

# AGENDA

## *COUNCIL WORKSHOP*

**Monday, May 14, 2018**

**5:00 p.m.**

**Committee Room, Municipal Hall**

**355 West Queens Road,**

**North Vancouver, BC**

**Council Members:**

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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## **COUNCIL WORKSHOP**

**5:00 p.m.**  
**Monday, May 14, 2018**  
**Committee Room, Municipal Hall,**  
**355 West Queens Road, North Vancouver**

### **AGENDA**

#### **1. ADOPTION OF THE AGENDA**

##### **1.1. May 14, 2018 Council Workshop Agenda**

*Recommendation:*

THAT the agenda for the May 14, 2018 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

#### **2. ADOPTION OF MINUTES**

##### **2.1. April 16, 2018 Council Workshop**

**p. 7-11**

*Recommendation:*

THAT the minutes of the April 16, 2018 Council Workshop meeting are adopted.

##### **2.2. April 17, 2018 Council Workshop**

**p. 13-16**

*Recommendation:*

THAT the minutes of the April 17, 2018 Council Workshop meeting are adopted.

#### **3. REPORTS FROM COUNCIL OR STAFF**

##### **3.1. Complaint and Enforcement Policy**

**p. 19-39**

File No. 09.3900.01/000.000

*Recommendation:*

THAT the May 4, 2018 report of the General Manager – Planning, Properties & Permits entitled Complaint and Enforcement Policy is received for information;

AND THAT staff incorporate Council's feedback into a revised Complaint and Enforcement Policy for Council's consideration at a Regular Council Meeting which:

- a. Outlines the goals of the District's bylaw enforcement program and sets clear expectation and standards for bylaw enforcement; and,
- b. Replaces the Complaints – Petitions Policy and Recreation Vehicles and Private Pleasure Boats Policy.

**4. PUBLIC INPUT**

(maximum of ten minutes total)

**5. ADJOURNMENT**

*Recommendation:*

THAT the May 14, 2018 Council Workshop is adjourned.

## MINUTES

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## **DISTRICT OF NORTH VANCOUVER COUNCIL WORKSHOP**

Minutes of the Council Workshop of the Council for the District of North Vancouver held at 4:59 p.m. on Monday, April 16, 2018 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

**Present:** Mayor R. Walton  
Councillor R. Bassam  
Councillor M. Bond  
Councillor J. Hanson  
Councillor R. Hicks  
Councillor D. MacKay-Dunn (5:05 p.m.)  
Councillor L. Muri

**Staff:** Mr. D. Stuart, Chief Administrative Officer  
Ms. C. Grant, General Manager – Corporate Services  
Mr. D. Milburn, General Manager – Planning, Properties & Permits  
Mr. A. Wardell, Acting General Manager – Finance & Technology  
Ms. H. Turner, Director of Recreation & Culture  
Mr. J. Gordon, Manager – Administrative Services  
Mr. S. Ono, Manager – Engineering Services  
Mr. E. Iorio, Revenue & Taxation Manager  
Ms. A. Reiher, Confidential Council Clerk  
Ms. L. Phillips, Public Arts Officer

### **1. ADOPTION OF THE AGENDA**

#### **1.1. April 16, 2018 Council Workshop Agenda**

**MOVED by Councillor BOND**

**SECONDED by Councillor HANSON**

THAT the agenda for the April 16, 2018 Council Workshop is adopted as circulated.

**CARRIED**

Absent for Vote: Councillor MacKay-Dunn

### **2. ADOPTION OF MINUTES**

#### **2.1. February 27, 2018 Council Workshop**

**MOVED by Councillor BOND**

**SECONDED by Councillor HANSON**

THAT the minutes of the February 27, 2018 Council Workshop meeting are adopted.

**CARRIED**

Absent for Vote: Councillor MacKay-Dunn

**2.2. March 13, 2018 Council Workshop**

**MOVED by Councillor BOND**  
**SECONDED by Councillor HANSON**

THAT the minutes of the March 13, 2018 Council Workshop meeting are adopted.

**CARRIED**

Absent for Vote: Councillor MacKay-Dunn

**2.3. March 19, 2018 Council Workshop**

**MOVED by Councillor BOND**  
**SECONDED by Councillor HANSON**

THAT the minutes of the March 19, 2018 Council Workshop meeting are adopted.

**CARRIED**

Absent for Vote: Councillor MacKay-Dunn

**2.4. March 20, 2018 Council Workshop**

**MOVED by Councillor BOND**  
**SECONDED by Councillor HANSON**

THAT the minutes of the March 20, 2018 Council Workshop meeting are adopted.

**CARRIED**

Absent for Vote: Councillor MacKay-Dunn

**3. REPORTS FROM COUNCIL OR STAFF**

**3.1. Tax Distribution**

File No.

Mr. Andy Wardell, Acting General Manager – Finance & Technology, provided an overview of the tax distribution, current tax strategies and market normalization. He commented on tax competitiveness strategies and objectives.

Mr. Wardell noted that between 2010 and 2017 the District's tax strategy has reduced the Heavy Industry (non-capped) tax rate from \$49.86 (2007) to \$28.41 (2017) per \$1,000 of assessed value. He reported that the cumulative benefits to this class includes \$9.6 million in foregone taxes and an average of \$1.9 million less on an annual basis.

Councillor MACKAY-DUNN arrived at this point in the proceedings.

Mr. Wardell noted that over the last ten years, residential and business class assessment values have increased 114% and 131% respectively and that due to the limited sales in Heavy Industrial (non-capped) over the years, a recent sale has increased the non-capped assessed values by 109%.



Mr. Wardell commented that the tax strategy is targeted at a non-capped tax rate of \$27.50 which matches the *Port Property Tax Act* rate set by the Province. He advised that the rate is competitive with the Heavy Industry tax rate of other municipalities within Metro Vancouver at a rate of \$30.98 per \$1,000 of assessed value.

Mr. Wardell reported on tax distribution considerations which include Residential, Business and other property classes which are currently stable. Three options for the Heavy Industry (non-capped) tax rate were presented for consideration:

- Option A: Tax levy increase of 102.34%, with a projected 2018 tax rate of \$27.50 per \$1,000 of assessed value, for Heavy Industry (non-capped) class; or,
- Option B: Tax levy increase of 109.2%, with a projected 2018 tax rate of \$28.41; or,
- Option C: Tax levy increase of 25.28%, with a projected 2018 tax rate of \$17.03.

