



# STAFF REPORT

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**Date:** September 8, 2011      **File No.:** Bylaw Enforcement Notification Bylaw

**To:** South Pender Island Local Trust Committee  
Meeting of October 4, 2011

**From:** Miles Drew  
Bylaw Enforcement Coordinator

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**Re: Adoption of Bylaw Enforcement Notification Bylaw**

## THE PROPOSAL:

This report will recommend to the South Pender Island Local Trust Committee that it:

1. give three readings to the attached Bylaw Enforcement Notification Bylaw and;
2. refer the bylaw to the Executive Committee for approval.

## STAFF COMMENTS:

The Local Trust Committee previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Enforcement Notification Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

### An Important Point

**This bylaw does not create any new offences. It only lists those offences already present in the Land Use Bylaw.**

### Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes schedules listing penalties for various offences of the Land Use Bylaw. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to penalize persons who violate the bylaws but also allows for a reduction in the penalty if the violation is corrected through a Compliance Agreement.-Additionally, it creates methods for payment, dispute, and service of the bylaw violation notices.

## **Methodology for setting fine and fine discount amounts.**

The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

1. environmental damage--generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities--generally given fine amounts of \$300 to \$150;
3. work without the appropriate permit--generally given fines of \$300 to \$150;
4. nuisance or easily resolved violations--generally given fines of \$250 to \$75.

Discounts for early payments were set at 25% and compliance agreements discounted at either 75% or 50% depending on the costs and ease of complying. Greater discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

## **Establishment of Registry and Screening Officer**

The bylaw establishes the location in North Vancouver of the Registry where disputed bylaw violation notices are adjudicated. The Islands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The bylaw also establishes the position of Screening Officer and its duties, and authorizes bylaw enforcement officers to issue bylaw violation notices. The bylaw provides the ability for the Local Trust Committee to appoint persons holding certain positions to the duty of Screening Officer. This means that it is not necessary to name a specific person to carry out the duty. Therefore, staff changes will not require new appointments. Although the bylaw provides for several positions to be appointed as screening officers, staff believes that only one person should operate as a screening officer at this time. The most appropriate position to carry out screening officer duties is the bylaw enforcement administrative assistant.

Attached is a copy of a pamphlet which is intended to explain the Bylaw Enforcement Notification Bylaw. This pamphlet will be issued with each notice and will be available to the general public at Islands Trust offices and on the web site.

## **Next Steps**

The last steps to be taken before bylaw violation notices can be issued are:

- Executive Committee approval and final adoption by the Local Trust Committee by Spring 2012
- appointment of Screening Officer and adoption of associated policies

- Conduct necessary staff training. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on regional office resources. A staff familiarization session will be held in each region.
- print required bylaw violation notices and the Q & A brochure for recipients of bylaw violation notices and other interested persons.

This bylaw does not require Ministerial approval from the Province. Bylaw enforcement staff training will be done by the City of North Vancouver.

Attached is a proposed sample of the bylaw violation notice.

**RECOMMENDATION:**

- 1) That the South Pender Island Local Trust Committee gives the First Reading to Draft Bylaw No. 109, cited as South Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 109, 2011
- 2) That the South Pender Island Local Trust Committee gives the Second Reading to Proposed Bylaw No. 109 cited as South Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 109, 2011.
- 3) That the South Pender Island Local Trust Committee gives the Third Reading to Proposed Bylaw No. 109 cited as South Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 109, 2011.
- 4) That the South Pender Island Local Trust Committee refers the Proposed Bylaw Enforcement Notification Bylaw No. 109, 2011 to Executive Committee for approval.

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Prepared and Submitted by:

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Date

# DRAFT

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 109, 2011

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### A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE SOUTH PENDER ISLAND LOCAL TRUST AREA

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WHEREAS the South Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the South Pender Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the South Pender Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the South Pender Island Local Trust Area;

NOW THEREFORE the South Pender Island Local Trust Committee enacts, in open meeting assembled, as follows:

#### Citation

1. This Bylaw may be cited as “South Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 109, 2011”.

#### **1.0 INTERPRETATION**

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the South Pender Island Local Trust Committee.

