City of Richmond

Report to Committee

To:	General Purposes Committee	**Date:**	March 14, 2005
From:	Don Pearson Manager, Community Bylaws	**File:**	
Re:	**Bill C-65 - Local Government Bylaw Notice Enforcement Act**		

Staff Recommendation

1. That Council endorse the City of Richmond entering into an agreement with the Province to establish a Bylaw Notice Dispute Adjudication system as outlined in Part 3 of Bill C-65, the Local Government Bylaw Notice Enforcement Act.

2. That staff be directed to continue discussions with the Province to prepare the necessary bylaw, policies and operating procedures for Council consideration and to have the Bylaw Notice Dispute Adjudication system implemented in Richmond as soon as possible.

Don Pearson
Manager, Community Bylaws
(4269)

Att. 1

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ROUTED TO: — **CONCURRENCE** Information Technology ..... Y ☒ N ☐ Law ..... Y ☒ N ☐ Customer Service ..... Y ☒ N ☐ Transportation ..... Y ☒ N ☐	**CONCURRENCE OF GENERAL MANAGER**
REVIEWED BY TAG — YES ☑ NO ☐	**REVIEWED BY CAO** — YES ☑ NO ☐

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Staff Report

Origin

In October, 2003, the Provincial Legislature enacted Bill 65 – Local Government Bylaw Notice Enforcement Act which sets provincial standards for the enforcement of local government bylaws by bylaw notice, outlines a system for bylaw notice dispute adjudication and standards for the collection of outstanding bylaw notice penalties.

In the Spring of 2004, the three municipalities on the North Shore (District of West Vancouver, City of North Vancouver and the District of North Vancouver) implemented a new adjudication process pilot project that allowed these municipalities to deal with bylaw disputes at the local level rather than through the Provincial Court system. Initially, the scope of the system was to be limited to parking violations and the pilot project was intended to ensure the new legislative and regulatory framework worked effectively before the system was made available to other communities.

At their June 1, 2004 meeting, the issue was raised with the Community Safety Committee and members expressed interest in the system and a desire to have it implemented in Richmond. Later the process was discussed with TAG, which similarly endorsed the establishment of a local bylaw court and a preference to move forward as soon as possible. The City, in response to a UBCM questionnaire, also indicated a desire to become involved in the program as soon as possible. Correspondence (copy attached) was subsequently distributed to Mayor and Council indicating the action taken.

On March 11, 2004, I attended a meeting in Victoria where the Province extended the invitation for the City of Richmond to initiate the process to establish a local bylaw court.

Analysis

Currently, when a parking ticket (Notice of Bylaw Violation) is issued, the party has 28 days to pay the fine at a reduced amount. If the reduced fine is not paid within that period, a Provincial Court summons is produced and mailed to the registered owner who can then pay the full penalty or indicate they wish to dispute the ticket in Provincial Court. Disputed parking tickets are adjudicated by the Provincial Court and require the attendance of the officer who issued the ticket and the accused before a Justice of the Peace who hears the evidence. Based on guilt beyond reasonable doubt, the Justice of the Peace renders a verdict and, if guilty, may impose a penalty. There is a presently a lengthy backlog of disputed tickets resulting from the Provincial Court not setting trial dates for over a year and hearings only resumed in the Fall of 2004.

Briefly, the new local government adjudication process requires Council to pass an enabling bylaw, policies and operating procedures relating to the screening process and identifying a screening officer position. The procedure would be as follows:

(a) The initial part of the process would remain unchanged. A ticket or Notice of Bylaw Violation is issued to a registered owner who has the option of paying the fine at a reduced amount within 28 days.

(b) From this point on, the system would change. In place of the issue being discussed informally with the issuing officer or any number of department employees, a designated screening officer would review the matter.

(c) The screening officer reviews the circumstances with the individual and, based on a set of criteria approved by Council, they either cancel the ticket or determine that the ticket will stand. The screening officer cannot adjust the fine level.

(d) Beyond this, the individual can either pay the fine or dispute the ticket before an adjudicator.

(e) If the person chooses to go to the adjudicator, they may appear in person or communicate their defence to the City by telephone or written correspondence. The officer's notes outlining the circumstances of the ticket and the defence entered by the accused are provided to the adjudicator who determines whether the violation did or did not occur. If it is determined the violation did occur, the full fine for the offence is imposed (there is no discretion on the adjudicators part to reduce the fine) and there is an additional $25.00 fee to cover the cost of the hearing. It is not necessary for the officer to attend this adjudication; unlike the court system where they must be present to give evidence.

The experience on the North Shore shows that less than 1% of tickets are going to adjudication; much less than the normal 3% to 8% experienced elsewhere in the Province. In 44 of the 52 cases decided by adjudication to date, the decision upheld the ticket.

The existing process has an informal feedback process allowing people to discuss the ticket with the issuing officer, often with one or more of the parking supervisors and frequently with the department manager. The new procedure will formalize the screening, allows one opportunity to discuss the ticket and has consistent criteria against which to base the decision on how to deal with the ticket.

The system will save many hours of parking officers' time by eliminating the need for them to deal with complaints about parking tickets and then attending court. The formal screening process will not be a significant amount of additional work as staff is now performing this function on an informal basis.

Financial Impact

There will be an additional cost for the adjudicator, who is appointed by the Province and charges $175.00 for a half-day session and $350.00 for a full day. Based on the North Shore experience, these costs will be offset, in part, by the $25.00 adjudication fee and the additional revenue from officers being available for more frequent patrols. Due to the limited discretion on the part of the adjudicator, the fines generated by the adjudication process should also be higher than those now being received through the Provincial Court.

There will be a need to update the City's automated parking system, "Autoprocess" to reflect the changes resulting from the adjudication system. The City of North Vancouver has the same automated system and had to make similar programming changes. We will continue to meet with North Vancouver to determine their costs associated with this system and how these will impact on implementation within Richmond.

No additional resources will be required.

At the very worst, the system will be cost neutral but it would be reasonable to expect the additional enforcement time on the road would result in more net revenue.

Conclusion

There are now over a thousand disputed parking tickets waiting to be heard in Provincial Court. Those making it to Court since the Fall of 2004 have seen very little fine revenue awarded but substantial costs for the officers to appear. The proposed system will allow the City to exercise more control over the resolution and cost of future cases.

The Province has asked that Council indicate their intention to implement this process. This will facilitate an Order-In-Council being passed extending the powers and provisions of Bill C-65 to the City of Richmond.

Don Pearson
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(4269)

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