In response to a question from Council, staff advised that by setting a tax rate at \$27.50, the rate is market competitive and mitigates risk from tax losses based on assessment appeals.

In response to a question from Council, staff advised that the value of a non-capped acre of land is approximately \$2.9 million and that the value of a capped acre of land is \$562,000.

In response to a question from Council in regards to the assessment appeal process, staff advised that the steps are a review panel, an appeals board and the courts (if necessary).

In response to a question from Council, staff advised that based on a Port Metro Vancouver report from 2008, 98% of the taxes generated by the Port of Metro Vancouver are destined to the Provincial or Federal governments whereas only 2% remain with local municipalities.

Council discussion ensued and the following comments and concerns were noted:

- Discussed the fluctuation of Mill rates which are based on property assessments by BC Assessment;
- Commented on Option A and associated rate which impacts the Heavy Industry (non-capped) class;
- Commented on recent property assessments and the potential negative effect on businesses;
- Discussed options for empty units in shopping centres which have been vacated due to high lease and taxes rates; and,
- Commented on the need to seek further support from the Provincial government for businesses negatively affected by the tax rates.

Public Input:

Mr. James O'Connell, 1800 Block Harbour Road:

- Spoke as the Financial Manager on behalf of Allied Shipbuilders Ltd.;
- Stated that the assessed value of land leased the company increased by 22%; and,
- Advised that a recent appeal to the rate increase has been rejected and that efforts are ongoing to find a solution.

Mr. Malcolm McLaren, 1800 Block Harbour Road:

- Spoke as the Director on behalf of Midship Holdings Ltd.; and,
- Queried the expected projected amount from unsuccessful appeals by Heavy Industry (non-capped) properties.

In response to Mr. McLaren's question, staff advised the current projected amount is \$11 million.

**MOVED by Councillor HICKS**

**SECONDED by Councillor BASSAM**

THAT staff be directed to prepare the 2018 Tax Rates Bylaw in accordance with Option A of the Chief Financial Officer's April 16, 2018 presentation as follows:

Residential	\$1.59
Heavy Industry – NC	\$27.50
Light Industry	\$7.72
Business	\$5.60

**CARRIED**

Councillor HICKS left the meeting at 5:58 p.m. and returned at 6:00 p.m.

**3.2. Public Art Program Review**

File No.

Ms. Heather Turner, Director of Recreation & Culture, provided an overview of current art programs and the approach for future funding and Ms. Lori Phillips, Public Arts Officer, commented on the benefits of public art.

Ms. Turner provided a summary of the current public art and the process of selecting the pieces to showcase in the District. She provided an overview of public art maintenance and funding and the need to look at a long-term financing option. She noted that public art is available in major roadways, plazas, gateways and developer properties amongst other locations.

Ms. Turner commented on the long-term plan to provide public art within Town Centres. She discussed the selection process to find an appropriate location, theme, scope and scale in order to achieve the greatest impact. She further advised that the long-term plan is aligned with the Official Community Plan (OCP) and projected to 2030.

She reported that the value of public art in the District is estimated at \$2 million. She provided an overview of the funding sources and stated that:

- Town Centre art pieces are primarily funded through 5% of Community Amenity Contributions (CAC); and,
- Areas outside of Town Centres are funded by a combination of annually budgeted funds and CACs.

In response to a question from Council, staff advised that art work on hydro boxes is a part of a community service.

Council discussion:

- Recommended that Council be consulted on funding for public art;
- Queried if contributions or donations from artists who are willing to advertise their work could be obtained at nominal cost;
- Expressed concern regarding the cost of public art; and,
- Suggested that locations that hold historical or cultural significance to the community be selected as sites for public art.

**MOVED by Councillor WALTON**

**SECONDED by Councillor MURI**

THAT the April 6, 2018 report of the Public Art Officer – North Vancouver Recreation & Culture Commission, be received for information.

**CARRIED**

#### **4. ADJOURNMENT**

**MOVED by Councillor MURI**

**SECONDED by Councillor BASSAM**

THAT the April 16, 2018 Council Workshop is adjourned.

**CARRIED**  
(6:44 p.m.)

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Mayor

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Municipal Clerk

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## DISTRICT OF NORTH VANCOUVER COUNCIL WORKSHOP

Minutes of the Council Workshop for the District of North Vancouver held at 5:01 p.m. on Tuesday, April 17, 2018 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

**Present:** Mayor R. Walton  
Councillor R. Bassam (via telephone, 5:15 pm)  
Councillor M. Bond  
Councillor J. Hanson  
Councillor R. Hicks  
Councillor L. Muri

**Absent:** Councillor D. MacKay-Dunn

**Staff:** Mr. D. Stuart, Chief Administrative Officer  
Mr. D. Milburn, General Manager – Planning, Properties & Permits  
Mr. A. Wardell, Acting General Manager – Finance & Technology  
Mr. R. Danyluk, Manager – Financial Planning  
Mr. J. Gordon, Manager – Administrative Services  
Mr. T. Lancaster, Manager – Community Planning  
Ms. S. Dale, Confidential Council Clerk  
Ms. A. Mauboules, Senior Community Planner

### 1. ADOPTION OF THE AGENDA

#### 1.1. April 10, 2018 Council Workshop Agenda

**MOVED by Councillor BOND**

**SECONDED by Councillor HANSON**

THAT the agenda for the April 17, 2018 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

**CARRIED**

Absent for Vote: Councillor BASSAM

### 2. ADOPTION OF MINUTES

Nil

### 3. REPORTS FROM COUNCIL OR STAFF

#### 3.1. Rental and Affordable Housing Strategy Update

File No. 13.6480.30/003.000

Ms. Annie Mauboules, Senior Community Planner, provided an overview of the Rental and Affordable Housing Strategy (RAHS) implementation noting that the main focus of the RAHS is to create an additional one thousand non-market affordable rental units by 2026.

Councillor BASSAM arrived at this point in the proceedings.

Ms. Mauboules advised that since 2011 there have been 625 market units and 84 non-market units approved and built. There are also several applications in process with approximately 74 market rental units and 198 non-market rental units awaiting final approval.

