

Village of Lions Bay Corporate Policy

SCREENING OFFICER BYLAW NOTICE POLICY

1.0 Purpose

WHEREAS the Village of Lions Bay has passed a Bylaw designating certain bylaw contraventions that may be dealt with by **Bylaw Notice**;

AND WHEREAS the Village of Lions Bay has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication may be scheduled with the **North Shore Bylaw Adjudication Registry** in respect of the Bylaw Notice;

AND WHEREAS the Screening Office has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the Village pursuant to the Local Government Bylaw Notice Enforcement Act;

AND WHEREAS the village of Lions Bay finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances;

NOW THEREFORE the Village of Lions Bay resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances set out in this policy.

2.0 Policy

- a) 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:
 - i) Identity cannot be proven, for example:
 - (1) The Bylaw Notice was issued to the wrong person, or
 - (2) A vehicle involved in a contravention had been stolen.
 - ii) An exception specified in the Bylaw or a related enactment is made out.
 - iii) There is a poor likelihood of success at adjudication for the Village, for example:
 - (1) The evidence is inadequate to show a contravention;
 - (2) The Officer relied on incorrect information when issuing the Notice;
 - (3) The Notice was not completed properly;
 - (4) The Bylaw provision is unenforceable or poorly worded.
 - iv) The contravention was necessary for the preservation of health and safety, for example:
 - (1) The contravention was the result of a medical emergency.

- v) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.

- vi) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (1) 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;
 - (2) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (3) The Bylaw has changed since the Notice was issued, and now authorizes the contravention;
 - (4) The person receiving the Notice has now purchased a required annual permit so as to comply with the relevant Bylaw provision until the time and date of expiry of the permit. This reason may be exercised only once in favour of any individual person who receives a Notice for breaching a particular Bylaw provision requiring an annual permit.

- vii) The person exercised due diligence in their efforts to comply with the Bylaw but was unable to, for example because:
 - (1) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (2) The sign indicating the Bylaw requirement was not visible.