



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 18, 2023

MEETING TYPE & DATE Electoral Area Services Committee of October 18, 2023

FROM: Inspection & Enforcement Division
Land Use Services Department

SUBJECT: Bylaw Enforcement 2023 Second and Third Quarter Report

FILE: 4560-20 BE Complaints Stats 2023

PURPOSE/INTRODUCTION

The purpose of this report is to inform the Electoral Area Services Committee of the Inspection & Enforcement Division's Bylaw Enforcement activity from April 1, 2023, to September 30, 2023.

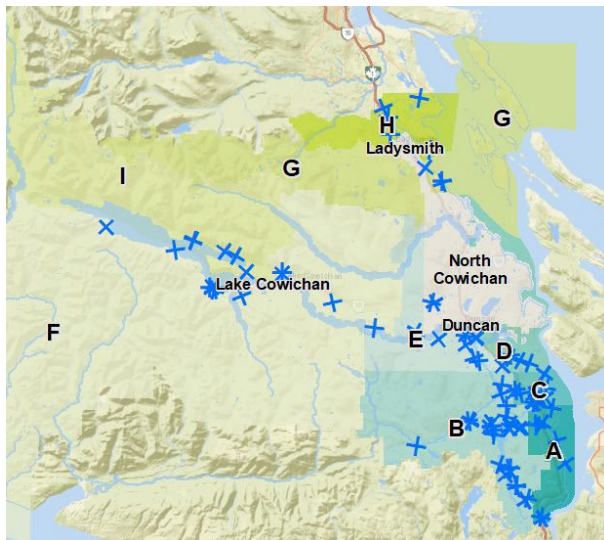
RECOMMENDED RESOLUTION

For information.

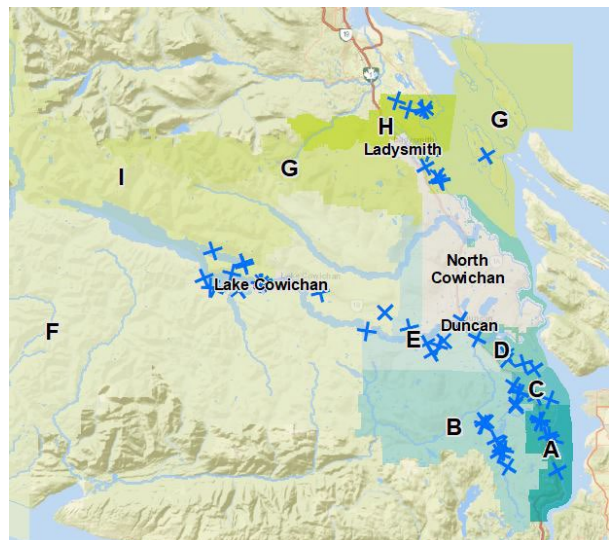
LOCATION MAP

2023 Complaint Plot Map

(Q2 April 1 – June 30, 2023)



(Q3 July 1 – September 30, 2023)



BACKGROUND

The Electoral Area Services Committee is provided with an update on the previous six months bylaw enforcement activities. The 2023 Second and Third Quarter Report follows.

ANALYSIS

In the second quarter of 2023, Bylaw Enforcement responded to 90 complaints and have concluded 65 files. See Attachment A for graph and chart illustrating Complaint File Breakdown by Violation and Area. In the third quarter of 2023, Bylaw Enforcement responded to 62 complaints and have concluded 38 files. See Attachment B for graph and chart illustrating Complaint File Breakdown by Violation and Area. In addition to the noted complaint totals, calls for service came in other forms such as phone call enquiries, coordination and correspondence with other agencies and enquiries while in communities. On average, these interactions attributed to approximately 10 instances per day.

Officers investigate and enforce bylaws, enacted by the Board, to maintain community standards and expectations, address potential health and safety issues and to provide support in relation to objectives and policies associated with land use management. The main objective of Enforcement staff is to gain voluntary compliance, and if that is not possible, a more formal approach may be implemented such as written warnings, municipal tickets (MTI's) or legal action. Seven fines were issued in the second quarter of 2023 for violations associated with illegal dumping and dog control. Six fines were issued in the third quarter for improper disposal of solid waste and dog control.

Bylaw Enforcement continues to collaborate with various authorities such as the Agricultural Land Commission (ALC), RCMP, Island Health (IH), Ministry of Energy, Mines and Low Carbon Innovation (MEMLCI), Fisheries and Oceans Canada (DFO), Ministry of Water Land and Resource Stewardship (MWLRS), Managed Forest Council of BC (MFCBC) and the Ministry of Transportation and Infrastructure (MoTI).

In June, the CVRD Bylaw Enforcement team met with Director of Lands and Land Guardians for Malahat Nation to discuss bylaw enforcement. Malahat Nation has created two Land Guardian positions to promote the Nation's land stewardship values and thus enforcement techniques and investigative processes were discussed.