Ms. Mauboules mentioned that the costs to the District for realizing the one thousand units vary depending on the combination of tools employed (density bonusing, community amenity contributions or District-owned land) for achieving the non-market housing targets. The tools are also not mutually exclusive and can be used in combination depending on the project, the site and the opportunities presented by the development and/or equity contributions from senior levels of government.

Density bonusing relies on negotiations with developers over and above the established densities and/or heights for a site. The financial cost to the District to achieve units through this tool is limited to the development servicing (waived Development Cost Charges) and the opportunity cost for the use of potential Community Amenity Contributions (CACs) related to the bonus density.

CACs come in the form of cash, non-market units built as part of the project or land provided to the District. When CACs are in the form of cash contributions they can be allocated to projects, as directed by the District's Community Amenity Contribution Policy. Council provides direction as to where cash CACs are to be allocated.

District land has been provided in the form of a long-term lease for a nominal amount. This functionally maintains District ownership of the land, though removing options for use of that land during the term of the lease. In allocating lands to achieve its housing objectives, the District is making a long-term investment to realize broader access to subsidized rental in the community.

Councillor HICKS left the meeting at 5:37 pm and returned at 5:38 pm.

Ms. Mauboules acknowledged that the implementation of the RAHS has provided some improvements to the availability and sustainability of affordable rental housing in the District; however, more work needs to be done to achieve the housing needs of both the current and future residents of the District. Staff sought Council's feedback on the three tools and what the preference might be moving forward to deliver the RAHS target of one thousand units.

Council discussion ensued and the following comments and concerns were noted:

- Questioned the number of older affordable rental units that have been lost as a result of new development;
- Questioned how many new rental and affordable housing units are being proposed;
- Spoke to the complexity of balancing housing supply of both non-market and market housing in the District;

- Noted that many residents in the community have spoken in opposition to increased height;
- Stated that District-owned land is limited;
- Expressed concern with the challenges of using CACs as the costs are significantly higher in foregone CACs;
- Questioned if the District has the authority to create rental-only zones;
- Spoke to the importance of having a clear policy on how to implement affordable housing;
- Commented that the financial implications of all three scenarios needs to be understood;
- Commented that an acceptable cost to provide affordable housing needs to be determined;
- Spoke to the lost opportunities for density bonusing as the majority of development on Mountain Highway will soon be complete;
- Suggested that a percentage of affordable housing units be required for all rezoning applications;
- Opined that the Maplewood area be used for low to moderate income housing;
- Commented that temporary modular housing could provide residents with a short-term solution;
- Suggested that the District appeal for further support from the Federal and Provincial governments with respect to affordable housing;
- Questioned how many rental units would need to be built to achieve a healthy vacancy rate;
- Opined that delaying growth may have a negative impact on the community as rental vacancy rates would remain low;
- Suggested partnering with other agencies to help deliver affordable housing;

Mayor WALTON left the meeting at 6:27 pm and Councillor HICKS assumed the position of the chair.

- Observed that if affordable housing is not built, only a wealthy demographic will remain on the North Shore;
- Spoke to the City of North Vancouver's City's "10-10-10" policy noting that 10% of units in new market rental projects are required to be rented at 10% below average rents, as indicated by Canada Mortgage and Housing Corporation, for a minimum period of 10 years;
- Requested that preliminary applications be brought forward for Council to provide direction as to where cash CACs are to be allocated;
- Noted that older rental stock is important to the community;
- Questioned the amount of District-owned land that could be used for affordable housing;
- Commented that clarification is needed on affordability and CACs;
- Requested that Council review the priority list for 2018 and have the opportunity to adjust how CACs are allocated; and,
- Summarized that there is support for exploring increased affordable housing through density bonusing, the use of District-owned land and the use of CAC's as required.

Councillor MURI left the meeting at 6:42 pm.

Public Input:

Mr. Corrie Kost:

- Suggested that high-rise homes may cost more per foot than low-rise homes.

Ms. Kelly Bond:

- Noted that the Province is advocating to provide some potential tax exemptions for new purpose-built rental housing and will mirror property tax exemptions provided under a municipal revitalization agreement for qualifying propose-built rental housing and encouraged the District to take advantage of these opportunities; and,
- Suggested that a percentage of affordable housing units be negotiated for all rezoning applications.

#### **4. ADJOURNMENT**

**MOVED by Councillor BOND**

**SECONDED by Councillor HANSON**

THAT the April 17, 2018 Council Workshop is adjourned.

**CARRIED**

Absent for Vote: Mayor WALTON and Councillor MURI  
(7:01 p.m.)

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Mayor

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Municipal Clerk



## REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop:	Date: May 14, 2018
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	 GM/ Director	 A. P. AO
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## The District of North Vancouver REPORT TO COMMITTEE

May 4, 2018  
File: 09.3900.01/000.000

**AUTHOR:** Dan Milburn, General Manager of Planning, Properties & Permits

**SUBJECT:** Complaint and Enforcement Policy

### RECOMMENDATION:

1. THAT Council receive the May 4, 2018, report from the General Manager entitled Complaint and Enforcement Policy.
2. AND THAT staff incorporate Council's feedback into a revised Complaint and Enforcement Policy (Attachment 1) for Council's consideration at a Regular Council Meeting which:
  - a. Outlines the goals of the District's bylaw enforcement program and sets clear expectations and standards for bylaw enforcement, and
  - b. Replaces the Complaints – Petitions Policy (Attachment 2) and Recreation Vehicles and Private Pleasure Boats Policy (Attachment 3)

### REASON FOR REPORT:

This report and accompanying presentation are intended to provide useful background information regarding the District's bylaw enforcement function, to document the District's enhanced bylaw enforcement strategy, and to solicit feedback from Council on the draft Complaint and Enforcement Policy.

### SUMMARY:

This report includes:

- a description of the three critical components of a robust bylaw enforcement function,
- a summary of bylaw enforcement procedures,
- a list of bylaw enforcement methods available to local governments, and
- a discussion of the District's enhanced bylaw enforcement strategy:
  - Bylaw updates, including increasing fines and penalties,
  - Adding resources, and
  - Modifying the District's management approach.

