

# Bylaw Enforcement Notice & Dispute Adjudication

## Making the System Simpler

The **Bylaw Enforcement Notice and Dispute Adjudication** system provides a simple, fair and cost-effective method for dealing with most bylaw violations under the province's *Local Government Bylaw Notice Enforcement Act*. It is less costly, complex and time-consuming than going through the court system.

**Bylaw Violation Notices (BVNs)** are only issued if an investigation confirms that a bylaw contravention exists. Before a BVN is issued, offenders are normally offered an opportunity to comply with the pertinent bylaw. The goal of bylaw enforcement in the Trust Area is to encourage compliance with the community's bylaws.

A person receiving a BVN can either pay it, request a Compliance Agreement or dispute it by requesting adjudication.

The **Dispute Adjudication** part of the system replaces provincial court with an adjudicator. A person can request to dispute a BVN by notifying Islands Trust by phone, by mail, in person or online.

An Islands Trust screening officer then reviews the objection to the BVN. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

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For more information about bylaw enforcement in the Islands Trust area, please see our Bylaw Enforcement—Frequently Asked Questions pamphlet or go to [www.islandstrust.bc.ca/islands/bylaw-enforcement](http://www.islandstrust.bc.ca/islands/bylaw-enforcement)

### How the BVN system works:

#### Option 1: Pay the BVN

- Reduced penalty if paid within 14 days of receiving notice
- Full penalty after 14 days
- A late payment surcharge is added for penalties paid after 28 days

#### Option 2: Negotiate a Compliance Agreement for a reduced fine

Follow step one below but indicate that you wish to negotiate a Compliance Agreement.

#### Option 3: Dispute the BVN

##### ◆ Step One

- Complete and submit the Adjudication Request form at the bottom of the BVN.
- Deliver, mail or fax to the Islands Trust office on Salt Spring or Gabriola or in Victoria.
- The request can also be completed online at [www.islandstrust.bc.ca/islands/bylaw-enforcement/disputing-a-bylaw-violation-notice/](http://www.islandstrust.bc.ca/islands/bylaw-enforcement/disputing-a-bylaw-violation-notice/)

##### ◆ Step Two

An Islands Trust screening officer will review the BVN and will:

- Cancel the BVN; or
- Work out a Compliance Agreement and reduce or cancel the penalty when the terms of the agreement are fulfilled; or
- Uphold the BVN.

##### ◆ Step Three

If the screening officer upholds the BVN:

- A date and time is set for the adjudication hearing.
- At the hearing, evidence is presented and the adjudicator decides if a bylaw violation did or did not occur.

##### ◆ Step Four

- If the adjudicator rules that a violation did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If the adjudicator rules that a violation did not occur, the BVN is cancelled and no penalties are imposed.

## Frequently Asked Questions

### What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. An environmental concern, permitting issue or advertising of an illegal land use may also trigger enforcement.

### What is a Compliance Agreement?

It is an effective alternative to adjudication. A person entering into a Compliance Agreement accepts liability for the contravention and agrees to perform certain conditions or remedies to resolve the bylaw violation within an agreed upon time.

### How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions, the discounts for entering into and fulfilling a Compliance Agreement are 50% or 75% (and even 100% on some islands).

### Can I pay the reduced penalty within 14 days and still proceed to adjudication?

No. You cannot dispute a BVN once you pay the penalty.

### Why are disputes adjudicated in North Vancouver?

The Islands Trust has joined the North Shore Bylaw Dispute Registry, which offers practical and cost-effective adjudication.

### What does the Adjudicator decide?

The decision before the adjudicator is strictly whether a violation of a local government bylaw occurred, or did not occur. The process is not designed, nor intended, to deal with challenges to the fairness or validity of the bylaw, or other legal questions. Adjudicators may only confirm the BVN or cancel it outright. Fine reduction is not an option under the legislation.

### Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

### Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

### If I change my mind, can I pay the penalty before the hearing date?

Yes. However, payments received after 14 days from when the BVN was issued must be paid in full.

### What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

### What happens if I ignore the BVN?

You will be subject to further enforcement action such as additional fines or direct legal action. The unpaid BVN may be submitted to collection procedures which can affect your credit rating.

## How can I contact the Bylaw Enforcement team?

**Email** [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca)

**Phone** 250-405-5175, Victoria office

If you are calling long distance, you can call toll free to **Enquiry BC** and ask to be transferred to Islands Trust in Victoria:

- in Vancouver call **604-660-2421**
- elsewhere in BC call **1-800-663-7867**

Send **mail** or **visit** any of our offices:

Victoria - 200-1627 Fort St, V8R 1H8

Salt Spring - 1-500 Lower Ganges Rd, V8K 2N8

Gabriola - 700 North Rd, V0R 1X3

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Islands Trust