



ADMINISTRATIVE REPORT

Report Date: October 22, 2010
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RTS No.: 8908
VanRIMS No.: 08-2000-20
Meeting Date: November 4, 2010

TO: Standing Committee on City Services and Budgets
FROM: City Manager
SUBJECT: By-law Notice Dispute Adjudication System

RECOMMENDATION

- A. THAT Council direct staff to inform the Province of British Columbia of its intent to proceed with implementing a By-law Notice Dispute Adjudication System.
- B. THAT Council approve the proposed By-law Notice Enforcement By-law as set out in Appendix B of this Administrative Report and that the Director of Legal Services be directed to prepare a by-law generally in accordance with Appendix B of this report for consideration by Council.
- C. THAT Council adopt the Screening Officer Policy attached as Appendix C of this Administrative Report.
- D. THAT Council approve the proposed consequential amendments to the Parking Meter By-law No. 2952, Street and Traffic By-law No. 2849, Granville Mall By-law No. 9978, and Motor Vehicle Noise and Emission Abatement By-law No. 9344 as set out in Appendix D of this Administrative Report and that the Director of Legal Services be directed to prepare the by-laws generally in accordance with Appendix D of this report for consideration by Council.
- E. THAT operating funding (\$238,000 in 2011) be allocated to support the ongoing administration expense of a By-law Notice Dispute Adjudication System as set out in this Administrative Report, which is to be recovered from the additional revenue to be generated by implementing the By-law Notice Dispute Adjudication System.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE

To obtain Council's approval to implement a By-law Notice Dispute Adjudication System in the City of Vancouver and to obtain Council's approval of the By-law Notice Enforcement By-law and related consequential amendments to the impacted by-laws, and the Screening Officer Policy as proposed by staff. By-law adjudication is an alternative to the court-based model currently in place to enforce violations of parking-related by-laws.

BACKGROUND

A. Current Situation

In 2009, Council directed the City Manager to undertake a comprehensive strategic review of its businesses, service delivery practices and operations. The resulting Vancouver Services Review (VSR) has been a critical enabler of transformation in the City. By providing the structure and support to key city-wide transformation projects and departmental initiatives, significant changes are being made in the way the city manages and delivers services. One of VSR's initiatives that will significantly improve service to citizens is the by-law adjudication project.

At present, the City uses a court-based model where disputed parking by-law infractions are dealt with in the Provincial Court system. Within this model, nearly all of the City parking-related by-laws are enforced by by-law violation notices (BVNs). The current court-based processes are complex, resource intensive, and can be very lengthy and costly. In light of the fact that many parking by-law infractions are minor in nature and the delays are lengthy, continuing to proceed under the Provincial Court process with respect to those infractions is not justifiable. Furthermore, the Province has indicated that it is no longer willing to provide the City the court resources to pursue non-complex parking by-law infractions through the court process.

The City of Vancouver issues almost 450,000 parking-related by-law infractions annually (i.e. BVNs) under the Parking Meter, Street and Traffic, Granville Mall, and Motor Emissions By-laws. Almost all of the BVNs are issued by the Parking Enforcement Branch of Engineering Services.

Approximately 76 percent of parking BVNs are paid by the offending citizens. However, the remaining 24 percent (approximately 101,000 by-law infractions) are not paid. The City of Vancouver must prosecute these individuals in Provincial Court to obtain a fine or a court order for compliance. This enforcement process is governed by the *Offence Act*.

In 2009, out of the 101,000 outstanding parking tickets, only 16,000 by-law infractions were disputed by citizens or prosecuted by the City. Of those, given the limited Provincial Court time available to hear by-law enforcement disputes, approximately 6,000 cases were heard. The result is an increasing backlog of unresolved disputes. At present the wait for court hearings of by-law infractions is approximately two and a half years. The current court-based system is not sustainable.

These outstanding tickets represent approximately \$7-8 million annually in uncollected revenue.

B. By-law Notice Dispute Adjudication System

To address the use of court time for minor by-law offences, the Province of British Columbia adopted the *Local Government Bylaw Notice Enforcement Act* in 2003 which created a framework for a non-judicial system for local governments to deal with by-law enforcement disputes. Under the Act, local governments may adopt a by-law to establish a by-law notice dispute adjudication system which largely replaces the Provincial Court as the venue for resolving disputes of minor municipal by-law breaches. Since the adoption of the Act, 40 municipalities in BC have adopted (or are in the process of adopting) the adjudication model. For a list of municipalities, see Appendix A.

