

Department:	Corporate & Legislative Services	Policy No.:	ADM-022
Sub-department:		Created By:	Sheena Fraser
Approved By:	Council	Amended By:	Council
Approved Date:	16 May 2017	Amendment:	6 March 2018
Meeting No.:	1450	Meeting No.:	1465

POLICY PURPOSE

The purpose of this Policy is to provide guidance to staff and the public in general regarding the enforcement of the bylaws and policies of the Village of Pemberton (the "Village")

POLICY

The Village of Pemberton (the "Village") bylaws and policies are in place to develop and maintain a safe and livable environment while respecting the rights of our neighbours and ensuring the quality of life for our citizens. The goal of the Village's bylaw enforcement is not to penalize residents, but to achieve compliance with its bylaws and policies through education and the provision of information. However, it is recognized that in some cases, compliance may require that penalties be issued.

The Village of Pemberton does not have the resources to actively ensure that its various parking, building, zoning, animal control and other regulatory bylaws are being complied with at all times. Therefore, it is the policy of the Village to rely primarily, but not exclusively, on citizen complaints as a means of enforcing these bylaws. In order to encourage valid complaints and to reduce the opportunity for intimidation and conflict, the Village seeks to establish a balance of accountability and confidentiality among the various parties to the bylaw enforcement process. The following policies shall therefore apply:

1. In order to be considered, a bylaw complaint shall be in writing using the Customer Service Request Form (standard mail, email, fax, or hand delivered) or by email and shall contain the name, address and phone number of the complainant and a description of the nature of the infraction including to the best of the complainants ability the date, time and specific location of the alleged infraction(s).
2. As a matter of practice, the identity of the complainant and the written complaint itself shall not be disclosed to the alleged violator or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged violator shall not be disclosed to the complainant. Furthermore, bylaw enforcement files will not necessarily be discussed with a complainant subsequent to the initial submission of a written complaint.
3. The anonymity and confidentiality given to complainants and alleged violators under this policy cannot be assured in all circumstances, particularly if a complaint has been publicly disclosed by the complainant, or if an investigation results in court proceedings. If a request

is made to the Village for disclosure under the *Freedom of Information and Protection of Privacy Act* (the “Act”), it shall be reviewed as per the relevant sections of the *Act*, unless consent is obtained from the person who supplied the information and who would otherwise be provided confidentiality under the *Act* and this policy. The Village, however, is subject to orders issued by the Information and Privacy Commissioner under the *Act* and will not necessarily appeal an order to disclose.

4. When determining the response to a complaint the Village will consider such matters as the scale, number and duration of the infraction(s); the current, short and long term impacts caused by the infraction; the potential for precedents and the resources available to resolve the matter.
5. When receiving complaints about potential infractions on properties in the Agricultural Land Reserve (ALR) or on Crown Land, the Village will send the complaint to the Agricultural Land Commission (ALC), the Ministry of Forest, Lands and Natural Resource Operations (FLNRO) or other Ministries as required as the primary enforcement agency. The Village will recommend to the complainant that they submit complaints to the ALC, FLNRO or Ministry affected directly if they have not already done so. The Village will review the complaint for infractions to its own bylaws where the Village has primary responsibility for enforcement.
6. Bylaw enforcement is at the discretion of the Village. As a general rule, in order for a complaint to be considered, it shall be submitted by a person who is affected by the alleged infraction, or who owns, resides upon, or otherwise has an interest in property that is affected by the alleged infraction.
7. With respect to noise regulation infractions, for a complaint to be considered, a written submission must be received from at least two (2) persons who are unrelated and affected by the noise, or who owns, resides upon, or otherwise has an interest in property that is affected by the alleged noise infraction (**Amended September 12, 2017**). With respect to internal strata noise disputes, the Village will refer these matters to the Strata Council to address and resolve. (**Amended March 6, 2018**)
8. The Village reserves the right to not respond to anonymous complaints, complaints about multiple addresses from the same complainant or complaints that may be considered by the Village to be vexatious in manner.
9. The Village will handle complaints and bylaw enforcement issues as operational matters to be handled at a staff level rather than at a Council level, but will advise Council on enforcement matters on an as-needed basis or in response to complaints received by Council about the implementation of this Policy.
10. Generally, the Village will seek voluntary compliance first. It will not be the policy of the Village of Pemberton to necessarily seek a final legal remedy for all alleged infractions.
11. Some complaints may be considered either as a civil dispute between property owners, such as fences, or as a minor non-enforceable issue, such as trees overgrowing property lines. These matters will not be acted upon by the Village.

12. This policy does not preclude the Village from initiating enforcement of its bylaws in the absence of a complaint where circumstances warrant such action. Such circumstances may include, but are not limited to: health and safety considerations; potential Village liability; the scale or the flagrancy of the violation and in particular building, land use, parking, animal control and outdoor water use violations.