
TO: CITY MANAGER **DATE:** 2008 JUNE 30

FROM: DIRECTOR PLANNING & BUILDING
DIRECTOR FINANCE
DIRECTOR ENGINEERING
FIRE CHIEF
DIRECTOR PARKS, RECREATION & CULTUAL SERVICES

SUBJECT: BYLAW DISPUTE ADJUDICATION SYSTEM (TICKETING)

PURPOSE: To seek Council's approval to pursue development of a Bylaw Dispute Adjudication System for the City of Burnaby.

RECOMMENDATIONS:

1. **THAT** Council authorize staff to pursue development of a Bylaw Dispute Adjudication System for Burnaby, as outlined in this report.
2. **THAT** Council direct the City Clerk to write to the Court Services Branch of the Ministry of the Attorney General to advise of Council's intent to establish a Bylaw Dispute Adjudication System.

REPORT**1.0 INTRODUCTION**

In 2003 October, the Province enacted the *Local Government Bylaw Notice Enforcement Act* that sets provincial standards for the enforcement of local government bylaws by bylaw notice, outlines a system for bylaw notice dispute adjudication and standards for the collection of outstanding bylaw notice penalties. The legislation is designed to enable the creation of simple, cost-effective administrative systems for enforcing minor bylaw infractions.

The legislation was developed by the Province in response to issues and concerns raised over the previous 10 – 15 year period by the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges' Task Group of Sitting Justices of the Peace with respect to needed reforms to bylaw enforcement. The legislation addressed concerns related to the costly, time-consuming and complex nature of previously available enforcement tools.

In May 2004, the three municipalities on the North Shore (District of North Vancouver, City of North Vancouver and City of West Vancouver) implemented the North Shore Adjudication Model Pilot Project. The project allowed these municipalities to deal with bylaw disputes at the

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local level, as intended by the enabling legislation, rather than through the Provincial Court system. The results of the pilot project were very successful, and subsequently the Attorney General expanded the authority for use of the Adjudication System to interested local governments across the province. The experience with the North Shore Adjudication Model Pilot Project showed that:

- the number of parking tickets disputed dropped by 94%;
- the length of time for a ticket dispute to be heard and decided went down by 10%;
- there was an 81% increase in collection of outstanding fines;
- residents are generally satisfied with the speed and fairness of the system;
- bylaw related document service was significantly reduced, and
- the total annual operating costs for resolution of bylaw ticket issues declined.

Other local jurisdictions, such as Langley, Richmond, Coquitlam, Chilliwack, Kent and Hope, have since implemented their own Bylaw Dispute Adjudication Systems. In order to implement such a system, local governments are required to have the Ministry of Attorney General enact a regulation to make the Act applicable to them.

The purpose of this report is to seek Council authorization for staff to pursue development of a Bylaw Dispute Adjudication System for the City of Burnaby.

2.0 BYLAW ADJUDICATION SYSTEM

Under the enabling legislations, local governments may establish a local bylaw dispute adjudication system which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw violations in areas such as animal control, business license, zoning, signs, parking, building code, noise, tree, and fire prevention.

Currently, all of these types of disputes are adjudicated by the Provincial Court and require the attendance of City Bylaw Officers at Court. The Officers are often required to spend valuable productive time waiting to provide evidence at Court. In addition, there is a lengthy backlog of disputed tickets awaiting trial dates from the Provincial Court.

Under the legislation, Local governments are able to establish:

- offences to be dealt with by issuing a bylaw notice (ticket);
- the amount of penalty for contravention of the specified bylaws;
- the period for paying or disputing a ticket;
- the process for disputing a ticket; and
- officers to screen and review disputed tickets with power to enter into compliance agreements.

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With Council authorization to pursue development of a Bylaw Dispute Adjudication System, staff would prepare proposals for basic terms of the required bylaw for future consideration by Council. This would include proposals for the:

- specific City bylaw infractions to be enforced under the system;
- time periods for payment and dispute of tickets;
- identification of officers to screen bylaw disputes;
- the amount of fines and fees

In addition, specific policies, processes and procedures would be established:

- to guide the work of officers charged with screening tickets;
- for tracking and registration of tickets, payments and related process;
- for undertaking the adjudication process;
- to assign specific staff duties and responsibility for the new system; and
- to support the process through development of communication material, necessary forms, and other document materials.

Staff would also determine staffing and cost implications of the new process. Based on the experience in other jurisdictions, it is expected that cost of operating the Bylaw Adjudication system and the related processing of disputed tickets would be substantially offset by the fines collected and would not necessarily result in additional operating costs for the City.

These and other aspects of the proposed system would be reported to Council prior to advancement of the necessary bylaws to implement a new ticketing system.


3.0 CONCLUSION

The Bylaw Dispute Adjudication System has potential application to a variety of bylaws, and was specifically designed to deal effectively with minor bylaw violations in areas such as animal control, business licence, zoning, signs, parking, building code, environmental, lawn sprinkling, noise, tree, fire prevention and park matters. A Bylaw Dispute Adjudication System would provide an additional mechanism for the City to achieve compliance with City bylaws in a more efficient manner.

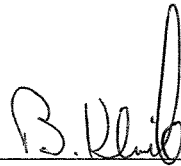
In conclusion, it is recommended that Council authorize staff to pursue the development of a Bylaw Dispute Adjudication System for Burnaby, as outlined in this report. As indicated by the supporting provincial legislation, it is also recommended that Council direct the City Clerk to write to the Court Services Branch of the Ministry of the Attorney General to advise of Council's intent to establish a Bylaw Adjudication System.

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With Council approval of these recommendations, and receipt of a positive response from the Ministry of the Attorney General for this initiative, staff would undertake to complete the development of the necessary administrative, policy and bylaw components of a Bylaw Dispute Adjudication System for Burnaby for subsequent Council consideration and approval.



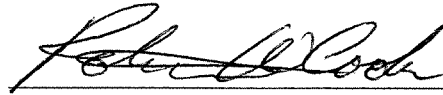
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