



POLICY TITLE: Bylaw Enforcement Policy

EFFECTIVE DATE: 2023.08.08

RESOLUTION #: 236/2023

POLICY STATEMENT: The Village of Kaslo will enforce regulations in a fair and consistent manner, within the limits of staff capacity.

POLICY SCOPE: This policy will apply to the enforcement of the Village of Kaslo's established bylaws.

POLICY PURPOSE: This policy will establish clear procedures, expectations and standards for the Village's bylaw enforcement efforts. The Village aims to ensure that a safe and livable environment is fostered in the community and balances the need to encourage valid complaints, reduce the opportunity for intimidation and neighbourhood conflict, and establish a balance between accountability and confidentiality for those parties involved in the bylaw enforcement process. The Village encourages voluntary compliance and, without the resources to actively ensure compliance with all current regulatory bylaws and policies at all times, limits the scope of enforcement activities to the most serious complaints and issues.

DEFINITIONS:

"Village" means the Village of Kaslo

PROCEDURE:

1. The Village generally relies on a complaint-based approach to enforcement.
2. Individual complaints about a bylaw contravention may be received by the Village in person, by telephone, email or in writing.
3. In order to be considered a valid complaint, the following information must be provided:
 - a. The complainant's name and contact details (address/phone/email)
 - b. A specific description of the nature of the alleged infraction, including the date, time and location.
 - c. A description of the impact the alleged infraction has had on the complainant or the municipality.
 - d. A description of any previous attempts by the complainant to resolve the issue.
4. Investigations regarding a potential bylaw contravention may be initiated after a complaint is received, or when a member of staff, acting in the course of their regular duties, learns of a bylaw contravention that may be taking place. This policy does not preclude the Village from initiating enforcement of its bylaws and policies in the absence of a complaint.
5. Generally the Village will seek voluntary compliance first. If this is not achievable, the Village will consider the possibility of seeking formal remedies to rectify the issue, based on the alleged or proven infraction, the applicable bylaw and its regulations. The Village may not necessarily proceed with any legal action for any alleged or proven infraction.

6. Any required enforcement activities will take into consideration current staffing and budget constraints. Enforcement activities are at the sole discretion of the Village and an investigation will not occur if the complaint:
 - a. Is deemed invalid under this policy;
 - b. Is made by a person who is not directly affected by the alleged violation;
 - c. Is primarily related to a dispute between two private parties;
 - d. Is deemed frivolous, retaliatory, mischievous, unfounded, repeat, or a criminal or civil matter;
 - e. Falls outside the Village’s jurisdiction.
7. Complaints will be investigated according the following priorities, which appear in ranked order:

High Priority	Issues which affect the health, safety or security of the public or a property
Medium Priority	Issues that affect the surrounding properties
Low Priority	Issues that are general nuisances or minor infractions that do not affect the health, safety or security of the surrounding properties

REPORTING & CONFIDENTIALITY:

8. The Village considers complaints and general bylaw enforcement activities operational in nature. All complaints will be handled at the staff level rather than being brought to Council. Complainants may appear as a delegation to Council to request changes to Village bylaws or policies.
9. Staff will provide periodic reports to Council on common bylaw enforcement activities.
10. Subject to the Freedom of Information and Protection of Privacy Act (FOIPPA), the identity of the complainant, any personal information they provide, and the written complaint itself, shall not be disclosed to the alleged offender or any member of the public.
11. The Village is not required to proactively provide follow-up information to complainants. Staff may respond to specific requests for information, subject to confidentiality requirements. The response or action of a proven offender shall only be disclosed to the complainant in a general nature, whether in writing or verbally, in order to provide updates on the matter at hand.
12. The anonymity and confidentiality given to complainants and alleged offenders under this policy can not be assured if the investigation results in court proceedings.