**BACKGROUND:**

Bylaw Enforcement Function

Three critical components of a robust bylaw enforcement function include:

- 1) **Well-crafted bylaws** that are easily interpreted and reflect current community standards.
- 2) **Enforcement resources** including a team of well-trained staff who are delegated the authority to enforce the bylaws in a fair, efficient and reasonable manner, consistent with established standards of conduct.
- 3) **Clear complaint and enforcement policy** to guide, and provide limits to, staff discretion, that is well-written in plain language and readily accessible to staff and the public.

Bylaw Enforcement Procedures

- 1) **Receiving complaints or routine inspection.** There are the two common methods by which District staff become aware of a bylaw infraction. District staff conduct routine inspections of public property use, and the District responds to complaints with respect to the use of private and public property.
- 2) **Investigation.** Enforcement staff may collect and assess relevant evidence of the bylaw violation.
- 3) **Advising the alleged offender.** The next step in the enforcement process is to visit the offender or send them a letter demanding they comply with the regulations. The alleged offender is given the opportunity to voluntarily comply, which may address the need to conduct further enforcement action other than, documentation, monitoring and possible follow-up with the complainant. In many cases however, warnings are not appropriate including violations that occur on public property, safety issues requiring immediate attention, and repeat offenders or offences etc.
- 4) **Choosing a method of enforcement.** If voluntary compliance is not achieved, and for whatever reason the non-compliance persists, then the District may choose a method of enforcement. A variety of factors are considered by staff when choosing whether or not to pursue enforcement action, and choosing the appropriate method of enforcement.

Bylaw Enforcement Methods

Once a decision has been made to enforce a particular bylaw, the District has three methods of enforcement: civil injunction, prosecution, and direct enforcement:

- 1) An **injunction** is seeking an order from the Court directing someone to do a specific act, or refraining from doing something. Therefore, an injunction is seeking to permanently resolve the non-compliance through a court enforced order. Council has broad discretion when deciding whether to pursue an injunction.
- 2) A **prosecution** is intended to punish an offender for a wrong committed against the public. Punishment typically takes the form of a fine, although on very rare occasions the Court may impose a short prison sentence.
- 3) **Direct enforcement** is a method by which the District may take direct action to bring about bylaw compliance. Examples of direct enforcement include business license suspension or cancellation, remedial action orders, discontinuing a service, and notice on title.

**EXISTING POLICY:**

*Complaints – Petitions Policy.* This policy addresses the need to protect the identity of a complainant, and directs staff to redact the names and addresses of complainants from publicly released documents. This policy complements the *Freedom of Information and Protection of Privacy Act*.

*Recreation Vehicles and Private Pleasure Boats Policy.* This policy clarifies what constitutes a valid complaint that will be investigated by the District's enforcement staff.

**ANALYSIS:**

The District's enhanced bylaw enforcement strategy included three components:

- 1) **Bylaw updates**, including increasing fines & penalties,
- 2) **Adding resources**, and
- 3) **Modifying the District's management approach** with particular emphasis on traffic, parking and park use management.

The above-noted components of the District's enhanced bylaw enforcement strategy are discussed in greater detail in the following sections.

**Bylaw Updates**

Over the last several months, Council has considered a host of bylaw amendments related to bylaw enforcement. The following list highlights some of the bylaws considered by Council, which have created or increased fines & penalties:

- **Hen Bylaw** - Bylaws 8211, 8220 and 8224 were adopted by Council on September 11, 2017, to establish a regulatory system for the keeping of hens, and included new fines, and offence & penalty language to help with the enforcement of these new regulations.
- **Construction Bylaw** - Bylaws 8271, 8272, and 8274 were adopted by Council on December 11, 2017, to improve the administration and enforceability of the BC Building Code standards through the District's building permit system and compliance monitoring. This included a revised offence and fine schedule, strengthened environmental controls and the enabling of a single security deposit for construction projects.
- **Standards of Maintenance Bylaw** - On December 11, 2017, Council directed staff to prepare amendments to Standards of Maintenance Bylaw 6917, and related bylaws to increase the maximum penalties and fines. These proposed amendments will be returned to Council for consideration in the second quarter of 2018.
- **Zoning Bylaw and Business License Bylaw** - Bylaws 8282, 8283 and 8285 were adopted by Council on March 12, 2018, to increase fines and penalties for violations to the Zoning Bylaw and Business License Bylaw in relation to marijuana, and general violations of the land use and business regulations.

- **Parks Bylaw** - On April 30, 2018, Council gave first three readings to a new Parks Bylaw 8310 and Bylaw Notice Enforcement Bylaw Amendment Bylaw 8311, which include updated offence and penalty wording. Council will consider adoption of these bylaws on May 7, 2018.
- **Zoning Bylaw** – Other contemplated bylaw updates that have an enforcement components include cannabis legalization and regulating short term rentals. These matters will be considered by Council in the second quarter of 2018.

#### Adding Resources

Council's 2018 – 2022 Financial Plan identified increased resources for bylaw enforcement staff. The District has a decentralized bylaw enforcement model with staff in many divisions and departments having responsibility for various components of bylaw enforcement. Staff resources added in 2018, are identified below in red. These new staff are included in the totals also provided below. FTE means 'Full Time Equivalent'. TFT means 'Temporary Full Time'.

Bylaw/Parking Officers, whose time is dedicated to conducting routine inspections of public lands and responding to complaints include:

- Bylaw and Parking Enforcement (Total: 9 FTE).
  - New in 2018: 2 FTE Bylaw/Parking Enforcement Officer
  - New in 2018: 3 TFT (equivalent to 1 FTE) Bylaw/Parking Enforcement Officer (seasonal)

In addition to the staff listed above, many other District staff respond to complaints, conduct inspections and provide education and outreach. Many of these staff also have the authority to issue tickets and undertake direct enforcement:

- Animal Welfare Officers (Total: 2 FTE)
- Building Inspectors (11 FTE)
- Construction Inspectors (6 FTE, 2.78 TFT - seasonal)
- Environmental Services (5 FTE)
  - New in 2018: 1 FTE Environmental Control Technician
- Field Arborists (2 FTE)
- Highway Use Permits (Total: 5 FTE)
  - New in 2018: 1 FTE Traffic Technician
  - New in 2018: 1 TFT Traffic Technologist
- Park Rangers (2 FTE, 7 TFT - seasonal)
  - New in 2018: 1 FTE Park Ranger
- Property Use/Business License Coordinators (3 FTE)
- Real Estate Services (3 FTE)
- Utility - Water Conservation Officers (2 TFT- seasonal)

In addition to those staff listed above, the District has a number of staff who conduct building permit plan reviews (i.e. residential and commercial plan checking), and land use permit

reviews (i.e. development planning and development engineering). These staff ensure applicants' plans are consistent with the District's bylaws. They also interpret bylaws for bylaw enforcement staff, establish security amounts in agreements/permits, and authorize the release of security. While they support the bylaw enforcement staff, they do not perform other bylaw enforcement duties (e.g. prosecutions, ticketing, or direct enforcement).

