



REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** November 8, 2024

From: Planning Services **Date Prepared:** November 1, 2024

SUBJECT: Bylaw Compliance & Enforcement Policy Review Updates

RECOMMENDATION:

1. That Regional Planning Committee review and provide direction on the draft Bylaw Compliance and Enforcement Best Practices manual – plain language draft.
2. That Regional Planning Committee review and provide further direction on:
 1. the draft Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1),
 2. the draft Local Trust Committee Bylaw Compliance and Enforcement Policy Template, and
 3. the draft Local Trust Committee Handling of Administrative Fairness Complaints Policy (Policy 7.1.2)

DIRECTOR COMMENTS: Trust Council supported Regional Planning Committees (RPC) request for a plain language version of the best practices policy document and approved inclusion of a Local Trust Committee (LTC) Bylaw Compliance and Enforcement policy in the project charter. The plain language document and LTC policy document are attached for Regional Planning Committee consideration. Staff have not edited amendments to Policy 5.5.1 or 7.1.2 since the RPC saw them in September 2024.

1. PURPOSE:

To bring forward the draft Bylaw Compliance and Enforcement Best Practices manual (plain language version) for review (Attachment 1) and some further proposed amendments to the draft Local Trust Committee Bylaw Compliance and Enforcement Policy (Attachment 2).

Also attached are the draft Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1)(Attachment 3), draft Handling of Administrative Fairness Complaints policy update (Policy 7.1.2)(Attachment 4), the Ombudspersons Office Complaints Process Self-Assessment Checklist (Attachment 5), and the project charter version 2 (Attachment 6). Staff recommend that Regional Planning Committee (RPC) focus on reviewing the plain language document and the Local Trust Committee Bylaw Compliance and Enforcement policy based on Trust Council resolutions.

2. BACKGROUND

At the regular September 2024 meeting, the RPC received a report from staff providing recommendations on next steps for bylaw enforcement policies and practices using the Office of the Ombudsperson’s Consultation and Training Team (‘Ombudsperson’) report recommending changes

to Trust Council policies and Bylaw Enforcement practices and procedures. RPC carried the following resolutions:

RPC 2024-013

It was MOVED and SECONDED,
that Regional Planning Committee request staff to amend the Bylaw Compliance and Enforcement Best Practices Manual to create a plain language version. **CARRIED**

RPC 2024-014

It was MOVED and SECONDED,
that Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project. **CARRIED**

RPC 2024-015

It was MOVED and SECONDED,
that Regional Planning Committee recommend the following changes:
a) Amend the notification period to two weeks
b) Policy 5.5.1: That the Manager of Compliance and Enforcement has the discretion to open files and launch an investigation based on the available resources.

CARRIED

The amendments to the policies were presented to Trust Council and the following resolutions were passed:

TC-2024-080

It was MOVED by Trustee Bernardo, and SECONDED by Trustee Campbell,
that Trust Council request staff to hire a qualified legal consultant to develop an enforcement policy and design a management structure for the Islands Trust's bylaw enforcement capability.

TC-2024-081

It was MOVED by Trustee Patrick, and SECONDED by Trustee Gauvreau,
that the motion (TC-2024-080) be postponed until a permanent Chief Administrative Officer has advised Trust Council on the bylaw enforcement review project. **CARRIED**

TC-2024-082

It was MOVED by Trustee Evans, and SECONDED by Trustee Elliott,
that Trust Council approves the amended Bylaw Compliance and Enforcement Policy Review Updates Project Charter to include a Local Trust Committee Bylaw Compliance and Enforcement Policy Template. **CARRIED**

TC-2024-083

It was MOVED by Trustee Evans, and SECONDED by Trustee Yates,
that Trust Council endorse the continuation of drafting amendments to Trust Council Bylaw Compliance and Enforcement Policy (Policy 5.5.1) and provide Regional Planning Committee direction to create a plain language version of the Bylaw Compliance and Enforcement Best Practices manual. **CARRIED**

Staff recommend RPC focus review time on the plain language best practices manual and LTC Bylaw Compliance and Enforcement Policy Template based on the above resolutions.

Best Practices Manual

The updated Bylaw Compliance & Enforcement Best Practices & Procedures Manual (Attachment 1) has been reviewed by bylaw and communications staff and amended to produce a plain language version.

Amendments to the manual include:

1. Removed Acronyms
2. Removed staff-facing instructions
3. Revising for plain language
4. Addition of a section for Appeal of Bylaw Compliance and Enforcement Officers Decisions:
 - a. Appeal of Bylaw Enforcement Officer Decisions - For discretionary decisions of a BEO, appeals may be considered by the Director, Planning Services. In considering appeals of interpretation of regulations, the Director may convene a review panel consisting of the Director and Regional Planning Managers. Such requests must be made in writing, outlining reasons for the appeal such as error of fact, omissions, or new evidence.
 - b. Review of conduct of Bylaw Enforcement Officers – complaints regarding the conduct or behaviour of a BEO shall be reviewed by the Director, Planning Services. Such requests must be made in writing, outlining reasons for the review request. If the complainant is not satisfied with the Director’s response, a formal administrative fairness complaint may be submitted.

LTC Bylaw Compliance and Enforcement Policy Template

After discussion at Trust Council, the updated Draft Local Trust Committee (LTC) Bylaw Compliance and Enforcement Template (Attachment 2) has been modified and expanded since the RPC reviewed it in September. Changes to the document include:

- Extension of notice of inspection period to 14 days and removed references to inspections occurring within notice
- Provided a definition of a vexatious complaint and edited section 8 policy for vexatious complaints
- Added policy stating that LTCs will be notified when file closed

Trust Council Bylaw Compliance and Enforcement Policy

At the September 2024 Trust Council meeting, Trust Council discussed draft amendments to Trust Council Policy 5.5.1. One elected official submitted written comments and one dictated feedback which staff captured in notes (both are attached as correspondence in the current RPC agenda). A motion was put forward that requested that an outside expert, cited as a qualified legal consultant, be hired to draft any bylaw enforcement policies and procedures. After discussion, a motion was carried to postpone consideration of hiring an external legal expert until a permanent Chief Administrative Officer was hired. The new CAO, Reuben Bronee, starts in late November and will attend Trust Council in his second week.

Administrative Fairness Complaints

In September, RPC reviewed the Trust Council Handling of Administrative Fairness Complaints Policy (7.1.2) that was amended to reflect the recommendation by the office of the Ombudsperson to identify more of a general complaints policy versus its current form. After discussion, the RPC did not support advancing the draft to Trust Council. Instead, RPC requested staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide (Attachment 5) to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work

for the Bylaw Enforcement and Compliance Review Project. This work has not been started due to loss of staff and scheduled leaves.

3. NEXT STEPS

Next steps are for the RPC to provide comments on the draft plain language best practices manual and to provide any further comment on the LTC Bylaw Compliance and Enforcement Template.

Staff are currently drafting more background information to help explain the legislation, bylaw, Trust Council policy and LTC policy framework. Staff are also working on providing a more comprehensive demonstration of how the draft policy amendments meet the Ombudspersons recommendations. Staff are ready to submit documents to the Ombudspersons Office upon endorsement from the RPC.

4. ATTACHMENT(S):

- 1) Draft Bylaw Compliance and Enforcement Best Practices Manual – plain language edition;**
- 2) Draft LTC Bylaw Compliance and Enforcement Template;**
- 3) Draft TC Policy 5.5.1 - Bylaw Compliance and Enforcement Policy**
- 4) Draft TC Policy 7.1.2 - Handling of Administrative Fairness Complaints Policy**
- 5) Ombudspersons Office Complaints Process Self-Assessment Checklist**
- 6) Project Charter v.2**