1. Framework and Key Features

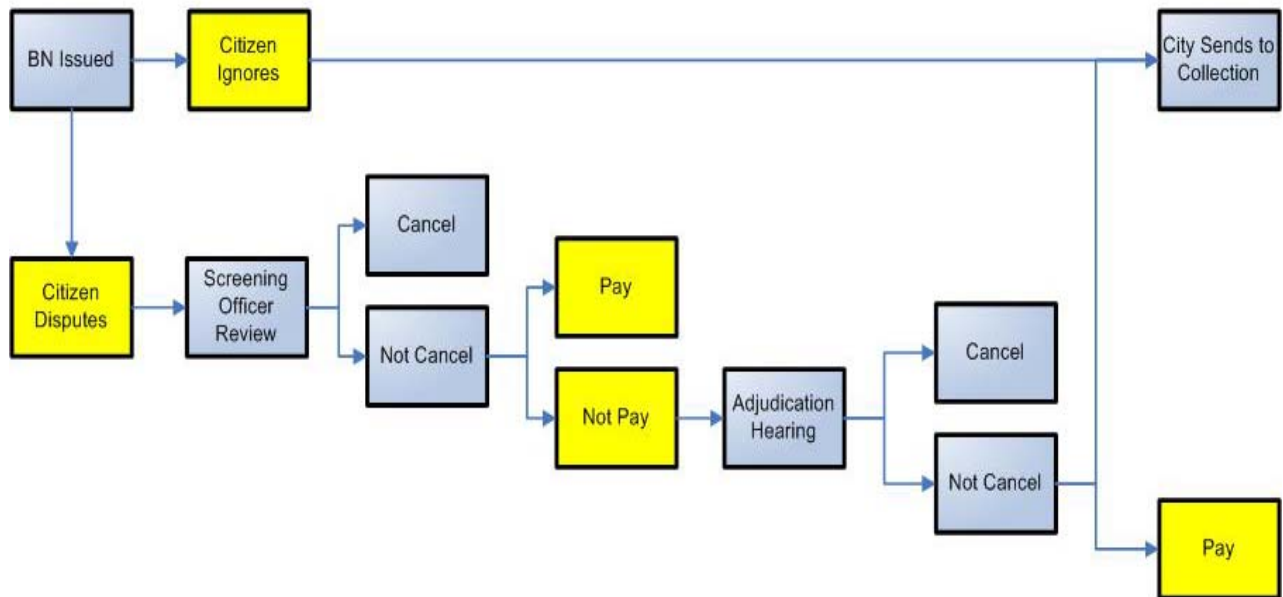
The *Local Government Bylaw Notice Enforcement Act* provides the following framework and process features:

Feature	Current (Court-based)	By-law Notice Dispute Adjudication
Dispute Request	To dispute a BVN, individuals must do so in person within 120 days. Typically, individuals appear in court 120 days following the issuance of the BVN.	Upon receipt of a by-law notice, an individual must either pay or request dispute adjudication within a defined period of not less than 14 days. The municipality determines how dispute requests are made (e.g. online, 311, hardcopy).
Payment Discount Period	Currently, the City allows 34 days for individuals to pay the BVN at a discounted rate.	Payment discounts are allowed. The discount period cannot exceed the dispute period. Typically, the discount period matches the dispute period and is 14 days.
Hearing Process	Hearings are conducted in Provincial Court by Judicial Justices of the Peace. Judges may cancel, reduce, or impose a higher fine.	Hearings are conducted by independent adjudicators. If a municipality establishes screening officers, the screening officers must review disputed by-law notices prior to being heard by an adjudicator. Screening officers can confirm or cancel by-law notices.
Conduct of Hearings	Individuals appear in person or by agent.	Parties to the adjudication may be heard in person or by agent, in writing (including email), or by telephone.
Scheduling Hearings	Hearings are held during the day in the Provincial courts. Court time is limited.	It is up to the municipality to determine when and where hearings are to be held. Scheduling can be adjusted to meet demand.
Dispute Settlement	Due to the limited Court availability, BVN disputes	Disputes can be settled in less than 60 days.

	currently take over 900 days to be heard.	
Use of Fees	The court-based system does not allow for the application of fees by the municipality.	A municipality can charge up to \$25 to individuals who unsuccessfully dispute a ticket. A municipality may also impose a surcharge in addition to the penalty amount after a specified amount of time.
Hearing Outcome	A judge will consider the circumstances surrounding the BVN and the history of the defendant and may impose a fine within the minimum and maximum amounts permitted by the by-law. A provincial court decision can be appealed on a question of law or fact.	The adjudicator may only determine whether or not a by-law contravention occurred as alleged. They cannot reduce or increase the penalty amount. The determination of an adjudicator can be appealed on a question of law or lack of jurisdiction.
Collection Action	Collection action can be taken on court imposed fines that are not paid	Penalties are due and payable upon receipt of the by-law notice. Collection action can be taken on all unpaid by-law notice penalties and fees.

2. By-law Notice Dispute Adjudication Process

Here is a summary of the citizen experience with by-law adjudication:



3. Benefits

The adoption of the by-law adjudication system for enforcing minor by-laws infractions has many benefits. They include:

- a) **Improved service to citizens** - The existing court-based model is complicated, time-consuming, costly, and lengthy. Those municipalities that have adopted the by-law adjudication system have indicated that not only are citizens pleased with the flexibility of dispute scheduling (adjudication hearings may be held at various times of day in various locations), they see by-law adjudication as being more credible and meaningful. The municipalities that have implemented by-law adjudication have found that the increased credibility leads to increased payment rates and reduced by-law dispute rates (i.e. more people opt to pay without disputing).
- b) **Increased revenue and operating efficiencies** - Under a by-law notice dispute adjudication system, all penalties are due and payable upon receipt unless disputed. As such, the City can proceed with the collection of all unpaid penalties, after specific steps are taken as defined by the *Local Government Bylaw Notice Enforcement Act* and the by-law notice enforcement by-law established by the municipality. Further, staff are not required to attend the adjudication hearings in person and therefore are able to enforce the by-laws.
- c) **Reduced court dependency** - Under a by-law adjudication system, disputes are heard by an independent adjudicator rather than a judge in Provincial Court. This greatly reduces the court time needed for dealing with minor parking disputes and frees up that time to be used for more serious infractions.

