



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on October 27, 2025

Re: Introduction to the Bylaw Notice Enforcement Regulation

RECOMMENDATION(S):

1. That staff be authorized to prepare a Bylaw Notice Enforcement Bylaw for consideration at an upcoming Council meeting; and,
2. That the District request that the Ministry of Attorney General add the District of Central Saanich to the Bylaw Notice Enforcement Regulation to allow staff to utilize Bylaw Notices under the Local Government Bylaw Notice Enforcement Act.

PURPOSE:

To introduce the Bylaw Notice Enforcement Regulations to Council and provide the required notification to the province, allowing the District to proceed with a Bylaw Notice Enforcement Bylaw, if so directed by Council.

BACKGROUND:

The District of Central Saanich Bylaw Enforcement Policy focuses on voluntary compliance whenever possible. The Bylaw Officer works closely with all parties in finding solutions that meet the standards of compliance and resolve neighbour issues, however from time-to-time, bylaw matters cannot be resolved this way and other enforcement action becomes necessary.

As a bylaw enforcement tool, the District has set up a Municipal Ticket Information (MTI) bylaw which authorizes staff to issue an MTI (ticket) for minor to medium bylaw infractions, as detailed in the *Community Charter*. District Bylaw No. 2057 outlines which offences are subject to municipal ticketing, who can issue tickets for each offence, and what penalties may be imposed for each offence. MTI's can be cumbersome because they must be directly handed to the offender or left with someone 16 years and older at the usual residence of the offender. They cannot be delivered in any other way, which may result in less use of this enforcement tool. Further, if an individual chooses to dispute an MTI it must be done in provincial court under a Traffic Hearing, leading to time consuming court process and costs for the municipality.

In 2003, the Bylaw Notice (BN) system was introduced under the *Local Government Bylaw Notice Enforcement Act* as a faster and more flexible option for municipal ticketing. A BN can be served directly to the offender, by mailing it to the offender's last known address or, if the BN is being served for a parking violation, it can be served by leaving the ticket on the vehicle involved in the offence.

Under the Act, local governments may establish a local government bylaw dispute adjudication system, as part of the Bylaw Notice process, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches. To proceed, local governments must make a request to the Ministry of Attorney General to add their jurisdiction to the provincial regulation, so that the Act is applicable to them.

DISCUSSION:

There are over a dozen municipalities located on Vancouver Island that are currently utilizing this system including Victoria, Esquimalt, Langford, Saanich and Sidney, with several municipalities using the Bylaw Notice Enforcement system in conjunction with the MTI system. North Saanich staff have recently been authorized by Council to draft a Bylaw Notice Enforcement bylaw.

The benefits of a Bylaw Notice (BN) over the current MTI system is evident for enforcement matters under the Traffic & Highways Bylaw (amendments to be presented to Council in Q4) and other frequently investigated bylaws including but not limited to the Noise Bylaw, Zoning Bylaw, Business License Bylaw, and Unsightly Premises Bylaw, due to the ease of serving the ticket, reviewing disputes and the adjudication process.

Differences between MTI and BN

The table below is a high-level summary of the differences between the MTI and Bylaw Notice process.

	Municipal Ticket Information	Bylaw Notice
Intended Offence	Medium to minor	Minor
Maximum Fine	\$1000	\$500
Who can Serve	Individuals identified in the MTI Bylaw	Individuals identified in the Bylaw Notice Enforcement Bylaw
Method of Service	In person only	Delivered in various ways, including in person, mailed or by being left on a vehicle
Filing Dispute	Submit form to Municipal Hall within 14 days of fine	Submit form to Municipal Hall within 14 days of fine
Dispute Resolution	Potential lengthy and expensive court proceedings	Local adjudication process
Cost of Dispute for Municipality	\$2,500 - \$25,000 (or more) in legal fees for one or multiple fines to one party	\$250 - \$1000 in cost of adjudication for multiple fines served to multiple parties
Cost of Dispute for Violator	\$1000's in legal fees	Max. \$25 administrative fee per fine
Changes Required to Implement	None – MTI currently implemented. Can continue to use in conjunction with Bylaw Notices, in particular for more severe offences such as illegal tree removals	<ol style="list-style-type: none"> 1. Register with Province 2. Consider adoption of a Bylaw Notice Enforcement Bylaw (BN) <ol style="list-style-type: none"> a. Create adjudication process b. Amend existing bylaws as necessary to support BN.

