

VILLAGE OF HARRISON HOT SPRINGS

NOTICE OF MEETING AND AGENDA



COMMITTEE OF THE WHOLE

Date: Wednesday, January 11, 2023 at 9:00 a.m.
Location: Council Chambers, Memorial Hall, 290 Esplanade Avenue,
Harrison Hot Springs, British Columbia

THE MEETING WILL BE CONDUCTED IN-PERSON AND VIA ZOOM CONFERENCE

1. CALL TO ORDER

Meeting called to order by Mayor Wood
Acknowledgement of Sts'ailes Traditional Territory

2. INTRODUCTION OF LATE ITEMS

3. APPROVAL OF AGENDA

4. ITEMS FOR DISCUSSION

(a) Council Code of Conduct Policy No. 133 Review

Item 4(a)
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(b) Bylaw Enforcement Policy

Item 4(b)
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(c) Off Leash Dog Park

Item 4(c)

(d) Village Office Renovations

Item 4(d)

(e) Strategic Planning Session

Item 4(e)

(f) Waste Water Treatment Plant Operation

Item 4(f)

(g) Local Government Carbon Action Plan

Item 4(g)
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(h) Coach Houses

Item 4(h)

5. ADJOURNMENT



VILLAGE OF HARRISON HOT SPRINGS POLICY

COUNCIL	POLICY NO. 1.33
CODE OF CONDUCT	DATE ADOPTED: November 2, 2020

INTRODUCTION:

As local elected representatives ("Members"), we recognize that responsible conduct is essential to providing good governance for the Village of Harrison Hot Springs.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other Member, staff and the public.

PURPOSE:

The purpose of this policy is to set shared expectations for conduct or behavior for how Members of Council should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for the community.

POLICY:

This Code of Conduct applies to the Members of the Village of Harrison Hot Springs. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other Members, staff and the public.

1. Definitions

"Council" means the duly elected officials of the Village, those being the Mayor and Councillors.

"Council Policy" means Policy statements of Council that provide strategic direction on programs and services delivered by the Village which impact or affect citizens or customers, and/or Policy statements that require Council's approval because of legislative or regulatory requirements.

- directing their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of these decisions;
 - behaving in a manner that promotes public confidence in all of their dealings.
- ii) **Respect** – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

Respect is demonstrated through the following conduct:

- treating every person with dignity, understanding and respect;
 - showing consideration for every person's values, beliefs and contributions to discussions;
 - demonstrating awareness of their own conduct, and considering how their words or actions may be perceived as offensive or demeaning;
 - not engaging in conduct or behaviors that are indecent, insulting or abusive. This behaviour includes unwanted physical contact or other aggressive actions that may cause any person harm or makes them feel threatened.
- iii) **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when Members, individually and collectively, accept responsibility for their actions and decisions.

Accountability is demonstrated through the following conduct when Members:

- are responsible for the decisions that they make and are accountable for their own actions and the actions of the collective council.
- listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- carry out their duties and responsibilities in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

4(b)

BYLAW ENFORCEMENT:

BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS



The Office of the

mbudsperson

B.C.'s Independent Voice For Fairness

Special Report No. 36 | MARCH 2016
to the Legislative Assembly of British Columbia

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Thank You

A number of individuals outside our office made valuable contributions to this guide. We would like to thank staff in the regional districts, cities, towns and villages across British Columbia who shared their experiences with bylaw enforcement; the Local Government Management Association, License Inspectors and Bylaw Officers Association, and the Justice Institute of British Columbia, who shared useful information and perspectives with our investigators; staff at the Ministry of Community, Sport and Cultural Development who provided feedback on a draft version of this guide; and the Union of British Columbia Municipalities which provided us an opportunity to share our work on this guide at its annual convention in September 2015.

We would also like to thank West Coast Editorial Associates for their invaluable copyediting and proofreading assistance.

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INTRODUCTION

Since 1995, the Office of the Ombudsperson has had jurisdiction to investigate complaints about local governments in British Columbia, including municipalities (cities, towns, villages, districts, townships, resort municipalities and regional municipalities), regional districts, the Islands Trust and improvement districts.¹

Each year, approximately 8 per cent of the complaints we receive are about local governments, and we investigate and seek to resolve these matters on an individual basis.

Of those complaints, a significant number are about how local governments enforce their bylaws, such as those about animal control, unsightly premises, permitting, zoning, noise and other common issues. While the complaints vary widely in subject, they raise recurring concerns of administrative fairness in how local governments respond to complaints and enforce their bylaws.

Identifying, encouraging and upholding best practices in administrative fairness are central to the Ombudsperson's role. Through individual complaint investigations, our office has gained significant knowledge and understanding of fair practices in local government bylaw enforcement. However, with almost 200 municipalities and regional districts in British Columbia, it has been difficult for us to share best practices broadly for the benefit of all local governments.²

In the 20 years that we have had jurisdiction to investigate complaints about local governments, we have seen that it can be challenging for elected officials and staff to balance serving the demands of the community and individuals with ensuring fairness in bylaw enforcement. Few tools are available in British Columbia to help local governments develop, adopt and implement best practices that encourage fairness in bylaw enforcement.

The *Bylaw Enforcement: Best Practices Guide for Local Governments* seeks to fill that gap by providing information and practical tools, such as checklists, to promote administrative fairness in bylaw enforcement.

Who This Guide Is For

This guide is for anyone interested in bylaw enforcement, but is intended primarily to be a resource for three key groups.

- *Elected officials for local government who are responsible for enacting bylaws and establishing a fair framework for bylaw enforcement* – Many of the best practices highlighted in this guide will be most effective if they are incorporated directly into the bylaws passed and policies approved by a council or board.

The guide also highlights best practices for the role that elected officials should play in setting policy and ensuring it is implemented well.

¹ *Ombudsperson Act*, R.S.B.C. 1996, c. 340, Schedule, ss. 4-11.

² In addition to 162 municipalities and 27 regional districts, there are 211 improvement districts in the province that provide defined services to residents living within the district boundaries. In this guide, we use the term "local government" primarily to mean municipalities (including the City of Vancouver) and regional districts. To the extent that improvement districts are involved in bylaw enforcement, this guide includes them as well. We refer specifically to municipalities, regional districts or the City of Vancouver where certain rules apply to those entities only. The City of Vancouver is governed by the *Vancouver Charter*, S.B.C. 1953, c. 55, which makes it legally distinct from other municipalities. However, for the purpose of this report, we have not treated it differently from other municipalities except where the statutory framework for the City of Vancouver differs, in which case we note the unique situation that applies to that city.

INTRODUCTION



Administrative fairness is an approach to dealing with the community that is transparent, fair and accountable.

In geographic size, local governments range from 63 hectares (Silverton, slightly larger than Vancouver's Queen Elizabeth Park) to 11.9 million hectares (Peace River Regional District, which covers about 12 per cent of the total area of the province).³ Most municipalities, urban and rural, have an area of less than 10,000 hectares. Most regional districts have an area greater than 2 million hectares.

The financial resources of local governments vary significantly too. In 2013, a total of 141 of the 160 municipalities had an annual revenue under \$100 million, and for most the amount was less than \$10 million.⁴ In the same year, 25 of the province's 27 regional districts had an annual revenue under \$100 million, and for 20 of those it was under \$50 million.⁵

While local governments with large budgets may be able to devote substantial resources to bylaw enforcement, those jurisdictions also likely have larger populations and so more bylaw enforcement issues to address. Conversely, jurisdictions with large geographic areas or limited financial resources may have small populations and thus fewer bylaw enforcement issues, yet face significant challenges in establishing an effective enforcement program.

Bylaws Evolve as Values and Standards Change

Bylaws enacted by local governments reflect community values and standards. Those values and standards are not uniform across the province. Rather, they vary based on each jurisdiction's history, location, size and the political direction set by its governing council or board. For example, a historically rural community with a strong industrial base may have very different noise bylaws from those in a suburban, primarily residential community.

These values and standards are not static; they evolve over time as a community changes – for example, transitioning from rural to urban, or away from or toward an economy based on primary industries. Changes in the composition of communities over time mean that bylaws and enforcement practices need to evolve as well to respond to the inevitable conflicts that arise in the "interface" areas between different types of land uses and competing priorities.

Bylaw Enforcement Practices Vary Widely

Local governments in British Columbia use a wide variety of bylaw enforcement practices and approaches.

- Large local governments have specialized teams enforcing different types of bylaws, such as those related to the environment, parks or building inspection. By contrast, smaller local governments may rely on their chief administrative officer or a single bylaw enforcement officer to carry out all bylaw enforcement functions. Some local governments have agreements with an external agency (such as a private company, municipal police or another local government) to carry out all or part of their bylaw enforcement. For example, local governments

³ In addition to total area, the Ministry of Community, Sport and Cultural Development provides statistics for each municipality on Taxable Land Area, Taxable Water Area, Exempt Parkland, and Other Exempt Area. British Columbia is 94,473,500 hectares.

⁴ Based on figures reported by the Ministry of Community, Sport and Cultural Development for 2013 (the most recently reported consolidated revenue figures). The information is for the calendar year 2013 (January 1 to December 31) and reported in form 401 on the ministry's website: <http://www.cscd.gov.bc.ca/lgd/infra/library/Schedule401_2013.xls>.

⁵ Based on figures reported by the Ministry of Community, Sport and Cultural Development for 2013 (the most recently reported consolidated revenue figures). The information is for the calendar year 2013 (January 1 to December 31) and reported in form 901 on the ministry's website: <http://www.cscd.gov.bc.ca/lgd/infra/library/Schedule901_2013.xls>.