DISCUSSION

Staff recommend that Council approve the implementation of a by-law notice dispute adjudication system for the City of Vancouver. To do so, Council must make the intent to implement this system known to the Government of British Columbia in the form of a Council resolution. In addition, implementation requires that Council:

- adopt a by-law to establish a by-law notice dispute adjudication system
- establish a policy that sets out the authority of screening officers
- adopt consequential amendments to those by-laws that are to be dealt with by by-law notice

1. Proposed By-law Notice Enforcement By-law

Under Section 2 of the *Local Government Bylaw Notice Enforcement Act*, the by-law must designate the by-law contraventions to be dealt with by by-law notice. As indicated previously, the City issues almost 450,000 tickets for parking-related infractions. These tickets represent 98% of all tickets issued by the City. These infractions are minor in nature, having an average fine value of \$82 in 2009.

Staff are recommending that the parking-related contraventions of the following by-laws be dealt with by by-law notice:

- Parking Meter By-law No. 2952
- Street and Traffic By-law. 2849
- Granville Mall By-law No. 9978
- Motor Vehicle Noise and Emission Abatement By-law No. 9344

The specific sections of each by-law are set out in Schedule A of the proposed By-law Notice Enforcement By-law (Appendix B).

The penalty amount for each by-law contravention is also set out in that same schedule. Note that the amounts are unchanged from the fines that are applied under the existing above mentioned by-laws. Where the existing by-law specifies a range for a specific by-law contravention, the amount proposed in Schedule A is the minimum amount for that range.

Other significant inclusions in the proposed By-law Notice Enforcement By-law are:

Feature	Recommendation	Comment	By-law Section
Dispute period	14 days	Section 8 of the Act requires that the pay or dispute period be 14 days or more after the date the by-law notice was received. The 14 day dispute period matches the practice of most municipalities.	5.4
Penalty discount	50% of full penalty amount	The Act allows for a discount for payment of the penalty. The City currently allows an early payment discount of 50% of the fine value. We	4(b) and Schedule A

		recommend that the discount rate remain unchanged.	
Discount period	14 days	Section 6 requires that the discount period not exceed the dispute period. This matches the practice of most other municipalities.	4(b)
Surcharge	50% of full penalty amount	Section 6 allows a surcharge for payment of the penalty. This penalty covers some of the program costs and would only be added if payment is late (35 days after the by-law notice is issued).	4(c) and Schedule A
Adjudication fee	\$25	Under Section 23, the City may charge a fee of up to \$25 for unsuccessful dispute adjudications. This fee is to help recover the costs of the adjudication system.	6.2
Screening Officer	Designate two levels of Screening Officers	Under Section 10, the City can establish a screening officer position that has the authority to confirm or cancel a by-law notice. The position exists in those municipalities that have implemented by-law notice enforcement as it reduces the number of disputed by-law notices forwarded to adjudication. Staff are recommending two levels of Screening Officers (see Screening Officer Authority below for more information)	s.7

2. Screening Officer Authority

As indicated above, the *Local Government Bylaw Notice Enforcement Act* allows a municipality to establish the screening officer position. All disputed by-law notices must be reviewed by a Screening Officer before a dispute adjudication may be scheduled. Under Section 10 of the Act, after reviewing a by-law notice, the Screening Officer may:

- a. cancel the notice if in the Screening Officer's opinion:
 - i. the contravention did not occur as alleged,
 - ii. the by-law notice does not contain the information as required under s. 4 of the Act, or
 - iii. a ground for cancellation authorized by the local government is satisfied
- b. confirm the by-law notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn.

In 2009, Parking Enforcement received over 50,000 parking ticket enquiries of which approximately 20,000 were cancelled by City staff on a number of grounds. These enquiries are expected to continue under the by-law notice dispute adjudication system. In addition, staff anticipate roughly 10,000 adjudication dispute requests to be made in 2011. The enquiries and dispute requests will be reviewed by Screening Officers. To ensure consistency in treatment and provide guidance to the Screening Officers, staff recommend that Council

establish a policy that sets out the grounds for cancellation to be applied by Screening Officers. This policy is entitled "Screening Officer Policy" and is attached as Appendix C. Staff are recommending that two levels of Screening Officers be established.

Screening Officer I positions would have the authority to cancel by-law notices for reasons such as an error was made when issuing the by-law notice (e.g. incorrect date, licence plate, location, vehicle make, or meter number), a duplicate by-law notice was inadvertently issued for the same contravention, or the vehicle was exempt.

