

POLICY STATEMENT AND REGULATIONS

NUMBER 100.11

SCREENING OFFICER BYLAW NOTICE POLICY

POLICY STATEMENT

The District of Summerland has passed a Bylaw designating certain bylaw contraventions that may be dealt with by Bylaw Notice. The District has established the position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication with respect to Bylaw Notice Dispute Adjudication System can be scheduled. The Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*. This policy establishes the grounds and circumstances for the cancellation of a Bylaw Notice by the Screening Officer.

REGULATIONS:

1. 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) Identify 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,
 - (b) An exception specified in the Bylaw or a related enactment is made out, for example:
 - (i) Handicap vehicle in a time zone.
 - (c) There is a poor likelihood of success at adjudication for the 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, or
 - (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) 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.
 - (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 public interest to proceed; or
 - (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
 - (ii) The sign indicating the Bylaw requirement was not visible.
 - (h) A jurisdictional issue arises that cannot be addressed by the adjudicator.

Adopted: November 10, 2014