



STAFF REPORT TO COMMITTEE

DATE OF REPORT January 23, 2024

MEETING TYPE & DATE Electoral Area Services Committee of February 7, 2024

FROM: Inspections and Enforcement Division
Land Use Services Department

SUBJECT: 2023 Year End Bylaw Enforcement Report

FILE: 4560-20 BE Year End 2023

PURPOSE/INTRODUCTION

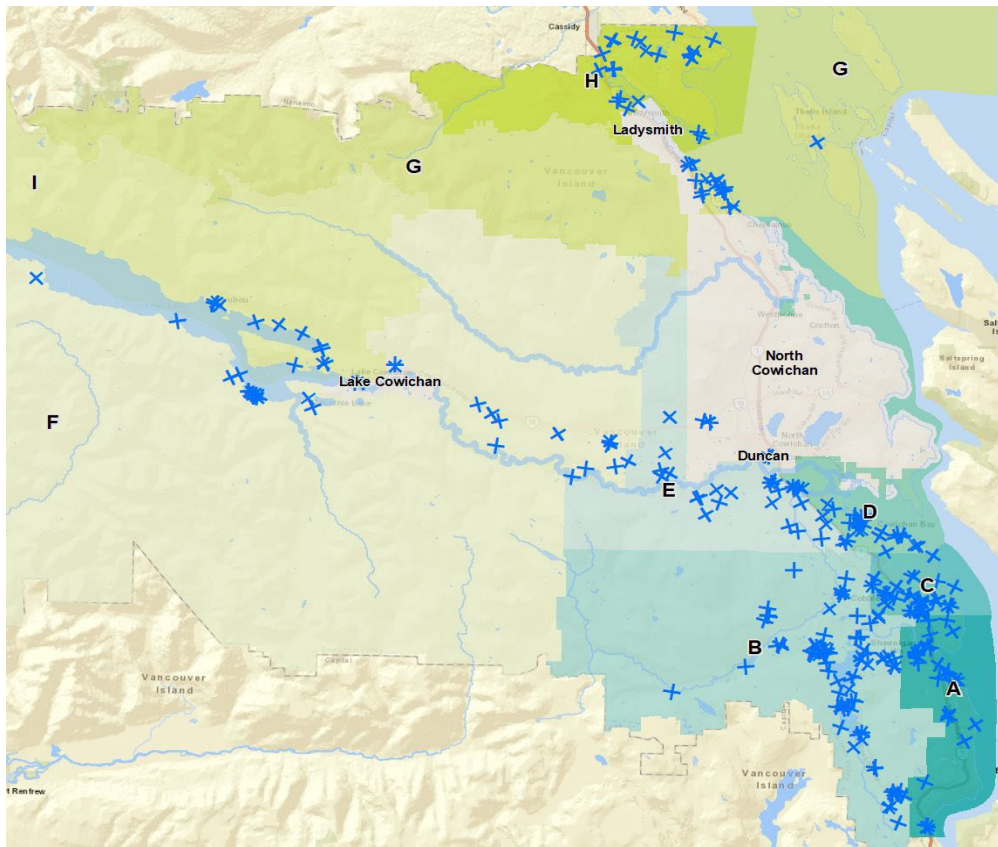
The purpose of this report is to inform the Electoral Area Services Committee of the Inspection & Enforcement Bylaw activities from January 1, 2023, to December 31, 2023.

RECOMMENDED RESOLUTION

For information.

LOCATION MAP

2023 Complaint Plot Map (January 1 – December 31)



BACKGROUND

At the beginning of each year, the Electoral Area Services Committee is provided with an update on the previous year's bylaw enforcement activities. The 2023 Year End Bylaw Enforcement Report follows.

2023 COMPLAINT FILE BREAKDOWN BY AREA January 1 - December 31, 2023

Area	Zoning	Waste Mgmt	Building	DPA	Noise	Unsightly	Assist other Agencies	Soil	Dog	Fireworks	Other	STR	Parks	Utility	TOTAL
A	5	10	7	2	2	5	1	1	1	1	0	0	0	0	35
B	23	12	9	7	3	5	7	7	6	1	0	1	0	0	80
C	5	11	6	0	4	3	1	2	1	0	1	1	0	2	36
D	5	6	1	1	1	3	7	0	0	1	1	1	1	0	27
E	6	4	2	5	3	1	2	1	2	0	1	0	1	0	28
F	11	2	3	6	3	4	1	1	0	1	0	1	0	0	32
G	3	7	0	1	1	0	1	2	0	1	1	0	0	0	17
H	9	3	0	1	3	0	0	2	1	1	0	0	1	1	22
I	4	2	1	3	3	1	0	1	1	0	0	1	1	0	17
REG	0	2	0	1	0	0	0	0	0	0	2	0	0	0	5
TOTAL	77	59	29	27	23	22	20	17	12	6	6	5	4	3	299

ANALYSIS

Bylaw Enforcement staff consists of three Officers and an Administrative Assistant. In the third quarter of 2023, the position of Manager, Bylaw Enforcement was implemented.

The Parks & Trails Division oversees the CVRD Park Ranger for bylaw enforcement within parks and trails and may, at times, be assisted by Bylaw Enforcement staff. Dog control is contracted to Coastal Animal Services which deploys Animal Control Officers for dog investigations and patrols.