Prepared By: Warren Dingman, Manager of Bylaw Compliance and Enforcement

Reviewed By/Date: Robert Kojima, Regional Planning Manager

Reviewed By/Date Stefan Cermak, Director Planning Services



Islands Trust

Bylaw Compliance & Enforcement

Best Practices Manual

October 2024

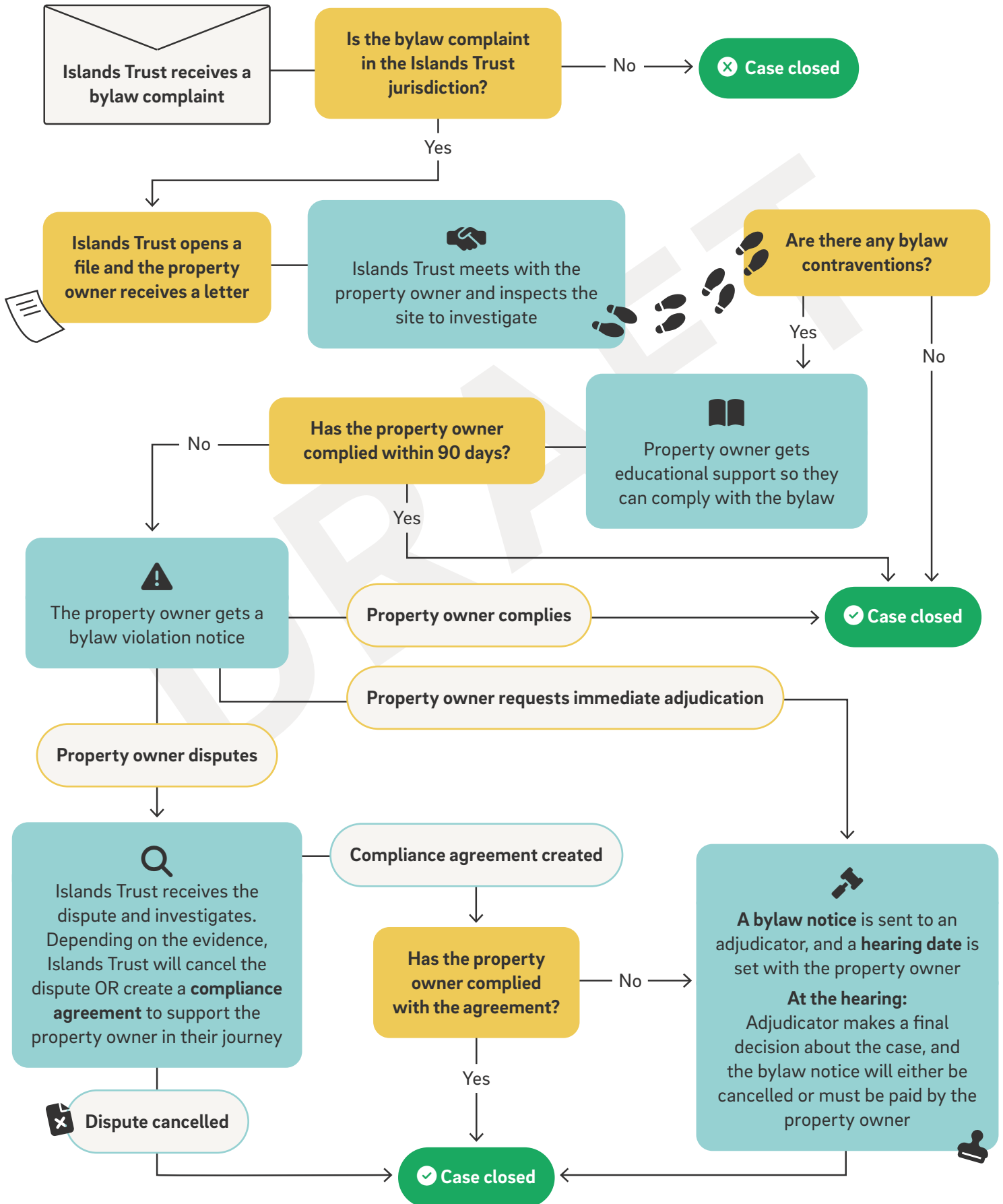
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Islands Trust



Definitions

Adjudicator means an independent party whom the Province of British Columbia appoints to decide if a Bylaw Violation Notice will be upheld or cancelled.

Bylaw Notice means a ticket, with penalty, issued under the *Local Government Bylaw Notice Enforcement Act*.

Complainant is a person who has an official complaint.

Disputant means a respondent who has been given a Bylaw Violation Notice, and disputed it.

Formal Complaints are limited to those submitted in writing and directed to the Chief Administrative Officer.

Local government refers to municipalities and regional districts which provide services to local communities. In this document, the local government referred to is Islands Trust.

Ombudsperson Office is an independent, impartial office of the provincial legislature that investigates complaints about unfair administrative actions by public authorities. It is meant to uphold transparency and accountability within public institutions by offering a free, accessible service for individuals who feel they have been treated unjustly by public agencies. The office does not have the power to enforce decisions but can recommend corrective actions.

Screening Officer is an Islands Trust staff member appointed to review a disputed Bylaw Violation Notice.

Respondent means those responding to allegations of bylaw contraventions.

Vexatious Complaints are frivolous, repeat or false complaints, or ones made in bad faith, that are meant to harass, annoy, irritate, or are for retaliatory purposes.

Roles and Responsibilities

Effective bylaw enforcement within Islands Trust requires ongoing communication and cooperation between trustees and staff. While trustees provide the legislative framework and policy direction, staff members carry out these policies through direct enforcement and support roles.

Trustees

- **Policy Development and Approval:** Trustees of Islands Trust are primarily involved in governance aspects, including setting policies that guide bylaw enforcement. They approve bylaws that regulate land use and community planning within the Islands Trust Area.
- **Strategic Oversight:** Trustees oversee the general strategic direction of Islands Trust, ensuring that bylaw enforcement aligns with the broader goals of conservation and sustainable community development.
- **Community Representation:** Trustees represent the interests and concerns of their constituents in matters related to bylaws and their enforcement, acting as a liaison between the community and enforcement officers.

Staff

- **Bylaw Compliance and Enforcement Officers:** These are specialized staff responsible for the practical aspects of enforcing the bylaws approved by trustees. Their duties include investigating complaints, gathering evidence, and ensuring compliance through education and regulation.
- **Planning Staff** are not directly involved in enforcement, but play a critical role in interpreting the bylaws and providing recommendations to both the public and enforcement officers. They ensure that the enforcement practices align with the planning objectives set by trustees.
- **Administrative Support:** This includes staff members who assist in the administration of bylaw enforcement, such as processing complaints, maintaining records, and supporting communication between the public, trustees, and enforcement officers.

What is the purpose of the Islands Trust Bylaw Compliance & Enforcement program?

The Islands Trust works to preserve and protect the special environment and qualities of the Trust Area for the benefit of its residents and the province. The Bylaw Compliance and Enforcement program exists to support this goal and ensure public safety. This guide helps residents understand how the Islands Trust ensures people follow local bylaws. The goal is to encourage voluntary compliance with bylaws through education, mediation, and enforcement when necessary.

The Bylaw Compliance & Enforcement team looks into potential violations of land use rules set by local trust committees. The regulations are found in local trust committees' Land Use Bylaws; in Development Permit Areas within Official Community Plans; and in the Salt Spring Island Soil Deposit and Removal Bylaw. Islands Trust has the legal authority to enforce these rules under laws like the *Islands Trust Act* and the *Local Government Act of BC*.

The Islands Trust has a policy, [Policy 5.5.1 Bylaw Compliance & Enforcement](#), that guides how bylaw investigations are handled. It explains how complaints are processed, prioritized, and resolved, aiming to do so fairly and effectively. Local trust committees adopt bylaws authorizing enforcement and may adopt bylaw enforcement policies specific to their communities.

The Manager of Bylaw Compliance and Enforcement follows best practices based on principles of fairness, as outlined in the report: [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#).

What initiates a Bylaw Compliance & Enforcement case file?

Like all local governments in British Columbia, Islands Trust uses a complaint-based Bylaw Compliance and Enforcement process. This means that almost all case files result from complaints made by individuals in the community. Anyone can submit a complaint – you don't have to live in the area or be a resident.

As listed in [Trust Council Policy 5.5.1 Section 5.1](#), this system gives priority to those bylaw infractions of greatest concern to island communities:

1. When directed by a local trust committee
2. Health and safety issues
3. Environmental impacts that could cause irreversible harm if not addressed quickly
4. Contraventions of land use bylaws and other bylaws

Once a complaint has been made, Islands Trust cannot decline to open a case file or decline to conduct an investigation because a complainant has changed their mind. Complainants are not victims of the offence and cannot “withdraw” their complaint.

In some cases, a Bylaw Compliance and Enforcement Officer can start an investigation even without a complaint. This happens when:

- Violations may cause health or safety risks
- Violations occur near water bodies
- Violations happen in development permit areas
- Violations are found during the building permit process
- Another agency refers a case involving land use issues
- Unlawful uses are advertised
- A local trust committee requests an investigation

How can complaints be sent to the Islands Trust?

Anyone who wants to make a complaint can:

- Fill out the Bylaw Compliance & Enforcement Complaint form on the Islands Trust website: <https://islandstrust.bc.ca/mapping-resources/report-a-concern/>
- Send an email to bylawenforcement@islandstrust.bc.ca
- Mail or drop off a letter to any Islands Trust office
- Complete a complaint form at any Islands Trust office

Complaints must be in writing, but staff can help by writing down the information for anyone who needs assistance.

Confidentiality

Anyone making a complaint must provide their or her name to the Islands Trust. Anonymous complaints are not accepted. The Islands Trust will try to keep the complainant’s information confidential, but confidentiality cannot be guaranteed during legal proceedings or if a Freedom of Information request is made.

Islands Trust also receives referrals from other agencies (like regional districts) when they get a complaint that falls under Islands Trust’s responsibility.

