

BYLAW HELP

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Changes to Police Act to Include Safety Officers

In April 2024, the provincial Minister of Public Safety & Solicitor General introduced Bill 17 into the Legislative Assembly of British Columbia. It is a bill to reform the province's *Police Act*, and the first stage of a plan to reform policing in British Columbia which has been expected for some time.

The amendments in the bill which

have gained the most media attention so far include changes to how police boards are structured, and additional oversight for municipal employees who work as guards at local jails. However, another interesting development that has not received as much coverage is the addition of a new class of law enforcement officers for the province.

Bill 17 will create a legislative framework to allow municipalities, regional districts, Indigenous governing bodies, government corporations, health and educational institutions the ability to employ officers known as safety officers. These safety officers will be authorized, subject to approval from the provincial authorities, to

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enforce certain laws, such as bylaws, provincial statutes and potentially even criminal laws.

The newly amended Act will also give the authority to the provincial government to enact regulations to govern this new class of officers. They will be able to set standards for the qualifications, equipment and salaries.

The proposal for this new class of enforcement officer would seem to be in response to calls that have been made for British Columbia to adopt a tiered policing model.

During hearings of the BC Legislative Assembly's Special Committee on Reforming the Police Act, which were held throughout 2021 and 2022, a number of presenters advocated on behalf of adopting such a model.

The Licence Inspectors and Bylaw Officers Association of BC (which was renamed in 2023 to the Local

Government Compliance and Enforcement Association) was one such group which made a presentation supporting the tiered model, envisioning a greater role for bylaw enforcement officers.

In a nutshell, the tiered policing model proposes that agencies other than traditional police departments be authorized to take on certain tasks that would have historically been handled by the police.

For example, some communities in British Columbia have already begun reorganizing their bylaw enforcement officer departments into what they call community safety officer departments. These new departments have been tasked with a variety of issues that touch on public safety, such as disorderly conduct in public spaces like the consumption of alcohol.

However, although these officers may be dealing with issues such as public drinking, they currently do

not possess any special legal authority to do so. One of these officers currently has no more power than a private citizen to enforce the province's *Liquor Control and Licensing Act* which prohibits drinking alcohol in public. This is because the Act is a provincial law and, as local government officials, these officers only have enforcement powers for their local bylaws and not provincial laws.

Thus, the officers employed by local governments are currently left in a similar situation to private security guards who are faced with persons who drink, or become intoxicated, in public places. They can only talk to people, inform them of the relevant provincial laws and encourage them to comply. In the event the person refuses to cooperate, they have no authority to issue a ticket or make an arrest for such matters. If they want these actions taken, they have to call upon the police to take them.

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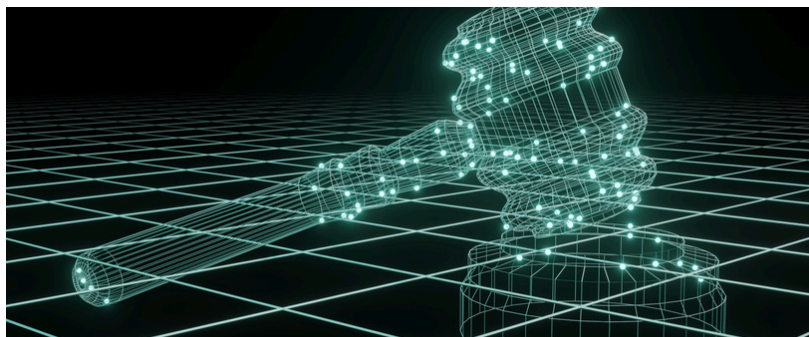
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The *Police Act* amendments seem intent on addressing these sorts of issues by opening up the possibility of the province granting safety officers the authority to enforce provincial laws. Indeed, there is even potential to grant authority to enforce the *Criminal Code*.

It remains to be seen how these proposed alterations to the *Police Act* will play out. Some communities may choose to totally replace all of their bylaw enforcement officers with safety officers (much as the City of Kamloops replaced all of theirs in 2020 with what they titled community services officers), while others may decide to stick with their existing bylaw officer positions and some others may adopt a hybrid model, employing a mix of traditional bylaw officers and safety officers.

SOURCES:

- “Amending BC’s Police Act: LIBOA Submission to the Special Committee on Reforming the Police Act” by Licence Inspectors and Bylaw Officers Association of BC. Submitted to the Special Committee on Reforming the Police Act in April 2021. https://www.bylawbc.ca/docs/liboa_submission_to_special_committee_on_reforming_the_police_act.pdf
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- “Bill 17 - Police Amendment Act” [Legislative Bill] introduced by Minister of Public Safety & Solicitor General. Introduced in the Legislative Assembly of BC on April 4, 2024. https://www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Fdata%2F520-%2F252oldp%2FPages%2F42nd5th%2F1st_read%2Fgov17-1.htm
- “New legislation paves the way for police reform” [Press Release] by BC Public Safety and Solicitor General. Published on April 4, 2024 on Government of BC website. <https://news.gov.bc.ca/releases/2024PSSG0024-000478>
- “Transforming Policing and Community Safety in British Columbia: Report of the Special Committee on Reforming the Police Act” by the Special Committee on Reforming the Police Act of the Legislative Assembly of BC. Published on April 28, 2022 on the Legislative Assembly of BC website. https://www.leg.bc.ca/content/CommitteeDocuments/42nd-parliament/3rd-session/rpa/SC-RPA-Report_42-3_2022-04-28.pdf



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City of Kamloops Agrees to Compensate Bylaw Officers Replaced by CSO's

After several years of legal disputes, the City of Kamloops and the Canadian Union of Public Employees (which is the union representing the city's employees) have reached a deal to compensate bylaw enforcement officers who were negatively impacted by changes to their jobs made in 2020.