THE IMPORTANCE OF FAIRNESS

The Office of the Ombudsperson upholds democratic principles of accountability and transparency by investigating both individual complaints and broad systemic issues and recommending resolutions.

The work of our office is guided by principles of natural justice and administrative fairness. These principles establish a framework within which we developed the best practices set out in this guide.⁹

Administrative Fairness in a Local Government Context

Administrative fairness refers broadly to an overall approach to administrative decision-making that is transparent, fair and accountable.

For local governments involved in bylaw enforcement, administrative fairness is characterized by:

- bylaws that are authorized by, and consistent with, the governing legislation
- a written policy for fairly and reasonably exercising discretion when enforcing bylaws
- written standards and expectations of conduct by bylaw enforcement staff when they interact with the public
- clear, consistent and available public information about bylaws and enforcement practices, and how to make complaints and appeal decisions
- a process for receiving, assessing and responding to complaints in a timely manner
- a consistently applied and well-documented investigative process that establishes a clear factual basis for enforcement
- adequate notice to affected persons before any enforcement is taken
- enforcement decisions that are authorized by applicable legislation and bylaws
- enforcement decisions that are consistent with policy and with other similar decisions, are equitable, and are proportionate to the problem being addressed
- reasons for enforcement decisions that are appropriate, that set out the basis for the enforcement and that provide information about how to appeal
- appeal processes that are accessible and fair, and that are communicated to affected persons in a timely way

⁹ See Office of the Ombudsperson, *Code of Administrative Justice 2003*, Public Report No. 42, British Columbia Legislative Assembly, March 2003, 15 <<https://www.bcombudsperson.ca/sites/default/files/Public%20Report%20No%20-%2042%20Code%20of%20Administrative%20Justice.pdf>>.

THE IMPORTANCE OF FAIRNESS



THE ROLE OF COUNCIL

Municipal councils and regional district boards are responsible for developing a fair and reasonable bylaw enforcement framework for their communities. This section describes best practices that councils and boards can adopt to fulfill this role. We have used the term “council” throughout this guide to refer to the body through which local government elected officials exercise their decision-making powers. Unless otherwise stated, the term should be read to also include the boards of regional districts and, where appropriate, improvement districts.

Provincial legislation gives local governments broad powers to create and enforce bylaws. For municipalities, this authority is found in the *Community Charter*.¹⁰ The City of Vancouver’s authority to make and enforce bylaws is found in the *Vancouver Charter*.¹¹ The *Local Government Act*¹² grants regional districts and improvement districts the authority to make and enforce bylaws, and the *Islands Trust Act*¹³ gives this power to the Islands Trust local trust committees. The *Local Government Bylaw Notice Enforcement Act* allows local governments listed in the *Bylaw Notice Enforcement Regulation* to deal with bylaw violations through bylaw notices.¹⁴

The different enabling statutes mean that not all local governments have the same enforcement powers. The best practices in this guide take into account the variations in legislative requirements so as to be relevant to all local governments in British Columbia.

Developing Bylaws

An important role of council is to develop bylaws that establish, maintain and reflect community standards. The bylaw-making power possessed by local governments “permits a highly diverse, localized regulatory response, including the choice not to regulate at all, in accordance with locally determined priorities and approaches.”¹⁵

Administrative fairness in bylaw enforcement begins with council developing bylaws that can be fairly and reasonably enforced. This guide is not intended to be a comprehensive manual on bylaw drafting.¹⁶ Instead, we have identified key points for council to consider during bylaw development that will contribute to an administratively fair bylaw enforcement framework.

¹⁰ *Community Charter*, S.B.C. 2003, c. 26.

¹¹ *Vancouver Charter*, S.B.C. 1953, c. 55.

¹² *Local Government Act*, R.S.B.C. 2015, c. 1.

¹³ *Islands Trust Act*, R.S.B.C. 1996, c. 239.

¹⁴ *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60; *Bylaw Notice Enforcement Regulation*, B.C. Reg. 153/2015, 31 July 2015.

¹⁵ William Buholzer, *Local Government in British Columbia*, The Continuing Legal Education Society of British Columbia, current to 1 January 2013, s.5.1.

¹⁶ For some resources on bylaw development and drafting, see the following: Ontario Ministry of Municipal Affairs and Housing, *The Municipal Councillor’s Guide 2014*, 6-7 and 32-44 <<http://www.mah.gov.on.ca/AssetFactory.aspx?did=4965>>; Municipalities Newfoundland and Labrador, *Municipal Council Handbook*, revised 2014, 79-81 <http://www.miga.gov.nl.ca/publications/training/Councillor_Handbook_2014.pdf>; Alberta Municipal Affairs, *Municipal Resource Handbook, Basic Principles of Bylaws* <http://www.municipalaffairs.alberta.ca/documents/ms/Basic_Principles_of_Bylaws_2013.pdf>; and Donald Lidstone, Lidstone Young Anderson, Local Government Administration Association, *Bylaw Drafting Manual*, 1st ed., 2 January 2003.

THE ROLE OF COUNCIL



- *as part of its investigation(s), to obtain statements from Beth and other residents, as required, about the impact of the smoke on their quality of life to determine whether the burning activity contravened the bylaw*
- *to consider amending some parts of the bylaw in accordance with the legal advice it received with a view to making enforcement action easier in the future*
- *to write to Beth to explain the approach it intended to take in the future to address her concerns, and to provide written reasons why no enforcement action was appropriate if it concluded none was required at the end of its investigation(s)*

In our view, the steps the city agreed to take responded to Beth's concerns.

The above example emphasizes the importance of local governments understanding whether and how their bylaws can be enforced.

In some cases, enforceability is a legal question that council needs to consider before implementing a new bylaw. In other cases, it may arise as staff attempt to respond to complaints. In these instances, local governments that have a process for dealing with questions about a bylaw's enforceability when they arise are in a good position to take remedial action in a timely manner.

In Beth's case above, it was several years before the question of the bylaw's enforceability was finally resolved. A more proactive process would allow staff who have identified a concern about enforceability to communicate the necessary information to council. Council can then take steps to either amend or repeal the bylaw, or to address any other issues preventing enforcement.

Best Practices: Enforceability of Bylaws

Council considers enforceability when developing or adopting a new bylaw.

Local government enforcement staff can quickly and easily raise a concern about the enforceability of a bylaw with council.

Enforcement Capacity

The public expects local governments to enforce the regulatory bylaws council adopts. When passing a new bylaw, it is important for council to consider whether local government has the capacity – staff, equipment and other resources – to meet those public expectations through adequate enforcement of the bylaw. Insufficient enforcement capacity may defeat the purpose of enacting the bylaw in the first place.

We heard from local governments that geography, a lack of staff or other resource shortages can make enforcement difficult. Smaller local governments, with one person or a small team responsible for all bylaw enforcement, may find it especially difficult to respond to complaints about bylaw infractions. Many local governments address these challenges by placing a significant focus on voluntary compliance. While voluntary compliance is cost-effective, it is still important for local governments to take enforcement action when necessary. Failure to do so will, over time, reduce the credibility of a local government's bylaws and will likely reduce voluntary compliance.

The local governments we spoke with as we developed this report have developed creative ways for enforcing bylaws despite resource or geographic challenges. Most commonly, local governments develop ways to share enforcement resources across

Content of a Bylaw Enforcement Policy

An effective bylaw enforcement policy meets the following criteria, which are based on administrative fairness principles. The policy:

- is written in plain language that is easily understood and applied
- sets out clearly what the policy is intended to achieve
- is flexible enough to cover a variety of circumstances where staff must exercise discretion
- does not fetter staff in exercising discretion by requiring them to take the same steps in each case, regardless of the circumstances, or discouraging individual responsibility for decisions
- sets out the relevant considerations that staff should take into account when exercising discretion
- sets out its relationship to – and accurately reflects – governing legislation and bylaws
- is communicated to staff
- is readily accessible to the public (e.g. on an easily found website)
- is reviewed and revised as appropriate given changing circumstances in the community¹⁹

The remaining sections of this guide address issues specific to the steps in the enforcement process. They also provide suggestions on how local governments can ensure staff exercise discretion when enforcing bylaws and follow a fair process every step of the way.

Applying a Bylaw Enforcement Policy

An enforcement policy establishes broad guidelines for a fair and consistent enforcement process. It covers most situations where staff must make discretionary enforcement decisions. A properly applied enforcement policy should achieve three goals:

- result in similar cases being treated in a similar way
- provide local government staff with guidance on, and limits to, exercising discretion
- provide the public with clarity and detail on how and why enforcement decisions are being made

It is important for staff applying an enforcement policy to guide their decision making to understand the nature and limits of that policy. Local governments must keep in mind two important caveats that apply to any policy that provides such guidelines.

First, nothing in the policy can override the mandatory requirements of a bylaw. For example, if a bylaw requires a bylaw enforcement officer to provide notice in a particular way, this requirement must be met even if a general policy provides several options for providing notice.

¹⁹ This list is adapted from Ombudsman Western Australia, *Guidelines: Exercise of Discretion in Administrative Decision-Making*, revised October 2009 <<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Exercise-of-discretion-in-admin-decision-making.pdf>>. See also Ministry of Attorney General, *The Development and Use of Policies and Guidelines in the Decision-Making Process: A Discussion Paper*, 2009 <http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/458061/policy_paper_draft9.pdf>.

found that the resident deliberately set himself up to challenge the city and that he had baited staff with his extreme and self-interested interpretations of city bylaws.²¹

This case shows that as long as actions are authorized and appropriate, it is not unreasonable for local governments to persist with enforcement even in the face of refusal or hostility from a resident.