What is not a complaint?

Sometimes, people reach out to Islands Trust with questions about the Land Use Bylaw or Official Community Plan, not to report illegal activity. They may be planning something on their property and want to know if it is allowed. In these cases, a case file is not opened.

If a complaint or person is labeled “vexatious”, Islands Trust will send a written notice explaining any limits on communication, why those limits are in place, and when they might be reconsidered. These limits don’t stop necessary contact with staff on other unrelated matters.

Questions regarding bylaw infractions can be sent to bylawenforcement@islandstrust.bc.ca

When are Bylaw Compliance and Enforcement case files closed?

Case files are closed if:

- If no contravention exists
- On direction of a local trust committee
- As directed by Trust Council or local trust committee policies
- If the Director of Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is minor and does not suit the public interest to enforce
- If compliance has been achieved

How is compliance achieved?

Ideally, bylaw compliance is voluntary, and primarily sought through a combination of education, mediation, and enforcement techniques. If voluntary compliance does not occur, the Bylaw Compliance and Enforcement Officer may proceed with a bylaw compliance and enforcement process.

Bylaw Compliance and Enforcement Process

The compliance and enforcement process at Islands Trust has several steps. Staff work with people involved (Respondents) and encourage them to follow the rules before deciding if there is a bylaw violation. The process starts with discussions and education about the bylaws. If necessary, it moves to a verbal warning, then a written warning, and penalties are only applied if the person still does not comply.

All written complaints sent to the Bylaw Compliance & Enforcement office are acknowledged and recorded, whether they lead to an investigation or not.

First, staff review the complaint to see if it falls under the local trust area's bylaws. If no violation is found, the complainant will be told there's no issue, asked for more information, or informed that no violation exists.

Some complaints are more urgent than others are, so not all will receive the same level of attention. Complaints are prioritized based on the following:

1. Direction from a Local Trust Committee
2. Health and safety concerns
3. Environmental damage that could cause lasting harm
4. Violations of land use and other bylaws

If a complaint falls outside of Islands Trust's authority, it may be referred to another agency. The goal is to handle referrals quickly, with a "no wrong door" approach, meaning everyone is here to help, no matter which agency is involved.

If there is a possible violation, a new case file is opened.

A New File Has Been Opened

After a new file is opened, both the complainant and the person involved (Respondent) will be notified in writing. The Respondent will receive a Notice Letter with the contact details of the Bylaw Compliance Officer and will be asked to get in touch. The Bylaw Officer will also follow up with the complainant to confirm details and ask more questions.

The Bylaw Compliance and Enforcement Officer will then investigate the extent of the apparent or potential violation and what may be required to achieve compliance with the bylaw. These are the steps a Bylaw Compliance and Enforcement Officer (the Officer) takes when investigating:

1. The Officer will review all relevant compliance and enforcement policies that have been adopted by the local trust committees or Trust Council.

2. Typically, the Officer will conduct a site inspection of the property to meet with the Respondent, and gain an awareness and visual understanding of the property and the neighbourhood.
3. The Officer will take photos of the property and any possible violations, and gather details about what has been built or what is happening on the property that might have led to a complaint by asking questions and investigating. Bylaw Officers have the legal right to inspect, and local trust committees set policies on how much notice must be given before an inspection. The Officer is there to gather information only, not to make a decision, and Respondents will receive a written response regarding the case.
4. Based on evidence collected and a review of the relevant bylaws, the Bylaw Compliance and Enforcement Officer will determine if there is, or has been, a contravention. If there is no contravention to the local trust committee bylaws then the Respondent and the Complainant will be notified and the case file will be closed. If a contravention exists, then the Respondent will be asked to cease the activity, land use, or construction immediately.
5. If an administrative application such as a land use variance application has been submitted by the Respondent and there is a reasonable likelihood of success, the Bylaw Compliance and Enforcement Officer will refrain from enforcement during the application process.
6. The Officer may issue a Bylaw Violation Warning Notice or a Bylaw Violation Notice in local trust areas where a Bylaw Enforcement Notification bylaw has been adopted by the local trust committee. This Notice clearly explains what the violation is, and the timeline for compliance. The Officer is available to provide more information to the Respondent so they can achieve compliance without penalties.
7. Voluntary compliance is always the goal. The Officer will attempt to support the Respondent to achieve voluntary compliance with educational resources, and negotiations. Compliance must be achieved within 90 days if possible.

The Officer may consult with the Manager of Bylaw Compliance and Enforcement, Islands Trust planners, and the Director of Planning Services or seek legal advice when necessary.

Bylaw Compliance and Enforcement Officers are committed to a professional and respectful approach. Here is what they do:

- Interact with the public in a respectful and non-confrontational way
- Work within their authority; while they cannot issue stop work orders or tell property owners what they can do, they can request a pause on work while they review the regulations and investigate.
- Take time to carefully review all evidence before making a determination. They do not make on-the-spot decisions to ensure fairness and avoid any perception of bias.

Communications with Complainants

When a Complainant completes an [online complaint form](#), they receive an automatic response, which thanks them for their complaint and advises them that they will be contacted shortly with an update.

Once the complaint has been received and reviewed by the Manager, Complainants are advised if a new bylaw file is opened. If a file already exists for the property and contravention, they will be advised that their information has been added to the file. Contact information for the investigating Bylaw Compliance and Enforcement Officer is shared.

If the Complainant has provided an email address, they will be notified of a new file being opened by email. If they have only provided a mailing address, they will be notified by mail.

Complainants can request information about an open bylaw enforcement file at any time. They will be updated by the Bylaw Compliance and Enforcement Officer if:

- a. A file is put on hold, along with the reason for this action
- b. A Local Trust Committee makes a decision regarding the file
- c. A file has moved to litigation at which time the identity of the complainant may become public information
- d. A file is closed

Communications with Respondents

When a file is opened, a **notice letter** will be sent to the Respondent.

Once a Bylaw Compliance and Enforcement Officer has confirmed that a contravention of a bylaw has occurred or is occurring, the Officer will send a **determination letter** to the Respondent. The letter must be clear and easy to read and must include:

- A **reason** the letter is being sent that outline the problem, using a statement of what has been observed
- An **explanation** of how the bylaw has been contravened by quoting the bylaw and the sections that are being violated, and the definitions of words from the bylaw
- Outline of the **solutions** available to comply with the bylaw
- Explanation of the possible **consequences** of not complying
- A reasonable **deadline** that has been negotiated with the Respondent for taking next step or fully complying

Communications with Trustees

A local trust committee or any individual local trustee will not be involved in any aspect of the investigation of a complaint or the preparation of any Bylaw Compliance and Enforcement report. Upon opening a case file, local trustees are advised of the general nature of the complaint, the name of the street (not the complete address), and the case file number. The local trust committee will only be kept informed about the status of an investigation if they request updates. Local trust committees may request Bylaw Compliance and Enforcement staff to report on specific issues. The reports will be presented to the local trust committee at a subsequent meeting.

While local trustees can't be involved in any investigations, they are able to file a bylaw violation complaint just as any member of the public.

Communications with Potential Property Buyers and Real Estate Agents

Potential property buyers, Real Estate Agents, or the public can contact the Islands Trust Bylaw Compliance & Enforcement office to ask if there are any Bylaw Compliance & Enforcement issues associated with a specific property. Staff can share limited information regarding whether an open bylaw file exists for the subject property.

Islands Trust does not provide information about previous complaints or investigations. That information would require a [Freedom of Information request, which can be made here](#).

When Compliance is not achieved

If bylaw compliance isn't achieved, the Bylaw Compliance and Enforcement Officer will take the appropriate next steps which could include issuing a Bylaw Violation Notice, sending a Notice of Debt letter, sending a demand letter via lawyers, or recommending legal action to the local trust committee.

If legal action is necessary, the Manager of Bylaw Compliance and Enforcement will present a staff report to the local trust committee and Executive Committee, who then decide whether or not legal proceedings should occur.

Appealing Decisions Made by a Bylaw Compliance and Enforcement Officer

For discretionary decisions of a Bylaw Compliance and Enforcement Officer, appeals may be considered by the Director, Planning Services. In considering appeals of interpretation of regulations, the Director may convene a review panel consisting of the Director and Regional Planning Managers. Such requests must be made in writing, outlining reasons for the appeal such as error of fact, omissions, or new evidence.

Reviewing the Conduct of Bylaw Compliance and Enforcement Officers

Respondents can request a review of the conduct of a Bylaw Compliance and Enforcement Officer by submitting a request in writing to the Director of Planning Services. If the Respondent is not satisfied with the Director's response, a formal [administrative fairness complaint](#) may be submitted.

WHAT IS BIAS?

Bias in decision making is generally understood as a pre-existing leaning or predisposition toward one side or another or a particular result.

