



CITY OF VANCOUVER
ADMINISTRATIVE REPORT

Report Date: June 16, 2008
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RTS No.: 07501
VanRIMS No.: 08-2000-20
Meeting Date: July 8, 2008

TO: Vancouver City Council
FROM: Director of Finance and Director of Legal Services
SUBJECT: Filing of Certificates Pursuant to the *Offence Act*

RECOMMENDATION

THAT Council authorize the Assistant Director of Legal Services, Enforcement & Prosecutions, and Legal Assistants and Clerks working in the Legal Services Department, and the Manager of Collections and Customer Service, and the Manager of Taxation and Utilities, Revenue Services, and Revenue Services Clerks to file certificates on behalf of the City of Vancouver pursuant to section 82(6) of the *Offence Act*.

CITY MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

COUNCIL POLICY

There is no applicable Council policy.

PURPOSE

That the proposed recommendation be approved by City Council.

DISCUSSION

Once a defendant has been convicted of a by-law offence and fined the City must take steps to collect that fine. The *Offence Act* provides a mechanism whereby that conviction and fine can be recorded on a Certificate which is filed in court and becomes a judgment. That judgment can be collected using the various collection methods available to judgment creditors. This enforcement regulation of the *Offence Act* gives the City the authority to file these Certificates. For practical reasons, Council must delegate that authority to the City employees who actually prepare, sign and file the Certificates.

In 1996, Council passed a resolution designating a by-law fines clerk to carry out this function under section 72(6) (now section 82(6)) of the *Offence Act*. The relevant portion of that resolution reads as follows:

- A. THAT Council authorize a By-law Fines Clerk employed by the City of Vancouver to file and sign Certificates on behalf of the City of Vancouver under Section 72(6) of the *Offence Act*.

Since that resolution was passed, the number of prosecutions has increased. As well, the recent MTI pilot project has added to the number of convictions and fines. As a result, the number of Certificates which must be prepared, signed and filed has increased significantly. It is recommended that Council delegate authority to file Certificates to a larger group of City employees as reflected in the above noted resolution. The delegation of this authority to a larger group of employees in several City Departments will ensure that the increased volume of by-law fine collections is dealt with in an efficient and timely manner.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that Council pass this resolution to increase efficiency in collecting by-law fines.

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