All of the above-noted staff are supported by clerical staff, the District's management team, and in-house solicitors. When required, additional external legal resources are obtained (e.g. injunction)

To provide some service-level context for the staffing numbers provided above, the number of Bylaw Files created, and number of tickets issued, in each of the last 5 years are summarized in Attachment 4. A Bylaw File may be created in response to a complaint, or by staff conducting an investigation without a complaint. A Bylaw File is not created for every ticket issued.

#### Modifying the District's Management Approach

- At this time, public parking in the District remains free of charge (other than the nominal rate charged for a resident parking permit: up to \$28.10/yr.).
- We will need to more actively manage parking turnover to ensure everyone has equal access. Therefore, enforcement of parking regulations will be increased across the District, starting this summer, particularly in areas of high demand such as park entrances, residential streets close to parks and trailheads, local shopping areas, and in town centre areas impacted by construction.
- Council endorsed the Deep Cove and Lynn Canyon Traffic and Parking Management Strategy on April 16, 2018, and adopted Bylaws 8322 and 8323 on April 23, 2018. This strategy is intended to address traffic and parking issues in Deep Cove and Lynn Canyon for the 2018 tourist season, and includes additional limits on buses, amending local parking regulations, allocation of staffing resources to these areas, and determining long term mitigation measures with community input.
- District enforcement staff will be ticketing and towing illegally parked vehicles.
- The District will update its website with current information:  
<https://www.dnv.org/programs-and-services/parking-district>
- Another key component of the District's enhanced bylaw enforcement strategy is the development of a Complaint and Enforcement Policy. When preparing the draft Complaint & Enforcement Policy (Attachment 1) staff closely reviewed the *Bylaw Enforcement: Best Practices Guide for Local Governments (2016)* published by the BC Office of the Ombudsperson, in addition to reviewing policies used by other local governments in BC. The draft policy includes the following sections:
  - Information available to the public
  - Role of Council in the enforcement process (consistent with the above-noted Ombudsperson's report).
  - Role of bylaw enforcement staff.
  - Standards of conduct for bylaw enforcement staff.
  - Receiving complaints.
  - Freedom of information and protection of privacy.

- Complaint priority.
- Assessing complaint and method of enforcement.
- Communication with alleged offender and complainant.

This report is intended to seek feedback from Council on the content of the draft Complaint and Enforcement Policy, so that it can be modified and returned to Council for approval at a regular Council meeting.

**CONCLUSION:**

The District's enhanced bylaw enforcement strategy includes bylaw updates, adding resources and a modified management approach. The draft Complaint and Enforcement Policy attached to this report is intended to establish a fair and reasonable framework for bylaw enforcement, to provide staff with guidance on exercising discretion, and provide the public with information on how and why bylaw enforcement decisions are made.

**Options:**

1. THAT Council receive the May 4, 2018, report from the General Manager entitled Complaint and Enforcement Policy.
2. AND THAT staff incorporate Council's feedback into a revised Complaint and Enforcement Policy (Attachment 1) for Council's consideration at a Regular Council Meeting which:
  - a. Outlines the goals of the District's bylaw enforcement program and sets clear expectations and standards for bylaw enforcement, and
  - b. Replaces the Complaints – Petitions Policy (Attachment 2) and Recreation Vehicles and Private Pleasure Boats Policy (Attachment 3)

**OR**

1. That no further action be taken at this time.

Respectfully submitted,



Dan Milburn  
General Manager, Planning, Properties & Permits



**SUBJECT: Complaint and Enforcement Policy**

May 4, 2018

Page 7

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input checked="" type="checkbox"/> Engineering Operations  _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	



## The Corporation of the District of North Vancouver

### COUNCIL POLICY

Title	Complaint and Enforcement Policy
Section	

### POLICY

**It is the policy of Council that a fair and reasonable framework for bylaw enforcement is needed to provide staff with guidance on exercising discretion, and the public with clarity and detail on how and why enforcement decisions are made.**

Policy approved on:

Policy amended on:

### PROCEDURE

The following procedure is used to implement this policy:

The District's bylaw enforcement approach is to prioritize public safety and encourage a peaceful law-abiding community by proactively monitoring public lands and responding to complaints regarding alleged violations on private lands within the District of North Vancouver.

#### 1. Information available to the public:

- All current bylaws in accordance with applicable statutory provisions.
- The DNV Complaint & Enforcement Policy.
- Information on the complaints process.
- Information about the bylaw enforcement and appeal process.
- Contact information for the bylaw enforcement department.

#### 2. Role of Council in the enforcement process:

- Enacts bylaws that foster the economic, social, and environmental well-being of the community.
- Approves annual budgets for bylaw enforcement staff, equipment and other resources to meet service level expectations.
- Approves policies that:
  - provide staff with guidance on exercising discretion,
  - establish overall priorities and set clear expectations and standards for bylaw enforcement, and
  - establish standards of conduct for bylaw enforcement staff.