In another case, a resident alleged in court that bylaw enforcement officers were excessively persistent, as well as “arrogant, hostile, and inappropriate” when inspecting her secondary suite. The court noted that this behaviour, for which there was no evidence, was likely a consequence of the defendant’s refusal to grant the bylaw officers access to the suite as they were legally entitled to have. This refusal, the court noted, provided a justifiable reason for the city’s persistence in enforcement.²²

These cases demonstrate the importance of distinguishing between enforcement actions that are necessary and reasonable (but a resident may vehemently disagree with) and those that are clearly beyond the authority of local government enforcement staff. Persisting in multiple attempts to enforce is not unreasonable if such action is both authorized and necessary.

Individuals who contact our office with a complaint rarely assert that a bylaw enforcement officer abused his or her power. More frequently, individuals complain that they were treated poorly by local government staff. Individuals may be angry, frustrated or rude when dealing with local government staff. Fairness is not just about the process followed in making decisions – it also involves communicating about the process and resulting decisions in an appropriate and respectful way.

Treating people well in an enforcement context can help resolve conflicts, encourage voluntary compliance and shape positive public perceptions of a local government. Written standards of conduct are a useful tool to outline the professionalism that local governments expect of their bylaw enforcement staff. For example, one local government’s website describes professional conduct expectations for bylaw enforcement staff, emphasizing accountability, impartiality, integrity, protection, respectfulness and service.²³ Such standards can also prevent bylaw enforcement officers from inadvertently acting outside the scope of their authority.

Best Practice: Standards of Conduct

Council and senior local government officials establish and make public standards of conduct for bylaw enforcement staff.

The Role of Council in the Enforcement Process

When we spoke with bylaw enforcement staff, managers and chief administrative officers as we were developing this guide, we heard concerns about council members becoming personally involved in bylaw enforcement investigations on behalf of residents, and directing bylaw enforcement staff to take a specific course of action.

As discussed in previous sections, council establishes overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff. Council may also provide direction on

²¹ *Prince George (City) v. Reimer*, 2010 BCSC 118.

²² *Burnaby (City) v. Oh*, [2010] B.C.J. No. 2857.

²³ Town of Creston, “Bylaw Compliance” <<http://www.creston.ca/2169/Bylaw-Compliance>>.

Providing Information to the Public

Any local government bylaw enforcement program is enhanced by clear and accessible public information. Council can promote accessibility and transparency by requiring staff to make information about bylaw enforcement public.

Our review of local government websites found significant inconsistencies in the amount and type of information that is posted. Some local governments do an excellent job of providing useful and up-to-date bylaw and enforcement information for their residents, while others have websites that contain little information or out-of-date bylaws. We noted that these disparities were not necessarily related to the size of a government; some small local governments provided high-quality public information while some larger ones did not.²⁶

Making information available and accessible to the public helps to proactively manage public expectations about enforcement by. Bylaw enforcement information is most easily provided through an up-to-date website that includes:

- all current bylaws
- enforcement policies
- information about the complaints process, including any applicable forms
- information about the bylaw enforcement review or appeal process and potential outcomes
- contact information for bylaw enforcement staff

Local governments should review their websites regularly to ensure their information is current and complete.

Public information increases the transparency of the bylaw enforcement process, improves accountability and may reduce the time staff have to spend answering questions. When the public is aware of the bylaw enforcement process, they are less likely to make complaints to the local government or to the Office of the Ombudsperson.

Best Practices: Public Information

Post all current bylaws, enforcement policies and complaint information on the local government's website.

Review bylaw enforcement information on the website on a regular basis to ensure information is current, accurate and complete.

²⁶ Two small municipalities with good information on their websites, including online complaint forms, are the Town of Smithers <<http://www.smithers.ca/municipal-hall/departments-services/bylaw-enforcement-animal-control>> and District of Central Saanich <<http://www.centralsaanich.ca/hall/Departments/planning/Bylaw.htm>>.

Receiving, recording and responding to complaints is made easier when a local government has a written and publicly available policy explaining its process. From a fairness perspective, the benefits of a written policy include:

- consistency in staff responses to complaints
- public information about the process that is followed once a complaint is made
- a framework for evaluating the effectiveness of a response to a particular complaint

Best Practices for a Complaints Policy

Creating and following a policy for complaints is something that all local governments can do, regardless of size. For example, one small local government we spoke with (responsible for a population of 5,300) has written a thorough bylaw enforcement complaints policy. It includes direction on how complaints should be submitted to it and how a bylaw incident log can be used to record complaints and their outcomes.

A complaints policy does not have to be complex. In fact, it should be clear and simple, focused on helping local government staff respond fairly and effectively to people who make a complaint about a bylaw violation. An effective policy:

1. Outlines how a person can make a complaint and what information must be included in that complaint.
2. States which staff will be responsible for receiving, recording and responding to complaints.
3. States whether and how the local government prioritizes complaints for response.
4. Sets out a process for recording each complaint and the outcome, and expected timelines for staff to respond to complainants.
5. Lists steps staff must follow to assess a complaint and determine any necessary follow-up, including whether to investigate.
6. Sets out procedures for dealing with frivolous, repeat or multiple complaints.
7. Sets out a process for acknowledging a complaint and communicating the results to the complainant.

All of these components are discussed in the following sections of this guide.

A local government can also develop processes for responding to specific kinds of common complaints. The following example, from a complaint we investigated, shows how a local government responded to a complaint about barking dogs by referring an individual to an established process for that type of complaint.

Dog Barking Log a Reasonable Request

Fran came to us because she was disturbed by her neighbours' barking dogs and did not agree with how her city had responded to her complaints about the noise. Fran said she had asked the neighbours to stop their dogs from barking so much, but they had not taken any effective action. She then contacted the city for help.

The city sent Fran's neighbours a warning letter, but she didn't think that had made a difference and called the city again. This time, a bylaw enforcement officer sent Fran a letter asking her to keep a log of when the dogs barked, and suggesting she ask two other sets of neighbours to do so as well.

A complaints policy does not have to be complex. In fact, it should be clear and simple.

A bylaw complaint form can help ensure that complainants provide the information necessary for a local government to record, assess and determine how to respond to the matter. If used, a complaint form should clearly outline what information is required and should have instructions about how to submit the completed form (e.g. email, fax, mail or in person). The form should also be publicly accessible – for example, available on the government’s website. Nine of the 25 local government websites we reviewed when we were developing this guide included complaint forms.

However, even if using an online or written complaint form, a local government should be flexible about how people can make complaints. For example, people with language or literacy barriers may have difficulties completing a written complaint form. Similarly, some complainants may feel more comfortable speaking to a person about their complaint on the telephone or in person. In such cases, staff can use a complaint form to guide their conversation with the complainant and ensure that relevant information is collected.

However people make complaints, a local government must have a consistent way of recording the complaint information. The following example, from a complaint we investigated, shows that not properly recording a complaint when it is made can result in critical delays and a frustrated complainant.

If a Tree Falls...

Kelly complained to her city about a neighbour who had begun cutting down trees on forested property, contrary to a local bylaw. Eight weeks later the city responded, issuing a stop work order to the neighbour, although by this time most of the trees had been cut down. Unhappy with the eight-week delay, Kelly called us.

We investigated why it took so long for the city to respond to Kelly’s complaint. The city admitted that the complaint had not been handled properly: staff responsible for taking action were not even aware of the complaint.

As a result of our investigation, the city provided training to its staff to ensure that all complaints in future are forwarded to the appropriate staff person in a timely fashion.

The system for receiving and recording complaints does not have to be complicated or costly, but it does need to be reliable and used regularly to be effective. The system – whether electronic or not – must allow government staff to record any decisions made about a complaint and to identify the next actions that need to be taken. This will help staff organize relevant information and ensure they have considered and responded to all complaints in a timely way based on urgency or any other considerations.

A clearly defined process for receiving and recording complaints and supporting information may also provide staff with better evidence to support bylaw enforcement action or decisions.

The policies and procedures for complaints submission and handling should also be made publicly accessible, on websites, in brochures or through other means of communication. The key information to be conveyed is:

- how to make a complaint
- how the local government will assess, investigate and respond to a complaint

A local government should not require complaints to be made in a particular form because it is convenient for staff. Doing so may improperly discriminate against those who cannot use that method and may not be administratively fair.

complaints may believe that the local government has not acted on their concerns, even if this is not the case.

Based on our experience investigating complaints about a perceived lack of response by a local government, we suggest that the following information be included in any response to a complainant, whether written or verbal:

- acknowledgement that the complaint has been received
- steps taken to assess the complaint
- any enforcement action taken or planned, or the reasons for no enforcement action
- any other relevant information

A verbal response to a complainant may be adequate if staff clearly document the conversation and the matter is routine or uncomplicated.

In all cases when responding to a complainant, local governments should be mindful of their obligation to protect the personal information of both the complainant and other parties involved. This may mean that certain information must not be shared, but in virtually all cases, some meaningful information can be given to a complainant.

Best Practices: Responding to Complainants

Local government staff document all interactions, whether written or verbal, with complainants.

When local government staff respond to a complainant, whether in writing or verbally, they:

- acknowledge receipt of the complaint
- describe any steps taken to assess the complaint
- describe any enforcement action taken or planned, or the reasons for no enforcement action
- provide any other relevant information

Responding to Frivolous, Repeat or Multiple Complaints

Local government staff have often asked us questions about how to respond adequately and appropriately to individuals who make frivolous, repeat or multiple complaints. This is a particularly challenging issue for all local governments.

As a basic principle of administrative fairness, it is important to respond to all complainants. However, there may be times when responding to a repeat complainant or to a complainant whose concern has no basis in fact will result in staff expending significant resources on a single issue. Furthermore, continuing to follow up on multiple complaints about the same issue can result in the person who is the subject of the complaints feeling unfairly targeted. In these situations, the focus for local governments must be on balancing fairly the interests of both the individual making the complaint and the broader community.

