

Bylaw Enforcement

Reason for the Policy

To describe the City's general approach to bylaw enforcement, including how bylaw enforcement investigations are prioritized and what steps are taken to ensure a fair and efficient complaint process.

Policy

The primary goals of bylaw enforcement in the City of Coquitlam are to ensure public safety and to maintain community harmony. The City does not have the resources to proactively monitor all areas of the City to confirm compliance with all potentially applicable bylaws. Public property violations are generally enforced proactively while private property violations are usually investigated in response to complaints.

The City promotes an enforcement philosophy that seeks voluntary bylaw compliance in respect of most private property matters. Education is usually the first step and offenders are usually provided time to comply with the bylaw. Ticketing is generally seen as a tool to be used only where cooperation and compliance cannot reasonably be achieved.

Enforcement based on education and warnings is not appropriate in all circumstances. More direct enforcement approaches, including immediate ticketing, may occur in situations such as:

- the infraction is occurring on public property;
- environmental or human health, safety or security is at risk;
- enforcement follows a widespread public education campaign;
- Council has prioritized direct enforcement to address a specific issue or type of issue;
- where the offender knows or reasonably ought to know his or her conduct contravenes the City's bylaws.

Two common examples where the City routinely uses direct ticketing are parking violations and dogs at large.

Scope

This policy applies to all staff engaged in bylaw enforcement activities on behalf of the City.

The City's bylaw enforcement activities are operationally decentralized with enforcement staff in several divisions and departments. It is the responsibility of each manager to ensure his or her enforcement staff and clerical support staff:

- Are aware of this policy
- Receive appropriate training about this policy
- Are performing their job duties in compliance with this policy

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The Legal and Bylaw Enforcement division provides general oversight of the City's decentralized bylaw enforcement model to promote consistency and efficiency in bylaw enforcement. Its staff manages all ticket disputes, the adjudication process, more formal legal enforcement remedies, and debt collection.

Definitions

Valid complaint: a complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant's name, address and telephone number, and which is not a vexatious complaint.

Vexatious complaint: a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

General Procedures

1. **Priorities**

The City's response to valid complaints is generally prioritized as follows:

Priority #1: Safety – the alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as possible given the availability of staff and other resources. Prior warnings or education may not be appropriate or practical.

Priority #2: Significant negative impact to adjacent properties – the alleged bylaw violation is significantly impacting adjacent properties in a negative manner but does not pose an immediate risk to the environment or public safety. Generally enforcement efforts are directed at seeking voluntary compliance without ticketing and staff will consider whether education is sufficient to prevent ongoing contraventions. Staff will often issue a warning and provide a short timeline for compliance before ticketing. However, staff may engage in proactive (i.e. non-complaint based) investigations and/or proceed directly to ticketing in response to repeat offences and offenders, or where the circumstances otherwise warrant.

Priority #3: General nuisance – the alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect the environment or public safety. The City's investigation and enforcement of Priority #3 matters is initiated in response to complaints. Staff receiving a complaint will use discretion to determine whether there is sufficient geographic or other connection between the complainant and the location of the alleged violation to constitute a valid complaint. Investigating staff will focus on education and will provide opportunities to bring the property or situation into compliance that are appropriate in the circumstances. If a confirmed violation is minor in nature and/or if it appears the complaint may be a vexatious complaint or is part of a larger neighbourhood conflict, staff may conclude it is not in the City's or community's best interest to pursue the matter.

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2. Complaints

- 2.1. Complaints may be received in person, by phone, in writing or via email, and will be entered in the City's complaint database for tracking, follow-up and statistical information.
- 2.2. While all complaints will be received and logged, not all complaints will be investigated:
 - 2.2.1. Anonymous complaints will not be acted upon unless the alleged violation falls within the scope of Priority #1 or is something the City otherwise proactively enforces (e.g. parking, signs on public property); and
 - 2.2.2. Vexatious complaints will not be acted on.
- 2.3. Upon receipt of a valid complaint, enforcement staff in the appropriate department(s) or division(s) will be assigned to investigate in accordance with the priorities described in this policy.
- 2.4. Should a violation be confirmed, staff will exercise discretion to determine whether further enforcement is appropriate in accordance with the principles set out in this policy and, if enforcement is appropriate, the best method to gain compliance. Relevant considerations include, but are not limited to, the nature, number and duration of the violation(s); the current, short and long term impacts of the violation(s); the potential for precedent; and the resources available to resolve the matter. Enforcement staff with questions about the appropriate use of discretion should discuss with their supervisors and/or managers. Supervisory and management staff in the Legal and Bylaw Enforcement division are also available for assistance.
- 2.5. The City's bylaw enforcement resources are prioritized to ensure the timely receipt and investigation of complaints. It is not the City's practice to proactively provide follow-up information to complainants. Staff will respond to specific requests for information (subject to confidentiality requirements) as time permits.

3. Confidentiality

- 3.1. Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions as a result of the complaint, and to maintain effective investigation techniques. The identity of the complainant and any identifying information will not be disclosed to the alleged offender or any member of the public, except as required by law. Likewise, the details of the City's investigation and enforcement steps will not be disclosed to the complainant.
- 3.2. Situations in which complainant information or offender enforcement history may be disclosed include:
 - 2.5.1. if required by Court order, warrant or other similar judicial or quasi-judicial process;
 - 2.5.2. if required under the *Freedom of Information and Protection of Privacy Act*;

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- 2.5.3. if required as part of the disclosure process in the event of a prosecution or civil proceedings; and
 - 2.5.4. if the person to whom the personal information pertains consents to the disclosure.
- 3.3. If a complainant is the only witness to an alleged infraction and the complainant's information is necessary to proceed with enforcement, the complainant will be advised of the extent to which his or her identity needs to be disclosed and the reasons enforcement staff consider the disclosure necessary. Except in situations of significant risk to the environment or human safety, the complainant will be provided the option of consenting to the disclosure or withdrawing the complaint.

Effective Date

March 1, 2017.

Review

This policy shall be reviewed as required in response to changes in City of Coquitlam corporate goals and administrative practices, applicable legal principles, and available technology.

Approval History

Date Approved/Revised
Approved March 1, 2017

Policy Status

This policy is:

- ✓ Available to the public