It was in that year that the city decided to revamp its bylaw

enforcement department, eliminating the bylaw officer positions and replacing them with what were titled community services officers. The change was advertised as a way to enable the officers to play an increased role in dealing with street disorder and social issues which bylaw officers historically did not handle. However, it also meant that the qualifications for the new

community services officer positions were different.

The new community services officers were required to undergo additional training, pass a fitness test and be granted a RCMP security clearance. Many bylaw officers were unwilling or unable to meet these new requirements and thus ended up retiring or quitting. The union then filed grievances on their behalf, stating the job changes violated the union contract.

The grievance went to arbitration in 2023, with an arbitrator finding that the city violated its contract. The city appealed this ruling but lost its appeal in early 2024, prompting it to go back to negotiations with the union.

Media reports indicate that talks concluded in April 2024, with the city agreeing to pay monetary compensation to around two dozen bylaw officers who had been

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affected by the 2020 changes to their jobs.

The exact amount of the compensation being paid out is not known, as the city is refusing to disclose the information. Media have reported that it is believed that each affected employee will receive somewhere between \$50,000 and \$100,000.

There was speculation that, once legal fees were factored in, the total cost of the dispute may have cost the city in the range of \$3,000,000 to \$5,000,000, but Fire Chief and Director of Protective Services Ken Uzeloc has stated the amount is considerably less than that.

SOURCES:

- “City of Kamloops, union come to agreement over bylaw dispute” by Levi Landry. Published on April 3, 2024 on Infotel.ca.
<https://infotel.ca/newsitem/city-union-come-to-agreement-over-bylaw-dispute/it104097>

- “City won't say how much it paid former Kamloops bylaw officers” by Levi Landry. Published on April 6, 2024 on Infotel.ca.
<https://infotel.ca/newsitem/city-wont-say-how-much-it-paid-former-kamloops-bylaw-officers/it104136>



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Credit: Tingey Inury Law Firm, via [Unsplash](#)

Pitt Meadows Sued for Alleged Negligence in Fatal Dog Attack

The City of Pitt Meadows is defending itself against a lawsuit alleging that its negligent enforcement of its *Dog Control Bylaw* contributed to a fatal dog attack in 2021. The attack resulted in the death of a 54-year old woman named Ping Guo (also known as Amy Guo) while she was picking blueberries on a farm.

In August 2021, after the body of Ping Guo was found, investigators observed what were described as “evidently traumatic wounds” and there was initially speculation that she had been killed by a bear.

However, analysis of saliva and hair found on the deceased later showed that she had been killed by a canid (a category which includes domestic dogs, as well as wolves and coyotes). Due to the location where the attack occurred, the Conservation Officer Service concluded that a domestic dog was responsible.

Following the death of Guo, a further death in the area occurred in January 2023. At that time, police were called to a neighbouring home after the discovery of the body of

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homeowner Baljit Haer.

Dogs owned by Haer were found on the scene and police observed bites and lacerations consistent with a dog attack. The animals were seized and, after DNA tests were conducted, it was determined they were the same dogs involved in the attack on Guo in 2021.

The police have closed their investigation of Haer's death, stating the death was not criminal in nature, but the coroner's service is continuing to investigate the matter.

The husband and daughter of Amy Guo have filed a lawsuit in the Supreme Court of British Columbia seeking damages from the estate of Mr. Haer, as well as an unnamed female who is alleged to be a co-owner of the dogs in question, the owner of the blueberry farm where Ms. Guo was killed and the City of Pitt Meadows.

The suit alleges that Mr. Haer and the unnamed co-owner are liable for owning aggressive dogs. It further claims the farm owner is liable for failing to ensure it was safe when it invited Guo to pick berries there and the City of Pitt Meadows is liable for not preventing the attack because it failed to enforce its animal control bylaw properly.

None of the allegations have been proven in court and all of the parties accused in the lawsuit have denied wrongdoing. In its response to the lawsuit, the city raised a number of potential defences. For example, the city at first denied that the attack on Guo was committed by a domestic dog (although this argument appears to have been made before evidence proving a domestic dog to be responsible was available). It also has stated in its later court filings that it had no knowledge of any aggressive dogs owned by Mr. Haer.

SOURCES:

- "DNA tests show dogs killed B.C. woman, not bear as first thought: coroner's report" by Brenna Owen & The Canadian Press. Published on April 12, 2024 on CTV News.
<https://bc.ctvnews.ca/dna-tests-show-dogs-not-bear-killed-b-c-woman-coroner-s-report-1.6845062>
- "Woman found dead in B.C. field was killed by dogs, not a bear: coroner" by Amy Judd & Paul Johnson. Published on April 12, 2024 on Global News.
<https://globalnews.ca/news/10420538/woman-killed-dogs-blueberry-field-coroner/>
- Peng v. Doremi Blueberry Farm Ltd. et al. File No. S-221140, Vancouver Registry, Supreme Court of BC. Available from BC Court Services Online (after payment of fees) at <https://justice.gov.bc.ca/cso/esearch/civil/partySearch.do>



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Changes Recommended to Kamloops City Council Code of Conduct

improve governance in the city.

