



THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

COUNCIL POLICY

Effective Date June 15, 2026 Amendment Date(s):	POLICY NO. 05-PLAN
File No:	
SUBJECT: Bylaw Notice – Dispute and Screening Process	
Category: Bylaw Enforcement (Planning and Building Services)	

PURPOSE

The purpose of this policy is to establish a fair, transparent, and consistent process for the review of disputed Bylaw Notices (BN), including guidance for the Screening Officer in determining whether a Notice should be cancelled, upheld, resolved by compliance agreement, or referred to adjudication.

APPLICATION

This policy applies to any Bylaw Notice issued by the District of Central Saanich that is disputed by an alleged offender in accordance with the Bylaw Notice Enforcement Bylaw and provincial legislation.

DEFINITIONS

“Bylaw Notice” or “Notice” means a Bylaw Notice issued to an alleged offender under an applicable District bylaw.

“Compliance Agreement” means a written agreement between the District and a Disputant that sets out actions and timelines to achieve compliance in lieu of proceeding to adjudication.

“Dispute Coordinator” means a employee designated to receive disputes, coordinate dispute documentation, and administer referrals to adjudication where required.

“District” means the Corporation of the District of Central Saanich or in relation to dispute screening, dispute coordination, or adjudication for Animal Control matters, that reference shall be interpreted as the Capital Regional District (CRD)

Other definitions shall have the same meaning as those set out in the Bylaw Notice Enforcement Bylaw.

POLICY

The District is committed to administering bylaw enforcement in a manner that is fair, impartial, transparent, and consistent with the District’s Bylaw Enforcement Policy. Disputed Bylaw Notices will be reviewed objectively and without conflict of interest, in accordance with this policy and applicable bylaws.

DISPUTE PROCESS**Submission of Dispute**

As stated in the Bylaw Notice Enforcement Bylaw,

1. A Disputant must submit a completed dispute form to the District within **14 days** of the date the Bylaw Notice was received or presumed to have been received.
2. According to the *Bylaw Notice Enforcement Act*, the received date will be considered:
 - a. The hand delivered date when bylaw notice delivered in person;
 - b. The date the bylaw notice is left on a vehicle; and,
 - c. 7 (seven) days after mailing, when bylaw notice is mailed out.
3. Late or incomplete disputes may be rejected in accordance with the Bylaw Notice Enforcement Bylaw.

Bylaw Officer Submission

Upon receipt of a dispute, the issuing Bylaw Officer shall provide the Screening Officer with a written report that sets out the rationale and evidence supporting issuance of the Notice.

Screening Review Meeting

1. The Dispute Coordinator shall arrange a review with the Screening Officer.
2. The Screening Officer may communicate with the Disputant, the issuing officer, or both.
3. The review should be completed **within 30 days** of receipt of a complete dispute, where practicable.

Grounds for Cancellation

The Screening Officer may cancel a Bylaw Notice where satisfied that one or more of the following circumstances exist and a compliance agreement is not appropriate or available:

Rationale	Examples
Identity cannot be proven	Notice issued to the wrong person Vehicle stolen at time of contravention
Poor likelihood of success at adjudication	Insufficient evidence Incorrect information relied upon Notice improperly completed Bylaw provision unenforceable or unclear
Preservation of health and safety	Medical or other emergency
Multiple notices from same incident	All but the most appropriate Notice <i>may</i> be cancelled
Public interest considerations	Exceptional personal circumstances Bylaw amended to permit action
Due diligence exercised	Mechanical failure Signage not visible or legible
Other relevant circumstances	Any circumstance the Screening Officer considers appropriate

OUTCOME OF SCREENING**Cancellation**

If the Notice is cancelled, the Screening Officer shall notify the Disputant in writing, and no further action is required.

Notice Upheld

If the Notice is upheld, the Disputant may:

1. Pay the penalty (dispute submitted within 14 days);
2. Enter into a compliance agreement, where permitted and appropriate; or
3. Proceed to adjudication.

Where adjudication is elected, the Screening Officer shall provide the Dispute Coordinator with:

- A summary report of communications with the Disputant; and
- The Bylaw Officer’s report and supporting documentation.