The following example, from a complaint we investigated, shows how local government staff responded to multiple complaints from a single individual by

The focus for local governments must be on balancing fairly the interests of both the individual making the complaint and the broader community.

property. When we spoke to a senior official about the letter, he explained that it had been written because several of Elda's complaints turned out to be unfounded. The local government was concerned that her repeated complaints were using up scarce staff resources unnecessarily. Moreover, the neighbour in question was himself complaining of being harassed by government staff. As the official noted, the local government has to balance the rights of all residents, including the right of being free from excessive visits by enforcement officers.

While the intent of the letter sent to Elda had been to put an end to unnecessary complaints, the official agreed it had gone further than intended. The official agreed to write another letter to Elda, reassuring her that she had the right to make complaints about activities she believed to be in violation of the city's bylaws, but also pointing out the local government's duty to be responsive to the needs of all residents. It also invited Elda to call if she was unsure whether an activity was allowed under the current bylaw.

The initial letter that denied Elda the right to complain should not have been written. However, we concluded that the action was corrected by the second letter.

In this case, the local government did some things well: it clearly documented its earlier responses to Elda, it investigated her concerns, and it took steps to ensure her neighbour's property was in compliance with the bylaws. Nevertheless, it acted too quickly to prohibit her from making further complaints. Once the local government agreed to change course – taking the time to explain its process to Elda in writing and to leave the door open for her to raise future concerns or ask questions – it was able to appropriately balance the interests of both Elda and the broader community.

As a last resort, local governments may consider limiting the extent to which they will respond to frivolous complaints or repeat complainants (e.g. by responding only if the complainant in question provides new information or raises a new issue). However, such limits should be imposed only after careful consideration, as a person's ability to contact his or her local government is a fundamental component of the democratic values of openness and accountability.

If a local government does decide to restrict contact with a person who is making repeated complaints about the same issue, it is essential that:

- the decision be made by a senior official in the local government
- the local government clearly communicate to the complainant, in writing, the nature of the restrictions, the reasons for them and when they may be reconsidered
- the local government does not prevent or limit other necessary contact with staff that is unrelated to the person's complaints

Sometimes a local government may receive multiple complaints from different people about the same issue. In these cases, staff may assess and determine a response for the complaints as a whole rather than individually. In doing so, however, staff must consider any nuances of the different complaints and respond to each issue received from each complainant.

For example, a local government may receive multiple noise complaints about a residence, but one of the complainants also raises a concern about offensive odours coming from the same residence. In such a case, a blanket response from local government to all complainants about the noise is appropriate, but staff should also respond individually to the concern about odours raised by the one complainant.

CONDUCTING BYLAW INVESTIGATIONS

Whether acting in response to a complaint or on their own initiative, the investigations conducted by bylaw enforcement staff are an important step in the bylaw enforcement process. Before taking any enforcement action, bylaw enforcement staff must collect and assess the relevant evidence so they can determine if a complaint about a potential bylaw violation is valid.

This section describes best practices that local governments can adopt to ensure that their investigations of potential bylaw violations are conducted fairly, impartially, consistently and thoroughly.

A Consistent Approach to Investigations

A consistent approach to bylaw investigations helps local governments to ensure that any resulting decisions are fair, defensible, and have considered all relevant information.

Consistency does not mean that previous enforcement decisions are binding precedents from which decision makers cannot deviate. Rather, it means that similar cases should be treated in a similar way, unless there is a compelling reason not to do so.

The following sections describe how local governments can consistently approach investigation decisions by developing and implementing guidelines and by using investigation plans to focus and document an investigation.

Deciding Whether to Investigate

Local governments lacking the resources to investigate all complaints may prioritize the complaints that require immediate action, recommend that complainants take additional steps before making a complaint, and decline to investigate some complaints entirely. A local government can reasonably exercise its discretion not to investigate by considering the circumstances of the complaint and reviewing previous decisions for similar complaints. However, a local government should not have a blanket policy of not investigating particular kinds of complaints at all. Such a policy prevents bylaw enforcement staff from exercising their discretion.

As a best practice, staff who are deciding whether or not to investigate a complaint should have guidelines to assist them in making consistent and defensible decisions. Those guidelines should define the circumstances in which staff can decide not to investigate a complaint and outline the factors staff should consider when making that decision. Some factors that local government staff can reasonably consider when deciding whether or not to investigate include:

- the nature of the complaint and alleged violation
- the impact of the violation on the community
- the impact of the violation on the complainant (if there is one) or other individuals
- any general directives from council

Such guidelines can be contained in the local government's broader enforcement policy (see "Guidelines for Exercising Discretion" in The Role of Council section of this guide for more discussion).

CONDUCTING BYLAW INVESTIGATIONS



Best Practices: Developing an Investigation Plan

Bylaw enforcement staff create an investigation plan before initiating a complex investigation, and follow the plan to the conclusion of the investigation.

Each investigation plan developed by bylaw enforcement staff includes, at a minimum:

- a summary of the complaint or alleged infraction
- the relevant bylaw and the test that must be met to confirm that a bylaw infraction has occurred
- the evidence staff will need to gather to meet the test and where and how they will obtain that evidence
- any applicable timelines for completing steps in the investigation

Documenting an Investigation

Adequate documentation of an investigation will support a decision to enforce or not to enforce a bylaw. A local government's investigation file should include all steps taken during the investigation, all evidence collected (including the source), any investigative decisions staff have made, and references to all relevant legislation, bylaws and policy.

A well-documented file can help later reviewers such as council or the Office of the Ombudsperson understand what steps enforcement staff took in an investigation and, importantly, the reasons those steps were taken. It can also help to demonstrate that the investigation followed an administratively fair process. The example below, from a complaint we investigated, shows the importance of a well-documented investigative file.

Good Documentation Pays Off

Alonso contacted us because he believed the city was not enforcing its bylaws. He had made several complaints alleging that a neighbour was running a business and keeping an illegal secondary suite at his residence. He said the city had not taken enforcement action.

We investigated whether the city had responded reasonably to Alonso's complaints. As part of our investigation, we met with the city's manager of bylaw enforcement, and reviewed the city's files on the matter.

The city had substantial documentation about Alonso's complaints and the steps its bylaw enforcement officers had taken in response. In keeping with the broad direction set by council, bylaw enforcement officers had sought voluntary compliance from Alonso's neighbour. The bylaw enforcement officers worked with the neighbour so that he would comply with the secondary suite bylaw, and determined that he was not violating the city's home-based business bylaw. The bylaw enforcement officers had canvassed other nearby neighbours who said they believed the matter had been resolved satisfactorily. The city also continued to monitor the situation on a regular basis.

After considering the actions taken by the bylaw enforcement officers, supported by the documentation on the city's file, we decided that the bylaw enforcement officers had responded reasonably to Alonso's complaint and had communicated the outcome of their investigation to Alonso.

Using the Authority to Inspect Fairly

Local government officers and other employees and individuals authorized by council can enter private property to determine if bylaws are being followed.²⁷

Regional districts and the Islands Trust must set out their authority to enter property in a bylaw.²⁸ By contrast, municipalities are not required to do so. Authorized individuals can exercise their authority to inspect under the *Community Charter* to determine if a municipality's bylaw is being followed.²⁹ A municipality can also specify who can exercise this authority and for what purposes – for example, all municipal employees, bylaw enforcement officers, or specific persons such as animal control or building inspectors.

Some local governments use contractors rather than their own employees to conduct these inspections. Local governments must ensure that contractors are clearly and specifically authorized by council to enter private property. To minimize any confusion, a contractor's authority to enter a property should be clarified in writing. This written authorization should identify the contractor, describe the scope of his or her authority to inspect, and state the date on which that authority expires.

A local government (other than the City of Vancouver, discussed below) does not need a warrant or permission from the owner or occupier to enter property. However, an inspection must be done in a reasonable manner and at a reasonable time. The inspector must also take reasonable steps to advise the owner or occupier before entering the property.³⁰

The City of Vancouver's authority to enter property is more limited. The *Vancouver Charter* authorizes the city to enter property for certain specified purposes, such as building inspection and identification of fire hazards.³¹ For some situations, the City of Vancouver must create bylaws setting out this authority.³² In other situations, the *Vancouver Charter* itself gives city employees the authority to enter property.³³ All City of Vancouver inspections must be conducted at a reasonable time. However, unlike the *Community Charter*, which also requires inspectors to carry out inspections in a reasonable manner and provide reasonable notice, the *Vancouver Charter* does not.

In some situations, an inspection conducted by a local government employee or contractor without a warrant may be considered an unreasonable search and a violation of the *Canadian Charter of Rights and Freedoms*. Courts in British Columbia have decided that a routine spot check and a brief inspection of the exterior of a house

²⁷ *Community Charter*, S.B.C. 2003, c. 26, s. 16; *Local Government Act*, R.S.B.C. 2015, c. 1, s. 419; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 300.1, 306, 311, 313, 560A. Improvement districts do not have this authority. Section 16 of the *Community Charter* provides authority to officers, employees or "other persons authorized by the council." Similarly, the *Local Government Act* provision applies to "officers, employees and agents of the regional district." This can be interpreted to apply to contracted bylaw enforcement officers; however, local governments may wish to set this out clearly in their bylaws if they do use contracted workers to enforce bylaws.

²⁸ *Local Government Act*, R.S.B.C. 2015, c. 1, s. 419; *Islands Trust Act*, R.S.B.C. 1996, c. 239, s. 28.