Henry Braun, a special adviser appointed by the provincial government to help resolve ongoing tensions between the municipal council of Kamloops and its mayor, has submitted a report with his findings and recommendations on how to

Braun, the former mayor of Abbotsford, was designated by the Ministry of Municipal Affairs as a special adviser to the City of Kamloops several months ago. This was in response to a unanimous request from all parties concerned for the province's assistance in

improving the adversarial relationship between the councilors and the mayor.

Reid Hamer-Jackson was elected during the 2022 municipal elections on a platform of tackling community safety, homelessness and street disorder. Some of his key ideas were to create a treatment centre on the outskirts of the city to house and treat persons with addictions, and to launch third-party reviews of supportive housing agencies and shelters in the city. In a crowded race with five different candidates vying for the mayor's chair, Hamer-Jackson won with 7,298 votes (31% of the total ballots cast).

Meanwhile, the eight persons elected as councilors were a combination of political newcomers and incumbents.

Soon after taking office, signs of conflict between the mayor and

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council became apparent.

This article will not attempt to cover all the disputes, but a list of some of the more memorable ones that preceded Braun's report are as follows:

- In March 2023, the mayor removed a number of councillors from various standing committees and added nine members of the public. It was noted by the media that several of those new members were friends of the mayor and/or persons who had worked on his campaign. This led the council to, in July 2023, dissolve those committees rather than allow them to continue with the new members.
- In March 2023, Councillor Katie Neustaeter made a statement on behalf of all eight councillors accusing the mayor of misconduct, including

"repeated disrespect, violations of personal and professional boundaries, belittling and constantly disruptive behaviour."

- In June 2023, Mayor Hamer-Jackson filed a lawsuit against Councillor Neustaeter for her statement in March 2023, alleging it was defamation. In court documents filed in response to the lawsuit, Neustaeter made additional claims against the mayor, including that he had contacted her father, had disclosed private family business involving Neustaeter and had tried to convince her to help him fire a staff member.
- In March 2024, the mayor suspended Bryan McCorkell, the acting Chief Administrative Officer for the city, citing concerns over community safety and a desire to move the city in a "new direction." This led to council holding an emergency meeting in closed

session where they voted to reinstate McCorkell and to remove the mayor's power to suspend employees.

Braun's report, delivered to council in May 2024, covered these matters and more. It laid out conclusions about the mayor's conduct that have been described in the media as "scathing." The report laid most of the blame for the dysfunctional relations between council and mayor's office at the feet of Hamer-Jackson, noting a number of instances of problematic conduct by Hamer-Jackson.

For example, the report found that the mayor had made inconsistent statements at times, had released confidential information to the public without lawful authority, had displayed contempt for administrative staff and had created an atmosphere which led to several staff members either resigning or taking leave. The report also indicated the mayor

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had been resistant to any advice given to him or how to improve and had refused to admit fault.

One line in Braun's report stated: "Based on the compelling evidence before me, in my opinion, the Mayor's approach is largely responsible for the issues, with minor contribution by Councillors in reaction."

The report also made some recommendations on how council could address the mayor's behaviour. It suggested a possible amendment to the city's code of conduct for mayor and council to add financial penalties for office holders who are found to be in violation. As examples, Braun's report suggested a 10% reduction in salary for a first violation of the code, a 25% reduction for a second violation, a 50% reduction for a third violation and a 75% reduction in pay for the fourth violation.

Braun noted that, under the current legal framework, there was no mechanism to allow for a city to remove a mayor who could not work effectively with a council. He pointed out that, to enable such a removal of a mayor, would require the provincial government to make amendments to the *Community Charter*.

Following receipt of the report, all eight of the councilors on municipal council held a vote on May 7th, 2024 request that Hamer-Jackson resign. However, the mayor has refused this call, stating that he expects the dispute to end up in court and thinks it will be decided there.

SOURCES:

- "Kamloops city council strips mayor of communications duties, tightens reins on signing requirements" by Tim Petruk. Published on May 29, 2024 on Castanet. <https://www.castanetkamloops.net/news/Kamloops/489774/Kamloops-city-council-strips-mayor-of-communications-duties-tightens-reins-on-signing-requirements>
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- "Municipal Adviser identifies Kamloops Mayor as 'root cause' of dysfunction at City Hall" by Paul James & Victor Kaisar. Published on May 7, 2024 on Radio NL. <https://www.radionl.com/2024/05/07/municipal-adviser-identifies-kamloops-mayor-as-root-cause-of-dysfunction-at-city-hall/>

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- “Kamloops mayor being investigated for alleged workplace bullying and harassment” by Brett Mineer. Published on June 19, 2023 on NL Radio. <https://www.radionl.com/2023/06/19/kamloops-mayor-being-investigated-for-alleged-workplace-bullying-and-harassment/>
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North Shuswap Consultations Give Bylaw Enforcement Failing Grade

A study of issues of concern to the residents of the North Shuswap was presented to the board of the Columbia Shuswap Regional District (or CSRD) in April, revealing some deep dissatisfaction amongst the public. The study was conducted by Nielsen Strategies and Leftside Partners Inc. to gauge the opinions of residents of Electoral Area F (North Shuswap).

Methods used included a combination of in-person and online open houses and surveys, with the process beginning in 2023, then being put on pause for 5 months due to wildfires which plagued the region in the summer of 2023, before being finally completed in early 2024.

