



# BYLAW ENFORCEMENT:

## BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS

### Introduction

*Bylaw Enforcement: Best Practices Guide for Local Governments* is built on 20 years' experience and hundreds of investigations into individual complaints about bylaw enforcement practices in communities of all sizes across B.C.

By encouraging local governments to apply the principles of administrative fairness to bylaw enforcement, our individual complaint resolutions can and have resulted in improved information, apologies, refunds and reconsiderations. Ombudsperson investigations have also brought important systemic improvements to local governments such as updated bylaws and administrative practices that reflect best practices. Illustrative bylaw enforcement case summaries are included throughout the guide.

This guide outlines best practices that can be adopted and maintained by all local governments. Not only do best practices improve service quality, reduce costs and inspire public confidence – they can reduce complaints.

*Bylaw Enforcement* contains useful practices for all stages of bylaw enforcement: establishing bylaws, responding to complaints, conducting investigations, making enforcement decisions and handling appeals.

Whether a resident has reported a bylaw infraction, or has been the subject of enforcement action – best practices help ensure everyone is treated fairly.

*Bylaw Enforcement* is a companion to *Open Meetings: Best Practices Guide for Local Governments*.

### CASE SUMMARY

## “Get off my lawn!”

Paul contacted us with a complaint that a city bylaw enforcement officer had entered his property on several occasions at various hours of the day and night, without permission and without notice. Paul said the officer told him that he had the right to inspect Paul's property in this manner. Paul complained that the bylaw enforcement officer's actions were unfair and that he did not get a response from the city when he raised his concerns.

We investigated whether the city had followed a reasonable process to inform Paul of his rights and obligations when the bylaw enforcement officer sought entry onto his property, and whether it had responded to the concerns Paul raised. The city's existing bylaw granted bylaw enforcement officers broad powers to enter property at all reasonable times and did not require prior notice to the resident. After discussing the matter with city staff, we learned that the city did not have any written policy that addressed the steps bylaw enforcement officers were expected to take when inspecting private property. It was also unclear whether the information the city provided verbally to bylaw enforcement officers was consistent with the provisions of the *Community Charter*.

We therefore questioned whether the city's application of its bylaw enforcement powers was inconsistent. In this case, the bylaw enforcement officer had not taken steps to notify Paul before entering his property, and the inspections were not always carried out at reasonable times. The city agreed to look at implementing a formal written policy to assist bylaw enforcement officers to comply with the legislation. As a result of this commitment, we considered the complaint settled.

## TOP FIVE LOCAL GOVERNMENT COMPLAINTS

1. ADEQUACY OF INFORMATION
2. BYLAW ENFORCEMENT
3. TRANSPARENCY OF DECISION MAKING
4. PUBLIC CONSULTATION
5. FEES AND FINES

# Inside the guide:

## *Best practices & five practical checklists*

### 1. ENFORCEMENT POLICY

- Avoiding arbitrary or inconsistent decisions
- Ensuring similar cases are treated in a similar way
- Providing local government staff with guidance on, and limits to, exercising discretion
- Providing the public with clarity and details on how and why enforcement decisions are made

### 2. BYLAW COMPLAINTS POLICY

- Improving consistency in staff responses to complaints
- Providing public information about the process that is followed once a complaint is made
- Establishing a framework for evaluating the effectiveness of a response to a particular complaint
- Responding to frivolous, repeat or multiple complaints

### 3. INVESTIGATION PLANS

- Implementing consistent approaches to investigations

### 4. TAKING ENFORCEMENT MEASURES

- Ensuring methods used by staff are fair, reasonable and just
- Providing appropriate notice before enforcing a bylaw

### 5. APPEALS OF ENFORCEMENT DECISIONS

- Ensuring appropriate and accessible review or appeals processes
- Making sure the process allows residents to be heard when a decision affects their right or interests



## CASE SUMMARY

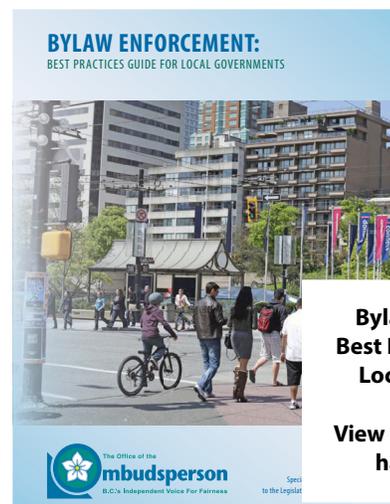
# Beach access blocked

Pete had trouble accessing the beach near his home. He complained to the district about a derelict vehicle and debris, a rock barrier and an unstable tree all located on the public right-of-way. When the district's bylaw enforcement department did not respond to Pete's concerns in what he considered to be a timely and satisfactory manner, he contacted our office.

We investigated what enforcement action, if any, the district had taken in response to Pete's complaints. We found that although Pete had communicated at length with the district, the district had not responded sufficiently to the three specific concerns he raised, or explained why it had not taken action sooner.

As a result of our investigation, the district wrote a letter to Pete, explaining the reasons for the delay in taking enforcement action to remove the vehicle and debris from the beach access; clarifying its jurisdiction with regard to the rock barrier at the foreshore; and providing a detailed response about the unstable tree. Pete was happy to receive the information and even happier when the district followed up by ensuring that the public right-of-way was cleared.

**From page 22 of the guide**



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