²⁹ *Community Charter*, S.B.C. 2003, c. 26, s. 16(6)(a).

³⁰ *Community Charter*, S.B.C. 2003, c. 26, s. 16(4). These requirements from the *Community Charter* apply to regional districts and Islands Trust through the *Local Government Act*, R.S.B.C. 2015, c. 1, s. 284.

³¹ *Vancouver Charter*, S.B.C. 1953, c. 55, s. 281(a), 306(1)(h), 311(a), 313, 324.1(4) and 560.A.

³² *Vancouver Charter*, S.B.C. 1953, c. 55, s. 281(a) (business tax), 300.1(3)(j) (energy utility systems), 306(1)(h) (building inspections) and 311(a) (fire hazards).

³³ *Vancouver Charter*, S.B.C. 1953, c. 55, s. 313 (electrical works), 324.1(4) (animal control) and 560.A (zoning).

TAKING ENFORCEMENT MEASURES

In most cases, a local government has full discretion to decide whether to enforce a particular bylaw.³⁶ Such broad discretion in enforcement means local governments can be creative in dealing with bylaw non-compliance. Local governments told us they are particularly proud of the strategies they use to seek voluntary bylaw compliance, which include:

- creating general public education materials
- educating individual residents in response to a complaint
- resolving matters informally
- using mediation and alternate dispute resolution
- issuing warnings prior to enforcement

Enforcement Options

In addition to the voluntary compliance strategies described above, local governments can use a variety of bylaw enforcement options, all of which are set out in provincial legislation.

Local governments other than improvement districts can use the following enforcement options:

- prosecution under the *Offence Act*³⁷
- municipal ticketing³⁸
- bylaw offence notice³⁹
- direct enforcement⁴⁰
- civil proceedings⁴¹

In addition to the above, all local governments can suspend a license, permit or approval where the conditions have not been followed, and municipalities other than Vancouver can discontinue providing a service where the rules about that service have not been followed.⁴²

³⁶ See, for example, *Burke v. Sunshine Coast (Regional District)*, 2011 BCSC 1636; *Myer Franks Agencies v. Vancouver (City)*, 2010 BCSC 1637. However, a local government that uses mandatory language in a bylaw, for example, "the bylaw officer must enforce..." may create a duty to enforce the bylaw, and could be liable for failing to do so: see *Kamloops v. Neilson*, 1984 SCC 21, [1984] 2 S.C.R. 2.

³⁷ *Local Government Act*, R.S.B.C. 2015, c. 1, s. 416; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 333; *Community Charter*, S.B.C. 2003, c. 26, s. 263. A bylaw may establish the minimum or maximum fine that the local government can seek; however, if no penalty is specified, those under the *Offence Act* apply.

³⁸ *Community Charter*, S.B.C. 2003, c. 26, s. 264; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 482.1.

³⁹ *Community Charter*, S.B.C. 2003, c. 26, s. 260(2)(b); *Vancouver Charter*, S.B.C. 1953, c. 55, s. 333B(1)(c); *Local Government Act*, R.S.B.C. 2015, c. 1, s. 415.

⁴⁰ *Community Charter*, S.B.C. 2003, c. 26, s. 17; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 336; *Local Government Act*, R.S.B.C. 2015, c. 1, s. 418.

⁴¹ *Community Charter*, S.B.C. 2003, c. 26, s. 274; *Local Government Act*, R.S.B.C. 2015, c. 1, s. 420; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 334.

⁴² *Vancouver Charter*, S.B.C. 1953, c. 55, s. 161 B and 277; *Local Government Act*, R.S.B.C. 2015, c. 1, s. 335; *Community Charter*, S.B.C. 2003, c. 26, ss. 15 and 18.

TAKING ENFORCEMENT MEASURES



The bylaw notice process is available to local governments listed in the *Bylaw Notice Enforcement Regulation*. The Regulation includes municipalities, local trust committees and regional districts.⁵²

Direct Enforcement

Municipalities, regional districts, the Islands Trust and the City of Vancouver have the authority to enforce some bylaws directly. This means that these local governments can require a person to take action to comply with a bylaw, and, if the person does not, they can seek to recover compliance costs. For example, a local government may require a property owner to clean up a property that contravenes its unsightly premises bylaw. If the property owner fails to take the required action, the local government may directly enforce the bylaw by cleaning up the property and charging the property owner for the cost of the clean-up.⁵³

The following sections describe best practices that local governments can adopt to ensure that their enforcement processes are fair and reasonable.

Jurisdiction and Authority to Act

In deciding whether to take enforcement action to address a bylaw infraction, local government staff must first consider whether the matter is within their jurisdiction and authority to act. This means looking at whether the matter is something that is regulated by the local government, whether the proposed enforcement action is permitted by the relevant legislation and whether staff have authority to take that action.

Residents may expect local government to resolve a wide array of issues through bylaw enforcement, even when doing so is not their responsibility. Local governments can, of course, become involved informally when seeking resolution to an issue, but both staff and the public should be made aware that in such circumstances, a local government can take enforcement action only if it is authorized by its enabling legislation.

Mediation or informal resolution of an issue may be practical if local government has the resources for it. For example, one local government we spoke with told us that in an effort to address complaints about a sign on a private property, its bylaw enforcement officers informed the owner of concerns about the sign, even though

⁵² *Local Government Bylaw Notice Enforcement Act*, s. 2. As of January 6, 2016, the following local governments were listed in the *Bylaw Notice Enforcement Regulation*: City of Abbotsford, Barriere, Bowen Island Municipality, Burnaby, Cariboo Regional District, Central Kootenay Regional District, Central Okanagan Regional District, Chilliwack, Coldstream, Coquitlam, Cranbrook, Creston, Dawson Creek, Delta, Denman Island Local Trust Committee, Duncan, Enderby, Esquimalt (Township), Fraser Valley Regional District, Fruitvale, Gabriola Island Local Trust Committee, Galiano Island Local Trust Committee, Gambier Island Local Trust Committee, Gibsons, Golden, Greater Vancouver Regional District, Harrison Hot Springs, Hope, Hornby Island Local Trust Committee, Kelowna, Kent, Lake Country, Langley (Township), Lasqueti Island Local Trust Committee, Lions Bay, Maple Ridge, Mayne Island Local Trust Committee, Nanaimo, Nelson, New Westminster, Northern Rockies Regional Municipality, North Pender Island Local Trust Committee, North Vancouver (City), North Vancouver (District), Okanagan-Similkameen Regional District, Oliver, Parksville, Peace River Regional District, Peachland, Penticton, Pitt Meadows, Port Alberni, Port Coquitlam, Richmond, Salt Spring Island Local Trust Committee, Saturna Island Local Trust Committee, South Pender Island Local Trust Committee, Sechelt (District), Squamish, Squamish-Lillooet Regional District, Summerland, Sun Peaks Mountain Resort Municipality, Sunshine Coast Regional District, Surrey, Thetis Island Local Trust Committee, Thompson-Nicola Regional District, Tofino, Valemount, Vancouver (City), Vernon, Victoria, Wells, West Kelowna, West Vancouver, Williams Lake.

⁵³ *Community Charter*, S.B.C. 2003, c. 26, s. 17; *Vancouver Charter*, S.B.C. 1953, c. 55, s. 336; *Local Government Act*, R.S.B.C. 2015, c. 1, s. 418.

of the properties cleaned up their yards. Taking the time to communicate with a resident before enforcement can produce positive results.

It is equally important to allow a person reasonable time to comply with a notice after it is given, and to not arbitrarily change the deadlines that have been imposed. The example below, from a complaint we investigated, illustrates this issue.

Just Give Me a Chance!

Pam lived in the United States and owned a residential rental property in a medium-size British Columbia city.

The city inspected Pam's property and then sent her a bylaw compliance order directing her to clean the property up because it had become unsightly. The city did not provide Pam with any warning before making the order. The city sent the order by registered mail to Pam's American address and set a 10-day deadline for completing the clean-up work. Pam, however, didn't receive the notice until the deadline day. She called the city the same day only to learn the clean-up work had already been done. She was told she would be billed for the costs plus penalties. Shortly after, Pam travelled to the city and spoke with bylaw enforcement officials about her situation. She asked the city to contact her by email if there were any similar problems in the future and to allow her enough time to arrange the clean-up work herself.

About six months later, the city inspected Pam's property again and sent another bylaw compliance order by registered mail to her American address. Again, the city did not give Pam any warning before issuing the order. This second order was similar to the first, except this time the city set a 15-day deadline for compliance. Despite the longer deadline, Pam explained she still didn't receive the order until the deadline day. She tried to make arrangements to do the clean-up, but when she contacted the city, she learned staff had already carried out the work and billed her for the costs plus penalties. Although Pam paid the costs and penalties for both orders, she felt the city treated her unfairly. She complained the city did not give her enough notice to do the cleanup work herself and that the city should have contacted her earlier, as she had asked, if any other problems arose.

We questioned whether the city provided Pam with adequate warning or notice prior to each of the enforcement measures it took. We identified areas of concern including:

- whether compliance deadlines set by the city were reasonable since staff knew Pam lived in the United States*
- whether it was reasonable for the city to send the second compliance order by registered mail given the problems Pam told them she experienced with the first notification*
- whether out-of-date information included in the bylaw compliance orders and template notice letters had the potential to create uncertainty*
- whether it was reasonable for the city to do the clean-up work before the compliance deadlines had expired*

Based on the questions and concerns we identified, we consulted with the city and made several proposals aimed at resolving Pam's concerns and helping the city improve its bylaw enforcement process.

garage on her property. With the letter, she also received two bylaw offence notices fining her \$1,000 for noise infractions that allegedly occurred on two occasions.