#### **2.0 DEFINITIONS**

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

#### **3.0 BYLAW CONTRAVENTIONS**

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Violation Notice.

#### **4.0 PENALTY**

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Surcharge set out in column A3 of Schedule “A” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” as attached to this bylaw.

#### **5.0 PERIOD FOR PAYING OR DISPUTING NOTICE**

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,
- (1) pay the penalty, or
  - (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

## **6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM**

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

## **7.0 SCREENING OFFICERS**

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:
- (1) Regional Planning Manager;
  - (2) Bylaw Enforcement Coordinator;
  - (3) Bylaw Enforcement Officer;
  - (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

- 7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:
- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
  - (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
    - (a) the person against whom a contravention is alleged or their representative;
    - (b) the officer issuing the bylaw violation notice;
    - (c) the complainant or their representative;
    - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

**8.0 BYLAW ENFORCEMENT OFFICERS**

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

**9.0 FORM OF BYLAW VIOLATION NOTICE**

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

**10.0 SCHEDULES**

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – South Pender Island Land Use Bylaw No. 92, 2003 Contraventions and Penalties.

READ A FIRST TIME THIS DAY OF ,20\_\_

READ A SECOND TIME THIS DAY OF ,20\_\_

READ A THIRD TIME THIS DAY OF ,20\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF ,20\_\_

