



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** May 19, 2023
From: Mark Corrado **File:** 12-8375-01/2023-Vol
 Director, Community Bylaws and Licencing 01
Re: **Proposed Amendment to Bylaw Enforcement Officer Bylaw No. 9742**

Staff Recommendation

That Bylaw Enforcement Officer Bylaw No. 9742, Amendment Bylaw No. 10462 be introduced and given first, second and third readings.

Mark Corrado
 Director, Community Bylaws and Licencing
 (604-204-8673)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

At the Regular Council Meeting held on November 28, 2022, Council made the following referral:

That staff examine and report back on the feasibility and implications of transitioning bylaw enforcement officers to peace officer status, including outlining the difference between bylaw enforcement and peace officers duties.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

3.2 Leverage strategic partnerships and community-based approaches for comprehensive safety services.

Analysis

Peace Officer Status

The courts have established that properly appointed Bylaw Enforcement Officers acting in the course of their duties may be recognized as "Peace Officers". Moreover, there is case law that suggests someone who obstructs a Bylaw Enforcement Officer from being able to enforce City Bylaws, could be found guilty of offences relating to the obstruction of a Peace Officer under Section 129 of the *Criminal Code*. These offences could carry the weight of imprisonment of up to two years.¹

Given that the above recognition by the courts is not widely known outside the justice system, some municipalities including New Westminster, Surrey, and Langford, have formally recognized their Bylaw Enforcement Officers as Peace Officers. This recognition serves the purpose of removing any ambiguity in the eyes of the public as to the potential *Criminal Code* consequences of obstructing a Bylaw Enforcement Officer.

As directed by Council, in order to establish greater clarity as to the status of Bylaw Enforcement Officers while they are conducting their duties, it is recommended that section 1.2 of the Bylaw Enforcement Officer Bylaw 9742 be amended by adding the following section:

"1.2.1 Bylaw Enforcement Officers, while acting within the limits of those powers and duties set out in section 1.2 of this Bylaw, shall be deemed

¹For relevant case law see; *R. v. Jozef Baksay*; and *R. v. Dennis Lawrence Harrison*.
https://www.bylawbc.ca/docs/baksay_case_law.pdf; https://www.bylawbc.ca/docs/baksay_case_law.pdf

to be employed for the preservation and maintenance of the public peace and shall, without adding to those powers and duties set out in section 1.2 of this Bylaw, be designated as peace officers as defined in the *Interpretation Act*, RSBC 1996, chapter 238, and in the *Criminal Code of Canada*, R.S.C. 1985, C-46.”

The above recognition of Bylaw Enforcements Officers as Peace Officers does not, however, confer any additional powers or duties other than those outlined in the Bylaw Enforcement Officer Bylaw 9742.

Financial Impact

None.

Conclusion

The recognition of Bylaw Enforcement Officers as being Peace Officers while executing their duties is well established in case law. However, to ensure clarity of this recognition beyond the justice system, it is recommend that Council adopt a Bylaw amendment that formally designates Bylaw Enforcement Officers as Peace Officers.



Mark Corrado
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**Bylaw Enforcement Officer Bylaw No. 9742,
Amendment Bylaw No. 10462**

The Council of the City of Richmond enacts as follows:

1. Bylaw Enforcement Officer Bylaw No. 9742, as amended, is further amended by adding the following after section 1.2:

“1.2.1 Bylaw Enforcement Officers, while acting within the limits of those powers and duties set out in section 1.2 of this Bylaw, shall be deemed to be employed for the preservation and maintenance of the public peace and shall, without adding to those powers and duties set out in section 1.2 of this Bylaw, be designated as peace officers as defined in the *Interpretation Act*, RSBC 1996, chapter 238, and in the *Criminal Code of Canada*, R.S.C. 1985, C-46.”

2. This Bylaw is cited as **“Bylaw Enforcement Officer Bylaw No. 9742, Amendment Bylaw No. 10462”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division
MC
APPROVED for legality by Solicitor
BRB

MAYOR

CORPORATE OFFICER