Bias can creep into complaint resolution and investigations when decision makers rely on their personal belief systems, prior knowledge of a person, or personal relationship with a party or service user, rather than focusing exclusively on the information and evidence related to the complaint. It is important that staff who are handling complaints be aware of any personal biases that may be affecting how they respond to concerns from service users.

From the Ombudsperson Complaints Handling Guide

Public access to records

As Bylaw Compliance & Enforcement files contain confidential information and pertain to law enforcement, a member of the public is required to submit a Freedom of Information and Protection of Privacy [request](#) in order to obtain any information from a file.

Freedom of Information requests are an important mechanism of transparency that ensures public access to Islands Trust records. Islands Trust staff will assist members of the public to refine their request and procure relevant documents to their request.

Bylaw Enforcement Notices and Dispute Adjudication System

Overview of the Local Government Bylaw Notice Enforcement Act

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw contraventions: the [Local Government Bylaw Notice Enforcement Act](#). The Act also provides direction, with the [Bylaw Notice Enforcement Regulation](#). Under the Act, local governments may establish a Bylaw Enforcement Notice and

Dispute Adjudication system, which replaces the provincial court as the venue for resolving disputes of bylaw contraventions.

This legislation aims to create a straightforward, affordable system to enforce bylaw violations. It features a simple ticket process for enforcement and a way for an independent adjudicator to handle ticket disputes.

Implementation Bylaw

Section 3 of the *Act* allows local governments to issue notices with penalties for bylaw violations. To do this, they must first pass a bylaw that establishes a Bylaw Enforcement Notice and Dispute Adjudication (BEN) system. This bylaw will:

- Designate the bylaw contraventions that may be dealt with by a bylaw notice
- Establish the amount of the administrative penalty for each contravention
- Set the period within which a recipient may pay the administrative penalty or dispute a bylaw notice/request a review
- Establish a bylaw notice dispute adjudication system to resolve bylaw notice disputes

EXAMPLE:

The Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 228, 2011.

This bylaw lists the administrative penalties that apply to bylaw contraventions in the Galiano Local Trust Area, as well as policies for disputing Bylaw Violation Notices, Screening Officers, and other features of the adjudication process described below in detail.

Implementation

When establishing a Bylaw Enforcement Notification Bylaw, local governments, including Islands Trust, should consider the following:

- Appointment of a Screening Officer: Define their powers, duties, and functions.
- Compliance Agreements: Allow the Screening Officer to enter into agreements and reduce penalties if warranted.
- Adjudication Process: Set a fee for filing adjudication requests and establish grounds for canceling penalty notices.
- Response Periods: Determine timelines for responses to Screening Officer decisions.

Record Management

Islands Trust administers and preserves all records related to the Bylaw Enforcement Notification system in compliance with provincial legislation. These records include:

- Bylaw Violation Notices and Warning Notices.
- Records of paid administrative penalties.
- Adjudicator decisions and documents related to collection efforts for unpaid penalties

Islands Trust Areas that have adopted a Bylaw Enforcement Notification Bylaw:

Ballenas-Winchelsea Island Local Trust Area — Bylaw 34 (adopted 2019)

Denman Island Local Trust Area — Bylaw 232 (adopted 2019)

Gabriola Island Local Trust Area — Bylaw 263 (adopted 2012)

Galiano Island Local Trust Area — Bylaw 228 (adopted 2012)

Gambier Island Local Trust Area — Bylaw 116 (adopted 2013)

Hornby Island Local Trust Area — Bylaw 159 (adopted 2020)

Mayne Island Local Trust Area — Bylaw 156 (adopted 2016)

North Pender Island Local Trust Area — Bylaw 188 (adopted 2011)

Salt Spring Island Local Trust Area — Bylaw 446 (adopted 2012)

South Pender Island Local Trust Area (adopted 2019)

Thetis Island Local Trust Area — Bylaw 90 (adopted 2011)

Islands Trust Areas that have not adopted a Bylaw Enforcement Notification Bylaw:

Lasqueti Island Local Trust Area

Saturna Island Local Trust Area

Bylaw Violation Notices

Warning Notices

Warning notices serve as an informal tool following an investigation by a Bylaw Compliance and Enforcement Officer. They should:

- Be issued with a compliance deadline of no less than 45 days.
- Precede formal Bylaw Violation Notices, accompanied by a determination letter with a 90-day compliance deadline.

Bylaw Violation Notices

A violation notice is a formal enforcement tool. This type of notice assigns an administrative penalty, the amount of the penalty is listed in the Bylaw Enforcement Notification bylaw of the Local Trust Area.

In local trust areas where Bylaw Enforcement Notification bylaw have been adopted, a Bylaw Violation Notice may be issued after any of the following:

- A verbal warning
- A demand letter
- A warning notice
- Exceptional circumstances as outlined by the Bylaw Compliance and Enforcement Manager

Notices must include the respondent's name, contravention details, penalty amounts, and dispute options.

The penalty notice may be delivered by personal delivery or by mailing it to the person responsible for the contravention. If mailed, the local government may presume that the person received it on the seventh day after mailing. In the event that the intended recipient claims not to have received the notice, the Bylaw Compliance and Enforcement Officer must verify the address and reissue a copy of the Bylaw Violation Notice.

The penalty notice informs the respondent of the bylaw contravention, the penalty for the contravention; and how to pay the penalty or dispute the notice.

A Bylaw Violation Notice must contain the:

- Name of the Respondent
- Specific bylaw contravention alleged to have occurred and the location
- Amount of the penalty
- Amount of a discount for early payment
- Amount of a surcharge for late payment
- Consequences of failing to respond to the notice
- Payment options
- Dispute options

Bylaw Violation Notices must be written within six months of the occurrence of a contravention.

Although the *Local Government Bylaw Notice Enforcement Act* requires that the above information is included on a penalty notice, local governments may organize or supplement this information as they see fit. The penalty notice may also be electronically generated or hand written on a pre-printed form. A notice is not invalid if the Bylaw Compliance and Enforcement Officer has not signed it.

The following is considered when issuing a Bylaw Violation Notice:

- Will the notice encourage the person to follow the bylaw? The goal is to get compliance. If the officer believes issuing the notice will help, it may be the right step.
- The notice cannot be issued more than six months after the violation is said to have happened.
- The officer should be able to explain why the notice was considered an effective way to enforce the rules in each case.

Once the Bylaw Violation Notice is received or is presumed to have been received, it becomes legally effective. There are four possible scenarios:

1. The Respondent does not respond: if the Respondent doesn't respond within 28 days, a late fee is added. The total penalty, including the late fee, is due immediately and can be collected by Islands Trust.
2. The Respondent claims that the Bylaw Violation Notice was not received: if, within 21 days, the Respondent claims they did not receive the Bylaw Violation Notice, a copy of the original notice will be reissued and sent to them.
3. The Respondent pays the Bylaw Violation Notice: if the penalty is paid within 14 days of receiving the notice, the notice amount is reduced by 25%. After 14 days, the full penalty amount applies. If paid after 28 days, a 50% late fee is added. Payment can be made by cash, cheque, or money order to Islands Trust, with instructions provided on the Bylaw Violation Notice.
4. The Respondent disputes the Bylaw Violation Notice.

Dispute Process for Bylaw Violation Notices

The person named (Disputant) in the notice has 14 days to request a dispute. After 14 days, they can only dispute it if the Bylaw Compliance and Enforcement Manager grants an exception. The process starts when the Respondent asks to dispute the notice, and the Bylaw Compliance and Enforcement Manager will then arrange for adjudication. If the due date falls on a weekend or public holiday, it will be extended to the next business day.

The Dispute Adjudication system is used to resolve disputes about whether a bylaw violation occurred as stated in the notice or whether the terms of a compliance agreement were followed. A challenge to the validity of the local government bylaw, or a claim that enforcement of the bylaw infringed on the Charter Rights of the disputant, is not within the jurisdiction of the adjudicator. This must be initiated as a separate matter in the Supreme Court of British Columbia.

Parties involved in the process of disputing a notice include:

1. **The Disputant:** the individual disputing the notice.
2. **The Bylaw Compliance & Enforcement Officer:** the Islands Trust employee authorized to issue the notice.
3. **The Adjudicator:** the independent adjudicator with authority to determine if the notice is dismissed or upheld.
4. **The Screening Officer:** is an employee of Islands Trust designated as a Screening Officer under the relevant Local Trust Committee's Bylaw Enforcement Notification bylaw. Screening Officers provide a first opportunity to respond to a Bylaw Violation Notice dispute in an informal setting. A Screening Officer may conduct the review based on discussion or correspondence with the disputant, and can explain the process and potential consequences of formal dispute adjudication. Each Local Trust Committee that has adopted a Bylaw Enforcement Notification bylaw has also developed a Screening Officer policy in order to provide guidelines during the Bylaw Violation Notice screening process. Screening Officers are required to provide recipients with a fair opportunity to be heard.

