

MOTION

8. Collecting Fines and Exploring Ways to Recover Costs Related to Public Safety in the City of Vancouver's Entertainment District

At the Regular Council meeting on February 12, 2019, Vancouver City Council referred the following Motion to the Standing Committee on City Finance and Services meeting on February 13, 2019, in order to hear from speakers.

Submitted by: Councillor De Genova

WHEREAS:

1.
 - i) The City of Vancouver website, lists "Fighting" as a City of Vancouver by-law fine;
 - ii) The City of Vancouver Street and Traffic By-Law No. 2849 section 69.A states under the section titled "Fighting" that "A person must not fight or engage in any other similar physical confrontation with one or more other persons in, on, or near a street or other public place";
2. An overwhelming majority of fighting fines are issued in Vancouver's Entertainment District and specifically, in the Granville Entertainment District (GED). Issuing, enforcing and collecting unpaid fines under bylaw No. 2849 Section 69.A requires the Vancouver Police Department (VPD) and City of Vancouver resources; and the cost is funded by taxpayers, residents and businesses in the City of Vancouver;
3. Persons who are street homeless, individuals with no fixed address and individuals challenged with debilitating mental illness are not among the demographics typically issued fines for fighting under By-Law 2849 section 69.A in Vancouver's Entertainment District;
4. Marginalized individuals are less likely to possess British Columbia Identification (BCID), British Columbia Driver's Licenses (BCDL), and or motor vehicle insurance. For this reason, they are less likely to be impacted by any fines or penalties require payment, in advance of renewing identification or insurance;
5. The City of Vancouver and the VPD have no certainty that fines will be collected for tickets issued for fighting under By-Law 2849 section 69.A;
6. There is general knowledge among people who receive fines for "fighting" under By-Law 2849 section 69.A, that ramifications are minimal, and are not on the same scale as tickets or fines issued under the Motor Vehicle Act (e.g. requiring payment of outstanding fines as a condition of a renewing BCDL, BCID or car insurance in British Columbia.);
7. Vancouver Police Department data shows that in 2015 (66%) and 2016 (64%) of individuals who are the subject of police calls in Granville Entertainment District, and were booked in the Vancouver Jail between Friday-Saturday nights between 10pm-4am and the early hours of Sunday morning reside outside of the City of Vancouver.

8. Pursuing the payment of a fine issued for "fighting" in the Street and Traffic By-Law No. 2849 Section 69.A may result in a greater cost to the City of Vancouver if sent to collections, than revenue the fine would generate, if collected;
9. The British Columbia Ministry of Public Safety and Solicitor General require penalties and fines for an Immediate Roadside Prohibition (IRP) including prohibition from driving for 3, 7 or 30 days in the case of a warn IRP, or for 90 days in the case of a fail or a refusal IRP, as outlined on a served IRP Notice of Prohibition. Total costs also include driver license reinstatement fees and all costs associated with a vehicle impoundment. Fees for review are \$200 for an oral review and \$100 for a written review;
10. The British Columbia Ministry of Public Safety and Solicitor General require penalties and fines for the use of an electronic device for communicating with another person or another device by email or other text-based message, e.g., texting, emailing, talking or dialing. Fines are \$368 and 4 penalty points. As of March 1, 2018, drivers who have two or more distracted driving tickets in a three-year period will pay a Driver Risk Premium (DRP) and could see their total financial penalties rise to as much as \$2,000 – an increase of \$740 over the existing penalties. This is in addition to their regular insurance premium, and all fines must be paid before a driver's license and or car insurance will be renewed;
11. The City of Vancouver faces issues of affordability, homelessness and the City of Vancouver operating budget annually faces increased costs for public safety, by Vancouver residents, business and property owners;

THEREFORE, BE IT RESOLVED THAT Council direct staff to consult with the Vancouver Police Department and the Province of British Columbia, in the interest of public safety to:

- i. Consider policies or enact by-laws to help the City of Vancouver achieve greater success collecting fines issued and/ or recovering costs associated with offences under By-Law 2849 section 69.A and other related offences in the City of Vancouver Entertainment District.
- ii. Consider the benefit of requesting amendments to provincial legislation, that may require fines issued for fighting or similar offences to be paid before the individual can:
 - renew or purchase motor vehicle insurance in British Columbia
 - renew British Columbia Driver's License (BCDL)
 - renew British Columbia Identification (BCID)
- iii. Explore the authority of the City of Vancouver to associate outstanding fines for By-Law 2849 section 69.A and an individual's credit rating.

FURTHER THAT staff report back to Council and present their findings and any recommendations before the end of Q4 2019.

* * * * *