

RESOLUTION

1. **Screening Officer Policy**

WHEREAS on July 25, 2023, Council approved, in principle, amendments to the By-law Notice Enforcement By-law (the “By-law Amendments”) that would authorize enforcement, by by-law notice, of the Annual Greenhouse Gas and Energy Limits By-law;

AND WHEREAS Council also resolved to instruct staff to bring forward for Council approval a revised Screening Officer Policy at the same time that the By-law Amendments are to be enacted;

AND WHEREAS the By-law Amendments have now been enacted.

THEREFORE BE IT RESOLVED THAT Council hereby resolves to rescind any previous Screening Officer Policy and replace it with the Screening Officer Policy attached to this resolution as Appendix A.

APPENDIX "A"

Screening Officer Policy **BY-LAW NOTICE ENFORCEMENT BY-LAW**

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 By-law 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 a By-law Notice regarding a matter for which they are also appointed a by-law enforcement officer under section 8 of the By-law Notice Enforcement By-law, in accordance with sections 10(2)(a)(i) and 10(2)(a)(ii) of the Act.

Any Screening Officer II appointed as a by-law enforcement officer under section 8(a) of the By-law Notice Enforcement By-law may cancel a Vacancy Tax related 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)(a)(iii) of the Act.

Motor Vehicle and Parking Enforcement

Screening Officer I and Screening Officer II

The City of Vancouver authorizes any Screening Officer I and any Screening Officer II to cancel a motor vehicle related 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 motor vehicle related 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, or
2. It is not in the public interest to proceed to an adjudication of the By-law Notice.

Vacancy Tax

Screening Officer II

The City of Vancouver authorizes any Screening Officer II to cancel a By-law Notice concerning section 5.2 of the Vacancy Tax By-law if, in the screening officer's opinion:

- 1) The contravention cannot be proven because:
 - a. The By-law Notice was issued to the wrong person;
 - b. The alleged offender was never sent a notice that they were required to make a declaration;
 - c. The City made an error in recording the declaration receipt; or
 - d. The folio was not subject to a requirement for the owner to declare.
- 2) 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.
- 3) A duplicate By-law Notice was inadvertently issued for the same contravention and the same incident.
- 4) It is not in the public interest to proceed to an adjudication of the By-law Notice.

Drinking Water Conservation

Screening Officer 1 and Screening Officer II

The City of Vancouver authorizes any Screening Officer I and any Screening Officer II to cancel a By-law Notice concerning Part 6, Part 7 and Part 8 of the Drinking Water Conservation By-law if, in the screening officer's opinion:

- 1) the property related to the alleged contravention was subject to a valid Water Exemption Permit at the time of the alleged offence; or

- 2) A duplicate By-law notice was inadvertently issued for the same contravention on the same day.

Screening Officer II

The City of Vancouver also authorizes any Screening Officer II to cancel a By-law Notice concerning Part 6, Part 7 and Part 8 of the Drinking Water Conservation By-law if, in the screening officer's opinion:

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

Building By-law (Book II (Plumbing Systems))

Screening Officer II

The City of Vancouver authorizes any Screening Officer II to cancel a By-law Notice concerning the Building By-law (Book II (Plumbing Systems)) if, in the screening officer's opinion:

- 1) The contravention cannot be proven because:
 - a. The By-law Notice was issued to the wrong person;
 - b. The equipment was not required to provide a test result; or
 - c. The City made an error in alleging an infraction.
- 2) 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.
- 3) A duplicate By-law Notice was inadvertently issued for the same contravention and the same incident.
- 4) It is not in the public interest to proceed to an adjudication of the By-law Notice.
- 5) A failure to provide a test result was due to an administrative error by the operating permit holder, such as providing the test result under a different operating permit.

Annual Greenhouse Gas and Energy Limits

Screening Officer II

The City of Vancouver authorizes any Screening Officer II to cancel a By-law Notice concerning the Annual Greenhouse Gas and Energy Limits By-law if, in the screening officer's opinion:

- 1) The contravention cannot be proven because:

- a. The By-law Notice was issued to the wrong person;
- b. The City made an error in recording the declaration; or
- c. The person is not subject to a requirement to declare.

2) 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.

3) A duplicate By-law Notice was inadvertently issued for the same contravention and the same incident.

4) It is not in the public interest to proceed to an adjudication of the By-law Notice.