
TO: CITY MANAGER **DATE:** 2009 November 05

FROM: DIRECTOR PLANNING & BUILDING
DIRECTOR FINANCE
DIRECTOR ENGINEERING
FIRE CHIEF
O.I.C. RCMP
DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

**SUBJECT: BYLAW DISPUTE ADJUDICATION SYSTEM (TICKETING)
SCREENING OFFICER POLICY**

PURPOSE: To seek Council adoption of a screening officer Bylaw Notice Policy for the City.

RECOMMENDATION:

1. **THAT** Council adopt the screening officer bylaw notice policy contained in Schedule "A" of this report.

REPORT

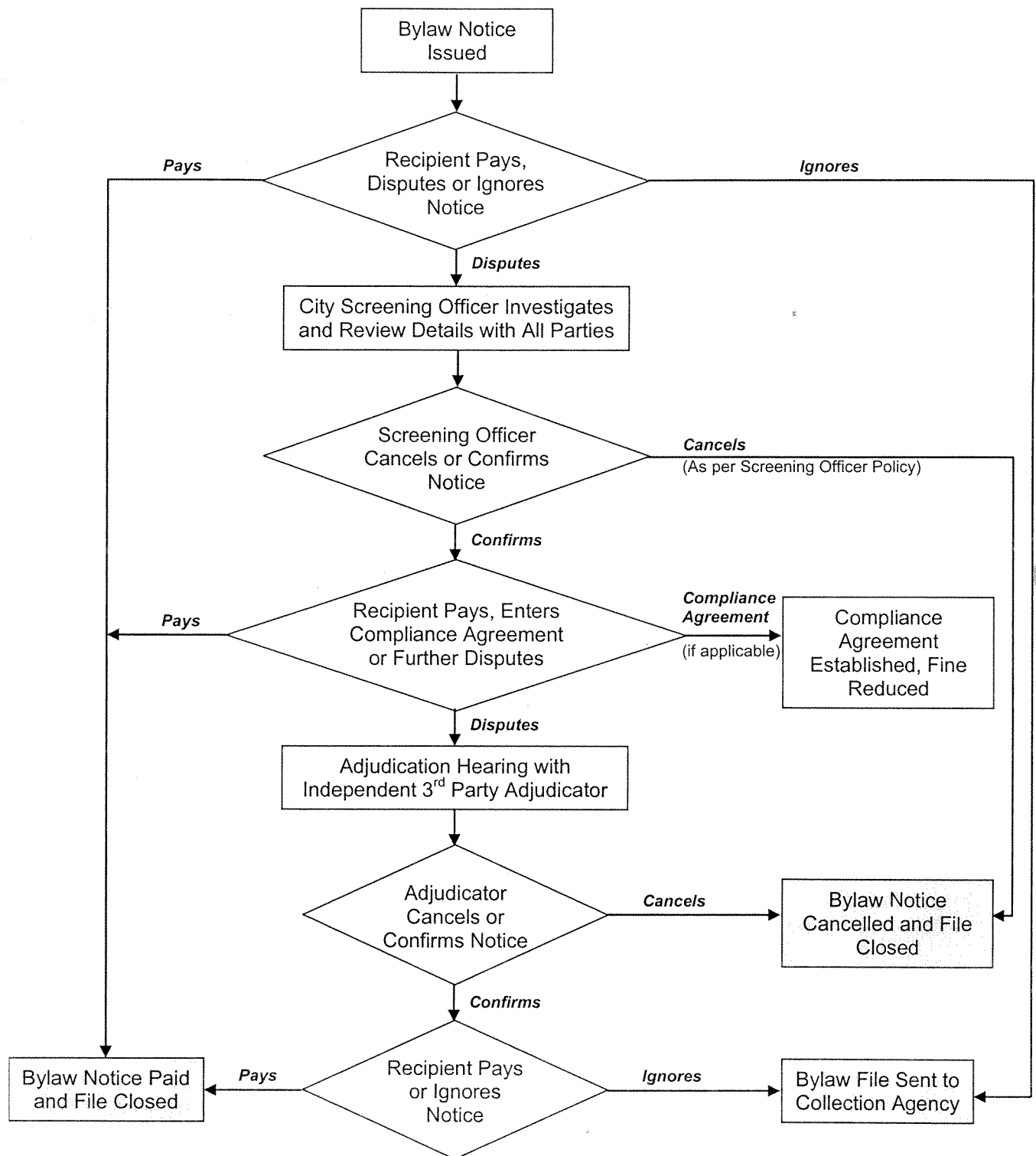
1.0 INTRODUCTION

At the regular Council Meeting of 2008 July 07, Council adopted recommendations which authorized staff to pursue the development of a Bylaw Dispute Adjudication System for the City and directed the City Clerk to write the Court Services Branch of the Ministry of the Attorney General to advise of Council's intent to establish this new system.

The proposed Bylaw Dispute Adjudication System will replace the formal court proceedings currently used for certain bylaw infractions. The Adjudication System will be used for all minor bylaw infractions such as animal control, business licensing, zoning, sign, street and traffic, building, noise, fire protection, parks, graffiti, etc. It will improve customer service by providing a simpler, timelier and convenient process to resolve disputed bylaw notices. It also introduces the provision of a screening officer to review and cancel bylaw notices if appropriate, and allows for a compliance agreement and reduced fine if applicable. Many other municipalities in the lower mainland have used this system with success, resulting in fewer disputed tickets and lower operating costs. The new Bylaw Adjudication Process is outlined in *Figure 1*.

Early November 2008, the Court Services Branch confirmed that the Bylaw Notice Enforcement Regulation (B.C. Reg. 175 (2004)) had been amended to apply the Local Government Bylaw Notice Enforcement Act to the City of Burnaby.

Figure 1
New Bylaw Adjudication Process



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Director Parks, Recreation & Cultural Services
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On 2009 June 15 Burnaby's new Bylaw Notice Enforcement Bylaw 2009 received final adoption. This new bylaw designates which bylaws and bylaw contraventions may be dealt with by bylaw notice. It also designates bylaw enforcement officers who can issue bylaw notices, establishes the position of screening officers and designates classes of person who may be appointed as screening officers under the bylaw.

2.0 SCREENING OFFICERS

As part of the Bylaw Notice Dispute process, disputants must contact a screening officer prior to the dispute proceeding to adjudication. The Local Government Bylaw Notice Enforcement Act specifies the powers, duties and functions of a screening officer, authorizes Council to establish screening officer's positions and to appoint a person or persons to fill those positions.

Section 10 of the Act empowers screening officers to cancel a notice if they are of the opinion that the contravention did not occur as alleged or if the notice was not completed properly.

Section 10 also permits screening officers to cancel a notice when "a ground for cancellation authorized by the local government is satisfied". In order to establish the other grounds for cancelling a notice the city needs to adopt a screening policy.

With the assistance of the City Solicitor, staff have prepared the policy *attached* as Schedule "A" of this report. The policy authorizes the screening officer to cancel a bylaw notice where he or she is satisfied that one or more of the reasons set out in the policy exists and cancellation is warranted. This report seeks Council adoption of the policy.

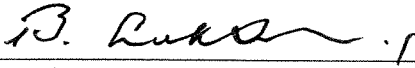
3.0 CONCLUSION

The new Bylaw Dispute Adjudication System will be an improvement to the existing ticket dispute system. It will take minor bylaw violations out of the more complex court system and the screening process will assist in managing the number of tickets being disputed. It will be more convenient for the public and more efficient use of staff time.

Staff have been working to develop administrative processes to manage the ticketing and adjudications. Duties and responsibility have been identified and we are in the final stages of developing financial processes and administrative documents.

This report requests that Council adopt the policy outlined in the *attached* Schedule "A" of this report. With the adoption of the policy staff will be able to finalize the work required to implement this new system and we anticipate that it will be operational in January 2010.

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B. Luksun
DIRECTOR PLANNING & BUILDING



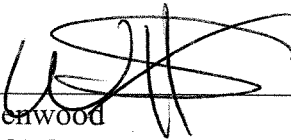
R. Earle
DIRECTOR FINANCE



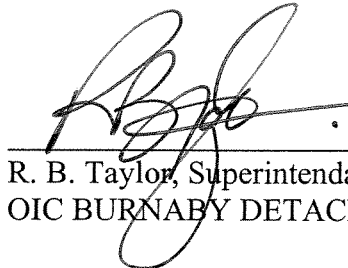
L. Chan
DIRECTOR ENGINEERING



R. Cook
FIRE CHIEF



per D. Ellenwood
DIRECTOR PARKS, RECREATION
AND CULTURAL SERVICES



R. B. Taylor, Superintendant
OIC BURNABY DETACHMENT

DWM/DL:su/tn
Attachment

cc: Deputy City Manager
City Solicitor
Chief Information Officer
City Clerk

SCREENING OFFICER BYLAW NOTICE POLICY

The City of Burnaby has designated Bylaw contraventions that may be dealt with by Bylaw Notice, and has established a position of Screening Officer.

Under the authority of section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act* a Screening Officer must review all disputed Bylaw Notices before adjudication, and has the power to cancel a Bylaw Notice.

This policy outlines the circumstances where a Screening Officer may cancel a Bylaw Notice.

City of Burnaby authorizes the Screening Officer to cancel Bylaw Notices where:

1. Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in a contravention had been stolen.
2. As a result of an exception specified in the Bylaw or other legislation the person who received the ticket was allowed to take the action.
3. There is a poor likelihood of success at adjudication for the City, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) Errors or Omissions were made in the issuance of the Bylaw Notice
4. The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
5. The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Bylaw Notice.
6. It is not in the public interest to proceed to adjudication because:
 - a. the Bylaw has since changed, allowing the contravention;
 - b. the person could not reasonably comply with the Bylaw.