



**Staff Report**

**Origin**

The City’s Bylaw Dispute Adjudication Program was established by Council early in 2007 through the Notice of Bylaw Violation Dispute Adjudication Bylaw No 8122 and came into effect as of April 1, 2007. The program and its processes were established, as outlined in the *Local Government Bylaw Notice Enforcement Act* and, in its present scope only facilitates dispute hearings for infractions under the City’s Traffic Bylaw No 5870 and Parking (Off-Street) Regulation Bylaw No 7403. Since its inception, the program has handled all disputes, which would have normally been heard by the Provincial Court on Elmbridge Way.

**Analysis**

The concept of the Bylaw Dispute Adjudication Program was promoted by the Province and established, in part, to address the delays that the City was experiencing in scheduling hearings in Provincial Court based on the Court’s priorities and limited resources. By design, the system also provided for a more expedient and convenient method of hearing disputes, for both parties, using less formal surroundings; more flexible methods of presenting evidence such as in writing, in person or by phone; scheduled 20 minute appointments either during regular business hours or early evening and a more transparent process regarding the final determinations by the adjudicators.

Three sessions of individual hearings have been held to date, averaging 15 appointments per session, using a meeting room at City Hall and scheduling hearings anywhere from 10:00 am to 7:00 pm depending on the session. The adjudicators are provided by Hugh Gaffney & Associates under contract to Court Services in Victoria. The City schedules a session of hearings, advises the contractor and ensures that an adjudicator is scheduled for that date on a rotating roster. The City provides the adjudicator with copies of all statements and material prior to the hearings to ensure that the process moves along as efficiently as possible.

<b>a) Voluntary payment experience:</b>			
<u>Provincial Court (2004 to 2006 inclusive)</u>		<u>Adjudication (Apr to Sep 2007)</u>	
# of tickets paid voluntarily	40,359	# of tickets paid voluntarily	8,617
# of tickets issued	56,727	# of tickets issued	9,657
	71.1%		89.2%
<b>Increase of 18.1% in voluntary payment</b>			
<b>b) Cases taken to dispute:</b>			
<u>Provincial Court (2004 to 2006 inclusive)</u>		<u>Adjudication (Apr to Sep 2007)</u>	
# of tickets disputed	2,216	# of tickets disputed	105
# of tickets issued	56,727	# of tickets issued	9,657
	3.9%		1.1%
<b>Decrease of 2.8% in cases taken to dispute</b>			

<b>c) Success rate at hearings:</b>	
Provincial Court (last 515 cases heard)	Adjudication (Apr to Sep 2007)
Based on fines assessed <b>20.5%</b>	Based on fines assessed <b>78.6%</b>
<b>Increase of 58.1% in success at hearing</b>	

**Financial Impact**

The initial capital expenditure of \$30,620 (\$11,880 below the original budget of \$42,500), for hardware and software to setup and launch the program, was a very practical investment. The impact on revenue has recouped this cost in a very short period of time.

**a) Voluntary payment experience:**

An increase of 18.1% in voluntary payments on 9,657 tickets issued (Apr to Sep 2007) at \$38.75 (average payment amount per ticket) has resulted in **\$67,730 in increased revenue over 6 months.**

**b) Cases taken to dispute:**

A decrease of 2.8% in cases taken to dispute has resulted in **\$15,367 in increased revenue over 6 months.**

**Typical Adjudication Session (15 hearings):**

For a typical adjudication session involving an average of 15 violations, the following shows the cost-neutral status of an average session:

Expenses:

Cost of City facility	Nil		
Cost of Adjudicator	\$ 480		
Cost of Security	\$ 90		
Staff Attendance	\$ 250		
File Preparation / Supplies	\$ 225	Total Expenses:	\$ 1,045

Revenue (based on most recent success rate of over 90%):

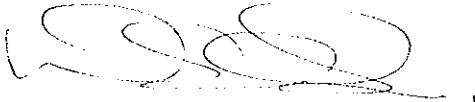
Adjudication Fee @ \$25 ea	\$ 340		
Full Fines	\$ 810	Total Revenue:	\$ 1,150

**Conclusion**

In all aspects, the City’s new Bylaw Dispute Adjudication Program has been an unqualified success. In addition to the very positive effect on program revenue through voluntary payment of tickets at the reduced Early Payment amount and the number of cases taken to dispute, City staff has experienced and received positive feedback on the efficiency and convenience of the system. Parties are not waiting 6 to 12 months for a Court date but are being scheduled for a hearing within 2 months while the details of the case are relatively fresh in everyone’s mind. We have

also had a significant number of disputants use the telephone option for conducting the hearing so they do not have to travel to City Hall. Scheduling has also taken place in the early evening so disputants do not have to take time away from work to have their case heard.

We expect to increase the efficiency of various aspects of the program over the next few months through 2008 and will consider extending the types of bylaw infractions to be heard in this forum to include dog licencing, business licencing, tree permits or any other relatively uncomplicated enforcement program.

A handwritten signature in black ink, appearing to read 'Wayne G. Mercer', with a horizontal line underneath.

Wayne G. Mercer  
Manager, Community Bylaws  
(604.247.4601)

WGM:wgm