

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

POLICY: Southern Interior Bylaw Notice Dispute Adjudication Registry Operations Policy

AUTHORITY: Board Resolution No. B28/11 dated January 6, 2011.

POLICY STATEMENT

The Regional District of Okanagan-Similkameen has entered into a Bylaw Dispute Adjudication System Partnership Agreement with the City of Kelowna, City of Vernon, City of Penticton, District of West Kelowna, District of Lake Country, District of Summerland, District of Peachland, and Town of Oliver. The Adjudication Registry will be managed by the City of Kelowna in accordance with the Bylaw Notice Enforcement Bylaws enacted in each participating jurisdiction.

PURPOSE

The Southern Interior Bylaw Dispute Adjudication Registry (hereafter called the *Adjudication Registry*) provides a transparent and impartial process whereby Disputants may challenge a Bylaw Notice (hereinafter called a Notice) issued by the City of Kelowna, the City of Penticton, the City of Vernon, the District of West Kelowna, the District of Lake Country, the District of Summerland, the District of Peachland, the Regional District of Okanagan Similkameen, and the Town of Oliver. The Adjudication Registry is managed by the City of Kelowna in accordance with the Bylaw Notice Enforcement Bylaws enacted in each participating jurisdiction.

DEFINITIONS

“bylaw notice” means a notice under section 4 [bylaw notice]

“compliance agreement” means a compliance agreement that a screening officer may be authorized to enter into by a bylaw under section 2 (3) (b) [application of act]

“local government” means the board of a regional district

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

Parties Involved:

The process of disputing a notice involves five parties:

1. The **“Bylaw Enforcement Officer”**
 - a. Means a person in a class prescribed under Section 273 c) of the *Community Charter* who is designated by a local government as a bylaw enforcement officer.
2. The **“Disputant”**
 - a. Means the party disputing the notice.
3. The **“Screening Officer”**
 - a. Means a person in a class designated by bylaw under Section 2 (3) (b) [application of act] and appointed as a screening officer by a local government.
4. The **“Dispute Coordinator”**
 - a. The City of Kelowna designate who coordinates the activities of the Adjudication Registry.
5. The **“Adjudicator”**
 - a. Means a person appointed under Section 15 [dispute adjudicators] for a dispute.

RESPONSIBILITIES

Dispute Process, when a Notice is disputed, the Disputant enters into a two-step adjudication process.

PROCEDURES

ADJUDICATION STEP 1: SCREENING OFFICER

The Disputant contacts a Screening Officer in the jurisdiction where the Notice was issued, this communication may be by phone, in person, or in writing, within the prescribed timelines. The Screening Officer acts as follows:

1. Reviews the Notice with the Disputant and undertakes the appropriate investigation including communication with the Bylaw Officer issuing the Notice to determine the validity of the notice and/or a review of the documented evidence collected. Data is entered into the relevant data base system. The Screening Officer has the authority to either uphold or dismiss the Notice in accordance with the cancellation policy set by the Board.
2. If the Notice is dismissed, the Screening Officer cancels the Notice, and no further action is required by the Disputant.
3. **If the Screening Officer upholds the Notice**, three options are available:
 - i. The Disputant may pay the discounted fine.
 - ii. The Disputant may go forward with adjudication
 - iii. Where permitted, the Disputant may enter into a compliance agreement in accordance with the Bylaw Notice Enforcement Bylaws enacted in each participating jurisdiction.

For all options, the Disputant is advised of applicable fines, fees and surcharges.

4. If the Disputant chooses to go forward with the adjudication, the Screening Officer prepares a file for the Dispute Coordinator that includes two copies of each of the following documents:
 - i. A report prepared by the Screening Officer based upon communication with the Disputant and quotes the bylaw section.
 - ii. A report prepared by the Bylaw Officer issuing the notice including rationale for issuing the notice.

ADJUDICATION STEP 2: DISPUTE ADJUDICATION

The Dispute Coordinator receives the file from a Screening Officer from the participating jurisdiction; the file can be forwarded by mail or electronically. Faxes are not acceptable due to poor quality. Adjudication cannot proceed until the notice has been screened by a Screening Officer; the Dispute Coordinator only receives files from a Screening Officer, not from the Disputant. The Dispute Coordinator:

1. Confirms that the file is complete and requests additional information if necessary.
2. Liaises with the Adjudicator to set dates for the Adjudication Registry and then enters these dates into the relevant data base system.
3. Informs the Disputant of the available dates, and agrees on the date and time.
4. Prepares a Notice of Adjudication to be sent to the Disputant, and to the participating jurisdiction concerned, which confirms the date and time of the Adjudication Hearing along with the Disputants' preferred method of participation: in person, by phone, through submission of documentation prior to the date of adjudication, or through any other method of participation authorized in the participating jurisdiction's relevant bylaws.

-
5. Coordinates with participating jurisdictions and City of Kelowna Departments, as necessary to prepare for the Adjudication Registry. This includes preparing an agenda for the scheduled date of the Adjudication Registry. The agenda includes time, notice number, name of Disputant, method of participation by Disputant, and municipal authority issuing the notice.

The City of Kelowna departments notifies the following of the forthcoming adjudication dates:

- i. Finance-Cashier and Accounting (notices issued by other participating jurisdictions may be paid at the City of Kelowna only on the day of the Adjudication Registry).
- ii. Clerk's Office (to set up Council Chambers for the Adjudication Registry).
- iii. Information Technology (if required to equip with computers).
- iv. Security
- v. Bylaw Supervisor
- vi. The municipal authority issuing the notice, if other than the City of Kelowna
- vii. City Hall Receptionist
- viii. City Clerk
- ix. Director of Corporate Services