According to the report, the study

found substantial dissatisfaction amongst residents directed towards the CSRD and the services it provided. Of all the services, emergency preparedness received the worst approval rating, with 62.5% of respondents expressing dissatisfaction. Development services took second spot with 52.43% dissatisfaction, administration was in third place with 48.35% and bylaw enforcement came in fourth with 46.71% dissatisfaction. On the bright side, residents who participated expressed high levels of satisfaction in the services provided by the CSRD's first responders and parks department, at 81.25% and 73.99% respectively indicating their satisfaction.

Residents from the communities of Anglemont and Celistia expressed particular dissatisfaction with bylaw enforcement, raising concerns about perceived lack of enforcement regarding multiple

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issues, including unsightly properties, illegal dumping, trailers being placed on properties, accumulations of vehicles and improper sewage management.

The April 2024 report summarizing the study's findings noted that, when tallying up "report cards" filled out by participants during the January 2024 open houses, bylaw enforcement was given particularly poor grades. The majority gave the service an "F" grade.

After conveying all these findings to the board, the report went on to recommend the regional district establish a local advisory committee for Electoral Area F. This body would be made up of local residents and would provide advice and recommendations to the regional district's board of directors on local issues. The report further recommended that a service review be instituted, to assess the performance of bylaw

enforcement, development services and building inspection services in the electoral area.

After accepting the report, Chairperson Kevin Flynn indicated the board will further discuss and consider the report's findings and recommendations at future meetings.



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Description: Stock Photo | Credit: Melinda Gimpel, via [Unsplash](#)

SOURCES:

- "Lack of trust in local government among issues identified in North Shuswap" by Lachlan Labere. Published on April 29, 2024 in Revelstoke Review. <https://www.revelstokereview.com/local-news/lack-of-trust-in-local-government-among-issues-identified-in-north-shuswap-7351003>
- "Electoral Area F Issues Identification Study Report" by the Columbia Shuswap Regional District, Neilson Strategies & Leftside Partners Inc. Published on April 18, 2024 via CSRD website. <https://pub-csrd.escribemeetings.com/filestream.aspx?DocumentId=37072>
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Province to Grant Vancouver Authority over Vacancy Control for SRA's

The provincial government and the City of Vancouver appear to have resolved a legal dispute which, until recently, looked like it may have been headed to the Supreme Court of Canada.

The city had announced an intention to pursue legal action in the Supreme Court of Canada, seeking to reinstate a bylaw which prevented landlords from raising rents between tenancies in Single Room Accommodations (SRA's). Since enacting the bylaw in 2021, the city has faced a legal battle to see the regulation implemented and, as of February 2024, the highest court in BC had declared the bylaw invalid.

The regulation, which was included in the city's business licensing

bylaw, had set limits on the ability of SRA providers to increase the rent for a unit while it was vacant. This type of rent control regulation was referred to as vacancy control, and it filled a gap in rent control regulations for BC, since the provincial *Residential Tenancy Act* only set limits on rent increases for a unit while it was occupied by a tenant, and not when it was vacant.

The bylaw was part of Vancouver's housing strategy and the city has pointed out that SRA's provide housing to some of the most vulnerable persons, who often are close to becoming homeless. It has therefore emphasized the need to ensure SRA rents remained within the reach of these vulnerable populations, else they end up being unhoused.



Description: Balmoral Hotel, Vancouver, BC in 2012

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Before enacting the bylaw, the city had asked the province to amend the provincial *Residential Tenancy Act* several times to implement rent controls for SRA's. However, the province had not responded as requested, leading the city to take action itself and enact the bylaw.

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Soon after the bylaw's enactment, two of Vancouver's SRA providers (0733603 B.C. Ltd. and Pender Lodge Holdings Ltd.) challenged the bylaw by seeking judicial review in the Supreme Court of BC, arguing that the city had exceeded its authority. The court agreed and struck down the bylaw as invalid in 2022.

The City of Vancouver then appealed the ruling to the BC Court of Appeal, seeking to have their bylaw reinstated. The city was supported in their appeal by the Tenant Resource and Advisory Centre, Community Legal Assistance Society, Downtown Eastside SRO Collaborative Society and Together Against Poverty Society, which were granted intervener status by the court and allowed to make submissions. During the appeal, the two SRA businesses continued to argue the city's bylaw was unreasonable and outside its authority, and they were

supported in this position by LandlordBC, which was also granted intervener status by the court.

Ultimately, the BC Court of Appeals came to the same decision as the BC Supreme Court had before, that the City of Vancouver had exceeded its authority and its bylaw was invalid.

Following this setback, the City of Vancouver announced plans to ask permission from the Supreme Court of Canada to have it hear the case, with the hope that Canada's highest court may rule in the city's favour. But it now appears that this court action is no longer necessary, as provincial Housing Minister Ravi Kahlon has announced the provincial government intends to introduce legislation which will retroactively grant the City of Vancouver the authority to enact its vacancy control bylaw, thus making it valid and reinstating it.

This is to be done by making amendments to the *Municipalities Enabling and Validating Act*.

SOURCES:

- "B.C. to let Vancouver limit SRO rent hikes between tenants in Downtown Eastside" by Simon Little. Published on May 13, 2024 on Global News. <https://globalnews.ca/news/10493389/bc-vacancy-control-sro-rent-hikes/>
- "Vancouver seeks Supreme Court of Canada to rule on quashed vacancy control bylaw" by Graeme Wood. Published on April 2, 2024 on Castanet. <https://www.castanet.net/news/BC/480024/Vancouver-seeks-Supreme-Court-of-Canada-to-rule-on-quashed-vacancy-control-bylaw>
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- Vancouver (City) v. Pender Lodge Holdings Ltd., 2024 BCCA 37 (CanLII). <https://canlii.ca/t/k2lfz>
- 0733603 B.C. Ltd v City of Vancouver, 2022 BCSC 1302 (CanLII). <https://canlii.ca/t/jr7fg>

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Advocates Criticize Victoria Bylaw Seizures, Suggest Designated Campsites for Unhoused

In April, Nikki Otsen, an advocate with the Backpack Project, went before municipal council in Victoria to raise concerns about how the city's bylaw enforcement service treats Victoria's homeless population. She complained that bylaw enforcement officers had

been confiscating tents, sleeping bags and other items necessary for living from persons found camping within the city contrary to bylaws. She asked council to give assurances that these practices would not occur during extreme weather events (i.e. extreme cold or extreme heat). Additionally, she complained that the city was not

providing adequate information to persons who had items seized on how they could reclaim them.

She pointed out that, when looking at the city's website, it was far easier to find ways to file complaints about homeless encampments than it was to find information about the procedures for reclaiming seized items.

In response to the criticisms, city spokesperson Colleen Mycroft informed the media that information on how to reclaim seized items was available on the city's website, and persons could also access the information by speaking to city hall staff in person or by phone. She also advised that bylaw officers also provided such information in person.

In December 2023, Victoria amended its procedures to allow homeless persons to be able to reclaim seized items free-of-charge

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if they were necessary for sustaining life; examples being tents, sleeping bags and similar items. However, at the same time, the city also cut in half the amount of time that seized items would be stored before being disposed of. Under the previous rule, items were stored 30 days, but they now are only stored for 14 days before disposal.

Another advocate, Susan Martin, urged the City of Victoria to adopt a new approach to unhoused people living in the municipality. Noting that there were 1,665 persons recorded as being homeless during the latest count conducted in 2023, she proposed that the city designate certain areas as authorized campsites. She elaborated that such authorized campsites would have no more than 20 persons residing in tents and would have access to basic services such as water, electricity and washrooms.

SOURCES:

- “Campaigners urge Victoria for homelessness action, criticize item seizures” by Jake Romphf. Published on April 13, 2024 on Oak Bay News.
<https://www.oakbaynews.com/local-news/campaigners-urge-victoria-for-homelessness-action-criticize-item-seizures-7343674>
- “City of Victoria streamlines impounding rules, drawing concern from poverty advocate” by Chad Pawson. Published on December 16, 2023 on CBC News.
<https://www.cbc.ca/news/canada/british-columbia/impounding-city-of-victoria-homelessness-belongings-1.7061103>



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Report Finds Nanaimo CSO's Improved Perceptions of Safety, Recommends Expansion

On April 29, 2024, councillors for the City of Nanaimo were presented with a report from the consulting firm Deloitte on how the Downtown Nanaimo Community Safety Action Plan had been progressing since it was implemented in 2022. The plan

had seen a number of programs instituted to improve safety and order in the downtown area of Nanaimo. This was to respond to calls from various residents and businesses who had been complaining of crime and social problems in the area, such as

open drug use and homelessness.

The plan included, amongst other things, hiring a team of new officers to be titled community safety officers to patrol the downtown area. These officers would have the same legal authority as the city's existing bylaw enforcement officers, but would also receive additional training so they could respond to drug use and other issues relating to social disorder.

Some other elements of the plan called for a "clean team" to conduct regular cleanups of litter in the downtown, for the city to provide grants to local property owners to remove and repair graffiti and vandalism, and for private security guards to patrol city owned parking lots to deter auto theft. There was also funding in the plan for a team of police officers to be dedicated to the downtown area.

In the April report to Nanaimo's council, an assessment of these

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initiatives was laid out. Its findings were based on qualitative data collected through surveys, interviews and workshops of and with various persons in the community; including city employees, business associations, neighbourhood associations and members of vulnerable populations. Findings were also based on quantitative data, such as counts of the number of calls for service the community safety officers received.

The report's findings indicated that there had been an improvement in the perceived safety of Nanaimo's downtown since the community safety officers began servicing the area. Although the report notes that problems still persist in the downtown, persons who participated in consultations for the report believed the problems would be worse without the services of the community safety officers.

Despite the generally positive perceptions of the program, the report concedes that there is a lack of statistical evidence to establish that social disorder has decreased. This is largely due to a lack of sufficient quantitative data.

Some other noteworthy findings contained in the report include improved perceptions of cleanliness in the downtown due to the work of the "clean team" cleaning up litter, and positive perceptions of the grants given out for property owners to clean up and repair graffiti and vandalism.

The report concluded by recommending the expansion of the current programs. That is to say, the report proposed increasing the number of CSO's and the area that they patrolled, as well as increasing the number of "clean team" employees.

Dave LaBerge, the Director of

Public Safety for the city, told the media that it had been challenging for the CSO's to deliver the level of service originally planned. He mentioned that it was originally intended to have a team of 12 CSO's provide coverage of the downtown area for 21.5 hours per day, 7 days per week. However, it was found that this level of service was difficult to maintain with the number of officers they had, and after two officers went on sick leave due to injuries, they had to reduce their hours of service.

April's report to council set out a number of possibilities to increase the CSO strength in the city. The options ranged from employing a contingent of 20 CSO's to one of 30 CSO's (and also increasing the service area to cover areas outside the downtown).

Some councilors expressed reservations about the increased costs that expansion entailed.

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Councilor Janice Perrino noted there had recently been a 7.7% tax increase and stated she would “shudder to think” what the cost of increasing the number of CSO’s and clean team members would be. Councilor Ben Geselbrecht stated he thought Perrino’s concerns were “bang on” but that he supported

a feasibility study to look into expanding the program. Similarly, Councilor Hilary Eastmure stated, “At the end of the day when it comes down to it, it’s not going to be financially feasible for us to expand the CSO program to the entire city.”

After discussion, council voted to conduct a feasibility study of

expanding the program, with Perrino being the sole vote opposed.



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Credit: Scott Graham, via [Unsplash](#)

SOURCES:

- “Perceptions of safety in Nanaimo, B.C., improved after city measures: report” by CBC News. Published on April 30, 2024 on CBC News. <https://www.cbc.ca/news/canada/british-columbia/nanaimo-community-safety-plan-1.7188880>
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- “Nearly 3,500 calls for service for Nanaimo’s community safety officers in first 5 months” by Ian Holmes. Published on March 28, 2023 on Nanaimo News Now. <https://nanaimonewsnow.com/2023/03/28/nearly-3500-calls-for-service-for-nanaimos-community-safety-officers-in-first-5-months/>
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- “Nanaimo financing \$2.5 million action plan for downtown safety and social disorder” by Alex Rawnsley. Published on April 20, 2022 on Nanaimo News Now. <https://nanaimonewsnow.com/2022/04/20/nanaimo-financing-2-5-million-action-plan-for-downtown-safety-and-social-disorder/>
- “Downtown Nanaimo Community Safety Action Plan Evaluation and Strategy Alignment Report” by Christy Wood, Nanaimo Manager of Social Planning. Published on April 29, 2024 on City of Nanaimo website. <https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=54204>

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Capital Regional District Considers Regional Bear Attractant Bylaw

At their May 8th, 2024 meeting, the board of directors of the Capital Regional District (CRD) voted to explore the possibility of a new regional approach to preventing conflicts between humans and bears.

The motion to explore the issue

came from the regional district's parks committee and was presented to the board by Sid Tobias, one of the board's directors and the Mayor of View Royal. It calls upon the CRD's staff to work with the various municipalities in the region to come up with a common policy to prevent

human-bear conflicts which occur because of improperly stored garbage and other attractants. Such a regional strategy could possibly include a common bylaw shared by the region's communities requiring persons to store waste in specially designed bear-resistant containers or else face fines.

During the May meeting, the board heard from persons who supported the CRD looking into what can be done about the bear issue.

Sergeant Scott Norris with the provincial Conservation Officer Service (COS), stated he would welcome having municipal bylaw enforcement help combat the problem of persons not properly storing attractants. Although the COS already has authority to ticket persons for such improper storage, Norris noted there were only four conservation officers covering all of Vancouver Island south of Ladysmith, making it difficult for

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them to respond to all the improperly secured attractants.

Mollie Cameron, from the group Wild Wise (an organization that advocates on behalf of peaceful coexistence between humans and wildlife and educates persons on how to avoid wildlife conflicts) also spoke to the board at the meeting. She expressed support for the regional district enacting a regional bylaw with fines for failure to properly store garbage. She stated that most conflicts with wildlife are due to garbage not being securely stored and that, although her group attempts to educate persons about voluntarily employing proper storage techniques, they consistently meet resistance to the idea from people who find it inconvenient.

There have been a number of bear-human incidents of late which have drawn the attention of municipal

leaders in the area. For example, Mayor Sid Tobias spoke of a family of bears which had moved into a neighbourhood in View Royal, apparently attracted by garbage. Tobias stated the mother bear had to be euthanized, and her cubs had to be placed in the custody of a wildlife rehabilitation facility.

Conservation Officer Rick DeKelder told a reporter he's noticed bears being drawn into communities by an abundance of garbage. On one day (May 13th), he stated that, by midday, there had been 6-8 calls from the public reporting bears digging through garbage in the Langford area alone. He noted this was a significant increase compared to just 4 years ago.

The regional district's board has indicated it intends to discuss the topic further at following meetings.

**SOURCES:**

- "Notice of Meeting and Meeting Agenda" by Capital Regional District. Published on May 8, 2024 on Capital Regional District Website. https://www.crd.bc.ca/docs/default-source/crd-document-library/committeedocuments/capitalregionaldistrictboard/20240508/2024-05-08agendapkgbrpart1.pdf?sfvrsn=2119b3ce_4
- "Bears breach insecure garbages daily as Greater Victoria deterrence effort eyed" by Jake Romphf. Published on May 14, 2024 on Saanich News. <https://www.saanichnews.com/local-news/bears-breach-insecure-garbages-daily-as-greater-victoria-deterrence-effort-eyed-7358415>
- "Bear aware: Securing your trash could become a municipal bylaw across the CRD" by Brendan Strain. Published on May 10, 2024 on CTV News. <https://bc.ctvnews.ca/bear-aware-securing-your-trash-could-become-a-municipal-bylaw-across-the-crd-1.6882786>

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Human Rights Tribunal and Ombudsperson Complaints Re: Vernon Bylaw

A resident of Vernon, Joe Langlois, has submitted complaints to the province's Human Rights Tribunal and Ombudsperson over the city's cemetery bylaw.