More information about detailed information regarding the local government dispute adjudication system can be found in the [Local Government Toolkit for Bylaw Dispute Adjudication](#). The [Local Government Bylaw Notice Enforcement Act](#) and the [Bylaw Notice Enforcement Regulation](#) govern this process.

1 Step One in the Dispute Procedure

A recipient of a Bylaw Violation Notice notifies Islands Trust in writing that they are disputing the Bylaw Violation Notice by:

- Completing and submitting the Adjudication Request Form that is on the bottom of the Bylaw Violation Notice. Forms can be delivered or mailed to any of the Islands Trust offices on Salt Spring Island, Gabriola Island or Victoria.
- Online at [disputing a bylaw violation notice](#).
- A letter or email indicating that they wish to dispute the Bylaw Violation Notice can be sent to bylawenforcement@islandstrust.bc.ca, or any Islands Trust office. [Mailing addresses are available here](#).

2 Step Two in the Dispute Procedure

The Screening Officer will review the Bylaw Violation Notice, including possible discussions with the issuing Bylaw Compliance and Enforcement Officer. The Screening Officer will review the dispute request and may:

- **Cancel** the notice; or
- **Confirm** the notice and either:
 - › refer it to an **adjudicator** unless the request for dispute adjudication is withdrawn; or
 - › enter into a [compliance agreement](#) ↓ with the person.

3 Step Three in the Dispute Procedure

The Bylaw Violation Notice has now been cancelled or confirmed by the Screening Officer. If the Bylaw Violation Notice is confirmed, Screening Officer will discuss their decision with the disputant by phone, in person, or in writing, and may offer a Compliance Agreement with the recipient to subsequently reduce or cancel the penalty when the terms of the agreement are fulfilled.

4 Step Four in the Dispute Procedure

If the Bylaw Violation Notice has been confirmed, and the disputant wants a formal dispute adjudication, the Screening Officer will request an Issuing Officer Report and create a Screening Officer Report. The dispute process will now move to a Formal Dispute Adjudication, where evidence is presented and the adjudicator decides if an offence did or did not occur.

A Compliance Agreement includes:

- Acknowledgment of the bylaw violation and acceptance of responsibility
- Remedies or future actions to be taken within a certain timeframe
- A way to verify compliance with the agreement
- Possible penalty reduction or waiver if the terms of the agreement are met
- The duration of the compliance agreement

If a recipient of a Bylaw Violation Notice fulfills all terms of a compliance agreement, their penalty is considered fully paid.

If the Screening Officer believes that the terms have not been fulfilled, they can cancel the compliance agreement and must notify the recipient of that fact by regular mail. The recipient then has 14 days of receiving that notice to either pay the penalty or ask an adjudicator to determine compliance. If neither action is taken within that time, the full penalty plus a late fee is immediately due to Islands Trust.

Dispute Adjudication

Islands Trust runs its own Dispute Adjudication Registry by working with the Ministry of Attorney General, which provides adjudicators experienced in local government land use bylaws. Once a Disputant confirms they want a formal hearing, the Manager will coordinate with all parties to set a date. Islands Trust will submit a package to support its case, which usually includes the Bylaw Violation Notice, the request to dispute, and reports from the Issuing and Screening Officers. This package, along with any evidence from the disputant, must be sent to both the disputant and the adjudicator at least one week before the hearing.

Adjudicators

The Adjudicator must proceed on the basis that the bylaw is legally valid. The Adjudicator has no discretion to reduce or waive the penalty amount. The Adjudicator also has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms.

An Adjudicator may not be an employee or an elected official of a municipality and may not hear a matter if they are reasonably thought to have a bias or an interest in relation to the outcome of that matter.

Adjudication Procedures

Section 18 of the *Local Government Bylaw Notice Enforcement Act* provides direction in regards to Adjudication Procedures.

The Adjudicator must provide the parties to the dispute with an opportunity to be heard:

- In person or by an agent
- In writing (including by fax or email)
- By video conference, audio conference, telephone or other electronic means

Section 19 of the *Local Government Bylaw Notice Enforcement Act* states that "Hearings must be open to the public". Islands Trust provides a space for members of the public to watch adjudication proceedings at the Islands Trust Southern Office, 200–1627 Fort St, Victoria. Members of the public can request this information how. Contact Islands Trust for more information:

information@islandstrust.bc.ca.

Evidence

The technical and legal rules of evidence do not apply and an Adjudicator may accept any evidence they consider credible, trustworthy and relevant to the dispute, including the evidence of any person. The Adjudicator may accept evidence in any manner, such as orally, in writing or electronically.

Determination

The Adjudicator will determine if:

1. The contravention identified in the Bylaw Violation Notice occurred as alleged, the notice is confirmed, and the penalty set out in the notice is immediately due and payable.
2. The contravention identified in the Bylaw Violation Notice did not occur as alleged, the notice is cancelled.

If the Disputant fails to appear, the Adjudicator must order that the Bylaw Violation Notice be upheld. The penalty is immediately due and payable to the local trust committee. The full amount of the penalty is due, not the reduced amount that would be available to those paying within 14 days of the original bylaw violation notice.

Notice of Adjudication Outcomes

An Adjudicator resolving a dispute about a Bylaw Violation Notice or a compliance agreement must send their written decision to Islands Trust:

- Within one business day for in-person or telephone hearings.
- Within five business days after receiving the dispute materials for written hearings.

The adjudicator's decision must be in writing and should include:

- The name of the Disputant
- The facts relating to the penalty notice
- A summary of the Screening Officer's decision
- The issues raised by the parties

- A summary of the evidence provided by each party in support of each issue
- The Adjudicator's assessment of each issue
- The Adjudicator's final decision

The disputant will receive the decision of the Adjudicator when Islands Trust receives it.

Cost

Islands Trust is responsible for the administrative work and costs of the dispute adjudication system. Islands Trust charges an administrative fee of \$25, payable by a disputant who is unsuccessful in a dispute adjudication. The fee is added to the debt only when and if the disputant is unsuccessful. If the disputant is successful, no fee is charged.

Judicial Review

The determination of an adjudicator is final and conclusive and is not open to review in a court except on a question of law or lack of jurisdiction. If a failed disputant or the Islands Trust believes that the adjudicator exceeded their authority, or made an error at law, disputant person or Islands Trust may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*. An application for judicial review must be made within 30 days of the adjudication decision.

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PROPOSED

Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective ___XXX___, 2024

Version No. 1

Purpose

To establish policies and procedures for bylaw compliance and enforcement in the Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

PART A

1.0 Application

This policy will apply to the Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs, or the dumping of waste

Vexatious - complaints that are made in bad faith or for retaliatory purposes or that are considered frivolous, may be considered vexatious; or repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process

Approved septic system – one that has been registered with the Vancouver Island Health Authority

4.03.0 References

This section will cite references to the relevant LTC bylaws that are affected by the compliance and enforcement policies.

5.04.0 Priorities

~~5.14.1 This section will contain the priorities established by LTC standing resolutions on bylaw enforcement or the deferrals established in the adopted resolutions.~~

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6.05.0 Inspection

~~6.1 Bylaw Enforcement Officers are authorized under the Land Use Bylaw to enter any lot at any reasonable time to determine if regulations are being observed.~~

~~6.25.1~~ At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.

~~6.35.2~~ Bylaw Enforcement Officers will provide 14 days notice, or provide a notice period designated by the LTC, and are encouraged to request mutually agreeable times to arrange site inspections and provide 24 hours notice if appropriate.

~~6.45.3~~ Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated without notice.

~~6.55.4~~ Enforcement on non-compliant short-term vacation rentals is a priority and inspections may be investigated without notice.

~~6.65.5~~ Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.

~~6.75.6~~ If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.

~~6.85.7~~ If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

7.06.0 Enforcement Procedures

~~7.16.1~~ If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUB.

~~7.26.2~~ Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.

~~7.36.3~~ If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.

~~7.46.4~~ If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.

~~7.56.5~~ If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.

~~7.66.6~~ Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety

concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.

~~7-76.7~~ Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

8.07.0 Closing Files

~~8-17.1~~ If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.

~~8-27.2~~ If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.

~~8-37.3~~ If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Compliance and Enforcement can use their discretion to close the file.

~~8-47.4~~ If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.

~~8-57.5~~ If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.

~~8.6~~ The LTC will be notified when any file is closed.

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~~9.08.0 Frivolous, Repeat or Vexatious Complaints~~

~~8.1~~ If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

~~9.1~~ Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.

~~9.2~~ Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.

~~9.2~~ Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.

~~9.2~~ If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

10.09.0 Communications

~~10-19.1~~ When a file is opened and an investigation commenced, respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.

10.29.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.

10.39.3 If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Compliance and Enforcement.

9.4 The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

9.5 Bylaw staff will be available during regular LTC meeting public comment sessions to answer questions regarding bylaw enforcement.

