

## PROCEDURE

Title: Bylaw Enforcement Framework

Division: Legislative Services

Policy Number: 0235

File Number: 0282-20-0235

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### 1. Governing Policy

- 1.1. This procedure is associated with Bylaw Enforcement Framework Policy 0234.

### 2. Scope/Application

- 2.1. This procedure applies to members of the public, Council, and all Staff engaged in bylaw enforcement activities on behalf of the District.

### 3. Procedure

#### 3.1. Submitting a Request for Service

- 3.1.1. A Request for Service may be submitted to the District by a member of the public, Staff, or Council member through the District's online complaint submission form, by mail, email, phone, or in-person. Staff can assist individuals who may need assistance with submitting a Request for Service.
- 3.1.2. Members of the public and Complainants are encouraged to submit accurate complaints in good faith, engage respectfully with Staff, and uphold the confidentiality of enforcement processes.
- 3.1.3. When submitting a Request for Service, a Complainant must provide their name, address, valid phone number or email address, a description of the alleged bylaw contravention, and the address or location where the alleged contravention is occurring for it to be considered a Valid Complaint.
- 3.1.4. Complainants are responsible for providing clear and accurate information related to the supposed bylaw contravention to optimize investigative efficiency. For example, Requests for Service related to a specific property must include the specific address; complaints regarding vehicles must include specific identifiers, such as make, model, colour, and/or license plate.
- 3.1.5. Staff endeavour to aid Complainants in providing clear and accurate information where barriers may be present. Requests for Service submitted with insufficient information may not be considered a Valid Complaint or otherwise acted upon.
- 3.1.6. Except in situations where a bylaw contravention poses a significant safety risk, is occurring on District owned lands, or is classified as Priority 1, anonymous complaints will not be recorded or otherwise acted upon.
- 3.1.7. Requests for Service from Complainants residing outside of the District will only be considered if classified as Priority 1 or occurring on District owned lands.

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- 3.1.8. A Complainant may be asked to take additional steps after submitting a Request for Service, as part of the District's enforcement process (keeping a log of dates and times of contraventions, submitting photographs, etc.).
- 3.1.9. A Complainant should keep the Bylaw Enforcement Officer apprised of whether a situation improves or worsens.
- 3.1.10. From time to time, a Council member may submit a Request for Service, as a private citizen. In such cases, the Council member will be recorded as the Complainant and the process for seeking compliance will be followed, as described in this policy and procedure.
- 3.1.11. The District endeavours to keep the identity of every Complainant confidential; however, anonymity cannot be assured in all circumstances, particularly if a Request for Service has been publicly disclosed by the Complainant, or:
  - a) if disclosure is required by Court order, subpoena, warrant, or other similar judicial or quasi-judicial process;
  - b) if disclosure is required under the *Freedom of Information and Protection of Privacy Act*;
  - c) if disclosure is required as part of the disclosure process in the event of a prosecution or civil proceeding; or
  - d) if the person to whom the personal information pertains consents to the disclosure.
- 3.1.12. If a Complainant is the only witness to an alleged contravention and the Complainant's information is necessary to proceed with enforcement, the Complainant will be advised of the extent to which their identity needs to be disclosed, and the reasons Staff consider the disclosure necessary. Except in situations of significant risk to the environment, District infrastructure, or human safety, the Complainant may be provided the option of consenting to the disclosure or withdrawing the Request for Service.
- 3.1.13. Requests for Service that contravene the Respectful Behaviour Bylaw, as amended, compromise Staff safety, or are a Repeat Complaint, Vexatious Complaint, or Frivolous Complaint will not be accepted or otherwise acted upon.

### **3.2. Recording and Investigating a Request for Service**

- 3.2.1. All Requests for Service will be entered into the District's database for tracking, follow-up, resolution, and statistical recording. As part of creating a valid Request for Service, the information recorded in the District's database may include the Complainant's contact information and a general description of the alleged bylaw contravention.
- 3.2.2. On receipt of a Request for Service, Staff will acknowledge receipt of the Request for Service in a timely manner and provide general information on the investigative processes specific to the Request for Service. Staff will then look to determine if:
  - a) the request is a Valid Complaint;

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- b) the Request for Service is regarding an actual bylaw contravention, or if the matter is the result of a conflict unrelated to a bylaw contravention (neighbourhood dispute, real property dispute, or a similar civil matter); and
  - c) the District has authority to enforce the Request for Service, or if responsibility for enforcement is the responsibility of another entity or government agency (bylaws enacted by strata corporations, tenancy issues regulated under the *Residential Tenancy Act*, liquor licence violations, etc.).
- 3.2.3. A Request for Service that does not fall within the jurisdiction of the District may be referred to another agency with jurisdiction or the Complainant may be directed to the agency with jurisdiction.
- 3.2.4. While all Requests for Service are to be received and recorded, not all will be investigated directly in-person.
- 3.2.5. While all Requests for Service will be received and recorded, not all will be investigated, including but not limited to:
- a) Frivolous Complaints, Vexatious Complaints, or Repeat Complaints;
  - b) anonymous complaints, unless the contravention is considered Priority 1 or is occurring on District owned lands;
  - c) complaints that fall outside of District jurisdiction or, in the District's sole discretion, are more properly within the jurisdiction of another enforcement body; or
  - d) complaints that are private in nature, such as disputes between neighbours, that are more appropriately managed by the Complainant through their own access to private resolution processes (strata, Residential Tenancy Branch, private legal action, etc.).
- 3.2.6. Response to a Request for Service is generally prioritized as follows:
- Priority 1: Significant** – the alleged bylaw contravention has the potential to adversely impact public health and safety, District infrastructure, or the natural environment.
- Priority 2: Moderate** – the alleged bylaw contravention may be significantly impacting adjacent properties in a negative manner but generally does not pose an immediate risk to public health and safety, District infrastructure, or the natural environment.
- Priority 3: General** – the alleged bylaw contravention may be a matter that is a general community concern, is minor in nature, and does not affect public health and safety, District infrastructure, or the natural environment.
- 3.2.7. Staff, through the means available to them, will endeavour to provide Respondents who are the subject of investigation with notice of the investigation, reasons for the investigation, an explanation of the bylaw contravention(s) requiring remediation, evidence of the bylaw contravention(s) requiring remediation and the consequences of failing to respond or comply within a reasonable time.
- 3.2.8. Staff may conduct a site inspection of a property or business premises in response to a Request for Service to investigate potential bylaw contraventions.