Compliance Agreement

Where permitted by bylaw, the Screening Officer may authorize a Compliance Agreement as an alternative to adjudication. Compliance Agreements shall be in a form approved by the District and administered by the Dispute Coordinator.

Examples of bylaw violations that may be appropriate for a compliance agreement include:

Bylaw	Violation
Building Bylaw	Submit incorrect information or interfere with document Interfere with inspector No plans on premises Failure to comply with order
Business Licence Bylaw	Carry on business without licence
Fireworks Regulation Bylaw	Sale of fireworks, pyrotechnics or firecrackers
Noise Bylaw	Noise which disturbs or outside of permitted hours
Parks	Pollute water or deposit garbage Damage plants, property or signs
Prevention and Life Safety	Failure to maintain fire alarm systems or private hydrants Failure to provide emergency lighting or exit hardware
Traffic and Highways	Park in excess of 72 hours Commercial vehicles violations General parking violations Not maintaining boulevard
Unightly and Weeds	Allowing rubbish to accumulate Failing to clear noxious weeds

As noted in the Bylaw Notice Enforcement bylaw, the screening officer may reduce the penalty when a compliance agreement is entered in to. The screening officer should consider the following factors:

- the nature and gravity of the bylaw contravention and its impact on other persons or property;
- whether the contravention was necessary for the preservation of health or safety;
- whether the bylaw notice was one of several bylaw notices issued to the person arising out of the same incident;
- previous warnings by the District to the person relating to the bylaw contravention;
- whether the person is liable for unpaid fines in respect of prior contraventions of the same bylaw,;
- whether a previous compliance agreement with the person was rescinded;

- whether, as a result of the bylaw contravention, the person was reasonably likely to have profited or avoided a loss greater than the amount of the penalty for the bylaw contravention;
- whether there is a reasonable prospect of conviction with respect to the bylaw contravention;
- the circumstances in which the bylaw contravention was brought to the Districts's attention;
- whether the person has made reparations, or taken other measures to remedy the harm caused by the bylaw contravention and to prevent similar future bylaw contraventions.

Adjudication Process

Disputes proceeding to adjudication shall be managed in accordance with the applicable provincial legislation, District bylaws, and established adjudication procedures.

As adopted by Council on Month, Day, Year.

Attachment: Disputing Bylaw Notice Form (District Example)
Compliance Agreement (District Example)



Bylaw Notice Dispute Request Form

This form is provided pursuant to the Local Government Bylaw Notice Enforcement Act. A person served with a Bylaw Notice may dispute the Notice by submitting this form within 14 days after the Notice is served.

SECTION A – DISPUTANT INFORMATION

Surname (Last Name)		Given Name(s)	
Mailing Address, City, Province, Postal Code		Email	
		Phone	

SECTION B – BYLAW NOTICE INFORMATION

Bylaw Notice Number		Date Issued (YYYY-MM-DD)	
Location of Alleged Contravention			
Bylaw Name/Number		Section(s) Allegedly Contravened	

SECTION C – TYPE OF DISPUTE

- I dispute that the contravention did not occur or that I am not the person responsible.
- Other ground permitted under the Act (specify): _____

SECTION D – REASONS FOR DISPUTE

Provide written reasons for the dispute. Additional pages may be attached.

Compliance Agreement

Pursuant to **District of Central Saanich** Bylaw Notice Enforcement Bylaw No. 2242

I, _____ of _____,
(Name) (Address)

acknowledge receipt of Bylaw Notice(s) # _____ and wish to enter into this compliance agreement whereby I agree to fulfil the conditions below, in exchange for a reduced penalty which shall be at the discretion of the District of Central Saanich's screening officer.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____.

I further agree to comply with the following terms and conditions of this Agreement:

1. On or before _____ ***I will*** _____

And

2. On or before _____ ***I will*** _____

I understand that this **agreement is binding for one year from the date of this agreement.**

I also understand that if I breach a term of this agreement or fail to observe or perform the above terms and conditions, the District of Central Saanich's screening officer may rescind this agreement.

I understand that if this agreement is rescinded, the full penalty stated in the Bylaw Notice(s) of \$_____ will be immediately due and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Date

Date