

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Screening Officer Bylaw Notice Policy

AUTHORITY: Board Resolution No. B28/11 dated January 6, 2011.
Administrative Review July 29, 2020

POLICY STATEMENT

The Screening Officer is authorized to cancel a Bylaw Notice where they are satisfied that one or more reasons exist and a compliance agreement is not authorized.

PURPOSE

The Regional District has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled.

The Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the Regional District pursuant to s.10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*.

The Regional District of Okanagan-Similkameen finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances.

The Regional District authorizes the Screening Officer to cancel Bylaw Notices pursuant to the conditions set out in this policy.

DEFINITIONS

“Bylaw Enforcement Officer” means a person in a class prescribed under Section 273 c) of the *Community Charter* who is designated by the Regional District as a bylaw enforcement officer.

“Disputant” means the party disputing the notice.

“Screening Officer” means a person in a class designated by bylaw under Section 2 (3) (b) [application of act] of the *Local Government Bylaw Notice Enforcement Act* and appointed as a screening officer by the Regional District Board of Directors.

“bylaw notice” means a notice under section 4 [bylaw notice] of the *Local Government Bylaw Notice Enforcement Act*

“vehicle” has the same meaning as in the *Motor Vehicle Act*

PROCEDURES

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) A jurisdictional issue arises that cannot be addressed by the adjudicator;

-
- (b) Identity cannot be proven, for example:
- (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (c) There is a poor likelihood of success at adjudication for the Regional District, for example:
- (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety, for example:
- (i) The contravention was the result of a medical emergency.
- (e) Multiple Notices were issued arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
- (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued; and now authorizes the contravention.
- (g) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
- (i) As a result of mechanical problems the person could not comply with the Bylaw; or
- (h) The sign indicating the Bylaw requirement was not visible