

**PIERS ISLAND IMPROVEMENT DISTRICT POLICY
ENFORCEMENT OF BYLAW NO. 133 – PIERS ISLAND PARKING COMPOUND REGULATION BYLAW**

1. PURPOSE:

The purpose of this policy is to define a methodology for enforcing the regulations registered in Bylaw No. 133 ("the Bylaw") when enforcement action is deemed necessary by the Trustees. The policy objectives are to provide clarity for landowners and to provide a standard procedure for the Trustees to implement enforcement and remediation of bylaw contravention in a consistent, legal, and reasonable manner. Specifically, the policy addresses Section 10 of the bylaw which reads:

"Section 10: Enforcement of Regulations

All vehicles and materials in violation of these regulations are subject to removal and impoundment at owner's expense".

2. DEFINITIONS:

- a) Compound: The Piers Island Parking Compound located at 2212 Dolphin Road, North Saanich, BC
- b) PIID: The Piers Island Improvement District
- c) Personal Property: Personal property within the Compound includes, but is not limited to, vehicles, all trailer types, equipment, materials, and all other items not owned by the Piers Island Improvement District (PIID).
- d) Schedule 1: The component of Bylaw No. 133 that stipulates regulations for use of the Compound.
- e) The Bylaw: Bylaw No. 133, Piers Island Parking Compound Regulations Bylaw
- f) The Trustee: The Buildings and Lands Trustee assigned responsibility by the Board of Trustees for managing the Compound, or a person designated by the Trustee to act on the Trustee's behalf.
- g) The Trustees: The Board members of the Piers Island Improvement District.

3. METHODOLOGY:

General:

When an incident of bylaw non-compliance occurs, the Trustees will give all necessary notice to the person acting in contravention of the Bylaw so as to allow that person an opportunity to comply. If the communication process fails to achieve compliance to the satisfaction of the Trustee, the Trustees may undertake to remedy the Bylaw violation through removal or impoundment of the non-compliant personal property and/or through other legal actions available to them. All remediation costs become the responsibility of the person contravening the Bylaw.

In a case where the person responsible for the Bylaw contravention cannot be identified or contacted, the Trustees will declare the personal property in violation of the Bylaw as abandoned property and may use any or all reasonable means legally available to them to remedy the Bylaw contravention. Where possible, remediation costs that are incurred by the Improvement District will be mitigated.

Identification of owner/person responsible:

The Trustee may use all means available to the Improvement District to identify the person responsible for the Bylaw contravention. This can include but not be limited to emails to landowners and renters, vehicle identification numbers (VIN), license plate numbers, decal, and parking pass owner information lists. External resources may include the RCMP, ICBC, Personal Property Registry, and Motor Vehicle Registry.

Notice of Non-Compliance Parameters:

Notice of Non-Compliance, whether verbal or in written form, will include all information relevant to the infraction. It will describe the violation, will cite the Bylaw section being contravened and will state what must be done to comply with the bylaw within a stated timeframe. To further assist the person who is in contravention of the Bylaw, information on where or how a copy of the full Bylaw can be obtained could be offered.

Depending on the factors in each case of non-compliance, the Trustees will agree on the specific protocol for giving Notice and the Trustee will prepare and direct the Corporate Secretary to send all written correspondence and distribute all response correspondence to the Trustees when received.

Giving Notice: When the owner/person responsible is identified:

- a) Initial Notice of Non-Compliance: Contact via a Phone Call and confirmation Email

In an attempt to foster an amiable and co-operative result, the Trustee may choose to initiate direct contact by an informal phone call, followed immediately with an email confirming the discussion, commitments and agreed timeframe. This form of contact may be sufficient to achieve compliance or secure commitments to actions that are satisfactory to the Trustee and thus resolve the issue.

- b) Reminder Follow-Up Notice of Non-Compliance: Email Notice

In the case of continuing non-compliance by the owner after the agreed timeframe, a formal email reminder notice should be prepared by the Trustee and sent by the Corporate Secretary. It should include all relevant information of the original notice, previous commitments if any, and a new timeframe for compliance.

- c) Giving Final Written Notice of Continuing Non-Compliance, Intended Remediation, Removal, Impoundment, or other Legal Action

In the case of continuing non-compliance after the initial and reminder timeframes have lapsed, a **written** final notice should be prepared by the Trustee and sent by the Corporate Secretary via registered mail or be hand delivered. It should include all relevant information of the original notice, previous commitments if any, a final timeframe for compliance, and advice of impoundment, removal

or other remedial actions and the date those actions will be undertaken if the bylaw violation is not addressed within the provided final timeframe.

If no subsequent compliance occurs by the end of the final timeframe, the Trustees proceed without further notice to remedy the Bylaw contravention.

Giving Notice: When the owner/person responsible cannot be identified:

a) Initial Notification to RCMP

When the personal property exhibits no identifying attributes to make owner identification possible, the Trustee should contact the RCMP by phone call to advise of the situation and outline the proposed steps the PIID will undertake to remedy the bylaw contravention.

b) Initial Notice of Non-Compliance to all Landowners: Email to all landowners and Posting in Compound

The Trustee will prepare and have the Corporate Secretary send an email to all landowners and renters. It should include all relevant information of the Bylaw contravention and description and pictures of the personal property in question, as well as a timeframe by which the violation should be addressed.

Concurrently, the Trustee will post a notice at both Compound gates requesting ownership information. Additionally, a notice could be affixed directly to the personal property in the Compound.

c) Declaring the unidentified personal property Abandoned.

If after a predetermined grace period, if no person has come forward to claim the personal property that is in contravention of the Bylaw, the Trustees agree to declare the item as abandoned and proceed with removal.

d) Giving Final Written Notice of Continuing Noncompliance, Intended Remediation, Removal, Impoundment, or other Legal Action

In the case where no owner or person responsible for the Bylaw contravention has been identified, the Trustee prepares the final email notice of continuing noncompliance and directs the Corporate Secretary to send it to all landowners and renters. The notice would advise of the unsuccessful attempts that have been made to identify the owner of the abandoned property, the proposed action that will be taken to remedy the issue and the timeframe for taking action absent of any owner action being taken.

If no subsequent compliance occurs by the end of the final timeframe, the Trustees proceed without further notice to remedy the Bylaw contravention. Depending on each individual situation, the Trustees may have the personal property impounded or towed to a recycling or scrap centre. In the case of a boat trailer, the Trustees, at their discretion may offer the item to islanders for a donation to the PIID based on its estimated value and remaining utility.

Recovering PIID Expenses

When an owner or person responsible for a Bylaw contravention can be identified, the PIID Finance Administrator will provide an invoice to cover all expenses incurred by the PIID relevant to the Bylaw enforcement actions. Recoveries will be managed in a similar manner to all other tolls, charges or penalties owed to the PIID.

Whenever the PIID incurs expenses to remedy a Bylaw contravention that cannot be charged to a landowner, the PIID will mitigate such costs by offsetting with any proceeds that may be derived from the disposal of the non-compliant personal property.

Preserving Records

The PIID Corporate Secretary and Finance Administrator will keep full records of all transactions of remedial actions taken to enforce Bylaw compliance.

Approval:

Chair, Piers Island Improvement District

Date: