

DISTRICT OF METCHOSIN

SUBJECT:	PROTECTIVE SERVICES POLICY Bylaw Enforcement Policy	SECTION:	PR-100
		POLICY:	PR-100.20
		COUNCIL:	Feb. 5/96
		AMENDS:	May 16/94

BYLAW ENFORCEMENT POLICY

Background

The District of Metchosin does not have the resources to formally review properties 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 policy of the District to rely on citizen complaints. To reduce the opportunity for intimidation and neighbourhood conflict, the District wishes to establish a policy with a balance of accountability and confidentiality among the various parties to this process.

The District 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.

The following policies shall, therefore, apply to bylaw enforcement procedures:

1. Submitting a Complaint

- a. The District may accept both telephone and written complaints, but to encourage validity, the complainant:
 - i. should provide his name, address and telephone number;
 - ii. shall describe the nature and location of the alleged infraction;
 - iii. should, where applicable, describe any attempts made by the complainant to resolve the problem; and
 - iv. should agree to testify in court if necessary.
- b. At the discretion of the Bylaw Enforcement Officer, a written complaint may be required.

2. Confidentiality Provided and Limitations

A complainant or an alleged violator shall be advised that:

- a. The complainant's name and any particulars of the complaint which may reveal the identity of the complainant shall not be disclosed to the alleged violator or any member of the public.
- b. A response of an alleged violator, whether verbal or written, shall not be disclosed to the complainant.
- c. Where personal information is provided, the District will keep the information confidential and use the personal information only to determine the validity of the complaint and the alleged violator's response. If a person submits a request under the

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Freedom of Information and Protection of Privacy Act for the disclosure of their personal information contained in a complaint or in a response to a complaint, it shall be the District's policy to refuse disclosure under Section 15 of the Act. However, any personal information which is supplied by either party in relation to a complaint is subject to disclosure by order of the B.C. Information and Privacy Commissioner under the *Freedom of Information and Protection of Privacy Act*.

- d. The anonymity and confidentiality afforded complainants and alleged violators by this Policy cannot be assured if the investigation results in court proceedings.
- e. Written complaints which are addressed to Council and which do not request confidentiality will be placed on an agenda for a public Council meeting.

3. Investigation

- a. Upon receipt of a complaint, the District will initiate an investigation.
- b. 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) which is being violated.

4. Response to Complainant

- a. A complainant shall receive, in a timely manner, a response from the District regarding the results of the investigation and action taken or contemplated.
- b. A response to a complainant may be withheld if legal action is pending.

5. Enforcement

- a. The District, in determining whether a remedy is necessary, will consider, but not be limited to, matters such as:
 - i. the scale, number and duration of the infraction(s);
 - ii. the current, short and long-term impacts caused by the infraction(s);
 - iii. the potential for precedents;
 - iv. the resources available to resolve the matter;
 - v. whether it is in the best interests of the public and/or the District to proceed;
 - vi. the likelihood of obtaining the desired results;
 - vii. whether public safety is at risk;
 - viii. whether enforcement may act as a deterrent in future cases.
- b. The District is not obligated to enforce any bylaw.