ADOPTED THIS DAY OF ,20\_\_

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIR

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
3.2.1	Non Permitted Airport, Airstrip Facilities And Related Accessory Building/Structure	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.2	Non Permitted Heliport/Helipad	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.3	Use Of Water For Sea Plane Facility In Non Permitted Areas	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.4	Non Permitted Private Club Marina	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.5	Disposal Of Waste Matter On Land/Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
3.2.6	Non Permitted Junkyard/Auto Wrecking Yards/Storage Of Derelict Vehicles	\$150.00	\$112.50	\$75.00	Yes	50%
3.2.7	Non Permitted Refuse Dump/Areas Of Land Used For Disposal/Storage Of Hazardous/Toxic Waste	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.8	Non Permitted Use Of Land For Motorized Trail Bike/Motor Cycle/All-terrain Vehicle Paths/Trails	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.9	Non Permitted Rental/Sale/Storage Of Personal Watercraft	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.10	Non Permitted Use Of An Anchored/Moored/Docked Vessel As A Residence	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.11	Non Permitted Use Of Buoy/Float/Dock/Wharf/Ramp/Related Structure For Commercial/Industrial Use	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.13	Single Family Dwelling/Cottage Located On Land Comprising Common Property In Strata Plan	\$300.00	\$225.00	\$150.00	Yes	75%
3.2.14	Non Permitted Boathouse, On Surface Of Sea Or Within Building Setback Area On Land	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.15	Non Permitted Floatplane Hangars	\$300.00	\$225.00	\$150.00	Yes	50%
3.3.2	Encroachment Of Building/Structure Into Setback From Natural Boundary Of Any Watercourse/Lake/Body Of Freshwater Used As Source Of Domestic Water Supply	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.3	Encroachment Of Building/Structure Into Setback From Natural Boundary Of The Sea	\$300.00	\$225.00	\$150.00	Yes	75%
3.3.4	Encroachment Of Underground Sewage Disposal System Into Setback From Watercourse/Well/Source Of Domestic Water Supply	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
3.3.5	Non Permitted Encroachment Of Steps/Eaves Gutters/Balconies/Decks, etc. Into Setback	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.1	Single Family Dwelling/Cottage Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.2	Building Accessory To Single Family Dwelling Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.4.3	Accessory Building/Structure Used For Agricultural Purposes Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.5.1	Non Permitted Use Of Accessory Building As Residence	\$300.00	\$225.00	\$150.00	Yes	50%
3.5.2	Non Permitted Use Of Accessory Building As Temporary Residence	\$300.00	\$225.00	\$150.00	Yes	50%
3.5.4	Accessory Buildings Exceed Total Floor Area Permitted	\$300.00	\$225.00	\$150.00	Yes	75%
3.6.1	Less Than 70% Of Goods/Products For Sale Produced/Processed/Repaired As Part Of Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.2	Non Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.3	Home Occupation Not Conducted Entirely In Dwelling/Permitted Accessory Building Where Principal Use Is Residential Or Outdoor Storage Has Inadequate Landscape Screen	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.4	Home Occupation, Except B&B, Exceeds Combined Floor Area Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.6.5	Home Occupation Business Owner/Operator/Employee Not Permanent Resident On Property	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.6	More Than Two Employees In Addition To Any Residents Where Home Occupation Is Conducted	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.7	Fail To Provide Off-road Parking On Lot Of Home Occupation	\$250.00	\$187.50	\$125.00	Yes	75%
3.6.8(a)	Bed And Breakfast (B&B) In Non-Permitted Zone	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.8(b)	B&B Undertaken Within A Non Permitted Cottage	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.8(c)	B&B Accommodation Exceeds Three Bedrooms	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.8(d)	More Than One Non-Resident Employee At B&B	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.8(e)	Provision Of Meals After Noon In B&B	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.8(f)	Fail To Provide Off-road Parking On Lot Of B&B	\$250.00	\$187.50	\$125.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
3.6.8(g)	B&B Undertaken In Non-Permitted Accessory Building	\$250.00	\$187.50	\$125.00	Yes	50%
3.6.9(a)	Short Term Vacation Rental (STVR) Of Cottage In Non-Permitted Zone	\$300.00	\$225.00	\$150.00	Yes	50%
3.6.9(b)	Cottage And Single Family Dwelling Both Used As STVR At Same Time On Lot	\$300.00	\$225.00	\$150.00	Yes	50%
3.6.9(c)	More Than One Cottage Used As STVR Per Lot	\$300.00	\$225.00	\$150.00	Yes	50%
3.7.1	Agricultural Building/Structure Exceeds Height Restriction While Not Meeting Height Exemption Requirements	\$300.00	\$225.00	\$150.00	Yes	75%
3.8.1	Fence Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
3.9.1	Inadequate Landscape Screen	\$100.00	\$75.00	\$50.00	Yes	75%
3.9.2	Inadequate Non-Vegetative Screen	\$100.00	\$75.00	\$50.00	Yes	75%
3.10.1	Non Permitted Use Of Recreational Vehicle As Temporary Residence	\$300.00	\$225.00	\$150.00	Yes	50%
3.11.1	Storage Of More Than One Unenclosed Motor Vehicle	\$150.00	\$112.50	\$75.00	Yes	50%
3.11.2	Storage Of Partially Disassembled Vehicles/Detached Parts Not In Completely Enclosed Permanent Building	\$150.00	\$112.50	\$75.00	Yes	50%
3.11.3	Wrecking/Storage Of Derelict/Abandoned Vehicles/Trailers/Campers/Discarded Machinery/Equipment	\$150.00	\$112.50	\$75.00	Yes	50%
5.1.1	Non Permitted Use In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.2	More Than One Single Family Dwelling On Parcel Less Than 0.8 Hectares In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.3	More Than One Single Family Dwelling And One Cottage On Parcel Greater Than 0.8 Hectares And Less Than 4 Hectares In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.4	More Than Two Single Family Dwellings And Two Cottages On Parcel Greater Than 4 Hectares In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.5	Exceed Maximum Lot Coverage Area In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.6	Encroachment Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.7	More Than One Single Family Dwelling/Cottage Used For STVR	\$300.00	\$225.00	\$150.00	Yes	50%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Rental On Lot Simultaneously					
5.1.10	Fail To Meet Site Specific Regulations In Resource Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.1	Non Permitted Use In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.2.2	All Buildings And Structures Cover More Than 33% Of Usable Site Area Of All Lots	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.3	A Building/Structure Covers More Than 33% Of Usable Site Area Of The Lot On Which It Is Located	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.4	Encroachment Into Setback In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.5	Building/Structure Exceeds Maximum Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.6(a)	Exceed Total Floor Area Restriction Of Hotel Cottage In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.6(b)	Exceed Total Floor Area Restriction Of Hotel Room In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.6(c)	Exceed Total/Average Floor Area Restriction Of Hotel Villa In Commercial Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.6(f)	Hotel Cottage/Hotel Villa Contains More Than One Set Of Cooking Facilities	\$250.00	\$187.50	\$125.00	Yes	50%
