



DISTRICT OF WEST KELOWNA COUNCIL POLICY MANUAL

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SECTION: BUILDING AND REGULATORY SERVICES SUBJECT: SCREENING OFFICER BYLAW NOTICE POLICY
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Purpose:

To establish the authority of the Screening Officer in regards to the Local Government Bylaw Notice Enforcement System.

Policy:

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) A jurisdictional issue arises that cannot be addressed by the adjudicator;
- (b) Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (c) An exception specified in the Bylaw or a related enactment is made out, for example:
 - (i) Handicap vehicle in time zone or pay lot.
- (d) There is a poor likelihood of success at adjudication for the District, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (e) The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
- (f) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (g) It is not in the public interest to proceed to adjudication for one of the following reasons:

- (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued; and now authorizes the contravention.
- (h) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
- (i) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (ii) The sign indicating the Bylaw requirement was not visible.