Langlois is upset that the bylaw, which began being enforced in 2023, places what he sees as unjustified restrictions on what items can be left at gravesites. Under the bylaw, a number of items which were previously permitted are no longer allowed, and are now subject to being removed by city employees if found in a cemetery.

Pursuant to the bylaw, only fresh-cut flowers are permitted to be placed on graves from March 15th to October 15th of each year, and only in approved containers. For

the rest of the year, potted plants, wreaths and flowers (both artificial and natural) are allowed under the bylaw. All other items are prohibited, and the city has stated that if city staff find such items at gravesites they will be "respectfully" removed; and the owners will then have an opportunity to reclaim them.

Langlois expressed how he finds the new rules to be overly restrictive. When interviewed about the bylaw by a reporter from Global News, Langlois stated, "There's a small group of us that totally disagree with Section 5.5 and 5.6, which restricts religious articles like rosaries, pictures, and religious practices."

For their part, the city has asserted the restrictions are common to many cities and are needed for



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safety. They point out that when staff are tending to gravesites with weed trimming equipment that trinkets and artificial flowers can be caught up and flung outwards by the machinery.

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In an attempt to have the City undo the bylaw changes, Langlois has taken a number of steps. In March 2023, Langlois started a petition on the website change.org calling on the city to reverse course. When the petition was presented to Vernon city council in July 2023 it had approximately 2500 signatures.

After the petition failed to get the city to abandon the bylaw changes, Langlois then filed a complaint with the BC Human Rights Tribunal in spring 2024. His complaint alleges the bylaw constitutes religious discrimination, as it limits religious items that can be left at graves.

The human rights case is currently under review by the tribunal and

there is no word on when it may proceed. The Human Rights Tribunal currently has a backlog of cases and it has been estimated it may take months before the tribunal decides whether to allow the complaint to proceed to a hearing or whether to dismiss it.

Most recently, in May 2024, Langlois informed the media he has filed a complaint with the BC Ombudsperson about the cemetery bylaw. According to Langlois, the Ombudsperson's office has advised it intends to investigate the matter. Langlois told a Castanet reporter that the investigation of the city was related to "the lack of transparency, the way they instituted the bylaw, the lack of public input."

City spokesperson Carolyn Baldridge confirmed to Castanet that the Ombudsperson has been in contact with the city, but refused to comment further, stating that it would be inappropriate because the investigation was in the early stages.

SOURCES:

- "City of Vernon investigated over cemetery bylaw" by Chelsey Mutter. Published on May 17, 2024 on Castanet. <https://www.castanetkamloops.net/news/Vernon/487881/City-of-Vernon-investigated-over-cemetery-bylaw#487881>
- "Fight to allow a broader range of tributes at Vernon cemetery continues as resident files Human Rights Complaint" by Chelsey Mutter. Published on March 21, 2024 on Castanet. <https://www.castanetkamloops.net/news/Vernon/477888/Fight-to-allow-a-broader-range-of-tributes-at-Vernon-cemetery-continues-as-resident-files-Human-Rights-Complaint>
- "Vernon, B.C. resident files human rights complaint over city cemetery bylaw" by Jayden Wasney. Published on March 27, 2024 on Global News. <https://globalnews.ca/news/10388696/human-rights-complaint-cemetery-bylaw/>
- "Vernon council closes book on artificial flower debate at cemetery" by Roger Knox. Published on September 26, 2023 on Kelowna Capital News. <https://www.kelownacapnews.com/local-news/vernon-council-closes-book-on-artificial-flower-debate-at-cemetery-4548806>
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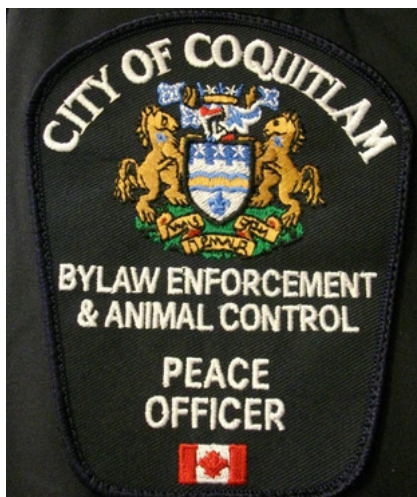
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Description: Coquitlam Bylaw Officer Shoulder Patch in 2009.

Credit: Unknown Author, Public Domain, via Wikipedia

Analysis: The New Quasi-Police?

By Michael Tillmann

In recent years, there has been a noticeable shift in how many communities in British Columbia handle bylaw enforcement.

More and more local governments are assigning new tasks to their bylaw enforcement officers which, in the past, would have been dealt with by police. Their bylaw officers are even being issued uniforms and equipment that are similar to what police officers have.

In January 2024, the City Council of Dawson Creek voted to approve issuing their bylaw officers with batons and pepper spray. In 2023, the City of Prince George began issuing handcuffs, batons and pepper spray to their bylaw enforcement personnel as well.

And these sorts of changes are not uncommon. A report prepared for the Prince George City Council in 2023 showed at least 13 other communities gave their bylaw officers similar equipment.

It appears that, for many communities, bylaw officers are becoming a sort of “quasi-police.” They are forming a tier of policing below the traditional police,

handling low level crime and disorder issues that the police no longer have the time or resources to deal with.