5.2.6(g)	Exceed Maximum Density Of Hotel Temporary Accommodation	\$250.00	\$187.50	\$125.00	Yes	50%
5.2.6(h)	Exceed Total Floor Area Restriction Of Employee Dormitory Accommodation Or Non Permitted Use Of Accommodation Building	\$250.00	\$187.50	\$125.00	Yes	50%
5.3.1	Non Permitted Use In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.3.2	Non Permitted Density In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.3	Encroachment Into Setback In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.3.4	Exceed Maximum Height Restriction In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.1	Non Permitted Use In Government Services Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.4.2	Non Permitted Density In Government Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.3	Encroachment Into Setback In Government Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.4	Exceed Maximum Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	In Community Services Zone					
5.5.1	Non Permitted Use In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.5.2	More Than One Single Family Dwelling On Lot	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.3	More Than One Cottage Or Other Dwelling On Lot Housing Persons Engaged In On-Going Agricultural Activities On Lot	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.4	Lot Coverage Of All Buildings And Structures On Parcels Less Than 4 Hectares Exceeds Maximum Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.5	Lot Coverage Of All Buildings And Structures On Parcels 4 Hectares Or Larger Exceeds Maximum Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.6	Encroachment Into Setbacks In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.7	Building/Structure Used For Housing Livestock/Poultry/Manure Storage Located Within Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.8	Roadside Stands For Accessory Sale Of Farm Products Located Within Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.5.9	More Than One Single Family Dwelling/Cottage Used For STVR On Lot Simultaneously	\$300.00	\$225.00	\$150.00	Yes	50%
5.6.1	Non Permitted Use In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.6.2	More Than One Single Family Dwelling And One Cottage On A Lot In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.3	Lot Coverage Of All Buildings And Structures On Parcels Less Than 4 Hectares Exceeds Maximum Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.4	Lot Coverage Of All Buildings And Structures On Parcels 4 Hectares Or Larger Exceeds Maximum Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.5	Encroachment Into Setback In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.6	Exceed Maximum Height Restriction In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.6.7	More Than One Single Family Dwelling/Cottage Used For STVR On A Lot Simultaneously	\$300.00	\$225.00	\$150.00	Yes	50%
5.6.8	Encroachment Of Portable Sawmill Into Setback In Forestry Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
5.7.1	Non Permitted Use In Resource Protection Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.7.2	More Than One Single Family Dwelling On Lot Less Than 8 Hectares In Resource Protection Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.3	More Than One Single Family Dwelling And One Cottage On Lot 8 Hectares Or Greater In Resource Protection Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.4	Lot Coverage Of All Buildings And Structures Exceeds Maximum Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.5	Encroachment Into Setback In Resource Protection Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.7.6	More Than One Single Family Dwelling/Cottage Used For STVR On A Lot Simultaneously	\$300.00	\$225.00	\$150.00	Yes	50%
5.8.1	Non Permitted Use In Passive Recreation Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.8.2	Lot Coverage Of All Buildings And Structures Exceeds Maximum Restriction In Passive Recreation Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.3	Encroachment Into Setback In Passive Recreation Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.8.4	Building/Structure Exceeds Maximum Height Restriction In Passive Recreation Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.9.1	Non Permitted Use In Heritage Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.9.2	Lot Coverage Of All Buildings And Structures Exceeds Maximum Restriction In Heritage Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.9.3	Encroachment Into Setback In Heritage Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.9.4	Building/Structure Exceeds Maximum Height Restriction In Heritage Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.1	Non Permitted Use In Natural Area Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.10.2	Lot Coverage Of All Buildings And Structures Exceeds Maximum Restriction In Natural Area Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.10.3	Encroachment Into Setbacks In Natural Area Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
5.10.4	Building/Structure Exceeds Maximum Height Restriction In Natural Area Community Park Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.1	Non Permitted Use In Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.12.2	Lot Coverage Of All Buildings And Structures Exceeds Maximum Restriction In Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.3	Non Permitted Building/Structure In Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.12.4	Encroachment Into Setback In Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.12.5	Structure Exceeds Maximum Height Restriction In Conservation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.1	Non Permitted Use In Marine General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.13.2	Building Constructed/Erected On Any Float/Wharf In Marine General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.3	Exceed Maximum Area Restriction Of Any Float And Wharf Accessory To A Principal Residential Use Of An Upland Lot	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.4	Exceed Width Restriction Of Ramp/Walkway Used To Access Any Permitted Float/Wharf	\$300.00	\$225.00	\$150.00	Yes	75%
5.13.5	Encroachment Of Structure Into Setback In Marine General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.14.1	Non Permitted Use In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.14.2	Encroachment Of Structure Into Setbacks In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.1	Non Permitted Use In Marina Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.15.2	Non Permitted Use Of Vessel As Residence	\$300.00	\$225.00	\$150.00	Yes	50%
5.15.3	Signs, Buoys, etc Necessary For The Establishment And Operation Of Uses Allowed In Marina Zone Not Sited Within Boundaries Of Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.4	Exceed Maximum Floor Area Restriction Of Building In Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.15.5	Exceed Maximum Height Restriction Of Any Structure In Marina Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.16.1	Non Permitted Use In Marine Transportation Service Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.17.1	Non Permitted Use In National Park Marine Zone	\$300.00	\$225.00	\$150.00	Yes	50%
6.2.1	Sign Internally Illuminated/Has Moving Parts/Noise Making/Affixed To	\$150.00	\$112.50	\$75.00	Yes	75%