Screening Officer II positions would have the same authority as Screening Officer I's. In addition, they would have authority to cancel by-law notices issued in instances where:

- a. the by-law contravention was necessary for the preservation of health and safety, or
- b. it is not in the public interest to proceed to an adjudication of the by-law notice

It should be noted that the City is upgrading the devices to be used to issue parking by-law notices. The new devices are colour photo-capable. Parking Enforcement Officers will be able to take photos of the parking contravention and this information will be used as evidence by the Screening Officers and Adjudicators when determining whether to cancel a by-law notice under dispute.

3. Consequential Amendments to Impacted By-laws

Many of the by-law offences set out in the by-laws that will be enforced by by-law notice are currently written to apply only to the "person" who actually parked or stopped the motor vehicle in question. For example, Section 17.6(a) of the Street and Traffic By-law says "No person shall park a vehicle at any place on a street where a traffic sign prohibits parking". This wording can be problematic, because parking notices are typically left on the vehicle, and it is not usually clear to the enforcement officer which person actually parked the vehicle. In order to avoid this possible issue, the by-laws are being amended to make it an offence for an owner, registered owner, lessee or operator of a motor vehicle to cause, allow or permit a motor vehicle to park in contravention with the underlying rules.

Staff recommend that the by-laws be amended (see Appendix D).

FINANCIAL IMPLICATIONS

By-law Adjudication is expected to increase parking fine collected revenue by \$1.20M in 2011. This revenue increase will grow year-over-year as it is anticipated that payment rate will increase and the dispute rate decrease over time. Current estimates indicate that revenue will increase by \$3.66M by the end of 2014.

These increased revenue estimates are after deducting the additional funding requirements of By-law Adjudication which are outlined in the table below:

Operating Expense	Ongoing (\$)
Staff - Net changes (Salaries & Benefits)	79,000
Adjudication	159,000
Total	238,000

The following net revenue increases are projected:

	2011 (in \$ M)	2014 (in \$ M)
By-law Notice Dispute Adjudication System (See assumptions)		
Revenue - Net of Expenses and 2010 Implementation Expense (see Note)	17.72	22.84
Court-based System		
Revenue - Net	16.52	19.17
Revenue - net increase	\$ 1.20 M	\$ 3.66 M

Note: Revenue is net of operating expenses, an allowance for collection costs, and the cost of implementing By-law Notice Dispute Adjudication System

Assumptions:

Based on the experience of other municipalities that have implemented a by-law notice dispute adjudication system, the following assumptions were used in estimating the above values:

- The current voluntary payment rate is 76%. With by-law adjudication, the by-law notice payment rate will increase to 85% over time, by 2014.
- Of the 76% that are paid, 84% will be paid within the discount period and 16% will be paid at the full fine rate (i.e. after the discount period). This payment pattern is expected to remain unchanged.
- The number of unpaid by-law notices will decrease as the payment rate increases.
- The collection agency will successfully collect 25% of the unpaid by-law.

PERSONNEL IMPLICATIONS

Based on the estimated resources required to maintain a by-law notice dispute adjudication system, there will be a net increase of one CUPE 15 full-time equivalent (FTE). The detail of the personnel changes are as follows:

Position	Current FTE	Proposed FTE	\$ Change
Process Servers	7	5	(\$123,000)
Adjudication Support	0	1	\$57,000
Enquiry Clerks	8	8	\$0
Operations Supervisors	0	2	\$145,000
TOTAL	15	16	\$79,000

CONCLUSION

On an annual basis, the City of Vancouver issues almost 450,000 parking-related BVNs under the Parking Meter, Street and Traffic, Granville Mall, and Motor Vehicle Noise and Emission Abatement By-laws. The current court-based processes for dispute resolution are complex, resource intensive, and can be very lengthy and costly. In light of the fact that most parking-related by-law contraventions are minor in nature, continuing to proceed under the Provincial Court process with respect to those infractions is not justifiable.

Staff are asking that Council approve the establishment of a By-law Notice Dispute Adjudication system and the associated ongoing operating funding required to administer the program. In addition, staff are also recommending that Council adopt the proposed By-law Notice Enforcement By-law in principle and the attached Screening Officer Policy to govern the implementation of by-law notice dispute adjudication. Staff are further recommending various consequential amendments to four by-laws that will be impacted by the implementation of by-law notice dispute adjudication. This VSR initiative will significantly improve service to citizens.

