

APRIL 1, 2015

NEW

BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

The new Notice Enforcement Bylaw sets out the penalties and the period for paying or disputing Bylaw Notices received for violating the provisions of the campground, building regulations, unsightly premises, dangerous dogs, zoning, solid waste, noise control and water system regulations bylaws. The bylaw also allows for a dispute adjudication system to resolve disputes in relation to issued Bylaw Notices. Residents who may receive a Bylaw Notice related offence now have the opportunity to dispute violations out of court via an independent adjudicator.

NEW Bylaw Notice Dispute Adjudication Process



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Bylaws relating to the Adjudication System include:

Building Bylaw No. 2066

Zoning Bylaw No. 2400

Noise Bylaw No. 2480

Dangerous Dog Control Bylaw No. 2383

Unsightly Premises Bylaw No. 2307

TNRD Campground Bylaw No. 1209

Solid Waste Management Facilities Bylaw No. 2465

Community Water System Regulatory & Management Bylaw No. 2485



For more information about the NEW Bylaw Notice Dispute Adjudication System, go to www.tnrd.ca or contact: admin@tnrd.ca.

NEW Bylaw Notice Dispute Adjudication System

Why use Bylaw Notice Dispute Adjudication System being introduced?

The bylaw adjudication process benefits the region by:

- Resolving disputes locally and in a timely manner;
- Simplifies and expedites the dispute processes by removing minor bylaw violations from the Provincial court system;
- Reduces costs associated with using the court system (lawyers and the time spent by enforcement officers waiting to testify);
- Includes dedicated staff members (the Screening Officers) to act as a resource to help residents dealing with bylaw notices and the dispute process;
- Allows residents to dispute notices in-person, in writing or over the phone;
- Provides additional flexibility to encourage bylaw compliance as opposed to a strict enforcement focused system.

How does the New Bylaw Notice Dispute Adjudication System work?

Option 1: Pay Violation Ticket

- The new system offers incentives for residents paying their fines on time. If the Bylaw Notice is paid within 30 days, an “early payment” discount will be subtracted from the fine. Conversely, after 30 days the full penalty fee will be due. If the Bylaw Notice is paid, there are no further procedures related to the Notice. Schedule A of the Notice Enforcement Bylaw No. 2500, 2015 provides a comprehensive list of bylaw fines covered and their corresponding early discounts/late penalties.

Option 2: Dispute Bylaw Notice

- Those electing to dispute their Bylaw Notice may do so by first contacting TNRD by phone, fax, email, or in person, within 30 days of issuance.
- Under the new system, a regional Screening Officer (a separate position from the bylaw enforcement officer) will screen all applications for disputes. The Screening Officer will assist the disputant with the dispute process, provide information on their rights and obligations under the specific Bylaw and Acts in question, and help clarify any uncertainties about regional regulations. Subsequently, the disputant may decide to pay the Bylaw Notice fine. However, if the disputant wishes to continue the dispute then the matter will be heard by a provincially appointed and independent adjudicator. The disputant will be contacted by a Screening Officer who investigates and reviews details of the Bylaw Notice. The Screening Officer may:
 - (a) cancel a Bylaw Notice,
 - (b) enter into a Compliance Agreement and reduce the penalty upon completion, or
 - (c) uphold a Bylaw Notice.
- If the Screening officer does not cancel a Bylaw Notice, the disputant can then choose whether to pay the penalty in full or have the matter resolved through dispute adjudication.
- If proceeding to adjudication, the disputant will apply in writing by completing an Adjudication Application for an adjudicator to hear the case. A date will be scheduled, and the adjudication will take place at the TNRD Office. It should be noted that the disputant is not required to personally appear at the adjudication. Representation may alternatively be made in writing, or over the phone. If the Bylaw Notice is upheld, the Late Bylaw Notice penalty, and a \$25 adjudication fee (to offset the cost of the process) will be applicable and payable. If the adjudicator rules that the offence did not occur, the Bylaw Notice is cancelled, no penalties are assessed and the adjudication fine is paid by the Regional District.