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11.010.0 Reporting

11.110.1 The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.

11.210.2 The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.

10.3 The Manager of Compliance and Enforcement will maintain ~~the Bylaw~~ the Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

10.4 LTCs will be notified when a file is closed.

~~11.3~~

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Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021; September X, 2024
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the ~~trust area~~ Trust Area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. “Long-form information“ means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer
2. Vexatious complaint means frivolous, repeat or false complaints, or ones made in bad faith that are meant to harass, annoy, or irritate any person, or are for retaliatory purposes
3. Respondent means those responding to allegations of bylaw contraventions
4. Bylaw Notice means a ticket, with penalty, issued under the Local Government Bylaw Notice Enforcement Act.

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Manager of Bylaw Compliance and Enforcement ~~Manager~~ will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report “Bylaw Enforcement: Best Practices Guide for Local Governments”, March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Investigations are commenced on a complaint-basis, with the exception provided below.
- ~~3.13.2~~ Bylaw investigations may be commenced at the discretion of the Manager of Bylaw

Compliance and Enforcement and an investigation file opened in one or more of the following circumstances:

- ~~3.1.13.2.1~~ In response to written complaints of an alleged contravention made by any person that is within the jurisdiction of Islands Trust and that is not vexatious nor anonymous;
- ~~3.1.23.2.2~~ bylaw~~Bylaw~~ contraventions appear to occur in setbacks from water bodies or in development permit areas;
- ~~3.1.33.2.3~~ bylaw~~Bylaw~~ contraventions appear to cause health and safety issues;
- ~~3.1.43.2.4~~ bylaw~~Bylaw~~ contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the Islands Trust siting and use permit applications;
- ~~3.1.53.2.5~~ A referral is received from a permitting agency that identifies alleged land use bylaw contraventions ~~associated with the permit request;~~
- ~~3.1.63.2.6~~ advertisements exist for apparently~~Advertising of~~ unlawful uses; or
- ~~3.1.73.2.7~~ a Local Trust Committee directs staff to commence an investigation.

- 3.3 Respondents and complainants will be notified in writing if an investigation has been commenced and they will be notified in writing of the determination of an investigation.
- 3.4 Respondents may request that a determination of a contravention be reviewed by the Manager of Bylaw Compliance and Enforcement.
- 3.5 Complainants may request the Director of Planning Services to ~~a~~ review a file if no contravention has been determined by the Manager of Bylaw Compliance and Enforcement.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed, and notice will be given, in ~~one or more of the~~ following circumstances ~~and notice will be given:~~
 - 4.1.1 ~~if~~ no contravention existed;
 - 4.1.2 ~~if~~ compliance has been achieved;
 - 4.1.3 ~~or~~ On direction of a Local Trust Committee;
 - 4.1.4 ~~if~~ the Director of ~~Local~~ Planning Services concurs with the ~~Bylaw Compliance and Enforcement~~ Manager of compliance and Bylaw Compliance and Enforcement that the contravention is of a minor character and does not suit the public interest to enforce.
 - 4.1.5 Complainants may request that a closing of a file be reviewed by ~~another Bylaw Enforcement Officer or~~ the Manager of Bylaw Compliance and Enforcement.
- 4.2 Respondents and complainants will be notified in writing when a file has been closed.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - ~~1.1.1~~ by specific direction of a Local Trust Committee;
 - 5.1.1 ~~health~~ Health and safety issues;
 - 5.1.2 ~~adverse~~ Adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.3 ~~contraventions~~ Contraventions of land use bylaws and other bylaws.
 - 5.1.4 By specific direction of a Local Trust Committee;

6. MEDIATION

- 6.1 ~~Bylaw investigation efforts~~Efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited by staff to participate in a process designed to:
- 6.2.1 ~~provide~~Provide full information and exchange of information;
 - 6.2.2 ~~confirm~~Confirm facts;
 - 6.2.3 ~~explore~~Explore opportunities for compliance;
 - 6.2.4 ~~negotiate~~Negotiate a timeline for compliance;
 - 6.2.5 ~~reach a~~Reach compliance ~~solutions~~solutions.

7. LEGAL ACTION

- ~~1.2~~ — If unlawful activity does not cease or if compliance is not achieved, a ~~bylaw enforcement officer~~Bylaw Compliance and Enforcement Officer may:
- ~~1.2.1~~ — ~~issue a bylaw violation notice; or~~
- 7.1 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees ~~or bylaw violation notices issued~~ if impacts of unlawful activity risk serious harm to persons or the environment.
- ~~7.3~~ — *Offence Act* prosecutions may be recommended to the Local Trust Committees under the following conditions:
- ~~7.3.1~~7.2.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
 - ~~7.3.2~~7.2.2 A long-form information may be sworn only after approval by a local trust committee; and
 - ~~7.3.3~~7.2.3 Executive Committee has approved legal funding for the prosecution; and
 - ~~7.3.4~~7.2.4 The long-form information has been reviewed and prepared by legal counsel.

8. USE OF DISCRETION

- 8.1 Local Trust Committees may adopt discretionary enforcement policies using the following guidelines:
- 8.1.1 The nature and urgency of the complaint or alleged contravention.
 - 8.1.2 The impact of the contravention on the complainant and community.
 - 8.1.3 Previous decisions or legal precedents on similar complaints.
 - 8.1.4 The matter appears to be a civil dispute, frivolous or vexatious in nature (see policy 11.0).
 - 8.1.5 The impact of the contravention on the complainant or other persons.
 - 8.1.6 The impact of the complaint or alleged contravention on public health, safety, or the environment.
 - 8.1.7 There are limited resources available to resolve the matter.

8-9. BYLAW NOTICE DEBT

8-19.1 Debts incurred as the result of default on bylaw notices are payable to Trust Council and they may be cancelled if the Director of ~~Local~~ Planning Services and the Manager of Bylaw Compliance and Enforcement ~~Manager~~ concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9-10. CONFIDENTIALITY

10.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed ~~against the violator~~ or where a request for information is received under the *Freedom of Information and Protection of ~~Privacy Act~~ Privacy Act*.

11. FRIVOLOUS, REPEAT, OR VEXATIOUS COMPLAINTS

11.1 Investigations and Enforcement Files may not be opened if a complaint is considered vexatious.

11.2 Persons may be declared vexatious complainants if the Director of Planning Services and the Manager of Bylaw Compliance and Enforcement concur and the vexatious complainant will be advised that no further submissions will be accepted from them.

10-12. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

10-112.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be ~~communicated~~ shared.

12.2 Local Trust Committees will be advised of when a bylaw investigation file has been closed.

10-212.3 Trustees may make a written complaint alleging a bylaw contravention.

10-312.4 Local Trust Committees and trustees ~~are will~~ are will not ~~to~~ be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.

10-412.5 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement ~~in regards to specific issues~~.

10-512.6 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.

10-612.7 Trust Council will be informed of the volume and type of bylaw enforcement files bi- annually.

C. Legislated References

1. [Islands Trust Act](#)

2. [Offence Act](#)

D. **Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

- [BC Ombudsperson’s report “Bylaw Enforcement: Best Practices Guide for Local Governments”, March, 2016](#)
- [Best Practices Manual](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)

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Policy:	7.1.2
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	March 9, 2001; XXXX
Policy Holder:	Legislative Services Manager

GENERAL COMPLAINTS

Purpose

The purpose of this policy is to ensure Islands Trust provides a fair, effective and transparent response to complaints and concerns raised by our service users. This policy sets out the procedures for receiving, reviewing, recording and responding to complaints about our service. To ensure that best effort is used to handle formal complaints regarding Islands Trust administrative practices, processes and procedures (excluding land use bylaw infractions) in a fair, equitable and timely manner in accordance with the Administrative Fairness Principles Policy.

Guiding Principles

Islands Trust is committed to high standards of practice in our work. We value feedback and complaints from our service users and continuously strive to improve our services. Our complaints process is guided by the following principles:

<u>Accessible</u>	<u>Islands Trust complaints process is publicly available on our website, and service users are informed of their right to complain about our organization. Complaints are accepted in a variety of ways (i.e., <List Ways>).</u>
<u>Fair</u>	<u>All complaints will be handled in a manner that is impartial and fair. Our process provides the opportunity for service users to submit relevant information and have an opportunity to be heard before the review of the complaint is finalized. We thoroughly and objectively review the complaints we receive, and are committed to keeping people informed of the progress of their complaint.</u>
<u>Person-Focused</u>	<u>We recognize that service users have different needs, and each person has their own unique history that they bring to the interaction with our agency. We commit to listen to our service users' concerns, treat them with dignity and respect, and maintain confidentiality throughout the complaints process.</u>
<u>Responsive</u>	<u>We will respond to complaints within XX business days, and will seek to resolve the complaint at the earliest opportunity. Complaints that cannot be resolved at first contact, or those that raise more serious concerns about our organization, will be forwarded for further review/investigation within XX business days. Islands Trust is committed to these time frames and will inform our service users of the progress of their complaint and reasons for any delay in the complaint resolution process.</u>

Roles and Responsibilities of Staff

<u>Step 1</u>	<u>Islands Trust staff are responsible for receiving, recording and assessing complaints, and will attempt to resolve the matter if possible. At this stage, staff have responsibility for explaining the complaints process to the person reporting the concern. will forward complaints that are not resolved or that require further review/investigation to Stage 2 of the complaints process.</u>
<u>Step 2</u>	<u>Islands Trust Management are responsible for reviewing and conducting</u>

	<u>investigations of complaints that are not resolved by staff. If a complaint is not resolved to the satisfaction of the person raising the concerns following investigation, further internal review may be conducted by management. If appropriate, alternative dispute resolution (ADR) will be offered to attempt to resolve the complaint.</u>
Step 3	<u>At any point in the complaints process, a person may choose to seek external review of the matter through the following review options: Include Options</u>

A. Definitions

Formal complaints are limited to those submitted in writing and directed to the Chief Administrative Officer (CAO).

