



COUNCIL REPORT
Development Services
For the April 21, 2020 Council Meeting

DATE: April 9, 2020
TO: Paul Gipps, CAO
FROM: Mike Cain, Bylaw Compliance Supervisor
RE: Council Appointment of Bylaw Enforcement Officer

RECOMMENDED MOTION:

THAT Council appoint Shaun Matthews as a Bylaw Enforcement Officer for the City of West Kelowna

RATIONALE:

In accordance with Section 264 of the *Community Charter*, Bylaw Enforcement Officer positions require appointment by Council for the purpose of issuing a ticket for a bylaw infraction and in accordance with Section 28 of the *Offence Act* for the purpose of serving a summons.

BACKGROUND:

On March 25, 2020 the Minister of Public Safety and Solicitor General made the **Bylaw Enforcement Officer (COVID-19) Order**, pursuant to the *Emergency Program Act*.

The Order states, in part:

Bylaw enforcement officers to provide assistance

- 3 (1) To the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, **each local authority must ensure that the local authority's bylaw enforcement officers provide such assistance as may be required for the purposes of enforcing public health orders, including, without limitation, the following:**
- (a) monitoring facilities and areas closed to the public by a public health order;
 - (b) providing warnings, information and advice to businesses and members of the public in respect of public health orders, including warnings to businesses and members of the public who may be acting in contravention of a public health order;
 - (c) providing health officers with information in respect of potential contraventions of a public health order.

- (2) In providing assistance under this section, a bylaw enforcement officer is not authorized to
- (a) detain an individual as a result of a contravention or suspected contravention of a public health order, or
 - (b) issue a fine or penalty, including an administrative penalty, under the Public Health Act.

3) Nothing in this section is to be construed as limiting any powers or duties of a bylaw enforcement officer under the *Community Charter*, *Local Government Act*, *Vancouver Charter* and related regulations or local authority bylaws, as the case may be.

This casual position within the Bylaw Compliance Department is necessary to implement the above noted required assistance in the enforcement of public health orders.

FINANCIAL IMPLICATIONS:

The City is currently researching options in regards to funding of this position such as eligibility for pandemic response costs through EMBC. In the event that the costs for incremental bylaw support is not approved through the EMBC, the City will have to absorb the cost.

ALTERNATE MOTIONS(S):

- **THAT** Council postpone consideration of Mr. Matthews Bylaw Officer appointment and request further information from staff.

REVIEWED AND APPROVED BY:

Mark Koch, Director of Development Services
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Attachment: Order of the Minister of Public Safety and Solicitor General

Powerpoint: ___ Yes X No