



## Policy & Procedure Manual

### Policy No. 4.6 (BP - Bylaw Enforcement)

#### Bylaw Enforcement

The Squamish-Lillooet Regional District (the "Regional District") does not have the resources to actively review properties on a regular basis in order to determine whether or not its various building, zoning, and other regulatory bylaws are being complied with at all times. Therefore, it is the policy of the Regional District to rely primarily on citizen complaints as a means of enforcing these bylaws. In order to encourage valid complaints and to reduce the opportunity for intimidation and conflict, the Regional District seeks to establish a balance of accountability and confidentiality among the various parties to the bylaw enforcement process. The following policies shall therefore apply:

1. In order to be considered, a bylaw complaint shall be in writing using the Bylaw Enforcement Witness Report form (standard mail, email, fax, or hand delivered) and shall contain the name, address and phone number of the complainant and shall describe the nature and specific location of the alleged infraction(s).
2. As a matter of practice, the identity of the complainant and the written complaint itself shall not be disclosed to the alleged violator or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged violator shall not be disclosed to the complainant. Furthermore, bylaw enforcement files will not necessarily be discussed with a complainant subsequent to the initial submission of a written complaint.
3. The anonymity and confidentiality given to complainants and alleged violators under this policy cannot be assured in all circumstances, particularly if a complaint has been publicly disclosed by the complainant, or if an investigation results in court proceedings. If a request is made to the Regional District for disclosure under the *Freedom of Information and Protection of Privacy Act* (the "Act"), it shall be reviewed as per the relevant sections of the Act, unless consent is obtained from the person who supplied the information and who would otherwise be provided confidentiality under the Act and this policy. The Regional District, however, is subject to orders issued by the Information and Privacy Commissioner under the Act and will not necessarily appeal an order to disclose.
4. When determining the response to a complaint the Regional District will consider such matters as the scale, number and duration of the infraction(s); the current, short and long term impacts caused by the infraction; the potential for precedents and the resources available to resolve the matter.

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5. When receiving complaints about potential infractions on properties in the Agricultural Land Reserve (ALR), the Regional District will send the complaint to the ALC as the primary enforcement agency. The Regional District will recommend to the complainant that they submit complaints to the ALC directly if they have not already done so. The Regional District will review the complaint for infractions to its own bylaws, particularly a noise bylaw and those elements of a zoning bylaw where the Regional District has primary responsibility for enforcement.
6. Bylaw enforcement is at the discretion of the Regional District. As a general rule, in order for a complaint to be considered, it shall be submitted by a person who is affected by the alleged infraction, or who owns, resides upon, or otherwise has an interest in property that is affected by the alleged infraction.
7. The Regional District will handle complaints and bylaw enforcement issues as operational matters to be handled at a staff level rather than at a Board level. Staff will advise the affected Electoral Area Director(s) of any enforcement actions. In addition, staff will advise the Board on enforcement matters on an as-needed basis.
8. The Regional District will seek voluntary compliance first. It will not be the policy of the Regional District to necessarily seek a final legal remedy for all alleged infractions.
9. This policy does not preclude the Regional District from initiating enforcement of its bylaws in the absence of a complaint where circumstances warrant such action. Such circumstances may include, but are not limited to: health and safety considerations; Regional District liability; the scale or the flagrancy of the violation.

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