* * * * *

APPENDIX A

Municipalities Have or Are Implementing Bylaw Notice Adjudication*

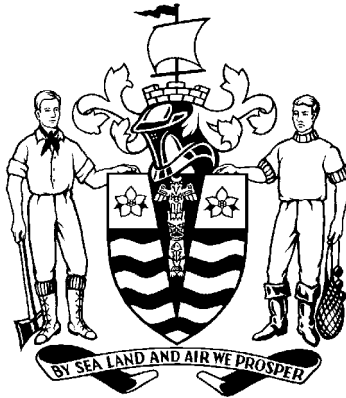
Date Act Applies	Local Government
February 1, 2006	Bowen Island Municipality
April 1, 2009	Cariboo Regional District
April 1, 2007	City of Abbotsford
October 1, 2008	City of Burnaby
September 1, 2005	City of Chilliwack
September 1, 2005	City of Coquitlam
May 1, 2009	City of Cranbrook
February 1, 2006	City of Duncan
January 1, 2010	City of Kelowna
May 3, 2004	City of North Vancouver
August 1, 2009	City of Parksville
January 1, 2010	City of Penticton
October 1, 2008	City of Port Coquitlam
September 1, 2005	City of Richmond
September 1, 2005	City of Surrey
May 1, 2010	City of Vernon
October 1, 2010	Corporation of the City of Nelson
April 1, 2009	Corporation of the City of New Westminster
February 1, 2010	Denman Island Local Trust Committee
September 1, 2005	District of Hope
September 1, 2005	District of Kent
February 1, 2010	District of Lake Country
May 3, 2004	District of North Vancouver
January 1, 2010	District of Peachland
January 1, 2007	District of Pitt Meadows
January 1, 2007	District of Squamish
January 1, 2010	District of Summerland
October 1, 2009	District of Tofino
January 1, 2010	District of West Kelowna
May 3, 2004	District of West Vancouver
February 1, 2006	Fraser Valley Regional District
February 1, 2010	Galiano Island Local Trust Committee
February 1, 2010	Gambier Island Local Trust Committee

March 1, 2009	Greater Vancouver Regional District
February 1, 2010	North Pender Island Local Trust Committee
January 1, 2010	Regional District of Okanagan-Similkameen
February 1, 2010	Salt Spring Island Local Trust Committee
February 1, 2010	Saturna Island Local Trust Committee
February 1, 2006	The Municipality of the Village of Lions Bay
May 1, 2010	Town of Gibsons
February 1, 2010	Town of Oliver
July 1, 2008	Township of Langley
February 12, 2007	Village of Harrison Hot Springs

* These municipal councils or boards have passed a resolution indicating their intent to establish a Bylaw Dispute Adjudication System. The Bylaw Notice Enforcement Regulation was amended to apply the Local Government Bylaw Enforcement Act to these municipalities.

Source: Bylaw Notice Enforcement Regulation (includes amendments up to B.C. Reg. 272/2010, October 1, 2010)

CITY OF VANCOUVER
BRITISH COLUMBIA



BY-LAW NOTICE ENFORCEMENT
BY-LAW NO. _____

BY-LAW NOTICE ENFORCEMENT BY-LAW

TABLE OF CONTENTS

SECTION 1 CITATION

- 1. Citation

SECTION 2 INTERPRETATION

- 2.1 Definitions
- 2.2 Schedules

SECTION 3 BY-LAW CONTRAVENTIONS

- 3. By-law contraventions

SECTION 4 PENALTY

- 4. Penalty

SECTION 5 PAYING OR DISPUTING NOTICE

- 5.1 Delivery of by-law notice
- 5.2 Deemed receipt by mail
- 5.3 Deemed receipt on vehicle
- 5.4 Dispute or pay within 14 days
- 5.5 No dispute after 14 days

SECTION 6 BY-LAW NOTICE DISPUTE FEE

- 6.1 Adjudication system established
- 6.2 By-law notice dispute fee

**SECTION 7
SCREENING OFFICERS**

- 7.1 Position of screening officers
- 7.2 Appointment of Screening Officers I
- 7.3 Appointment of Screening Officers II
- 7.4 Powers of screening officers

**SECTION 8
BY-LAW ENFORCEMENT OFFICERS**

- 8. By-law enforcement officers

**SECTION 9
ENACTMENT**

- 9.1 Severability
- 9.2 Force and effect

SCHEDULES

- Schedule "A" - Designated By-laws, By-law Contraventions and Penalties

BY-LAW NO. _____

By-Law Notice Enforcement By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1 CITATION

Citation

1. The name of this by-law, for citation, is the "By-law Notice Enforcement By-law".

SECTION 2 INTERPRETATION

Definitions

- 2.1 In this By-Law:

"act" means the *Local Government Bylaw Notice Enforcement Act*;

"by-law notice" means a by-law notice referred to in section 4 of the act and issued under this by-law;

"city" means the City of Vancouver;

"Council" means the Council of the City of Vancouver; and

"screening officer" means a person designated and appointed under section 7 of this by-law to act as a Screening Officer I or Screening Officer II.

Schedules

- 2.2 The schedule attached to this by-law forms part of this by-law.

SECTION 3 BY-LAW CONTRAVENTIONS

By-law contraventions

3. The by-laws and by-law contraventions designated in Schedule "A" may be enforced by by-law notice.

SECTION 4 PENALTY

Penalty

4. The penalty for a contravention referred to in section 3 is:
- (a) subject to paragraphs (b) and (c), the penalty amount set out in column A1 of Schedule "A";
 - (b) if payment is received by the city within 14 days of the person receiving or being presumed to have received the by-law notice, the penalty set out in column A1 is reduced by the discount amount set out in column A2 of Schedule "A"; or
 - (c) if payment is received by the city more than 35 days after the penalty set out in column A1 becomes due and payable under the Act, the penalty set out in column A1 is increased by the surcharge set out in column A3 of Schedule "A".