Islands Trust refers to the following decision-making bodies: Trust Council, a local trust committee and the Executive Committee, as well as trustees or staff.

Ombudsperson Office referrals of complaints should be directed to the CAO.

Review Bodies include the CAO and the Executive Committee whose roles are explained in Section B.

Verbal concerns should be handled by trustees and staff within the spirit of this policy.

B. Principles

1. **Confidentiality** - To protect the privacy of the complainant, formal complaints should be handled in a confidential manner by trustees and staff upon receipt from the complainant and upon referral by the CAO or the Executive Committee, unless the complainant provides a written waiver of this provision to the CAO. The complainant and complaint will be made known to the affected staff, trustees or local trust committee.
2. **Availability** - The provisions of this policy should be available to every person or organization, including Islands Trust trustees and staff affected by a decision or action of the Islands Trust.
3. **Notification** - Trustees and staff should advise parties who might be adversely affected by a decision or action of the Islands Trust, or upon request, of the provisions of this policy should they wish to dispute a matter.
4. **Acknowledgement** - All formal complaints should be acknowledged, stating the expected process and time-frame to be taken to respond to the complaint, as well as any limitations of the review process with respect to the complaint.
5. **Accountability** - All formal complaints should be responded to, with reasons, with a view to using best efforts to resolve the complaint.
6. **Ombudsperson Office** - Referrals from, requests for assistance to, or complaint file communications with the Ombudsperson, shall be directed through the CAO, or, alternatively, the Islands Trust Chairperson.
7. **Corporate secretary's Role** - The Corporate secretary is to coordinate the handling of administrative fairness complaints in an objective manner.

8. **Executive Committee's Role** - The Executive Committee's role, within the provisions of Section 4(3) of the *Islands Trust Act*, is to review matters related to the day-to-day business of the Islands Trust and activities of a local trust committee, and, in that context, it may observe, advise and offer recommendations on such matters to a local trust committee or Trust Council, and seek remedies as required in matters for which it has jurisdiction.
9. **Access to Information** - Complainants should be given access to public information that would assist them in stating their complaint in a timely manner within the provisions of the Islands Trust's Freedom of Information and Protection of Privacy bylaw(s), policies and procedures, and the *Freedom of Information and Protection of Privacy Act*.
10. **Ombudsperson Act** - Complainants, while being encouraged to utilize the provisions of this policy to have their complaints addressed by the Islands Trust, should also be advised of the services of the Ombudsperson's Office and provisions of the *Ombudsperson Act*.
11. **Scope of Authority** - The review bodies, being the CAO and Executive Committee, do not have the power to judicially review the conduct of Trust Council, a local trust committee, or a trustee or staff person and are limited to making recommendations to decision-making bodies of the Islands Trust, to modify their own decisions or actions, and to direct staff on remedial efforts appropriate to their respective personnel authority - Executive Committee to CAO and CAO to all other staff.
12. **Consultation** - It is expected that the primary purpose of this policy's processes is to maximize communication among all affected parties to a complaint.
13. **Accessibility** - The cost and complexity of the Islands Trust's administrative fairness complaint handling process should not constitute a deterrent or present unreasonable obstacles to a complainant submitting a formal complaint.
14. **Chief Administrative Officer's Role** – The CAO's role is to request staff action, as required, and to conduct reviews involving staff matters.

C. Procedure

1. Receipt of Formal Complaints

- 1.1 **Informal Complaints** - Every effort should be made to direct verbal complaints to the appropriate Islands Trust decision-making body, trustee or staff person, and to notify the complainant of the provisions of this policy for pursuing a formal complaint.
- 1.2 **Formal Complaint** - Complainants should be informed that, in order to have complaints formally processed under the provisions of this policy, they must be in writing directed to the CAO for complaints regarding staff, and to the Chair for complaints regarding local trust committees or trustees.
 - 1.2.1 **Complaint Content** - Complainants must state the specific nature of a formal complaint and provide their name, address and phone number before complaints will be processed under the provisions of this policy.

- 1.2.2 Confidentially - Complainants must also acknowledge in writing that such complaints are not considered confidential with respect to affected staff or local trust committees.
- 1.2.3 Complaint File - A copy of the formal complaint should be forwarded to the corporate secretary, who is to open a file respecting the complaint.
- 1.2.4 Complaint Tracking - The corporate secretary is responsible for logging the complaint in an Administrative Fairness Complaint Log, and for tracking all steps of the complaint-handling process to its conclusion.
- 1.2.5 Referral - The corporate secretary will refer the formal complaint to the appropriate decision-making body, and/or trustee or staff person, for consultation in acknowledging the complaint.
- 1.2.6 Acknowledgement - The corporate secretary should acknowledge the formal complaint within 10 days, unless otherwise communicated to the complainant, in writing, advising the complainant as to whom the complaint has been referred to, the complaint handling process, expected timelines to deal with the complaint, and legal, legislative and/or policy limitations with respect to responding to the complaint.

2. Stage I Investigation

- 2.1 **Staff-Related Complaints** - Staff investigation of formal complaints, as requested by the CAO, are expected to adhere to the following process:

- 2.1.1 Referral

The CAO should refer appropriate complaints to the relevant staff person and his/her supervisor with a copy of the acknowledgement letter for the investigation within timelines provided by the CAO.

- 2.1.2 Complainant Contact

The staff person and/or supervisor should promptly contact the complainant to arrange a meeting by telephone, or, if desired by the complainant, with a view to addressing the complaint.

- 2.1.3 Investigation

The staff person should thoroughly ascertain the facts and issues, and prepare a report containing the facts, issues, and results of efforts to address the complaint in consultation with his/her supervisor.

- 2.1.4 Response

The staff person should communicate, in writing, his/her efforts to address the complaint, with reasons, to the complainant, with a copy to the CAO, corporate secretary, his/her immediate supervisor, and the appropriate

decision-making body, as required.

2.2 **Decision-making Bodies** - Staff investigations at the request of the Executive Committee involving matters directly related to decisions of decision-making bodies are expected to adhere to the following process.

2.2.1 Notice to Complainant

Reasonable and timely notice, in writing, should be given to the complainant of a complaint investigation by a decision-making body.

2.2.2 Complainant Contact

If required or requested by the corporate secretary or the complainant, the complainant should be given an opportunity to provide information to support his/her position, in person, or in writing, in addition to the original written complaint.

2.2.3 Investigation

Staff reports as per clause 2.1.3 should be directed to the appropriate decision-making body with a copy to the CAO and the corporate secretary.

2.2.4 Decision

The decision-making body, in consideration of the relevant facts, issues and staff advice should determine, by resolution, its response to the complainant.

2.2.5 Response

The staff person should communicate to the complainant, in writing, the decision-making body's decision, with reasons in response to the complaint, with a copy to the CAO, the corporate secretary, and the Executive Committee.

2.3 **Trustee Related Complaints** - Must be directed to the Islands Trust Chair or the Executive Committee. The Chair or Executive Committee will refer complaints to the relevant trustee, with a copy of the acknowledgement letter for his/her investigation and response to the complainant, using steps 2.1.1 to 2.1.4. Reviews will be handled by the Executive Committee.

3. Appeals

3.1 **To the Chief Administrative Officer** - In the event the complainant is not satisfied with the efforts of the designated staff person and/or supervisor to address the complaint, the CAO is to address the complaint utilizing steps outlined in 2.1.1. to 2.1.4 with a copy of the written documentation to the Executive Committee, corporate secretary and appropriate staff, trustee and/or decision-making body.

