

ITEM	17
MANAGER'S REPORT NO.	51
COUNCIL MEETING	1983 08 08

RE: PROSECUTION OF BYLAW INFRACTIONS
 LETTER FROM THE U.B.C.M. WHICH APPEARED ON AGENDA
 FOR THE 1983 JULY 25 MEETING OF COUNCIL (ITEM 4e)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Administrative & Community Services be adopted.

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TO: MUNICIPAL MANAGER
 FROM: DIRECTOR ADMINISTRATIVE & COMMUNITY SERVICES
 SUBJECT: PROSECUTION OF BYLAW INFRACTIONS

Recommendation:

1. THAT a copy of this report be forwarded to the U.B.C.M.

REPORT

In its communication of 1983 July 12, the Union of British Columbia Municipalities draws attention to a subject which has been a problem for most municipalities in the province, including Burnaby, for some period of time. The problem has to do with the level of priority attached to the prosecution of municipal bylaw infractions. The experience in Burnaby has been that infractions against municipal bylaws do not appear to have high priority with court services personnel, particularly prosecutors, with the predicable result that the bylaws become somewhat less effective than intended.

Such bylaws, of course, cover a number of areas within municipal operations, including traffic offences, dog offences, trade licence offences, and infractions against building codes, as well as fire and public health regulations. The various bylaws were enacted to deal with specific situations within the Municipality that require control; consequently, the failure to prosecute those bylaws vigorously is indeed a concern.

In 1982, the Corporation realized \$260,171 in fines for infractions for various bylaws. Of that amount, \$259,189 was paid "over the counter" leaving only approximately \$1,000 paid through the court process, following prosecution. In other words, only about a third of one percent of the Corporations bylaw infraction revenue comes about as a result of court action.

Unfortunately, figures are not available on the total value of tickets or summons issued; therefore, it is not possible to determine in any precise way what larger revenue might be realized, were the courts more aggressive in their prosecution of infractions. There would clearly be no cost benefit in agreeing to a 10% payment to the Ministry of all bylaw infraction revenue. However, the payment of 10% of bylaw infraction revenue realized through the court process might offer some financial incentive to the Government to more aggressively pursue the matter.

The more fundamental concern, of course, is whether or not any portion of municipal revenues should be paid to the Provincial Government, for exercising what is clearly a Provincial responsibility in the first instance. In any event, the funds to be realized by the Ministry of the Attorney General under such a scheme, given the extremely low ratio of court related revenues to those paid without dispute, would appear to be virtually insignificant. Serious questions would have to be raised with regard to the cost benefit of such a scheme, given that the administration of it could well equal the "incentive" to the Ministry, at least in Burnaby's case.

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Staff have not been able to discover precisely how the intended improvements would be achieved. While we are not convinced of the viability of the proposal, it can only be assumed that its success would depend on the provision of additional staff resources - or efficiencies - into the Court process. With that in mind, any revenues to be realized by the Government under such a scheme - were it to be implemented - should be specifically earmarked for service improvements, and not made a part of General Revenues.

On balance, the staff are of the view that such a scheme, while well intentioned, appears impractical from our point of view. We would recommend that the U.B.C.M. direct its efforts towards urging the Ministry of the Attorney General to give higher priority attention to its existing responsibility for this aspect of law enforcement.

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John E. Fleming, Director
Administration & Community Services