

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 18, 2023
RE: Development Permit Ticketing (X2023.003-ZONE)

Administrative Recommendation:

THAT Bylaw No. 3006, 2023, being a bylaw to amend the Electoral Area Official Community Plan to allow for the enforcement of contraventions of an issued development permit (DP) through ticketing, be read a third time and adopted; and

THAT Bylaw No. 2507.19, 2023, being a bylaw to amend the Bylaw Notice Enforcement Bylaw, be read a third time and adopted.

Background:

June 18, 2020 - the Corporate Services Committee received a report recommending bylaw amendments to allow for the ticketing of development permit infractions rather than pursuing legislative changes through a resolution to UBCM.

March 2, 2023 - the Planning and Development Committee was presented with options regarding the enforcement of contraventions of an issued DP and the preferred alternative was to amend the electoral Area official community plans and bylaw enforcement notice bylaw to allow for the ticketing of development permit infractions.

May 4, 2023 - first and second reading of the amendment bylaws were adopted and a public hearing was scheduled ahead of the May 18, 2023 meeting.

Analysis:

The proposed OCP amendments will establish failing to comply with the conditions of an issued DP as an offence that can be enforced through ticketing under the Bylaw Notice Enforcement (BNE) Bylaw.

With regard to the BNE Bylaw, the penalty for failing to comply with the conditions of an issued DP should be the same as the existing penalty for failing to obtain a DP, which is \$500, and that early payment of a penalty be \$450, late payment of a penalty be \$550 and that a Compliance Agreement be available.

Risk:

If the Regional District were to be challenged over a bylaw notice penalty, it is possible that the Court may determine that a contravention is not enforceable.

Alternatives:

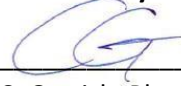
1. THAT first and second readings of Bylaw No. 3006, 2023, and the Bylaw No. 2507.19, 2023 be rescinded and the bylaws abandoned.

Respectfully submitted:

Ben Kent

Ben Kent, Planner I

Endorsed By:



C. Garrish, Planning Manager