



CORPORATE POLICY

No.: RD-20-20

Date Approved: November 19, 2020

Name: Screening Officer

Purpose:	The Regional District of Fraser-Fort George has established a position of Screening Officer to review all disputed bylaw notices before dispute adjudication may occur in respect of disputed bylaw notices.
Authority:	The Regional District has, under the authority of the <i>Local Government Bylaw Notice Enforcement Act</i> and the <i>Bylaw Notice Enforcement Bylaw No. 3201, 2020</i> , established the position of Screening Officer to cancel bylaw notices and enter into compliance agreements.
Scope:	Review of disputed bylaw notices issued under the authority of <i>Bylaw Notice Enforcement Bylaw No. 3201, 2020</i>

- Definitions:**
- “Bylaw notice” means** the same meaning as in the *Local Government Bylaw Notice Enforcement Act*
 - “Compliance agreement” means** the same meaning as in the *Local Government Bylaw Notice Enforcement Act*
 - “Screening Officer” means** anyone appointed or designated as a Screening Officer under *Bylaw Notice Enforcement Bylaw No. 3201, 2020*.

Policy: Screening Officer will carry out the review of disputed bylaw notices as authorized under *Bylaw Notice Enforcement Bylaw No. 3201, 2020* in accordance with this Policy.

- General:**
1. The Screening Officer is authorized to cancel a bylaw notice if satisfied one or more of the following grounds for cancellation exist:
 - (a) the identity of the person who is alleged to have contravened the bylaw cannot be proven, including for, but not limited to, the following reasons:
 - (i) the bylaw notice was issued to the wrong person, or
 - (ii) the vehicle involved in the alleged contravention was stolen;
 - (b) an exemption or exception specified in the bylaw in question or a related enactment is applicable;
 - (c) there is a poor likelihood of success at adjudication, including for, but not limited to, any of the following reasons:
 - (i) the contravention did not occur as alleged, or
 - (ii) there is no evidence capable of proving the contravention;

Expiry Date:

Review Date: November 19, 2021

Name:

- (d) it is not in the public interest to proceed to adjudication, including for, but not limited to, any of the following reasons:
 - (i) the contravention was the result of a medical emergency which could not reasonably be avoided, or
 - (ii) the bylaw has been repealed or amended since the contravention occurred and had the conduct in question occurred after the date of the repeal or amendment it would no longer be a contravention.
2. If a Screening Officer determines a bylaw notice should not be cancelled the Screening Officer may then consider whether a compliance agreement is available under the *Bylaw Notice Enforcement Bylaw No. 3201, 2020* and, if it is, may consider whether it is appropriate to enter into such a compliance agreement with the person who received the bylaw notice. In making this decision, the Screening Officer may consider all relevant factors, including, but not limited to:
- (a) the seriousness of the contravention and any negative effects it caused or could reasonably have been expected to cause;
 - (b) the person's history of compliance with bylaws and compliance agreements;
 - (c) any personal hardship or tragedy the person is suffering,
 - (d) whether the person has accepted responsibility for the contravention and expressed remorse; and
 - (e) whether the person is willing and able to take steps to eliminate or reduce any negative effects the contravention has caused.