Nara learned that her neighbours had made several noise complaints approximately four months earlier, but the city had not brought those concerns to her attention. Nara thought the bylaw officer should have contacted her by phone or in person to discuss the noise problem and work with her to seek an amicable solution before taking enforcement action.

We investigated the process followed by the city in enforcing its noise bylaw. As a result of consultation with our office, the city offered to review Nara's situation, agreed to refund the \$1,000 fine and wrote Nara a sincere apology.

In Nara's case, it was apparent that she was interested in complying with the city's bylaws. Had she been given adequate notice or a warning about potential bylaw enforcement, she may have taken steps to comply, and further action may not have been necessary.

Not all bylaw offences require bylaw enforcement staff to give formal written notice. In many cases, it is sufficient for bylaw enforcement staff to telephone the person alleged to be violating the bylaw.

Use Template Notice Letters Carefully

In Pam's case, the city used a template notice letter to inform her of its concerns. Template letters should be used with caution. Although they allow local government staff to provide consistent information to residents, this benefit can be undermined, as it was in Pam's case, if the information is inaccurate, not followed by the staff, out of date, or simply confusing.

Use Signs to Provide Notice

For minor bylaw offences, local governments can provide sufficient general notice of potential enforcement by placing a sign describing the prohibited behaviour – such as a no parking sign. Many local governments take this approach, posting signs informing the public of bylaws on off-leash dogs, smoking, making noise late at night and other activities that contravene community standards in public spaces. Along with the relevant bylaw, such signs often post the maximum fine. When local government staff enforce these bylaws against individuals, they can point to the signs as providing notice.

Taking Action without Notice

As described above, a procedurally fair process provides a person with notice of pending administrative action that may affect his or her rights or interests. In a bylaw enforcement context, there may be situations where, due to the need for immediate action, a local government may not provide notice or a warning to an individual before taking enforcement action. Generally, this occurs when a bylaw violation creates an immediate risk to health, safety or the environment.

Posting signs as described above may not be feasible if the geographical area covered by a bylaw is too great, if the nature of the bylaw makes posting signs or providing individual notice impractical, or if a violation occurs infrequently. In such circumstances, taking enforcement action without notice may be justified, especially when the general public is likely to be aware of a bylaw, such as one prohibiting littering or riding bicycles on sidewalks.

Equitable Enforcement

Bylaw enforcement should be equitable – that is, applied in a way that is just in light of a person's circumstances.⁵⁷ This means that local government staff consider a person's circumstances and ability to comply before determining whether enforcement is appropriate and what enforcement tools they should use. This does not mean that local governments can never enforce bylaws against disadvantaged individuals. Rather, equity is a principle of fairness that goes to the heart of local governments' discretion to decide whether and how to enforce their bylaws.

For example, many local governments have a snow removal bylaw that requires residents and businesses to clear their sidewalks within a certain time after a snowfall. If a senior or person living with a disability is unable to comply, levying a fine or other similar enforcement measure for failing to clear the sidewalk without considering the person's circumstances would be unjust and unlikely to result in compliance. By first contacting a person who has failed to comply with a bylaw, local government staff can better understand his or her circumstances and explore alternatives.

As another example, some local governments have teamed up with health authorities and mental health experts to deal with unsightly premises of residents who may be dealing with a mental illness. This coordinated approach shows how local governments can take the particular circumstances of residents into consideration when deciding whether and how to take enforcement measures.

Consistent Enforcement

Consistency is also an important part of a fair bylaw enforcement process. As we state in our *Code of Administrative Justice*:

Administrative justice requires consistency in the application of determinative principles and standards. When the law spells out a test to apply, or when an authority has adopted a reasonable policy as a guide to the exercise of its discretion, the test or policy ought to be applied so that similar cases are treated in a similar way. Otherwise the authority acts arbitrarily, and an arbitrary decision is an unjust decision.⁵⁸

It is easier for local governments to meet public expectations about enforcement when staff follow a generally consistent approach to bylaw enforcement. Bylaw enforcement staff are not required to follow the same approach in every case, but if they enforce the same bylaw differently in similar circumstances, their decisions may appear to be arbitrary. When deciding what action is appropriate, bylaw enforcement officers should consider whether there is a compelling reason given the circumstances to deviate from policy and past practice.

When bylaw enforcement staff do deviate from policy or practice, they should be able to explain that to the individual who is affected. For example, a different enforcement approach may be justified if an individual has a past history of non-compliance, the violation is more severe than other cases, or the circumstances would make enforcement in the usual way unjust. The following example, from a complaint we investigated, shows how a local government initially took an inconsistent approach in enforcing its noise bylaw, leading to complaints of

⁵⁷ For further discussion of this principle in a local government context, see City of Toronto, Office of the Ombudsman, *Defining Fairness: The Office of the Ombudsman and the City of Toronto Public Service*, October 2010, 9 <http://ombudstoronto.ca/sites/default/files/FairnessHandFINALWEB_0.pdf>.

⁵⁸ Office of the Ombudsperson, *Code of Administrative Justice 2003*, Public Report No. 42, British Columbia Legislative Assembly, March 2003, 6 <<https://www.bcombudsperson.ca/sites/default/files/Public%20Report%20No%20-%2042%20Code%20of%20Administrative%20Justice.pdf>>.

information on how to pay or dispute the ticket, describes the consequence of not paying, and sets out the timeframe for disputing it.⁶⁰

In all cases, whether or not required by legislation, bylaw enforcement staff should provide clear, complete, and consistent information about a violation, the enforcement action being taken, any options for complying, any important deadlines, how to appeal the decision, how to pay fines, and how to contact the local government with questions about the enforcement action.

In particular, it is essential for staff to provide reasons for enforcement action. This means that bylaw enforcement staff explain why the bylaw is being enforced in those circumstances. Written reasons in particular can help a person understand the decision and are especially useful if the decision is appealed. Whether written or verbal, adequate reasons should:

- directly and completely describe the concerns that led to the enforcement action and the evidence that supports those concerns
- set out the bylaw section on which the decision is based
- be clear and easily understood by the person affected by the enforcement measure
- provide information about options for reviewing or appealing the decision

Using a standard form to provide reasons can be useful and make the process less time consuming for staff. However, it is important that any reasons address the specific circumstances that led to enforcement action.

Best Practice: Providing Reasons for Enforcement Decisions

Bylaw enforcement staff provide a person affected by an enforcement decision with reasons for enforcement that:

- describe the concerns that led to the enforcement action and the evidence supporting those concerns
 - set out the bylaw section on which the decision is based
 - are clear and easily understood by the person affected by the decision
 - provide information about options for review or appeal of the decision
-

Discontinuing a Service

Services provided by municipalities vary widely and can include water, electricity, garbage removal, as well as libraries and community centres. The *Community Charter* allows municipalities other than the City of Vancouver to make a bylaw permitting them to discontinue a municipal utility or service for unpaid fees or for non-compliance with the terms of that service.⁶¹ This section of the *Community Charter* does not apply to regional districts.

⁶⁰ *Community Charter*, S.B.C. 2003, c. 26, s. 266; *Vancouver Charter*, S.B.C. 2003, c. 26, s. 482.3; *Community Charter Bylaw Enforcement Ticket Regulation*, B.C. Reg. 239/2010, s. 5, forms A2 and B2.

⁶¹ *Community Charter*, S.B.C. 2003, c. 26, s. 18(1). Because this section of the *Community Charter* only applies to municipalities, we have used that term rather than the broader term "local government" in this section of the guide. Section 18(1) requires that the unpaid fee is "in relation to the service," which suggests that services can only be discontinued for unpaid fees relating specifically to that service.

APPEALS OF ENFORCEMENT DECISIONS

Through enforcement, local governments may impose fines, seize animals, cancel business licenses, stop providing services or charge fees for cleaning up unsightly premises. All of these decisions can have a significant impact on the people subject to enforcement measures. As the previous sections of this guide describe, local governments can take enforcement action in a number of ways. Some enforcement processes and any resulting appeals involve the courts, for example, civil action, prosecutions or appeals of municipal tickets.

This section focuses on best practices in reviews or appeals of enforcement decisions where the review or appeal is heard by local government staff or local government administrative bodies instead of the courts.

Fairness requires that a person has an adequate opportunity to dispute a decision by an administrative body that affects his or her rights or interests. In the bylaw enforcement context, a review or appeal process should allow a person who is the subject of enforcement measures to dispute the enforcement decision. A fair review or appeal process is especially important when a person had no opportunity to be heard before the enforcement decision was made.

Establishing Appeal Processes

Bylaw Notice Appeals

The *Local Government Bylaw Notice Enforcement Act* establishes an appeal process for bylaw notices that is implemented by local governments. To use the bylaw notice adjudication process set out in this Act, a local government must be listed in the *Bylaw Notice Enforcement Regulation* and must specify in a bylaw which violations will be dealt with under this system.⁶³ Local governments can use a screening officer as a first point of review if a bylaw notice is disputed. This officer reviews the notice prior to the dispute adjudication process and can cancel the notice, refer it to adjudication, or make a compliance agreement with the affected person.⁶⁴

If the screening officer does not cancel a dispute notice or make a compliance agreement, or if there is no screening officer, the bylaw dispute is heard by a third-party adjudicator. These dispute adjudicators are appointed by the province, must have the prescribed qualifications, and must not be an employee of a local government or hold an elected office in a local government.⁶⁵ The process is intended to be less formal than the court system.⁶⁶

⁶³ *Bylaw Notice Enforcement Regulation*, B.C. Reg. 153/2015, Schedule 1.

⁶⁴ *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60, ss. 2(2)(a), 4, and 10.

