



COUNCIL REPORT

Report Date: September 16, 2024
Contact: Amy Sidwell
Contact No.: 604.871.6069
RTS No.: 16567
VanRIMS No.: 08-2000-20
Meeting Date: October 22, 2024
[Submit comments to Council](#)

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Proposed Amendment to Sewer and Watercourse By-law No. 8093

Recommendations

- A. THAT Council approve, in principle, proposed amendments to the Sewer and Watercourse By-law No. 8093, as generally shown in Appendix A, to support increased compliance.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment the necessary Sewer and Watercourse By-law amendments, generally, as set out in Appendix A.

Purpose and Executive Summary

This report seeks Council approval to amend the Sewer & Watercourse By-law to allow the City Engineer to issue notices and orders under the authority of the Sewer and Watercourse By-law.

The Sewer and Watercourse By-law No. 8093 (the By-law) does not currently contain the authority to issue a notice or order to a person who contravenes the By-law to come into compliance. The proposed amendment will give the City the authority to issue notices and orders to support improved compliance with the By-law. These authorities exist in other City by-laws including the Drinking Water Conservation By-law and the Solid Waste By-law and are authorized for all by-laws by the Vancouver Charter.

Council Authority/Previous Decisions

As outlined under Sections 336A and 336B of the [Vancouver Charter](#) Council may, by by-law, empower staff to order or direct any person to cease or refrain from any work that is in contravention of any by-law or to order that work be completed in order to come into conformance with a by-law. (Please see Appendix B for current Charter language under Sections 336A and 336B).

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

The City of Vancouver's sewer system provides essential and reliable sewer and drainage services that protect public health, the environment, and property through the collection, conveyance, management, and treatment of wastewater and storm water.

The City's sewer system consists of 2,140 km of sewer mains, 93,000 service connections, 40,000+ catch basins and 24 pump stations, which work together to convey sanitary flow (wastewater from homes and businesses) and storm water (surface run-off from private and public property and groundwater) to regional treatment facilities operated by Metro Vancouver.

The Sewer & Watercourse By-law No. 8093 contains critical requirements that must be met to ensure effective delivery of these essential services including setting standards for discharges to sanitary and stormwater systems, and to support growth and development.

Discussion

The Engineering Services Department actively works with property owners to resolve contraventions to the Sewer and Watercourse By-law No. 8093; however staff have encountered scenarios where a property is not compliant with the By-law and the property owner is unwilling to resolve the issue. The ability to resolve contraventions to the Sewer and Watercourse By-law No. 8093 could be improved by creating new compliance authorities within the By-law.

Current options available to resolving a contravention to the By-law are as follows:

- a) Relying on those in contravention of the By-law to willingly comply when they are notified of the infraction,
- b) Asking the court to fine a person in contravention of the By-law, or
- c) Seeking a court injunction to resolve a contravention.

These options have posed challenges for gaining compliance as relying on fines or voluntary compliance can be ineffective in resolving issues, and options relying on the court system are resource intensive for all parties. At present the only method of compelling an owner to bring their property into compliance is by prosecution and/or seeking a court injunction.

To enhance compliance with the By-law, staff recommend amendments to create new compliance authorities, similar to other by-laws, to issue notices and orders to a property to come into compliance with the By-law. These enforcement options already exist in other City by-laws including the Drinking Water Conservation By-law and Solid Waste By-law and are authorized for all by-laws by the Vancouver Charter. These authorities would provide options to escalate issues of non-compliance in advance of seeking court resolutions.

Financial Implications

There are no financial implications associated with this report's recommendations.

Legal Implications

The proposed by-law changes are authorized by the Vancouver Charter.

* * * * *

APPENDIX A
BY-LAW NO. ____

DRAFT By-law to amend the Sewer and Watercourse By-law No. 8093
regarding notices and orders

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This by-law amends the indicated provisions of the Sewer and Watercourse By-law No. 8093.
2. Council adds the following new sections in the correct numerical order:

“1.5 NOTICES AND ORDERS

The Inspector or City Engineer, or other employee of the City, may issue in writing such notices or orders as may be necessary to notify a person of a contravention of this By-law, in the manner set out in this By-law.

1.6 SCOPE OF ORDER

The Inspector or City Engineer, or other employee of the City, may order a person who contravenes any provision of this By-law:

- (a) to carry out any work or do anything required by this By-law or any permit within a specified time; or
- (b) to discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law.

1.7 SERVICE OF ORDER

A notice or order issued under this By-law is sufficiently served if:

- (a) the notice or order is delivered by hand, by ordinary prepaid mail or by registered mail, to the owner or occupier at the applicable address as shown in the records of the Assessment Authority of British Columbia; or
- (b) in the case of an owner or occupier that is a corporation, the notice or order is delivered by hand, by ordinary prepaid mail, or by registered mail, to the registered and records office of the corporation; or
- (c) the notice or order is posted on the affected property or premises.

1.8 DEEMED RECEIPT OF ORDER

Notices and orders issued in accordance with this By-law are deemed to have been received:

APPENDIX B
EXCERPT FROM VANCOUVER CHARTER

Delegation of power to board or tribunal

336A. Council may by by-law or resolution empower any board or tribunal constituted under this Act, or any inspector, official, or other person, to order or direct any person

- (a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that is in contravention of any by-law or any terms or conditions specified by such board or tribunal; or
- (b) to carry out any work or do anything to bring any land or building into conformity with the by-law applicable thereto, or into conformity with any terms or conditions specified by any such board or tribunal.

Violation of by-law

336B. (1) Whenever any such board or tribunal or any such inspector or official is empowered, pursuant to a by-law, to require any person by order, direction, or notice

- (a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that is in contravention of any by-law or any terms or conditions specified by such board or tribunal; or
- (b) to carry out any work or do anything necessary to bring any land or any building into conformity with the by-law applicable thereto or into conformity with any terms or conditions specified by any such board or tribunal,

the by-law may provide that failure on the part of the person to whom the order, direction, or notice is given to comply therewith within the time specified shall constitute a violation of the by-law.

- (2) The onus would be on the prosecution to prove that any order given under section 336A was a lawful order.