- Individual Council members shall not become directly involved in enforcement actions either publicly or privately, nor shall individual Council members direct enforcement actions against specific residents, groups or businesses, or direct that an enforcement action not occur in a particular circumstance, unless and until the matter is put on the agenda for the entire Council to consider. This shall not preclude individual Council members seeking assurances that bylaw enforcement staff have fairly applied this policy as per the Provision of Information to Council Policy and Consultation with the Municipal Solicitor by Individual Council Member Policy. Nor shall this prevent an individual Council member from referring a complainant to the Chief Bylaw Officer.
- In consideration of a report from bylaw enforcement staff, direct staff and legal counsel to pursue an injunction in the Supreme Court of B.C. to prevent or restrain the contravention of a bylaw, in accordance with the *Community Charter*.
- Consider direct enforcement recommendations from bylaw enforcement staff (Examples: notice on title, remedial action requirements, business license cancellation, and service discontinuance)
- Hear appeals (Examples: business license suspension)

### **3. Role of bylaw enforcement staff:**

The District has a decentralized bylaw enforcement model with enforcement staff in many divisions and departments. Collectively these staff are defined in this policy as “bylaw enforcement staff”, and their role is to:

- Encourage education and awareness of community standards.
- Receive and document complaints.
- Enforce the Districts bylaws in a fair, efficient and reasonable manner.
- Apply discretion in the assessment of complaints and enforcement of bylaws in accordance with this policy.
- Act in accordance with the standards of conduct found in this policy.
- Administer enforcement proceedings (Examples: manage ticket disputes, the adjudication process, appeal process, formal legal remedies, and debt collection).
- Manage communications with complainants and alleged offenders.
- Provide full, clear and accurate information, while recognizing a complainant’s and the alleged offender’s right to confidentiality, and the importance of timely communication.

### **4. Standards of Conduct for bylaw enforcement staff:**

Bylaw enforcement staff maintain awareness of this policy and demonstrate the following attributes:

- Accountability,
- Impartiality,
- integrity and professionalism,
- Uphold community standards,
- Respect diversity, needs, values and aspirations of the public, and
- Respect rights to confidentiality.

**5. Receiving Complaints:**

- Complaints may be received:
  - in person,
  - over the telephone, or
  - in writing (letters, emails etc.)
- Complainants must provide a location and general description of the potential bylaw violation.
- Complainants must provide their name, address, telephone number or email.

Complaints which do not include the information noted above shall not be deemed a valid complaint. Anonymous complaints will not be acted upon unless the alleged violation is a Priority 1: Safety issue, or a matter which the District proactively enforces (example: public lands).

The Inappropriate, Offensive, Misleading, Harassing, or Threatening Correspondence to Members of Council or Staff Policy, Positive Workplace Environment: Anti-bullying and Harassment Policy and Violence Free Workplace Policy are applicable to bylaw enforcement complaints.

**6. Freedom of Information and Protection of Privacy:**

Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions because of the complaint, and to maintain effective investigation techniques. The identity of the complainant and identifying information will not be disclosed publicly or to the alleged offender, except as required by law. Likewise, the details of the District's complaint assessment or enforcement approach will not be disclosed to the complainant.

Situations where a complainant's identity or alleged offender's enforcement history may be disclosed include:

- If required by Court order, warrant or other similar judicial or quasi-judicial process
- If required under the *Freedom of Information and Protection of Privacy Act*, or
- If required as part of the disclosure process in the event of an injunction, prosecution, or direct enforcement proceedings.

If the complainant is the only witness to an alleged violation and the complainant's information is necessary to proceed with enforcement, the complainant will be advised of the extent to which his or her identity needs to be disclosed and the reasons enforcement staff consider the disclosure necessary as part of the enforcement proceedings. Except in Priority 1: Safety situations, the complainant will be provided with the option of consenting to the disclosure or withdrawal of the complaint.

**7. Complaint Priority:**

- Priority 1: Safety - An alleged bylaw violation which may adversely impact public safety, civil infrastructure, or the environment.

- Priority 2: Significant negative impact to adjacent properties – the alleged bylaw violation is significantly impacting the adjacent properties in a negative manner but does not impose an immediate risk to public safety, civil infrastructure or the environment.
- Priority 3: General nuisance – the alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect public safety, civil infrastructure or the environment.

## **8. Assessing Complaints and Choosing a Method of Enforcement**

Most people voluntarily comply with the District's bylaws as they see the collective benefit. However, whether through negligence or deliberate actions, some people violate the District's bylaws, which may result in action from the District to obtain compliance. The District promotes an enforcement philosophy that seeks voluntary compliance. Education usually is the first step, and alleged offenders are usually provided time to comply with the bylaw. Penalties are usually only applied where cooperation and compliance cannot be or is not achieved. However, education and warning notices are not appropriate in all circumstances, and immediate penalties may be applied in the following circumstances:

- The violation is occurring on public property (Examples: parking infractions, improper use of parks and open spaces, and public nuisance)
- Health, safety or security of the public, civil infrastructure, or the environment is being negatively impacted
- Enforcement follows a public education campaign
- Council has prioritized enforcement to address a specific existing or emerging issue
- Where the alleged offender knows or reasonably ought to know his or her conduct contravenes the District's bylaws (Examples: repeat offenders or offences, or when warranted by the circumstances)

While all complaints will be received and recorded, not all complaints will be investigated or acted upon. Assessing complaints involves the bylaw enforcement staff member applying discretion to determine:

- the priority of the complaint in accordance with this policy.
- Whether the matter is within the District's jurisdiction. In cases where the alleged bylaw violation is not within the District's jurisdiction or authority, the bylaw enforcement staff member receiving the complaint may refer the complainant to the governing body having jurisdiction or authority.
- Whether education or a warning notice prior to enforcement is appropriate in accordance with this policy.
- Whether there is sufficient geographic or other connection between the complainant and the location of the alleged violation. (Example: Alleged nuisance or vehicle parking/storage within 100 m of, or on the same cul-de-sac as, the complainant's residence)
- Proportionality – considering whether the potential penalty is proportionate to the gravity of the offence

- Equitability - considering the alleged offender's personal circumstance and ability to comply
- Consistency – bylaw enforcement staff are not required to follow the same approach in every case, but similar circumstances should be treated in a similar way
- frivolous, vexatious, repeat, multiple or minor complaints – While bylaw enforcement staff receive and assess all complaints, a complaint may be:
  - frivolous: without merit, no basis in fact, or does not constitute a bylaw violation.
  - vexatious: is intended as retaliation, to frustrate ongoing enforcement efforts, or originates from a purely private dispute
  - repeat or multiple: repeated complaints from one person or household, or multiple complaints from different people or households, which after assessment staff may decide to respond collectively rather than individually.
  - minor – (Example: Priority 3 general nuisance complaints)

In the above-noted cases bylaw enforcement staff will apply discretion to determine if any enforcement action is warranted. In such cases, enforcement staff will focus on education and may conclude that it is not in the District's interest to pursue enforcement action.