SECTION 5 PAYING OR DISPUTING NOTICE

Delivery of by-law notice

- 5.1 A by-law notice may be delivered:
- (a) in person to the named person,
 - (b) by mailing a copy of the by-law notice,
 - (i) if the by-law notice is in respect of a contravention involving a vehicle, to the address for each registered owner of the vehicle involved;
 - (ii) to the actual or last known address of the named person; or
 - (iii) if the named person is a corporation or a business, to the registered office or head office,
 - (c) if the by-law notice is in respect of a parking contravention, by leaving the by-law notice on the vehicle involved.

Deemed receipt by mail

- 5.2 A by-law notice delivered under subsection 5.1(b) is presumed to have been received by the person to whom it is addressed on the 7th day after mailing.

Deemed receipt on vehicle

5.3 A by-law notice delivered under subsection 5.1(c) is presumed to have been received by each registered owner of the vehicle on the day it is left on the vehicle.

Dispute or pay within 14 days

5.4 A person who receives a by-law notice, or their authorized agent, must, within 14 days of the date on which the person received or is presumed to have received the by-law notice:

- (a) pay the penalty; or
- (b) request dispute adjudication;

by following the appropriate instructions on the by-law notice.

No dispute after 14 days

5.5 A person may pay the indicated penalty after 14 days of receiving a by-law notice, subject to the applicable surcharge amount in accordance with section 4(c), but no person may dispute a by-law notice after 14 days of receiving the by-law notice.

SECTION 6 BY-LAW NOTICE DISPUTE FEE

Adjudication system established

6.1 A by-law notice dispute adjudication system is hereby established in order to resolve disputes in relation to by-law notices.

By-law notice dispute fee

6.2 Every person who is unsuccessful in a dispute adjudication in relation to a by-law notice under the dispute adjudication system established under this section shall pay an administrative fee of \$25.00, in addition to any other penalty amount imposed under this By-law.

SECTION 7 SCREENING OFFICERS

Position of screening officers

7.1 The positions of Screening Officer I and Screening Officer II are hereby established.

Appointment of Screening Officers I

7.2 Council hereby designates all persons employed by the city as a Customer Services Representative - Parking Enforcement, as persons that may be appointed as a Screening Officer I, and hereby appoints them as a Screening Officer I.

Appointment of Screening Officers II

7.3 Council hereby designates all persons employed by the city as an Operations Supervisor - Parking Enforcement, Superintendent II - Parking Enforcement, Supervisor By-law Fines - Revenue Services, Supervisor Customer Service - Revenue Services, Manager Customer Service and Collections - Revenue Services and Manager Revenue Services - Revenue Services as persons that may be appointed as a Screening Officer II, and hereby appoints them as a Screening Officer II.

Powers of screening officers

7.4 Every Screening Officer I and Screening Officer II has the power to review disputed by-law notices, including the power to cancel a by-law notice if in the opinion of the screening officer:

- (i) the contravention did not occur as alleged;
- (ii) the by-law notice does not comply with section 4(4) of the act; or
- (iii) cancellation is otherwise in accordance with the city's policy entitled "Screening Officer Policy".

SECTION 8 BY-LAW ENFORCEMENT OFFICERS

By-law enforcement officers

8. Council appoints parking enforcement officers and police officers as by-law enforcement officers for the purposes of this by-law.

SCHEDULE "A"

**DESIGNATED BY-LAWS,
BY-LAW CONTRAVENTIONS AND PENALTIES**

By-law and By-law Section	Description	A1 Penalty	A2 Discount	A3 Surcharge
Street and Traffic By-law No. 2849				
17.1	Stop where prohibited	100	50	50
17.2(a)	Stop close to stop sign	100	50	50
17.2(b)	Stop near firehall	100	50	50
17.2(c)	Stop near hydrant	100	50	50
17.2(d)	Stop near crossing	100	50	50
17.2(e)	Stop near garbage	100	50	50
17.2(f)	Stop near excavation	100	50	50
17.2(g)	Stop on bridge	100	50	50
17.2(h)	Stop alongside median	100	50	50
17.2(i)	Stop on narrow road	100	50	50
17.2(j)	Stop in reserved portion	100	50	50
17.3	Stop at bus stop	100	50	50
17.4(a)	Stop on crosswalk	100	50	50
17.4(b)	Stop near crosswalk	100	50	50
17.4(c)	Stop on sidewalk	100	50	50
17.4(d)	Stop on sidewalk crossing	100	50	50
17.4(e)	Stop on boulevard	100	50	50
17.4(f)	Stop within intersection	100	50	50