**Schedule A**  
**SOUTH PENDER ISLAND LAND USE BYLAW NO. 92, 2003**  
**CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Description The following fines apply To the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
	Another Sign					
6.2.2	Non Permitted Third Party Signs	\$150.00	\$112.50	\$75.00	Yes	75%
6.2.3	Sign Illuminated In Location Seaward Of The Natural Boundary Of The Sea	\$150.00	\$112.50	\$75.00	Yes	75%
6.3.2	Real Estate Signs Exceed Maximum Area/Permitted Time Period To Be Displayed	\$150.00	\$112.50	\$75.00	Yes	75%
6.3.3	Election Sign Not Removed Within Fourteen Days After Election	\$150.00	\$112.50	\$75.00	Yes	75%
6.5.1	Obsolete Sign Not Removed Within Thirty Days Of Becoming Obsolete	\$150.00	\$112.50	\$75.00	Yes	75%
6.6.1	Exceed Maximum Number/Area Of Signs Permitted As Per Table 6.1	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.1	Fail To Provide Required Off-road Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
7.1.2	Inappropriate Parking Space For Disabled Persons	\$250.00	\$187.50	\$125.00	Yes	75%
7.2.1	Manoeuvring Aisle Too Narrow/Parking Space Abuts Highway Necessitating Reversing Vehicle Onto Highway	\$250.00	\$187.50	\$125.00	Yes	75%
7.2.2	Inadequate Width/Length/Vertical Clearance Of Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
7.4.1	Fail To Provide Minimum Number Of Parking Spaces Required	\$250.00	\$187.50	\$125.00	Yes	75%