Bylaw Notice Process

The following steps summarize the BN system.

1. Bylaw Officer investigates and confirms the bylaw violation.
2. BN ticket is issued by Bylaw Officer to the offender (in person, on a vehicle or via mail).
3. The offender could pay the fine or dispute the ticket.
4. A disputed ticket would then be reviewed by the appropriate internal screening officer, who would dismiss or uphold the ticket or offer a compliance agreement for minor bylaw infractions.
5. If the screening officer upholds the ticket, the violator may pay the fine or request an adjudication hearing.
6. An adjudication hearing is either held in person, by phone or in writing. A third-part adjudicator reviews the case and decides if an offence occurred. If upheld, the violator must pay the BN plus a \$25 administrative fee. If not, the BN is cancelled, and the municipality covers all administrative costs. These costs can be shared with other Local Governments by arranging the adjudication hearing for multiple disputed tickets, across the region.

Screening Officer

Screening Officer positions, filled by senior District staff, are established in the bylaw in order to review BN disputes. They may determine if a case proceeds to a hearing, resolve it through a compliance agreement, or use their discretion to cancel fines.

A compliance agreement allows the alleged violator to avoid the fine by agreeing to comply with the bylaw in the future (e.g., not parking illegally). If the violator breaches the agreement, it may be rescinded, and the fine becomes immediately payable or referred to an adjudicator. If the screening officer upholds the ticket, the violator may still request an adjudication hearing to appeal the decision.

Adjudication Process

A local government must have a dispute adjudicator if they adopt a dispute adjudication system under the Local Government Bylaw Notice Enforcement Act. The Deputy Attorney General of British Columbia must appoint a dispute adjudicator. Unlike a provincial court judge or justice of the peace who give reasons for their decisions and can determine a sentence, an adjudicator decides based on whether an offence has occurred. If the adjudicator finds that the offence did not occur, the fine is dismissed. If the adjudicator finds that the offence did occur, the fine becomes payable immediately. A roster of available adjudicators is maintained by the provincial roster organization.

The adjudication process and the Bylaw Notice system (used in place of the Court system) has many benefits, beyond the ease of serving the BN ticket, such as:

- Improve efficiency in the areas of paying and collecting fines as well as delivering a streamlined process to the public;
- Reduces the costs associated with disputing tickets through the Provincial court system;
- Reduces the high cost of locating and serving defendants;
- Reduces the need for witnesses to attend minor disputes;
- Less need to employ lawyers or enforcement officers to take minor cases to court; and,
- Reduces time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

IMPLICATIONS:

Legislative/Policy

Related District bylaws, such as the Traffic and Highways Bylaw, will require amendments to support the ability to issue BN for violations.

Financial/Resource

Given the BN system is more efficient, this enforcement tool may be utilized regularly, which could result in additional fines being processed.

Additionally, with increased density and population in the future, a BN process allows bylaw staff to better manage the impact of rising parking complaints.

OPTIONS:

Option 1 (recommended):

1. That staff be authorized to prepare a Bylaw Notice Enforcement Bylaw for consideration at an upcoming Council meeting; and,
2. That the District request that the Ministry of Attorney General add the District of Central Saanich to the Bylaw Notice Enforcement Regulation to allow the staff to utilize Bylaw Notices under the Local Government Bylaw Notice Enforcement Act.

Option 2:

That the preparation of a Bylaw Notice Enforcement Bylaw is not supported, and staff maintain status quo utilizing the Municipal Ticket Information (MTI) at an increased cost for resources and court.

Option 3:

That alternative direction is provided to staff.

CONCLUSION:

The introduction of a Bylaw Notice Enforcement Bylaw would allow staff to efficiently address the increased violations of the Traffic and Highways Bylaw. Additionally, the BN process would streamline and provide additional options for all bylaw enforcement, as a tool proactively brought forward in the updated Bylaw Enforcement Policy earlier this year. Use of the BN System for minor violations is less punitive than the costly Municipal Ticket fines, as well as a more efficient use of existing staff resources while being better prepared for future growth and increased bylaw complaints.

Report written by:	Kristina DeMedeiros, Manager of Building, Bylaw and Business Services
Respectfully submitted by:	Jarret Matanowitsch, Director of Planning and Building Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

Appendix A: Bylaw Dispute Adjudication System toolkit (2005)