

		POLICY AND PROCEDURE MANUAL	
Category: Bylaw Enforcement	Number: LEG.05(PC)	BYLAW ENFORCEMENT COMPLAINT PROCEDURE	
Type: <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Procedure	Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Administrative	Approved By: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Department Head	
Office of Primary Responsibility: Inspection Services			
Date Adopted: June 27, 2017	Council Resolution No: N/A	Date to be Reviewed: As required	
Manner Issued: Email, Website			

BACKGROUND:

This procedure outlines the process that will be used in addressing bylaw complaints. The procedure is designed to ensure bylaw resources are managed effectively and that resources are prioritized to provide the best possible service to the community.

PURPOSE:

The purpose of this procedure is to provide guidance to bylaw staff to assist in managing the complaint process and to ensure staff resources are not being used to investigate frivolous/vexatious complaints.

PROCEDURE:

1. Complaints

Bylaw complaints shall be in written form and signed by the complainant. The complaint may be made by letter, email or on a form provided by the District. The District will, upon request, email/mail a complaint form to the complainant.

Complaints that require immediate investigation to preserve life or to address immediate health or safety violations may be made verbally.

- a. The complainant is to provide his/her name, address, telephone number and nature of the complaint. Anonymous complaints will not be investigated.
- b. Complaints will be investigated in cases where the complainant lives or works within approximately 300 metres (approximately 1000 feet) of the complaint site and where there is a direct impact to the complainant. The bylaw officer will use discretion in assessing the situation and applying the procedure accordingly.
- c. Where an investigation confirms a bylaw violation, the subject of complaint must address the violations in their entirety before the District will investigate any bylaw complaints they submit.

- d. The complainant's name is to be kept confidential unless otherwise indicated by that person or where the person may be required as a witness in court.
- e. The complaint is then to be investigated by the Bylaw Enforcement Officer or Building Inspector to ascertain whether or not a bylaw has been violated.
- f. The bylaw officer investigating a complaint will update the complainant as soon as practical on the status of the complaint and the action that is intended to be taken. In all cases, the bylaw officer will contact the complainant prior to closing the file.
- g. Whenever possible the person(s) responsible for a bylaw violation is to be personally informed and requested to comply within a reasonable time frame, normally up to 14 days depending on the severity of the infraction and the requirements contained in the pertinent bylaw. Unless the situation is rectified immediately, the bylaw officer will request compliance in writing and add a copy of the letter to the bylaw enforcement file.
- h. If, in the judgement of the person conducting the investigation, a bylaw infraction is of a serious nature a double registered letter is to be forwarded to the individual(s) involved quoting the provisions of the relevant bylaw violated, the time frame given to rectify the situation and the course of action that will or may be taken in case of non-compliance.
- i. An inspection is to be conducted upon expiration of the time given to comply to ascertain compliance.
- j. If the person conducting the investigation is satisfied that effort is being made to comply he/she is to use judgement in giving a time extension. If not, a report and the information required by the Crown Counsel to pursue charges are to be submitted to the Director of Development Services for approval.

2. Responsibilities

The Manager of Inspection Services or the Director of Development Services shall inform the D/Chief Administrative Officer or the Chief Administrative Officer when bylaw enforcement investigations require a legal opinion or intervention through the court.

***** END OF POLICY *****

RECORD OF AMENDMENTS/REVIEW

<u>Policy #</u>	<u>Date Adopted</u>	<u>Date Reviewed</u>	<u>Amended (Y/N)</u>	<u>Date Reissued</u>	<u>Authority (Resolution #)</u>
BYL.03	October 18, 1987	March 23, 1994	Yes	March 23, 1994	CAO
LEG.05(PC)		June 27, 2017	Yes	June 27, 2017	CAO