

Frequently Asked Questions

What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

What is a Compliance Agreement?

A person who enters into a Compliance Agreement accepts receipt of the Bylaw Violation Notice (BVN) issued for the alleged contravention of a bylaw. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw contravention is resolved within an agreed time, the amount of the penalty is reduced.

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

With a few exceptions, the discounts for entering into and completing a Compliance Agreement are up to 100%.

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

No. Once a penalty is paid the BVN cannot be disputed.

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 pay the penalty before the hearing date if I change my mind?

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

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

No. An adjudicator's decision is final.

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

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

How can I contact the Bylaw Enforcement team?

You can contact the Bylaw Enforcement team by

Email at bylawenforcement@islandstrust.bc.ca

Phone at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**
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 Road, V0R 1X3

Visit us online at: www.islandstrust.bc.ca

Bylaw Enforcement Notice & Dispute Adjudication System



Islands Trust

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 straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

Bylaw Violation Notices (BVN) are only issued after an investigation confirms that a bylaw contravention exists. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

The Islands Trust manages BVNs through its Bylaw Enforcement Notice and Dispute Adjudication System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The Bylaw Enforcement Notice and Dispute Adjudication system replaces provincial court with an adjudicator. People disputing a BVN can present their objections to the notice by phone, by mail,

in person or online. The BVN includes information on how to do this.

Under the Bylaw Enforcement Notice and Dispute Adjudication system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The Screening Officer can also offer and negotiate a Compliance Agreement, which usually includes a penalty discount, and may include remedial actions.

The Bylaw Enforcement Notice & Dispute Adjudication System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

For more information about bylaw enforcement in the IslandsTrust area, please see our Bylaw Enforcement—Frequently Asked Questions pamphlet or go to www.islandstrust.bc.ca.

How the system works once a Bylaw Violation Notice is issued

Option 1: Pay the BVN

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

Option 2: Dispute the BVN

Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed 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.

Step Two

An Islands Trust screening officer will review the adjudication request and will:

- cancel the BVN; or
- work out a Compliance Agreement and reduce the penalty when the agreement is completed; 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 an offence did or did not occur.

Step Four

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