



BOARD Policy

Section:	Planning and Development	BRD-0340-50
Title:	Screening Officer Bylaw Notice	023

1. PURPOSE

To identify grounds for cancelling a Bylaw Notice.

2. SCOPE

This policy applies to the review of Bylaw Notices by a designated Screening Officer.

3. DEFINITIONS

4. POLICY

- 4.1** The Sunshine Coast Regional District (SCRD) authorizes the Screening Officer to cancel a Bylaw Notice where they are satisfied that one or more of the following reasons exist, and a compliance agreement is not appropriate or available:
- Identity cannot be proven, for example:
 - The Bylaw Notice was issued to the wrong person; or
 - The boat involved in the contravention had been stolen.
 - An exception as specified in the Bylaw being enforced or a related enactment is proven.
 - There is an unlikelihood of success for the SCRD at adjudication, for example:
 - The evidence is inadequate to show a contravention.
 - The Bylaw Officer relied on incorrect information when issuing the Bylaw Notice.
 - The Bylaw Notice was not completed properly.
 - The Bylaw provision is unenforceable or poorly worded.
 - The contravention was necessary for the preservation of health and/or safety, for example:
 - The contravention was the result of a medical emergency.
 - The Bylaw Notice is one of several Bylaw Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Bylaw Notice(s).
 - It is not in the public interest to proceed to adjudication for one of the following reasons:
 - The person who received the Bylaw Notice was permitted or entitled to take the action, but the Bylaw Officer was not aware of this entitlement or permit.
 - The person receiving the Bylaw Notice was undergoing a personal tragedy or crisis at the time of the contravention such that it is not in the public interest to proceed.
 - The Bylaw has changed since the Bylaw Notice was issued, and now authorizes the contravention.
 - The person exercised due diligence in their efforts to comply with the Bylaw, for example:
 - As a result of mechanical problems, the person could not comply with the Bylaw; or
 - The sign indicating the Bylaw requirement was not visible.

5. EXCEPTIONS

6. AUTHORITY TO ACT

Delegated to staff.



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7. REFERENCES (Bylaws, Procedures, Guiding documents)

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