Highlights of 2023: The CVRD Bylaw Enforcement webpage was significantly improved in the fourth quarter of 2023. The website improvements were designed to provide more bylaw "upstream" information to residents with the goal of preventing bylaw violations from occurring in the first place through preventative information and education. Additions to the website include a new introduction to Bylaw Enforcement advising of bylaw goals and roles, a new "Make a Complaint" section and associated Frequently Asked Questions (FAQ's), the addition of a "Fines and Payments" section including FAQ's, the introduction of an online complaint form, tips for working it out with neighbours, a link to the Bylaw Enforcement Policy and the addition of general bylaw FAQ's.

Additionally, in the fourth quarter of 2023, the Planning and Development Divisions introduced Bylaw No. 4485 – Zoning Bylaw (Development Permit and Exemptions) for managing development on a site-specific basis where the characteristics and/or context of the development site call for more specified development standards than are contained in the applicable zoning bylaw. Bylaw Enforcement followed with the implementation of a \$1,000 fine that may be levied for unauthorized works within a Development Permit Area.

Bylaw Officers investigate and enforce bylaws, enacted by the Board, to maintain community standards, address safety issues and provide support in relation to objectives and policies associated with land use management.

While conducting enforcement duties, Officers are expected and assumed to be; fair, impartial, unbiased, empathetic, firm yet tactful and act within their scope of authority within the intent of such bylaws. Enforcement may be achieved through education, verbal and/or written warnings, Municipal Ticket Information (MTI) and legal actions. In 2023, a total of 32 MTI's were issued for bylaw violations such as; open burning, illegal dumping, prohibited soil deposition, firework discharge and dog control.

In 2023, Bylaw Enforcement investigated 299 complaints, slightly down from 311 complaints in 2022, representing a 4% decrease in bylaw enforcement investigations. See Attachment A for graph and chart illustrating Complaint File Breakdown by Violation and Area. Bylaw Enforcement has approximately 45 open files to date from 2023. Below is a general description of the type of offences investigated, listed in a descending order, from highest to lowest.

Zoning

Zoning regulations are extensive and the nature of the investigations are wide ranging. Most investigations were associated with persons residing in non-permitted dwelling situations. Additionally, home-based business regulation violations, non-permitted commercial activity and structure setback violations were investigated.

Waste Management

Investigations were mainly attributed to open burning/smoke nuisance offences contrary to bylaw regulations. Types of burning offences included burning when the venting index was "poor", burning outside allowable dates and burning of prohibited or non-permitted materials. There was one burning complaint associated with a repeat offender. Other files within this category included illegal dumping and reported recycling contamination.

Building

Building investigations were mostly in relation to building without a permit and assisting CVRD Building Inspectors with the posting of Stop Work Orders.

Development Permit Area (DPA)

The nature of these investigations consisted of potential violations within Development Permit Areas (DPA's) for unauthorized works. Specifically, investigations were associated with vegetation disturbances and land alterations within riparian areas and other designated sensitive lands.

Noise

Investigations were associated with noise disturbances such as outdoor equipment, loud music/parties and construction works.

Unightly

File investigations are attributed to unsightly premises where there is a reported accumulation of derelict motor vehicles, general refuse and/or exterior storage of items of no value.

Assist other Agencies

Enforcement Officer assistance and support was provided to various agencies and residents. Assistance is typically initiated when there is a reported concern outside of the Bylaw Officer's authority and not within the realm of bylaw enforcement. The RCMP, Island Health and MoTI are some of the agencies that bylaw enforcement collaborates with or supports. Residents were also provided with assistance through education and resource information that fell outside of the enforcement realm.

Soil

Soil investigations were associated with depositing soil without a permit or contrary to the bylaw. Reported violations within the Agricultural Land Reserve (ALR) were jointly investigated by CVRD Enforcement staff and the Agricultural Land Commission (ALC) Compliance Officer. In 2023, there were 4 Type "A" and 2 Type "B" permits issued. There was 1 Type "C" permit application applied for and instream. By comparison, in 2022, there were 17 applications received for Type "A" soil permits; 9 applications were approved. There were 5 applications for Type "B" soil permits resulting in 4 permit approvals.

Dog

Dog violation tickets are issued by Animal Control Officers. The CVRD Bylaw Officers follow up with dog owners for the collection of unpaid fines, which is captured in the Dog category. Bylaw Officer involvement may also include correspondence associated with serious dog related issues, such as attacks. Coastal Animal Control Services has provided a Summary of Animal Control Services for 2023 (see Attachment B).

Fireworks

Bylaw No. 4514 – Fireworks Sale and Discharge Regulation Bylaw was adopted in the fourth quarter to only be applicable to the electoral areas and thus excluding the Town of Ladysmith and the Town of Lake Cowichan which were previously subject to the old bylaw. Firework investigations consisted of discharging fireworks without a permit and discharging fireworks within 500 metres of a livestock property.

Short Term Rentals (STR)

Investigations were associated with reported information regarding the rental of dwellings for a period of less than 30 days.

Others/Parks/Utilities

Other calls included assistance associated with encampments on CVRD properties. Parks calls were Officers providing enforcement assistance within CVRD parks. Utility calls included reported CVRD water restriction violations.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

N/A

Referred to (upon completion):

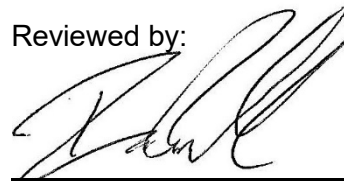
- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☐ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☐ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – 2023 Complaint File Breakdown by Violation and Area
Attachment B – 2023 Summary of Animal Control Services