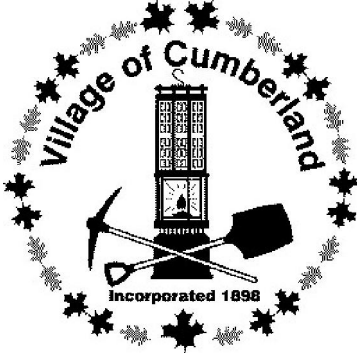


COUNCIL POLICY



<p>Title: Bylaw Enforcement Policy</p> <p>Authority: Adopted Date: November 13, 2012 Amended Date:</p>	<p>No.</p> <p>Section: Legislative and Regulatory Motion No.</p>
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Policy Statement

The Village of Cumberland does not have the resources to formally inspect properties and to enforce bylaws on a regular basis in order to determine whether or not its various bylaws are being complied with at all times. Therefore, it is the general policy of the Village to rely on citizen complaints.

To reduce the opportunity for intimidation and neighbourhood conflict, the Village wishes to establish a policy with a balance of accountability and confidentiality among the various parties to this process. The Village understands the importance of providing confidentiality to both the complainant and the alleged violator. It is recognized that many complaints take place in the context of other disputes between neighbours and the motivation for the complaint itself may be retribution. Disclosure could serve to exacerbate the dispute and may even put persons at risk or harm.

Purpose

To provide guidance to staff for bylaw enforcement activities.

Policy

Submitting a Complaint

1. The Village accepts both telephone and written complaints from the public.

2. To encourage validity, a complainant must
 - a) provide their name, address and telephone number,
 - b) describe the nature and location of the alleged infraction,
 - c) describe any attempts made by the complainant to resolve the problem, and
 - d) agree to testify in court if necessary.
3. The Bylaw Enforcement Officer may require a written complaint from a member of the public.

Staff Responsibilities

4. Officers and employees of the Village are not required to report bylaw violations observed
 - (a) on personal time, or
 - (b) during work hours, unless it is within that employees scope of duty to do so, or where the violation poses a risk to public health and safety.
5. A member of council wishing to report a bylaw violation or submit a complaint must make a formal written complaint to the Village or bring forward the matter for council consideration at a closed council meeting. Anonymous complaints will not be accepted through a member of council.
6. The following bylaws will be enforced on a pro-active basis by the staff member indicated:

	Bylaw	Staff Member
(a)	Animal Control Bylaw	Bylaw Enforcement Officer
(b)	Business Licence Bylaw	Bylaw Enforcement Officer
(c)	Building Regulation Bylaw	Bylaw Enforcement Officer Building Inspector
(d)	Fire Regulation Bylaw	Manager of Protective Service
(e)	Streets and Traffic Bylaw	Bylaw Enforcement Officer

Confidentiality Provided and Limitations

7. A complainant's name and any particulars of the complaint which may reveal the identity of the complainant will not be disclosed to the alleged violator or any member of the public.
8. A response of an alleged violator, whether verbal or written, shall not be disclosed to the complainant.
9. Where personal information is provided, the Village will keep the information confidential and use the personal information only to determine the validity of the complaint and the alleged violator's response.

10. If a person submits a request under the *Freedom of Information and Protection of Privacy Act* for the disclosure of information or records contained in a complaint or in a response to a complaint, other than for that person's own personal information, it is the Village's policy to refuse disclosure under sections 15 and 22 of the Act.
11. The anonymity and confidentiality afforded complainants and alleged violators by this Policy cannot be assured if the investigation results in court proceedings as the complainant may be required to act as a witness for the prosecution.
12. Written complaints which are addressed to Council may be placed on an agenda of the closed portion of a Council meeting.

Investigation

13. Upon receipt of a complaint, the Village may initiate an investigation. The Bylaw Enforcement Officer may, after consideration of the matters set out in section 17, require at least two complaints from residents directly affected by the alleged violation before proceeding with enforcement action.
14. Should an infraction be found, the alleged violator shall be advised of the specifics of the infraction and shall be provided with the full text of the bylaw section(s) that is being violated.

Response to Complainant

15. The Bylaw Enforcement Officer may, upon request, advise a complainant about the results of the investigation and action taken or contemplated but must do so without providing personal information of the alleged violator.
16. A response to a complainant may be withheld if legal action is pending.

Enforcement

17. The Village, in determining whether a remedy is necessary, will consider, but not be limited to, matters such as:
 - a) the scale, number and duration of the infraction(s)
 - b) the current, short and long-term impacts caused by the infraction(s)
 - c) the potential for precedents
 - d) the resources available to resolve the matter
 - e) whether it is in the best interests of the public and/or the Village to proceed
 - f) the likelihood of obtaining the desired results
 - g) whether public safety is at risk
 - h) whether enforcement may act as a deterrent in future cases

18. Staff will attempt to obtain voluntary compliance of Village bylaws before any bylaw enforcement action is taken unless there is a record of previous bylaw violations by that individual.
19. Staff will consider the use of Comox Valley Community Justice Centre services and restorative justice principles in suitable situations and where both the complainant and alleged violator agree to participate. In such circumstances, both the complainant and the alleged violator must agree to waive their rights to confidentiality between the parties and the applicable confidentiality provisions of this policy would not apply.
20. Staff will bring forward any recommendation for prosecution of an offence under the *Offence Act*, court action through civil proceedings, and remedial action to Council for its consideration.
21. The Village is not obliged to enforce any bylaw or to pursue law enforcement action on any bylaw infraction.