple approaches to address a contravention, by seeking voluntary compliance or taking other direct action to stop the contravention from continuing, asking the courts to prevent the continuing contravention, and by seeking an administrative or court-issued penalty for what has already occurred, or both.

## Direct Actions

Local governments can pursue a number of "self-help" remedies for bylaw contravention. For example, local governments may encourage the person responsible for the contravention to voluntarily rectify the situation. If the contravention involves a property owner failing to take action regarding their property as required in a bylaw, the local government may enter onto the property to take the required action and add that cost to the property taxes for the property.

In relation to certain hazardous situations or declared nuisances, a local government may order a person to rectify the situation, or take action to eliminate the hazard or damage and recover the costs from the person. Where compliance with a bylaw is a condition of a licence or permit, a local government may suspend the licence or permit until the person complies.

Ultimately, where efforts at getting voluntary compliance or taking action are not sufficient, a local government must decide whether the contravention of its bylaws justifies administrative or legal action to stop the activity from affecting the community or deter future instances of the behaviour or activity.

## Civil Proceedings

A local government may apply to the Supreme Court of British Columbia for an injunction or court order to enforce, prevent or restrain a bylaw contravention or contravention of local government legislation.

## Bylaw Notices

Under the *Local Government Bylaw Notice Enforcement Act*, local governments may establish a bylaw notice adjudication system. This administrative system is an alternative to the provincial court for resolving minor local government bylaw contraventions such as parking tickets.

- Learn more about bylaw notices [\[link\]](#)

## Municipal Ticketing & Offence Act Prosecutions

Local government may establish penalties for bylaw contraventions by bylaw, most typically as monetary fines. In order to have a penalty imposed, a local government may pursue prosecution for a summary conviction in Provincial court or pursue an administrative penalty.

Prosecutions in provincial court can be initiated by local governments by the swearing of one of two documents that advises the court of the alleged contravention:

- A municipal ticket information under the *Community Charter - Part 8 - Bylaw Enforcement and Other Matters*
- A long-form information under the *Offence Act*

The key differences between these approaches lie in the formality of the process and the size of the potential fine.

## Municipal Ticket Information

Municipal tickets are intended for minor to medium bylaw contraventions, with a maximum possible fine set by regulation (currently \$1,000).

A municipal ticket is completed by a police or bylaw enforcement officer, and may be immediately personally served on the person alleged to have contravened the bylaw. A municipal ticket information may be resolved without court appearance by paying a fine and admitting guilt, or it may be disputed in court. A paid municipal ticket information is typically not drawn up as a conviction.

- [Learn about municipal ticketing](#)

## Long-Form Information (Offence Act Prosecutions)

Prosecutions under the *Offence Act* are intended for serious bylaw contraventions - the maximum possible penalty for municipal bylaw contraventions is \$10,000 and 6 months imprisonment.

Prosecution under the *Offence Act* begins with the police or bylaw enforcement officer swearing a long-form information in front of a provincial court justice, who then issues a summons for the person alleged to have contravened the bylaw to appear at court. There is no opportunity to simply pay a fine to end the proceeding - the justice must hear the case and decide.

Due to the greater seriousness of matters prosecuted under a long-form Information, the proceedings are more formal, and all parties are typically represented by lawyers. Certain matters, such as an offence related to the discharge of a firearm, may only be initiated by long-form Information. Such matters are sufficiently serious that it is in the public interest for the person alleged to have contravened the bylaw to be heard by or admit guilt in front of the court.

- [Learn about the \*Offence Act\* prosecutions](#)

## Legislation

- [\*Community Charter\*](#)
- [\*Local Government Act\*](#)
- [\*Islands Trust Act\*](#)
- [\*Vancouver Charter\*](#)
- [\*Local Government Bylaw Notice Enforcement Act\*](#)
- [\*Bylaw Notice Enforcement Regulation\*](#)