3.2 To the Executive Committee

3.2.1 CAO Efforts

In the event the complainant is not satisfied with the efforts of the CAO to address the complaint, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.2 Decision-Making Body Efforts

In the event the complainant is not satisfied with the efforts of an Islands Trust decision-making body to address the complaint, or at the request of that decision-making body by way of resolution, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.3 Trustee Efforts

In the event the complainant is not satisfied with the efforts of a trustee to address the complaint, or at the request of that trustee, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.4 Executive Committee Review

Executive Committee review is to proceed in the following manner:

3.2.4.1 The Executive Committee should give reasonable and timely notice to persons, including the complainant, who might be affected by the review process.

3.2.4.2 The Executive Committee should advise the complainant of the Executive Committee's limited mandate as appropriate to deal with the complaint.

3.2.4.3 Persons who might be affected by the review should be given an opportunity to provide information to support their positions in addition to the original written complaint of the complainant.

3.2.4.4 A member of the Executive Committee who was involved in the local trust committee land use planning decision, resolution or bylaw complained of, or is the subject of the complaint, is not to take part in the review. The Conflict of Interest Guidelines apply to members of the Executive Committee conducting the review.

3.2.4.5 The Executive Committee, in consideration of the relevant facts, provides advice to staff and, in its scope of authority, should determine, by resolution, its response to the complainant.

3.2.4.6 The Islands Trust Chair should communicate, in writing, the Executive Committee's decision, with reasons, to the complainant, with a copy to the CAO, corporate secretary, and relevant staff and/or decision-making body.

4. Coordination

- 4.1 **Tracking** - The corporate secretary is to maintain a tracking system to ensure attention is being given to all complaints and to monitor communications with the complainant.
- 4.2 **Regular Reporting** - The corporate secretary is to keep statistical and qualitative descriptions of complaints and the results of internal complaint processes, and to report quarterly to the Executive Committee and Trust Council via the CAO.
- 4.3 **Annual Reporting** - The corporate secretary is to provide information on the statistical and qualitative descriptions of complaints, including reviews, to be included in the Islands Trust's annual report.
- 4.4 **Complaint Files** - The corporate secretary is responsible for maintaining files containing documentation related to a formal complaint.
- 4.5 **Complaint Records** - All trustees and staff are to provide a record of discussions and meetings relevant to a formal complaint to the corporate secretary.

D. Legislated References

Ombudsperson Act

Policy and Procedures Manual:

Administrative Fairness Principles (7.1.1)

Bylaw Compliance and Enforcement (5.5.1)

Freedom of Information and Protection of Privacy (7.6.1)

E. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures n/a

COMPLAINTS PROCESS SELF-ASSESSMENT CHECKLIST

The following checklist provides a quick reference guide for organizations to conduct a self-assessment of their current complaint process and identify areas for improvement. By following this checklist and the key principles featured in this guide, organizations can build the framework for an effective complaint management system that will assist them in responding well to concerns from service users.

1. Do we foster an organizational culture that welcomes complaints from service users?

Do the leaders of our organization view complaints as a valuable source of feedback and an opportunity for improvement?

Do we make it easy for people to raise concerns about our organization?

Does our organization take action on issues identified through the complaints we receive from service users?

Do we provide support to staff who are the subject of a complaint and inform them that the focus is on learning from the experience, and not on apportioning blame?

2. Do we have an adequate complaints policy and procedure for our organization?

Does our complaint policy include a definition of a 'complaint'?

Do we have a three-tiered complaint process that encourages early resolution of complaints?

Do we provide clear guidance to staff on how to acknowledge and respond to a complaint, including standard timelines for response?

Are there clear procedures that direct staff on what kinds of complaints can be resolved informally at point-of-service, and what complaints require escalation/investigation?

Do our procedures describe our organization's standards for investigating complaints?

3. Is our complaints process accessible and responsive?

Is information about our complaints process publicized on our website, including specific contact information for staff who have responsibility for receiving complaints?

Do we accept complaints in a variety of formats (e.g., online, telephone, in writing, in person)?

Do we have translator services available for people who require it to submit their complaint?

Do we have systems in place to assist more vulnerable people who may need help bringing their concerns to us?

Have we addressed and removed any barriers that might prevent someone from contacting us with their concerns?

Are staff informed of their authority to resolve complaints at point-of-service?

Do we ensure timeliness in our complaints process?

Do we keep people informed of the progress of their complaint?

4. Is our complaints process fair and person-focused?

Are complaints reviewed by a staff member who is unbiased – one who was not involved in the original decision giving rise to the concern?

Do service users have an opportunity to submit additional information as part of the complaints process, and an opportunity to comment before the review is finalized?

Do we provide clear reasons for decisions after reviewing or investigating a complaint, including the issues and information considered, the analysis and conclusions drawn, and any resolution to the complaint?

Do we tell service users of the option of seeking further external review from an oversight body, such as the BC Ombudsperson?

Do we ensure privacy and confidentiality is respected for people who raise complaints about our organization throughout the complaints process?

Are our staff aware of and sensitive to the unique needs of services users from diverse backgrounds?

5. Are we adequately supporting our staff who respond to complaints?

Do we have adequate recruitment strategies to attract staff who are skilled in complaint resolution?

Do we provide training to staff in effective communication and conflict resolution?

Are we trauma-informed in the way we respond to complaints from our service users?

Does our complaint policy guide staff on how to deal with unreasonable conduct?

Do we have a practice of debriefing with staff who are dealing with more challenging complaints?

6. Do we adequately document and learn from the complaints we receive?

Do we have an adequate system for documenting, tracking, analyzing and reporting out on complaint outcomes?

Does our organization regularly review complaint trends and take action to address systemic issues?

Do we publicly acknowledge areas of improvement that are identified through complaints?

Bylaw Enforcement Review - Charter v2

Regional Planning Committee (RPC)

RPC Endorsement Date: 02-16-2024

Purpose: To resolve bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust Bylaw Enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence.

Background: Islands Trust Council requested that the Office of the Ombudsperson undertake a review of enforcement policies and practices and provide recommendations at the March 2023 Trust Council meeting. In August 2023 the Office of the Ombudsperson's Consultation and Training Team submitted the 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust' report. At the September 2023 Trust Council meeting directed that the recommendations of the report be implemented, that staff develop a work and project charter and was referred to the Regional Planning Committee.

Deliverables

- Revisions to Bylaw Compliance and Enforcement Policy 5.5.1
- Revisions to the Handling of Administrative Fairness Complaints Policy 7.1.2
- Revisions to Bylaw and Enforcement Best Practices and Procedures Manual ('the Manual')
- A public Bylaw Complaints and Enforcement document
- Updates and revisions to Bylaw Enforcement forms, templates and documents
- Training and information for Bylaw Enforcement Officers and other relevant staff
- Communications team work with planning staff to post regular Bylaw Compliance Review project updates to Islands Trust website.
- [Development and review of an LTC Bylaw Enforcement Policy](#)

In Scope

- Review the Report, compile recommendations
- Review current Trust Council policies
- Review the Manual
- Compile and review all LTC bylaw enforcement standing resolutions and policies
- Review selected policies of other relevant local governments
- Report to RPC with proposed revisions for direction
- Provide regular updates and recommended revisions to Trust Council
- Implement changes to policies and practices
- A legal review of draft documents

Out of Scope

- Amendments to bylaws
- Public consultation
- Referrals to LTCs
- External consultants

IAP2 Public Engagement Level:

- Inform
- Consult
- Involve
- Collaborate

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Workplan Overview

Deliverable/Milestone	Target Date
Draft Project Charter to RPC for review and endorsement	Feb 2024
RFD to Trust Council	Mar 2024

<i>RPC review of preliminary policy revisions</i>	May 2024
<i>Briefing to Trust Council</i>	June 2024
<i>Draft policies and manual to RPC for review and changes</i>	Sept 2024
<i>Referral of draft revisions to Ombudsperson's office for comment</i>	Sept 2024
<i>Briefing to Trust Council</i>	Sept 2024
<i>Final RPC review and referral to Trust Council</i>	Nov 2024
<i>Endorsement by Trust Council</i>	Dec 2024
<i>Implementation</i>	Jan – Mar 2025

Project Team	
<i>Stefan Cermak, DPS</i>	Project Champion
<i>Robert Kojima, RPM</i>	Project Manager
<i>Warren Dingman, Manager C & E</i>	Project Manager
<i>Anthony Fotino</i>	RPC Planner
<i>David Marlor, DLS</i>	Advisor
Director Approval: <i>Stefan Cermak</i> Date: 02-16-2024	RPC Endorsement: Resolution #: 2024-001 Date: 02-16-2024

Budget		
Budget Sources: N/A – no budget has been assigned		
*legal review included in scope by RPC 02-16-2024		
Fiscal	Item	Est. Staff hours*
2023-24	Project initiation	20
2024-25	- Preliminary analysis and review	40
	- Drafting of policy revisions	50
	- Final policy	20
	- Updates to manuals and templates	40
	- Implementation	40
	- Contingency	40
	Total	250

*excludes any admin support, attendance at RPC/TC meetings, staff receiving training