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- 3.2.9. Site inspections are to be carried out at a reasonable time and in a reasonable manner, with a focus on what is specific to the Request for Service and associated bylaw contravention.
- 3.2.10. While the primary focus will remain on the specific issue outlined in the Request for Service, Staff may separately address additional observed bylaw contraventions during inspection in accordance with this policy and procedure.
- 3.2.11. Except in the case of an Emergency, Priority 1 Request for Service, or where consent is not possible or reasonable given the circumstances, Staff will make reasonable efforts to provide advanced notice and reasons for a site inspection to any involved business, property owner, or occupant in accordance with the *Community Charter* and other applicable legislation, and work to obtain consent and collaboratively schedule any site inspections with Respondents.
- 3.2.12. Staff will endeavour to provide Respondents who may be the subject of bylaw enforcement with the opportunity to respond, voluntarily comply, submit any relevant information or evidence for review, and participate in the investigative process.
- 3.2.13. When determining appropriate enforcement action, Staff will exercise discretion in light of the specific circumstances of the contravention, including:
  - a) the Request for Service Priority;
  - b) the impact of the contravention on the Complainant and surrounding community;
  - c) prior history, complaints, and enforcement action;
  - d) the nature and duration of the contravention;
  - e) the available methods for achieving compliance;
  - f) a Respondent's ability to comprehend, comply, and adhere to bylaw enforcement decisions;
  - g) the resources available to resolve the Request for Service; and/or
  - h) the impact of enforcement on the Respondent of a Request for Service.
- 3.2.14. Records of enforcement activity, including notes or observations taken in the field, digital photographs, copies of correspondence and other related materials, will be recorded in the District's database and retained in compliance with District policies.
- 3.2.15. A Bylaw Enforcement Officer may commence a Request for Service without a Valid Complaint when:
  - a) they observe a Priority 1 bylaw contravention;
  - b) a bylaw contravention of any Priority is observed during the regular course of their duties; or
  - c) a notification or referral is received from an external agency that identifies a possible contravention of District bylaws.

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### 3.3. Role of Council in Enforcement

- 3.3.1. Council enacts bylaws, establishes overall priorities for enforcement, establishes regulatory requirements for the overall benefit of the community and adopts bylaw enforcement policies.
- 3.3.2. Council considers enforceability, capacity, and staffing when developing or adopting new bylaws or new bylaw regulations.
- 3.3.3. To maintain administrative fairness and an unbiased enforcement process, separation between the role of Council, who set overarching policies and priorities, and Staff, who execute enforcement procedures, is important.
- 3.3.4. Council may be contacted by persons who have been the subject of bylaw enforcement. In these situations, Council should direct the member of the public to contact the Bylaw and Licensing Services Department directly for the appropriate information and next steps in the bylaw enforcement process.
- 3.3.5. To maintain administrative fairness, Council should remain uninvolved in specific bylaw enforcement files or decisions until a matter is placed on a Council agenda for Council to consider.

### 3.4. Reporting Outcomes

- 3.4.1. Staff will endeavor to acknowledge receipt of a Request for Service in a timely manner.
- 3.4.2. Staff may contact the Complainant to obtain additional information on the nature of the Request for Service and the impact that it has on the Complainant.
- 3.4.3. Staff may provide general information to a Complainant, subject to confidentiality requirements, on a case-by-case basis.
- 3.4.4. Staff will provide Respondents with notice of the reasons for direct enforcement of District bylaws where a contravention is observed.
- 3.4.5. It is not the District's practice to provide ongoing updates to a Complainant on the status of a Request for Service or enforcement activity. A Complainant may contact the Bylaw and Licensing Services Department and request an update, at which point Staff will endeavor to provide a response as time and resources permit.
- 3.4.6. In most circumstances a Complainant and Respondent will be provided with general notice when a Request for Service has been resolved, including:
  - a) the reasons for the decision(s) made throughout the investigative process;
  - b) information on any applicable complaint or dispute resolution processes; and
  - c) any other information deemed relevant to ensure a fair, equitable, and transparent resolution.
- 3.4.7. A Complainant, Respondent, or other persons requiring detailed information related to a Request for Service, bylaw contravention, or similar matter, must submit a Freedom of Information request to the Legislative Services Department.

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3.4.8. To dispute a Bylaw Notice, the person served with the notice must follow the process described in the Bylaw Notice Enforcement Bylaw, as amended or replaced from time to time.

## 4. Approval

<b>Approved by</b>	<input type="checkbox"/> Municipal Manager	<input checked="" type="checkbox"/> Mayor and Council
<b>Approval date</b>	2026/06/08	
<b>Council minutes Document ID</b> (Council Procedures only)	LGDM-711734498-25412	
<b>Council report Document ID</b> (Council Procedures only)	LGDM-711734498-25419	
<b>Signature</b>	<u>[Original signed by Mayor]</u> MAYOR	

## 5. Additional Information

<b>Category</b>	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Administrative
<b>Date of last review</b>	2026	