Indeed, in a City Council meeting in Kamloops discussing how the city’s bylaw enforcement officer positions had recently converted into the newly named community services officers positions, Councillor Katie Neustaeter commented that the new officers could serve as a sort of “junior police” and help deal with disorder in public places.

This was a big change in tone from the leadership of the city compared to just a few years ago. As recently as 2017, the city’s Director of Corporate Services and Community Safety, David Duckworth, had stated that bylaw officers for the city were not “quasi-RCMP” and urged caution in response to proposals from some members of the bylaw enforcement department who were asking for batons and pepper spray.

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At the time in 2017, a report presented to Kamloops municipal council had recommended against granting the requests for the issuance of such equipment; and ultimately council didn't authorize the items.

Now, it seems most of the leadership at Kamloops city hall is on board with the idea of their bylaw officers (or community services officers as they have been rebranded) taking on more police-like roles. Although, interestingly, the current Director of Protective Services, Ken Uzeloc, states there is still no plan to issue the community service officers with weapons or handcuffs.

Not everyone is supportive of the changes to bylaw enforcement in Kamloops though. Some persons are distrustful of granting new powers to bylaw officers.

For one thing, there have been questions raised about how the

officers will interact with certain populations within the community which have historically had a higher level of mistrust for law enforcement, such as Indigenous persons.

Speaking on this point at a May 2024 council meeting, Councilor Nancy Beppe urged caution on how the new officers will be deployed, stating, "There's a saying, 'nothing for us without us.' And a really good example in our community would be Indigenous people, and having them at the table to decide how we might use CSOs as peace officers." Beppe also remarked that, although there is an independent agency tasked with investigating complaints of misconduct against police in British Columbia (the Independent Investigations Office), this agency will not have authority to oversee the conduct of the new community services officers.

Others have a different fear, that being that, even with additional

training, bylaw enforcement personnel will not be adequately prepared to deal with criminal matters and it is best to leave them to police. For example, commentator Doug Collins wrote an opinion piece for CFJC TV in 2023 which sums up this view.

The Mayor of Kamloops, Reid Hamer-Jackson, also has been critical of the transition to community services officers. He has pointed to the fact it was done against the wishes of the city's union, and resulted in years of arbitration when the union grieved the changes. The union felt the reorganization was unnecessary and unfair to the bylaw officers, forcing them to pass new training courses, meet new fitness standards and undergo a police security clearance process; all things that they didn't need to do previously.

When the changes to the Kamloops' bylaw services department were first implemented in 2020, there

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were 18 full-time and 5 part-time officers. The next year, only 5 of those 23 officers remained in their jobs. The rest all retired, quit or moved into different positions at the city.

The City of Kamloops then spent years wrangling over the changes in an arbitration process. In February of 2024, after losing its appeal of an arbitrator's ruling finding the City in violation of some parts of its contract with the union, the City resumed negotiations to try to resolve the outstanding issues with the union. This eventually led to a deal in April 2024 where the City agreed to pay to the bylaw officers who were affected by the changeover to the new model; with each affected employee receiving somewhere between \$50,000 and \$100,000.

Still, despite these challenges, the majority of the City's leadership, both on council and administration, seem committed to pursuing this

new quasi-police role for the city's bylaw enforcement personnel.

And other communities seem to be heading in this direction as well. With concerns about crime and public disorder common in many communities, and also concerns about the costs associated with hiring more police officers, having a new lower-cost tier of quasi-police will likely continue to be an attractive solution for many local governments.



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SOURCES:

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A series of blogs and vlogs exploring and discussing interesting cases from the Canadian legal system.

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SOME RECENT RELEASES FROM “AN INTERESTING CASE”

THE CASE OF TREE TOPPING TROUBLE

A property owner sues their neighbour for trespass for entering property without permission and cutting tops off trees which were blocking the neighbour's view of the ocean. The neighbour countersues for nuisance and invasion of privacy.

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THE CASE OF THE DOG AND THE DIVORCEES

After a married couple separates, one spouse sues the other in small claims court for the return of a dog.

[\[VLOG VERSION - 11 MINUTE WATCH\]](#) [\[BLOG VERSION - 6 MINUTE READ\]](#)

THE CASE OF THE PROBLEMATIC POODLE - PART 3

Charlie and the Sisetts find themselves in trouble with the Regional District of Central Okanagan again after Charlie attacks and injures the dog of a woman who was temporarily renting the neighbouring property for her vacation.

[\[VLOG VERSION - 17 MINUTE WATCH\]](#) [\[BLOG VERSION - 9 MINUTE READ\]](#)

THE CASE OF THE PROBLEMATIC POODLE - PART 2

Mr. Sisett goes to the Supreme Court of British Columbia to appeal the verdict of the Provincial Court which found him guilty of a bylaw offence for the dog attack involving Charlie the Poodle.

[\[VLOG VERSION - 8 MINUTE WATCH\]](#) [\[BLOG VERSION - 5 MINUTE READ\]](#)

THE CASE OF THE PROBLEMATIC POODLE - PART 1

Mr. Ian Sisett, owner of a standard Poodle named Charlie, is charged with a bylaw offence by the Regional District of Central Okanagan for an incident where the dog is off leash on a college campus and attacks and injures another dog that is passing by.

[\[VLOG VERSION - 14 MINUTE WATCH\]](#) [\[BLOG VERSION - 9 MINUTE READ\]](#)