



## ADMINISTRATIVE REPORT

Report Date: June 18, 2012  
Contact: Grant Murray  
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VanRIMS No.: 08-2000-20  
Meeting Date: June 27, 2012

TO: Vancouver City Council

FROM: Director of Legal Services

SUBJECT: Filing of Certificates pursuant to the *Offence Act*  
Filing of Certificates of Amounts Owing pursuant to the *Local Government Bylaw Notice Enforcement Act*

### **RECOMMENDATION**

THAT Council hereby authorizes the following persons:

1. the City Clerk;
  2. the Director, all Assistant Directors, the Collections Coordinator, all Legal Assistants, and all Clerks in Legal Services;
  3. the Manager of Collections and Customer Service;
  4. the Manager of Taxation and Utilities; and
  5. all Clerks in Revenue Services;
- (a) to file Certificates on behalf of the City of Vancouver pursuant to Section 82(6) of the *Offence Act*; and
- (b) to file Certificates of Amounts Owing on behalf of the City of Vancouver pursuant to Section 26(3) of the *Local Government Bylaw Notice Enforcement Act*.

### **REPORT SUMMARY**

The basic purpose of the proposed resolution is to ensure that enough persons are authorized to file Certificates and Certificates of Amounts Owing to ensure that both can be filed in a timely and efficient manner.

The proposed resolution will authorize more persons employed by the City to file Certificates in Provincial Court under the *Offence Act*. The proposed resolution will also authorize persons other than the City Clerk to file Certificates of Amounts Owing in Provincial Court under the *Local Government Bylaw Notice Enforcement Act*.

#### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Council adopted the first resolution regarding Certificates under the *Offence Act in 1996*. Council adopted a subsequent resolution by consent at the Regular Council Meeting on Tuesday, July 8, 2008.

There are no previous resolutions regarding Certificates of Amounts Owing under the *Local Government Bylaw Notice Enforcement Act*.

#### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The City Manager recommends approval of the foregoing.

#### ***REPORT***

##### ***Background/Context***

If a person is convicted of a by-law offence and fined, but does not pay the fine by the due date ordered by the Provincial Court, the City can take steps to collect the fine. Section 82(6) of the *Offence Act* authorizes the City to file a "Certificate" which records the conviction and fine information in Provincial Court. Once the Certificate is filed in court, it becomes a Judgment which can then be enforced by various legal remedies available to Judgment Creditors. However, under the *Offence Act*, Council must delegate the authority to file Certificates to the City employees who actually, prepare, sign, and file the Certificates.

In 1996, Council adopted a resolution designating a by-law fines clerk to file Certificates under section 72(6) (now section 82(6)) of the *Offence Act*. That resolution was amended by consent on July 8, 2008 to expand the group of persons authorized to file Certificates. The proposed resolution will further expand the group to include the City Clerk, the Director of Legal Services and all Assistant Directors of Legal Services.

The City introduced its Bylaw Notice Enforcement system in February, 2011. Section 26 of the *Local Government Bylaw Notice Enforcement Act*, authorizes the corporate officer or a delegate of the corporate officer to file a "Certificate of Amounts Owing" in Provincial Court. In Vancouver, the corporate officer is the City Clerk. Like a Certificate under the *Offence Act*, a Certificate of Amounts Owing facilitates collection of outstanding penalties. Council has not yet delegated the authority to anyone other than the City Clerk. The proposed resolution will delegate the authority to file Certificates of Amounts Owing under the *Local Government Bylaw Notice Enforcement Act* to the same people who will be authorized to file Certificates under the *Offence Act*.

***Strategic Analysis***

The resolution will enhance the City's ability to collect outstanding penalties and fines.

***Implications/Related Issues/Risk (if applicable)***

***Financial***

There are no financial implications.

***Human Resources/Labour Relations***

There are no Human Resources/Labour Relations implications.

***Environmental***

There are no Environmental implications.

***Legal***

There are no Legal implications.

***Other***

There are no Other implications.

***CONCLUSION***

It is recommended that Council adopt the proposed resolution.

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