17.5(a)	Stop near intersecting lane	100	50	50
17.5(b)	Stop near intersecting sidewalk	100	50	50
17.5(c)	Stop near intersecting street	100	50	50
17.6(a)	Park where prohibited	100	50	50
17.6(b)	Park where restricted	100	50	50
17.6(c)	Park on narrow curbless street	100	50	50
17.6(d)	Park opposite vehicle	100	50	50
17.6(e)	Park longer than permitted	70	35	35
17.6(f)	Park longer than 3 hours	70	35	35
17.6(g)	Park near entrance	100	50	50
17.7	Move to avoid time limit	100	50	50
18.1 (a)	Park not parallel	100	50	50
18.1 (b)	Park wrong direction	100	50	50
18.1 (c)	Park too far from curb	100	50	50
18.2	Park contrary to markings	100	50	50
18.3	Improper parking on grade	100	50	50
19.1 (a)	Stop near lane intersection	100	50	50
19.1 (b)	Stop near intersecting sidewalk	100	50	50
19.1 (c)	Stop near lane intersection	100	50	50
19.1 (d)	Stop leaving too little lane	100	50	50
19.1 (e)	Stop and obstruct vehicles	100	50	50
19.1 (f)	Stop near fire door	100	50	50
19.1 (g)	Stop near driveway	100	50	50
19.1 (h)	Stop abutting commercial property	100	50	50

19.1 (i)	Stop on lane in prohibited area	100	50	50
19.1 (j)	Stop in West End or Robson North	100	50	50
20.1 (a)	Stop too long abutting area	100	50	50
20.1 (b)	Stop overnight	100	50	50
20.2	Stop near park, school or church	100	50	50
20.3	Park trailer on street	100	50	50
21.1	Stop in passenger zone	100	50	50
21.3	Stop in loading zone	100	50	50
21.5	Stop in commercial loading zone	100	50	50
21.7	Stop in tour bus zone	100	50	50
72A (1)	Derelect vehicle on street	250	125	125

By-law and By-law Section	Description	A1 Penalty	A2 Discount	A3 Surcharge
Parking Meter By-law No. 2952				
4(1)	Park outside metered space	70	35	35
4(2)	Park at improper angle	70	35	35
4(3)	Park against traffic flow	70	35	35
5(3)(a)	Park longer than limit	70	35	35
5(4)(a)(ii)	Expired meter with zeros	70	35	35
5(4)(a)(iii)	Meter out of order	70	35	35
5(4)(b)	Expired meter time	70	35	35

By-law and By-law Section	Description	A1 Penalty	A2 Discount	A3 Surcharge
Motor Vehicle Noise and Emission Abatement By-law No. 9344				
2.7 (a)	Idle more than 3 minutes	250	125	125
2.7 (b)	Idle unattended and unlocked	250	125	125
Granville Mall By-law No. 9978				
10	Load or unload vehicle	250	125	125
11(a)	Stop taxi more than 3 minutes	250	125	125
11(b)	Stop vehicle more than 30 minutes	250	125	125
11(c)	Stop vehicle more than 120 minutes	250	125	125
15	Fail to display permit	250	125	125
17.1	Drive on transitway	250	125	125
17.2	Stop on transitway	250	125	125
18	Stop obstructing transitway	250	125	125

Screening Officer Policy

The City of Vancouver has designated by-law contraventions that may be dealt with by By-law Notice and has established the positions of Screening Officer I and Screening Officer II under section 7.1 of the By-law Notice Enforcement By-law.

Under the authority of section 10 of the Local Government Bylaw Notice Enforcement Act (the "Act") a Screening Officer must review all disputed By-law Notices before adjudication and has the authority to cancel a By-law Notice in accordance with the Act.

Under section 10(2)(a) of the Act a screening officer is authorized to cancel a By-law Notice if, in the screening officer's opinion:

- (i) the contravention did not occur as alleged;
- (ii) the By-law Notice does not comply with section 4(4) of the Act; or
- (iii) a ground for cancellation authorized by the local government is satisfied.

Any Screening Officer I and any Screening Officer II may cancel any By-law Notice in accordance with sections 10(2)(a)(i) and 10(2)(a)(ii) of the Act.

This policy outlines when each category of Screening Officer can cancel a By-law Notice under section 10(2)(iii) of the Act.

Screening Officer I and Screening Officer II

The City of Vancouver authorizes any Screening Officer I and any Screening Officer II to cancel a By-law Notice if, in the screening officer's opinion:

1. The identity of the alleged offender cannot be proven because:
 - a. The By-law Notice was issued to the wrong person;
 - b. The vehicle involved in the By-law contravention had been stolen; or
 - c. The vehicle registration decal or vehicle licence plate of the vehicle involved in the contravention had been stolen.
2. The person who was issued the By-law Notice was authorized to take the action as a result of an exception specified in a City of Vancouver by-law, or other enactment. For example,
 - a. The person was an exempt resident; or
 - b. The vehicle named in the By-law Notice was exempt.
3. The adjudicator is not likely to be satisfied that the contravention alleged in the By-law Notice occurred as alleged because the evidence is not adequate to prove a contravention on a balance of probabilities.
4. A duplicate By-law Notice was inadvertently issued for the same contravention and the same incident, but this authority to cancel a By-law Notice does not apply to a By-law Notice issued for a continuing contravention occurring on successive days.

Screening Officer II

The City of Vancouver also authorizes any Screening Officer II to cancel By-law Notices if, in the screening officer's opinion:

1. The alleged contravention of the by-law was necessary for the preservation of health and safety.
2. It is not in the public interest to proceed to an adjudication of the By-law Notice.