Bylaw Enforcement is reviewing and working towards implementing the recommendations made by the Bylaw Enforcement Service Review consultant which was completed in June 2022. Such recommendations include updating the Bylaw Enforcement Policy which will set out procedures for making, receiving, recording and responding to complaints. The implementation of upstream communications, information that acts as informative and preventative in a proactive manner for residents, in addition to other regulatory bylaw information on the enforcement website page and other medias that will be updated and improved. Upstream information on the website is an important, centralized resource to provide information that helps residents understand various bylaws and associated requirements to avoid potential bylaw contraventions in the first place. There have been preliminary communications with the Program Coordinator for Local Government Bylaw Adjudication, Justice Services Branch, in relation to enabling and enacting the CVRD Bylaw Dispute Adjudication System (BDAS) to facilitate the Bylaw Notice Enforcement Act. The adjudication model creates a simple, fair and cost-effective system for dealing with minor bylaw infractions. Bylaw Offense Notices (BON's) will be an option for Officers to utilize in relation to issuing tickets. The system will eliminate the requirement for personal service, uses a dispute resolution-based approach to obtain independently adjudicated decisions, avoids the need to hire legal counsel and promotes the timely resolution of bylaw enforcement disputes.

COMPLAINTS – Q2

The following table shows the Complaint File Breakdown by Area as well as notable bylaw enforcement activities for the second quarter of 2023.

COMPLAINT FILE BREAKDOWN BY AREA
QTR 2 - April 1 - June 30, 2023

Area	Zoning	Waste Mgmt	Noise	Unsightly	Dev. Permit Areas	Building	Dog	Assist other Agencies	Short Term Rental	Soil	Other	Utility	Fireworks	TOTAL
A	1	1	2	2		2								8
B	8	2	1	1	4	2	3	4	1	1			1	28
C	3	3	2	1		1	1		1		1			13
D	2	1	1					1			1			6
E	3	1	2		1		1							8
F	4			3	1	1			1	1				11
G	1	2												3
H	1	1	1		1							1		5
I	2		1	1					1	1				6
REG		1									1			2
TOTAL	25	12	10	8	7	6	5	5	4	3	3	1	1	90

Zoning

The majority of calls for service were associated with zoning violations. Zoning investigations were associated with non-permitted dwellings such as illegal suites and recreational vehicle use as a residence, commercial activities within residential areas and the keeping of livestock contrary to zoning.

Waste Management

The majority of calls for service were associated with illegal burning but also included illegal dumping activities and reported recycling tote contamination within CVRD bins.

Noise

Operation of power equipment, construction work outside of permitted hours and loud music were investigated.

Unsightly Properties/Development Permit Areas/Building

There were eight unsightly property investigations, seven Development Permit Area investigations associated with unauthorized works primarily in Riparian Assessment Areas and six building without permit files initiated.

Dog/Assist Other Agencies

Dog files were associated with Municipal Tickets that were issued by Animal Control Officers and were to be processed and fines pursued by CVRD Bylaw Enforcement. Assisting agencies included correspondence with the RCMP, MoTI and assisting the general public.

Short Term Rentals/Soil/Fireworks

Four short term rental investigations were initiated. Three soil investigations were associated with depositing soil without a permit. One fireworks complaint was initiated.

COMPLAINTS – Q3

The following table show the Complaint File Breakdown by Area as well as notable bylaw enforcement activities for the third quarter of 2023

COMPLAINT FILE BREAKDOWN BY AREA
QTR 3 - July 1 - Sep 30, 2023

Area	Zoning	Dev. Permit Areas	Waste Mgmt	Building	Noise	Unsightly	Soil	Dog	Assist other Agencies	Parks	Short Term Rental	Fireworks	TOTAL
A	2		2			1							5
B	3	3		1		2	2		1				12
C	1		1	1	2								5
D	1		2			1					1		5
E		2	1	2									5
F	4	3	1										8
G	2	1			1		1					1	6
H	3				1			1		1			6
I	2	2	1	1	1			1		1			9
REG									1				1
TOTAL	18	11	8	5	5	4	3	2	2	2	1	1	62

Zoning

In the third quarter, zoning investigations for unauthorized suites and other non-permitted accommodations comprised the majority of investigations.

Development Permit Area (DPA)

Eleven investigations were initiated for unauthorized works in Development Permit Areas. The majority of the calls were occurring in Riparian Assessment Areas followed by works within sensitive land designations.

Waste Management

There were eight calls for service associated with potential fire hazards, illegal dumping and garbage totes placed at curbside prior to the permitted time frame.

Building

All building files were associated with building without a permit.

Noise/Unsightly

There were five noise complaints associated with power equipment operations and loud music. Four unsightly properties were investigated.

Soil/Parks

Three soil deposits were investigated. Bylaw Officers investigated two park complaints on behalf of the CVRD Parks Ranger.

Short-Term Rentals/Fireworks

One short-term rental file and one fireworks complaint were initiated.

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 – Q2 Complaint File Breakdown by Violation and Area

Attachment B – Q3 Complaint File Breakdown by Violation and Area