

ITEM 15

MANAGER'S REPORT NO. 27

COUNCIL MEETING Apr. 9/73

15. Re: Pollution Control - Health Act
(Original Communication (d), Regular Council
Meeting, April 2, 1973)
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Council on April 2, 1973, received a letter from the Attorney General regarding proposed amendments to the Health Act. Council requested additional information on the effect that the penalty clause will have on prosecutions the Municipality may initiate for alleged violations of pollution control regulations in Burnaby.

As amended, section 114 of the Act stipulates that an offender upon conviction under the Health Act or its regulations, or under a bylaw passed pursuant to the Act, and no penalty is provided, is liable to the penalties that are set out in the Act, namely, a fine not to exceed \$500 or imprisonment for a term not exceeding six months, or to both a fine and imprisonment. The amendment also provides that for every day the offence continues, it shall be considered as a separate offence.

The Solicitor advises that "the maximum fine which was previously \$100 has been increased to \$500. Further, each day a violation continues can constitute a separate offence. The amendment to section 115 empowers the Provincial Court Judge to order the abatement of any nuisance or unsanitary condition and to issue a restraining order or injunction, when the circumstances set out in the amended sections are met. Ordinarily, such an order can only be issued by a Supreme Court Judge."

This is for the information of Council.