⁶⁵ The prescribed qualifications for an adjudicator include: has not been convicted of an offence in the previous 10 years; is not named in a bylaw notice or ticket in relation to a penalty that is outstanding and overdue; has at least one year's experience as an adjudicator of disputes; and has post-secondary training in adjudication. See *Bylaw Notice Enforcement Regulation*, B.C. Reg. 153/2015, s. 6 and *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60, s. 15.

⁶⁶ *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60, Part 3. See also Ministry of Community, Sport and Cultural Development, "Bylaw Enforcement" <http://www.cscd.gov.bc.ca/lgd/governance/bylaw_enforcement.htm>.



An Appeal in Name Only

Nara contacted us after she received bylaw notices from her city that levied fines of \$1,000 for contravening a noise bylaw. Nara paid \$25 to attend an adjudication hearing to dispute the bylaw notices. Nara said the hearing lasted only a few minutes and the adjudicator simply announced that he had determined the infraction had occurred, and that she was required to pay the full penalty plus the adjudication fee. Nara said she was not given an opportunity to present her case or dispute the information from the city. We investigated.

The city informed us that it participates with eight other municipalities in providing a bylaw adjudication system which allows local governments to manage most bylaw violations at the local level rather than through the provincial court system.

The city did not have any documentation or information to demonstrate that Nara had an adequate opportunity to present her case. In response to our investigation, the city agreed to review Nara's situation. As a result of that review, the city refunded the \$1,000 fine and the \$25 adjudication fee, and wrote Nara a sincere apology.

Opportunity to Be Heard

As Nara's case demonstrates, an appeal process should be structured to allow a person a meaningful opportunity to be heard. This is particularly important for people who have not received any prior notice of the enforcement measures taken against them as the appeal may be their first opportunity to make their case.

With the wide range of bylaw enforcement decisions local governments make on a daily basis, appeal processes can allow a person to be heard with varying degrees of formality. For example, an appeal process for a straightforward matter with minimal impact on an individual may be conducted entirely by email.

For complex cases or cases with a significant impact on a person's rights, procedural fairness may require a hearing in person, by telephone or electronically instead of, or in addition to, written submissions.

A local government must determine what type of appeal process to apply to different bylaw infractions in a principled way. Most importantly, the person who is subject to an enforcement decision must have an adequate opportunity to be heard when disputing the decision. The process by which the local government will hear from an individual appealing a decision should be clearly set out in either the bylaw or written policy.

An Unbiased Decision-Maker

As Nara's experience above shows, a fair appeal process requires an unbiased decision-maker who approaches the appeal in good faith and with an open mind. The decision-maker should not have an interest in the outcome of the decision and should not have pre-judged the issue. For example, the person who hears the appeal should not be the same person who made the original decision. In some cases, council has a role in the appeal process and may be the final decision-maker in a dispute. To avoid the risk of bias or pre-judgement in these cases, council should not be involved in earlier steps in the bylaw enforcement process. This role of council should also be clearly set out in bylaw or policy (see The Role of Council section of this guide for more information).

Public Information about Reviews and Appeals

Accessibility is a key component of a fair review or appeal process. When we spoke with local governments as we were developing this guide, we learned local governments do not always make information about review or appeal processes publicly available. For example, 16 of the 26 local governments whose noise bylaws we reviewed did not have any publicly accessible information about how to seek a review of or appeal a noise bylaw enforcement decision.

When information about appeals is accessible, people affected by bylaw enforcement decisions know how to seek a review of or appeal a decision in a timely way. Review or appeal processes should, at a minimum, be described on the local government's website.

Best Practice: Public Information about Reviews and Appeals

Local governments make information about bylaw enforcement reviews and appeals easily accessible to the public by posting it on the local government's website.

- notifying the complainant and local government in writing of the outcome of the investigation and providing reasons for our decision⁷³

We approach each investigation impartially, without prejudging the merits of the complaint, and keep an open mind in determining whether the local government acted fairly in the circumstances.

We recognize that not all local governments are familiar with our office and its role. During our investigations, we therefore invite local governments to ask questions about our process or to suggest appropriate resolutions of a complaint.

How Local Governments Can Respond

Local governments can facilitate our investigative process in several ways.

All of our investigations are guided by the facts of the particular complaint they address. Therefore, when we give notice to a local government that we are investigating a complaint, we identify the specific issue we will be examining. That helps staff to provide us with the pertinent documentation to show how and when they responded to the complainant or otherwise addressed the issue in question.

Local government staff are welcome to contact our office to ask questions about the investigation and to discuss any relevant background information about the complaint that might be useful to the investigator.

During an investigation, we will usually request specific documentation (e.g. correspondence) from the local government. When that happens, it is important that the local government provide the entire documents and not a summary of them or an excerpt. If the volume of the materials is such that it would take considerable staff resources to copy them all, our office will look for other options, such as copying the documents ourselves.

Our investigations are confidential, and any information or records the complainant or local government provides to us during the case will not be disclosed except to the extent necessary to further our investigation or to explain the outcome.⁷⁴

We also often ask local governments for copies of the bylaws or policies relevant to the investigation. As discussed earlier in this guide, bylaws and policies provide a framework for local government action. We then consider whether the local government action or inaction complained about is consistent with a bylaw or policy, and whether that bylaw or policy is reasonable and fair. This assessment is made easier if we are able to access the bylaw and policy on the local government's website.

If, after investigating, we have identified an apparent unfairness, we propose a possible settlement of a complaint to the local government. In making a settlement proposal, we are not advocating for the complainant or acting as a mediator. Rather, we are advocating for a settlement that is reasonable for all parties and consistent with the principles of administrative fairness.

We expect all local governments to consider our proposed settlements of complaints. If a local government is unwilling to do so, then we expect it to explain the reasons for its position and to propose an alternative settlement.

⁷³ *Ombudsperson Act*, R.S.B.C. 1996, c. 340, s. 22(1)(d).

⁷⁴ *Ombudsperson Act*, R.S.B.C. 1996, c. 340, s. 9.

BEST PRACTICES CHECKLISTS

1. Enforcement Policy: Guidelines for Exercising Discretion

An enforcement policy establishes broad guidelines for a fair and consistent enforcement process. It should cover most situations where staff will be making discretionary enforcement decisions.

A properly applied enforcement policy should achieve four goals:

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

Is the bylaw enforcement policy written in plain language that is easily understood and applied?

☐

Does the policy describe clearly what it is intended to achieve?

☐

Is the policy flexible enough to cover a variety of circumstances where staff are exercising discretion?

☐

Does the policy avoid fettering staff discretion by requiring them to take the same steps in each case, regardless of the circumstances, or discouraging individual responsibility for decisions?

☐

Does the policy set out the relevant considerations that bylaw enforcement staff should take into account when exercising discretion?

☐

Does the policy describe its relationship to – and accurately reflect – governing legislation and bylaws?

☐

Is the policy communicated to bylaw enforcement staff?

☐

Is the policy easily available to the public, such as on a website?

☐

BEST PRACTICES CHECKLISTS



3. Investigation Plans

One way to approach complex cases in a consistent way is to develop an investigation plan.

Investigation plans can be customized by a local government to meet the needs of the community and to reflect the nature of the investigations that staff conduct. However, every investigation plan should include at least the following four key elements: a summary, a list of relevant bylaws, requirements for gathering evidence, and timelines for completing the work.

Does the investigation plan include a summary of the complaint or alleged infraction? ☐

Does the investigation plan reference the relevant bylaw and the test that must be met to confirm that a bylaw infraction has occurred? ☐

Does the investigation plan describe the evidence that must be gathered to meet that test, and where and how the evidence will be obtained? ☐

Does the investigation plan set out timelines for completing steps in the investigation? ☐

Does the investigation plan allow for the process to be adequately documented? ☐

5. Appeals of Enforcement Decisions

In accordance with principles of administrative fairness, a person should have an adequate opportunity to dispute a decision by an administrative body that affects his or her rights or interests.

In the bylaw enforcement context, a review or appeal process should allow a person who is the subject of enforcement measures to dispute the enforcement decision. A fair review or appeal process is especially important where there was no opportunity for a person to be heard before the enforcement decision was made.

Do regulatory bylaws state what decisions can be reviewed or appealed, who can review those decisions, what the review or appeal process is, and what the possible outcomes of a review or appeal are? ☐

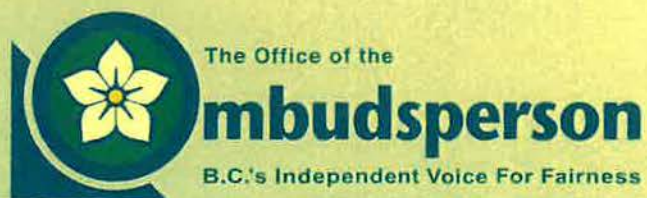
Does the local government policy describe how a review or appeal process will be conducted? ☐

Do local government staff or adjudicators hearing appeals of bylaw enforcement decisions provide the person disputing the decision with a meaningful opportunity to be heard – one that is appropriate to the nature of the bylaw violation? ☐

Are local government staff or adjudicators hearing appeals of bylaw enforcement decisions unbiased, and do they approach the appeal with an open mind? ☐

Do local government staff or adjudicators hearing appeals of bylaw enforcement decisions provide adequate and appropriate reasons for their decisions? ☐

Does the local government make information about reviews or appeals available publicly, such as on its website? ☐



MAILING ADDRESS: Office of the Ombudsperson | PO Box 9039 Stn Prov Govt | Victoria BC V8W 9A5