Factors to be considered when choosing a method of enforcement:

- Nature, number and duration of violation
- Whether safety is threatened (Example: Priority 1)
- Whether sufficient evidence is available, or can be reasonably acquired to obtain a conviction
- Whether the violation is highly visible and therefore undermines the respect for law
- Whether property damage may occur as a result
- Whether the alleged offender is seeking to legitimize the violation through and application review process
- Goal to be achieved (Examples: obtain bylaw compliance, mitigate impacts, or penalize the offender)
- Cost of enforcement proceedings

## **9. Communication with the alleged offender and complainant**

Bylaw enforcement staff should provide clear, complete and consistent information to the alleged offender including:

- the violation,
- the enforcement action being taken and why,
- the relevant bylaw provision,
- any options for complying,
- any important deadlines,
- how to pay fines (if applicable),

- how to appeal the decision, and
- how to contact the District with questions about the enforcement action.

The District's bylaw enforcement resources are prioritized to ensure the timely receipt and assessment of complaints. It is not the District's practice to provide follow-up information to complainants unless the complainant specifically requests information. In such cases the bylaw enforcement staff will endeavor to provide a response (subject to confidentiality requirements) as time permits.



## The Corporation of the District of North Vancouver

**CORPORATE POLICY MANUAL**

Section:	Legislative and Regulatory Affairs	9
Sub-Section:	Bylaw Enforcement - General	4000
Title:	COMPLAINANTS - PETITIONS	1

**POLICY**

**Names of complainants who refer to possible infractions of municipal bylaws shall not be revealed.**

**Copies of petitions which refer to possible infractions of municipal bylaws shall not be distributed to the general public unless the names and addresses of the petitioners are first deleted.**

**REASON FOR POLICY**

To prevent the complainant(s) from being harassed or suffering retaliatory measures and to comply with Freedom of Information and Privacy Protection requirements.

**AUTHORITY TO ACT**

Delegated to Staff

Approval Date:	November 13, 1974	Approved by:	Council - in Camera
1. Amendment Date:	April 13, 1975	Approved by:	Council
2. Amendment Date:	September 12, 1977	Approved by:	Policy & Planning Committee
3. Amendment Date:	January 25, 1982	Approved by:	Policy & Planning Committee
4. Amendment Date:	June 22, 1987	Approved by:	Policy & Planning Committee
5. Amendment Date:	December 11, 1995	Approved by:	Regular Council





**CORPORATE POLICY MANUAL**

Section:	Legislative and Regulatory Affairs	9
Sub-Section:	Property Use Investigations	4020
Title:	<b>RECREATION VEHICLES AND PRIVATE PLEASURE BOATS</b>	1

**POLICY**

With respect to the enforcement of zoning regulations regarding the parking or storing of recreation vehicles and private pleasure boats in residential zones, all valid complaints shall be investigated. In order to be valid, a complaint must meet the following criteria:

1. the person making the complaint shall provide his or her name and residential address, and
2. the person making the complaint shall be a resident within 100 metres of the subject property, or, in the case of a cul de sac, a resident of the same cul de sac.

Bylaw Enforcement staff shall limit enforcement to valid complaints.

**REASON FOR POLICY**

To limit enforcement of zoning regulations regarding the parking or storing of recreation vehicles and private pleasure boats in residential zones to those cases which affect nearby residents, in view of the hardship that the regulations impose on some residents that have limited access to their property, the desires of each neighbourhood and the availability of limited enforcement resources.

**AUTHORITY TO ACT**

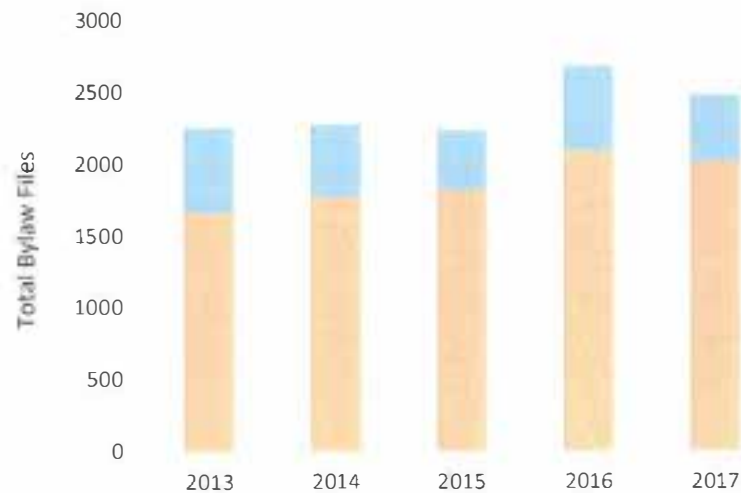
Delegated to Staff.

Approval Date:	January 5, 2004	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	
3. Amendment Date:		Approved by:	

## ATTACHEMENT 4

### Bylaw Files: 2013 to 2017

	2013	2014	2015	2016	2017
Parking	1,097	1,218	1,313	1,389	1,432
Use of Street	156	200	186	314	218
Impound Vehicle	153	189	130	159	162
Noise	111	120	127	134	146
Untidy Premises	70	84	101	142	113
Business Licence Investigation	174	90	78	85	77
Miscellaneous	21	18	30	55	74
Sign	63	109	74	185	64
Waste Removal	209	56	36	43	62
Sprinkling/Watering	26	62	18	20	35
Dumping	30	24	23	35	22
Zoning Bylaw Violation	18	11	15	21	15
Glaring Lights	1	6	7	7	12
Environmental	9	14	21	27	11
Encroachment	11	5	18	11	9
Graffiti	75	39	26	34	7
Homeless	8	7	14	8	7
Rodent Control	14	14	9	4	7
Idling Engines	6	7	5	6	4
<b>TOTAL</b>	<b>2,252</b>	<b>2,273</b>	<b>2,231</b>	<b>2,679</b>	<b>2,477</b>