## Frequently Asked Questions

### What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

### What is a Compliance Agreement?

A person who enters into a compliance agreement accepts liability for the alleged contravention detailed in the BVN. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw violation is resolved within an agreed time, the amount of the penalty is reduced.

### How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions, the discounts for entering into and completing a Compliance Agreement are 50% or 75%.

### Can I pay the reduced penalty within 15 days and still proceed to adjudication?

No. Once a penalty is paid the BVN cannot be disputed.

### Why are disputes adjudicated in North Vancouver?

It is not practical or cost effective for the Islands Trust to set up its own registry. There are no registries on Vancouver Island. The Islands Trust has therefore joined the closest existing registry, North Shore Bylaw Dispute Registry, which offers partnerships to other governments.

### Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

### Can I pay the penalty before the hearing date if I change my mind?

Yes. However, payments received after 14 days from when the BVN was issued must be paid in full.

### Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

### What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

### How can I contact the Bylaw Enforcement Team?

You can contact the Bylaw Enforcement Team by **Email** at: [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca).

**Phone** at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**

In Vancouver call **604.660.2421**

Elsewhere in BC call **1.800.663.7867**

Send **mail** or **visit** any of our offices.

Victoria—200-1627 Fort St, V8R 1H8

Salt Spring—1-500 Lower Ganges Rd, V8K 2N8

Gabriola—700 North Road, Gabriola V0R 1X3

Visit us online at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

# Bylaw Enforcement Notice & Dispute Adjudication System



Islands Trust

September 15, 2011

# Bylaw Notice & Dispute Adjudication — Making the System Simpler

The notification and adjudication system provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

The Islands Trust manages Bylaw

Violation Notices (BVN) through its Bylaw Enforcement Notification System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The Bylaw Enforcement Notice system replaces provincial court with an adjudicator. People disputing a BVN can present their objections to the notice by phone, by mail or in person. The BVN includes information on how to do this. Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

Under the Bylaw Enforcement Notice system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

BVNs are only issued after an investigation confirms that a bylaw contravention exists. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

For more information about bylaw enforcement in the Trust area, please see our Frequently Asked Questions—bylaw enforcement pamphlet or go to [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).

The Bylaw Notice & Dispute Adjudication System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

## How the system works once a Bylaw Violation Notice is issued

### Option 1: Pay the BVN

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

### Option 2: Dispute the BVN

#### Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed to the Islands Trust Office on Salt Spring or Gabriola or in Victoria.

#### Step Two

- An Islands Trust screening officer will review the adjudication request and will:
- cancel the BVN; or
  - work out a Compliance Agreement and reduce the penalty when the agreement is completed; or
  - uphold the BVN.

#### Step Three

- If the screening officer upholds the BVN:
- A date and time is set for the Adjudication Hearing.
  - At the hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

#### Step Four

- If an offence did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If an offence did not occur, the BVN is cancelled and no penalties are imposed.



Bowen Denman Executive Hornby Gabriola Galiano Gambier  
 Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

## BYLAW VIOLATION NOTICE

**BI xxxxx**

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

**ISSUED TO**

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY   MM   DD	TIME HH: MM AM/PM	LOCATION
BYLAW NAME		BYLAW NUMBER
		SECTION
DESCRIPTION OF OFFENCE		

**PENALTIES MAY ONLY BE ACCEPTED IN THE MANNER NOTED:**

Discount if paid within 14 days      \$ \_\_\_\_\_  
 Penalty after 14 days                      \$ \_\_\_\_\_  
 Penalty after 28 days                        \$ \_\_\_\_\_

**DELIVERY:**

In person  
 By Mail

ISSUING OFFICER \_\_\_\_\_

You have 14 days upon receipt of this Notice to dispute the Notice. If a dispute is not filed within 14 days you will not be able to dispute. Unsuccessful disputes will also be charged a \$25 administration fee. Disputes are adjudicated by the North Shore Bylaw Dispute Registry.

ALLEGED OFFENDER'S COPY



**Islands Trust**

[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

**PAYMENT: READ CAREFULLY**  
PRESENT THIS NOTICE AT THE TIME OF PAYMENT  
FAILURE TO PAY PROMPTLY WILL RESULT  
IN ADDITIONAL PENALTIES BEING ADDED

Please make your cheque or money order payable to Islands Trust.  
Do not send cash in the mail. A dishonoured cheque will not be considered  
payment of the penalty within the prescribed time. NSF fees will be applied.  
Payment must be received within the noted time limits to receive the discounted amounts.  
**OVERDUE FINES MAY BE SUBJECT TO COLLECTION PROCESS**

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**PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE**

Islands Trust  
1627 Fort Street  
Victoria, BC V8R 1H8

Islands Trust  
1-500 Lower Ganges Road  
Salt Spring Island, BC V8K 2N8

Islands Trust  
700 North Road  
Gabriola Island, BC V0R 1X3

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**INQUIRIES**

Phone: 250-405-5175

Fax: 250-405-5155

Email: [bylawenforcement@islandstrust.bc.ca](mailto:bylawenforcement@islandstrust.bc.ca)

<b>ADJUDICATION REQUEST</b>	Please deliver, mail, or fax to any of the above addresses within 14 days of receipt of this notice	
Bylaw Notice #:	Date of Issue:	
Name:		
Address:		
City:	Province:	Postal Code:
Daytime Phone #		
Signature:		
A \$25 fee is added to the total fine if the adjudicator finds that the contravention did occur.		