TELEPHONE: General Inquiries Victoria: 250 387-5855 | Toll Free: 1 800 567-3247

FAX: 250 387-0198 | **OR VISIT OUR WEBSITE AT:** <http://www.bcombudsperson.ca>

- iii. An annual report which provides statistics relating to bylaw complaints and enforcement
- c. enter bylaw offence notice information data into the Upper Fraser Valley Bylaw Adjudication System;
- d. liaise with the Upper Fraser Valley Bylaw Adjudication System Coordinator;
- e. interpret, explain and enforce Village bylaws to the public;
- f. handle correspondence, enquiries and complaints regarding bylaws and other regulations;
- g. discuss and recommend legal action on infractions with the Chief Administrative Officer;
- h. prepare information for prosecutions and give evidence in Court if required;
- i. attend adjudication hearings to represent the Village;
- j. ensure close liaison with the RCMP, Fraser Health and other outside agencies;
- k. public education on municipal bylaws;
- l. notify Police when their intervention is necessary;
- m. implement a preventative system of bylaw enforcement that includes taking initiative on apparent and known infractions before they trigger public complaints;
- n. provide input and make recommendations concerning existing and future bylaws of the Village;
- o. monitor premises that have been identified pursuant to the Nuisance, Noxious or Offensive Trades Health and Safety Bylaw;
- p. perform inspections and regulatory work related to enforcement of the bylaws of the Village.
- q. advise the Fraser Valley Regional District Animal Control Service of issues requiring bylaw enforcement relating to the care and control of dogs in accordance with the Fraser Valley Regional District's bylaw;
- r. recruit, hire and train additional officers as required

2.2 The Contractor must provide the following:

- i. Vehicle, insurance and valid BC Drivers Licence
- ii. Uniform that clearly identifies the position as Bylaw Enforcement Officer
- iii. Comprehensive general liability insurance
- iv. Workers' Compensation Board coverage
- v. Valid RCMP Security Clearance
- vi. Current Village Business Licence
- vii. Cell phone and email contact
- viii. Digital camera

- 3.2 The Village's waiver, release and indemnity will survive the expiry or sooner termination of this Agreement.

4. **REMUNERATION**

- 4.1 The Contractor shall receive \$75,000.00 per annum as per Schedule "A" (not including applicable taxes). Invoices submitted over the maximum monthly hours of service, will be paid at an hourly rate as set out in Schedule "A".
- 4.2 The Contractor shall submit to the Village, an invoice for work on a monthly basis or as otherwise mutually agreed to.

5. **TERMINATION OF AGREEMENT**

- 5.1 Either party may give sixty (60 days) notice to the other party, to terminate or suspend all, or any part of the bylaw enforcement services. If either party terminates or suspends all or part of the services under this section, the Contractor may deliver an invoice to the Village for the period of service up to the termination of the agreement.

- 5.2 The Village may terminate this Agreement immediately upon written notice to the Contractor where the Contractor breaches any of the material terms or conditions of this Agreement or is in material default of its obligation to provide the Services in accordance with the requirements of this Agreement


- 5.2.1 All payments due to the Contractor at the time of a Default by the Contractor under this Agreement, minus amounts due to the Village from the Contractor, will be applied by the Village against damages suffered and expense incurred by the Village by reason of such Default.

- (a) If the Contractor is in Default under this Agreement, the Village may give written notice of Default to this Agreement, in the manner required for giving notices, and if the Contractor does not remedy the Default to the satisfaction of the Village within the time specified in the Village's notice, the Village may at the Village's option terminate this Agreement by giving notice of immediate termination to the Contractor.

The Contractor is not entitled to, and irrevocably waives and releases, damages or compensation for costs incurred, loss of opportunity, directly or indirectly arising out of termination or suspension of all, or any part, of the services.

IN WITNESS WHEREOF the parties have caused this agreement to be executed this 15th day of January 2022.


JESSICA SCOTT


Corporate Officer

Redacted pursuant to S.22 of the
Freedom of Information and
Protection of Privacy Act



Local Government Climate Action Program Survey Submission Report

Harrison Hot Springs

Report generated on Tuesday, July 26, 2022 14:17 PST

Question	Answer
1. Does your local government or Modern Treaty Nation have a climate action plan or strategy?	No, but we are intending to undertake one in the next two years
2. For the calendar year 2021, did your local government or Modern Treaty Nation measure and publicly disclose corporate greenhouse gas (GHG) emissions?	No, corporate GHG emissions are measured, but not made public
3. For calendar year 2021, did your local government or Modern Treaty Nation measure and publicly disclose a community-wide emissions inventory?	No, but we are intending to undertake a community GHG inventory in the next two years
4. Is your local government or Modern Treaty Nation tracking progress on its community-wide GHG reduction target?	No
4.e. If no, select all that apply:	"No, due to a lack of resources"
5. Describe up to four climate initiatives, and their outcomes, your local government or Modern Treaty Nation is currently undertaking for Buildings	None

	<p>for cash contributions to off-site parking.</p> <p>iii. Continue to identify opportunities for tourism tax-funded infrastructure improvements that support emissions reductions and tourism, such as walkability.</p> <p>iv. Continue to encourage the development of local services such as grocery stores, that can service many of the day-to-day needs of residents and visitors; consider the accessibility of regional services in this work.</p> <p>Transportation Actions</p> <p>i. Update the Traffic and Parking Study/undertake a new transportation and parking study, to include consideration of connectivity within and between neighbourhoods, strategic offsite parking for the Village Centre, and provisions for electric vehicles, all aimed at reducing fossil fuel consumption for transportation.</p> <p>a. Continue to advocate and work with partners to develop transit solutions to/from Harrison Hot Springs and major destinations, also aimed at reducing fossil fuel consumption.</p> <p>Buildings Actions</p> <p>i. Develop a green building/energy efficiency standard or checklist that is applied for rezoning, and is goal/performance oriented.</p> <p>ii. Develop and promote incentives aimed at improving energy efficiency and utilizing renewable energy in new construction and existing buildings.</p> <p>Energy Supply Actions</p> <p>i. Pursue utilization of alternative, low carbon energy sources and systems including geothermal/waste</p> <p>ii. heat and district energy for the Village Centre, and engage community partners in this process.</p> <p>Waste and Resource Management Actions</p> <p>i. Continue to pursue expansion and/or enhancement of services that will reduce waste disposal and landfilling, particularly organic food waste that contributes to landfill gas emissions.</p> <p>ii. Expand waste reduction education efforts in schools and more widely in the Village and use this as an avenue for broader greenhouse gas emissions reduction education.</p>
10. What actions has your local government or Modern Treaty Nation taken to increase community completeness and compactness since 2020 (e.g. urban containment boundary, increasing density by allowing secondary suites and laneway or carriage housing options)?	None

19. Select the top three factors your local government or Modern Treaty Nation needs most to increase the capacity to adapt to climate impacts and build community resilience.	"Increased funding", "Increased staff capacity", "Political support and direction"
20. How does your local government or Modern Treaty Nation ensure equitable access to, and distribution of, climate action opportunities and benefits?	"There are no specific measures in place at this time to ensure equitable access to, and distribution of, opportunities and benefits"
21. Do the climate action plan(s) and priorities of your local government or Modern Treaty Nation align with the climate action plans and priorities of senior levels of government?	"No, there is no process currently for multilevel government collaboration and alignment of climate plans and implementation", "No, our resource capacity doesn't permit us to collaborate or align more effectively with senior levels of government"
22. Is your local government a signatory to the B.C. Climate Action Charter or a Modern Treaty Nation?	Yes
23. To demonstrate commitment to climate action, climate investments (i.e., matching funding or in-kind contributions) equivalent to 20% of the provincial funding received are required of local governments and Modern Treaty Nations. The intent is to show past, current, and future investments in climate action and create awareness and education.	"Staff time", "Climate or energy studies and/or assessments", "Climate or energy plans, policies and/or strategy development", "Climate resilient Infrastructure and/or capital project(s)"
24. Please provide your (or survey primary contact's) first and last name.	Rhonda Schell
25. Please indicate your (or survey primary contact's) position with your local government or Modern Treaty Nation.	Community Services Manager



Local Government Climate Action Program Attestation Form

Instructions for the Attestor:

1. Complete and sign this form by filling in the fields below.
2. Email the completed and signed form to LGAP@gov.bc.ca.

I, the Chief Financial Officer, or equivalent position, of Village of Harrison Hot Springs (name of local government) confirm the following:

1. That Local Government Climate Action Program funding has been, or will be, allocated to climate action.
2. That if funds are held in reserve, they will be spent by the end of March 2025.
3. That a completed and signed version of this form will be submitted by email to the Climate Action Secretariat, Ministry of Environment and Climate Change Strategy by July 29, 2022.
 - a. If council approval is required, it will be submitted no later than September 30, 2022.
4. That a completed and signed version of this form will be publicly posted by September 30, 2022.
5. That a completed and exported version of the program survey (submitted online) will be publicly posted by September 30, 2022.

Attested to by me at (name of local government) Village of Harrison Hot Springs
on (date) July 28 20 22

Signature of Attestor:

Printed Name of Attestor:

Scott Schultz

Title or Profession of Attestor (i.e. Chief Financial Officer or equivalent position):

Finance Manager

Telephone Number of Attestor:

604-796-2171

Email Address of Attestor:

sschultz@harrisonhotsprings.ca

Ministry of Environment and
Climate Change Strategy

Climate Partnerships and
Engagement Branch

Climate Action Secretariat

Mailing Address:

PO Box 9486

Stn Prov Govt

Victoria BC V8W 9W6

Email: env.mail@gov.bc.ca

Website:

[http://www2.gov.bc.ca/gov/content/
environment/climate-change](http://www2.gov.bc.ca/gov/content/environment/climate-change)