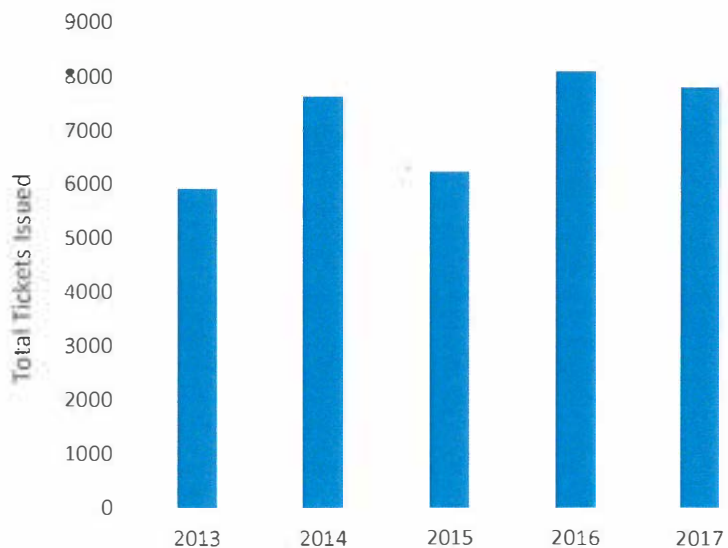
Public Property: e.g. road or park

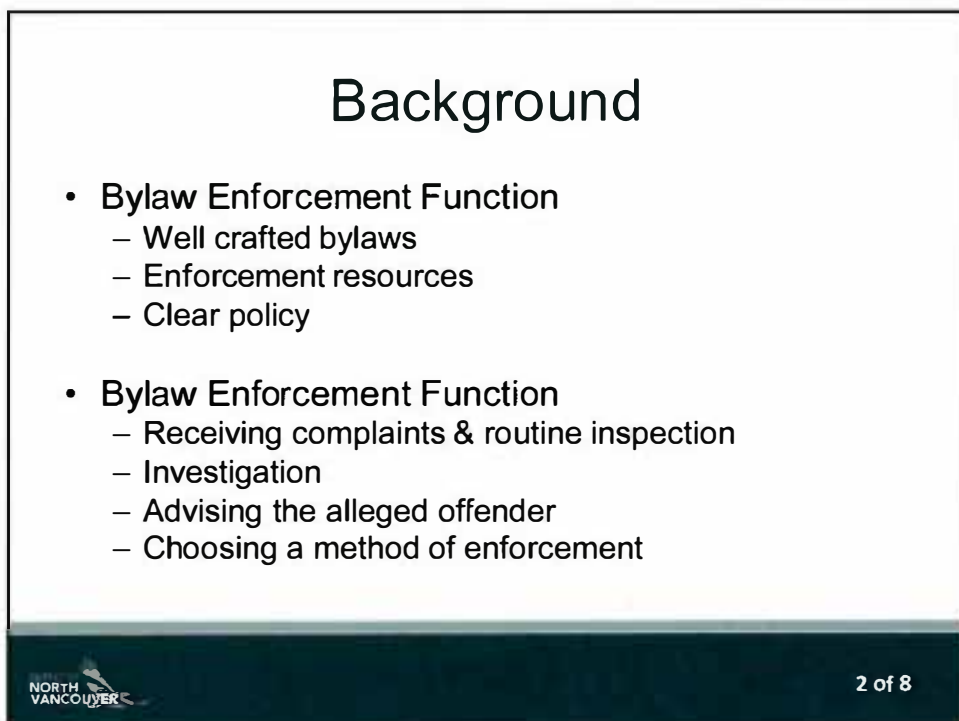
Private Property: e.g. home or business premises

## ATTACHEMENT 4

### Tickets Issued by Bylaw Type: 2013 to 2017

	2013	2014	2015	2016	2017
STREET AND TRAFFIC BYLAW	5,491	7,162	5,662	7,615	7,261
BUSINESS LICENCE BYLAW	133	146	112	140	141
BUILDING BYLAW	36	32	31	46	70
NOISE BYLAW	29	46	55	60	60
DOG TAX AND REGULATION BYLAW	73	90	78	55	57
ENVIRONMENTAL PROTECTION BYLAW	11	15	30	39	45
WATER REGULATION BYLAW	15	34	158	16	34
NUISANCE ABATEMENT BYLAW	22	24	33	49	31
ZONING BYLAW	17	4	7	11	28
TREE PROTECTION BYLAW	17	18	24	26	19
FIRE BYLAW	1	7	6	1	14
WHARF BYLAW	4		2	7	8
WASTE REMOVAL BYLAW	19	7	3	11	6
SIGN BYLAW	2	1	6	4	4
PARK BYLAW	19	24	11	3	2
FIREWORKS REGULATION BYLAW	15	6	7		1
GRAFFITI BYLAW	5	3			
BUSINESS LICENCE BYLAW, 1974	1				
SMOKING	1	1	1		
<b>TOTAL</b>	<b>5,911</b>	<b>7,620</b>	<b>6,226</b>	<b>8,083</b>	<b>7,781</b>





## Background

- Bylaw Enforcement Methods
  - Injunction
  - Prosecution
  - Direct Enforcement
- Existing Policy
  - *Complaints – Petitions Policy*
  - *Recreation Vehicles and Private Pleasure Boats Policy*



3 of 8

## Enhanced Bylaw Enforcement Strategy

- Bylaw Updates
 

<ul style="list-style-type: none"> <li>– Hen</li> <li>– Zoning</li> <li>– Parks</li> </ul>	<ul style="list-style-type: none"> <li>- Construction</li> <li>- Business License</li> <li>- Standards of Maintenance</li> </ul>
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- Adding Resources
  - Bylaw/Parking Enforcement
  - Environmental Services
  - Highway Use Permits
  - Park Ranger



4 of 8

## Enhanced Bylaw Enforcement Strategy

- Modifying the District's Management Approach:
  - Active management
  - Meeting service level expectations
  - Deep Cove and Lynn Valley Traffic and Parking Management Strategy
  - Enhanced communications
  - Complaint & Enforcement Policy



5 of 8

## Complaint and Enforcement Policy

- Information
- Role of Council
  - Enact bylaws
  - Approve budgets
  - Approve policies
  - Individual Council members
  - Injunction
  - Hear appeals



6 of 8

## Complaint and Enforcement Policy

- Role of staff
- Standards of Conduct for staff
- Receiving complaints
- Freedom of information and protection of privacy



7 of 8

## Complaint and Enforcement Policy

- Complaint priority
- Assessing complaint and choosing a method of enforcement
- Communications



8 of 8

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