BY-LAW NO. _____

A By-law to amend Parking Meter By-law 2952

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Parking Meter By-law.
2. In section 2 Council:
 - (a) amends subsection (1C) by removing the word "cycle" and substituting "vehicle";
 - (b) repeals subsection (4) and substitutes:

'(4) "Park" includes causing, permitting or allowing a vehicle, whether occupied or not, to stand on a street. "Parked" and "Parking" shall have a corresponding meaning';
 - (c) and, after the definition of "Pay by Phone" adds:

'(11A) "Person" includes an owner, registered owner, lessee or operator of a vehicle'.
3. In sections 3A and 3B, Council repeals the words "An operator" and substitutes "A person".
4. Council repeals section 4 and substitutes:
 - "4. METHOD OF PARKING
 - (1) A person must park a vehicle entirely within a metered space.
 - (2) A person must park a vehicle parallel to the curb within a metered space, except that in a corner clearance parking area where metered spaces are marked for angle parking by the City Engineer a person may park a motorcycle or motor assisted cycle at an angle.
 - (3) In metered spaces marked for angle parking, a person must park a vehicle facing in the direction of traffic flow of the adjacent traffic lane."
5. In subsection 5(1) Council repeals the words "Upon the parking of a vehicle in a metered space, the operator of the vehicle or an agent of the operator shall, as a fee for parking:" and substitutes "A person who parks a vehicle in a metered space must:".

BY-LAW NO. _____

A By-law to amend Street and Traffic By-law No. 2849
regarding owners and lessees of vehicles

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Street and Traffic By-law.
2. In section 17.1, Council strikes out the words "No person shall stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop".
3. In section 17.2, Council strikes out the words "No person shall stop a vehicle:" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop:".
4. In section 17.3, Council strikes out the words "No person shall stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop".
5. In section 17.4, Council strikes out the words "No person shall stop a vehicle:" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop:".
6. In section 17.5, Council strikes out the words "No person shall stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop".
7. In section 17.6, Council strikes out the words "No person shall park a vehicle:" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to park:".
8. In section 17.7, Council strikes out the words "no person shall move a vehicle" and substitutes: "an owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to move".
9. In section 18.1, Council strikes out the words "no person shall stop or park a vehicle" and substitutes: "an owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop or park".
10. In section 18.2, Council strikes out the words "the driver of a vehicle shall park such vehicle" and substitutes: "an owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to park in any manner other than".

11. Council repeals section 18.3 and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stand unattended on any perceptible grade on any street unless the front or rear wheels are turned to the curb or side of the roadway".

12. In section 19.1, Council strikes out the words "No person shall stop a vehicle on a lane:" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop on a lane:".

13. In section 20.1, Council strikes out the words "no person shall park a vehicle on a street" and substitutes: "an owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to park on a street:".

14. In section 20.2, Council strikes out the words "no person shall park a vehicle on a street" and substitutes: "an owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to park on a street" .

15. In section 20.3, Council strikes out the words "No person shall park a trailer or semi-trailer on any street" and substitutes: "An owner, registered owner, lessee or operator of a trailer or semi-trailer must not cause, allow or permit that vehicle to park on a street" .

16. In section 21.1, Council strikes out the words "A person must not stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop" .

17. In section 21.3, Council strikes out the words "A person must not stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop" .

18. In section 21.5, Council strikes out the words "No person shall stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop" .

19. In section 21.7, Council strikes out the words "No person shall stop a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to stop" .

20. Council repeals section 72A and substitutes:

"72A. (1) An owner, registered owner, lessee or operator of a vehicle must not cause, permit or allow a vehicle to be left or abandoned on a street.

(2) A vehicle on a street which is:

(i) unlicensed;

(ii) uninsured;

BY-LAW NO. _____

**A By-law to amend Granville Mall By-law No. 9978
regarding miscellaneous amendments**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Granville Mall By-law.
2. In section 10, Council:
 - (a) strikes out the words "A person must not load or unload a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit loading or unloading of that vehicle"; and
 - (b) from subsection 10(b), strikes out the words "if such person has stopped or parked the vehicle" and substitutes: "a vehicle stopped or parked".
3. In section 11, Council strikes out the words "A person must not stop or park a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit stopping or parking of that vehicle".
4. Council repeals section 17 and substitutes:
 - "17.1 A person must not drive a vehicle displaying a current permit issued under this By-law on the transit way between 7 a.m. to 9:30 a.m. or 3 p.m. to 6 p.m.
 - 17.2 An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit stopping or parking of that vehicle on Granville Mall between 7 a.m. to 9:30 a.m. or 3 p.m. to 6 p.m."
5. In section 18, Council strikes out the words "A person must not stop or park a vehicle" and substitutes: "An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit stopping or parking of that vehicle".
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

BY-LAW NO. _____

**A By-law to amend
Motor Vehicle Noise and Emission Abatement By-law No. 9344**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Motor Vehicle Noise and Emission Abatement By-law.
2. In section 2.7, Council strikes out the words "A person must not cause or permit a motor vehicle to idle" and substitutes: "An owner, registered owner, lessee, or operator of a motor vehicle must not cause, allow or permit that vehicle to idle".
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk