

NO: R167

COUNCIL DATE: **SEPTEMBER 9, 2013**

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **September 3, 2013**

FROM: **City Solicitor** FILE: **3900-20-12508**  
**General Manager, Planning & Development**

SUBJECT: **Amendment to "Surrey Municipal Ticket Information Utilization By-law, 1992, No. 12508"**

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## RECOMMENDATION

The Legal Services Division and the Planning & Development Department recommend that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "A" of this report, which allow for the use of MTI tickets in the enforcement of Section 6 of the Surrey Tree Protection By-law No. 16100; and
3. Authorize the City Clerk to bring forward the related amendment By-law for the required readings.

## INTENT

The purpose of this report is to seek approval of amendments to the MTI By-law, which will allow for enforcement through MTI ticketing of the provisions of Section 6 of Surrey Tree Protection Bylaw, 2006, No. 16100 (the "Tree Protection Bylaw").

## BACKGROUND

Section 264 of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*"), gives the City the ability to enforce its regulatory by-laws by way of an information (a ticket) called a Municipal Ticket Information (an "MTI ticket"). Pursuant to this authority, the City has enacted the MTI By-law, which designates which of the City's regulatory by-laws, may be enforced by way of MTI tickets, specifies the persons who have the power to write the MTI tickets and sets a specified fine amount for each violation type.

When an MTI ticket is written, it is personally served on the individual who then has the option of paying the MTI or disputing the MTI. If the MTI is paid, it is considered a deemed conviction. If the MTI is disputed, a Court date is set and a trial is conducted by the Assistant City Solicitor acting as the prosecutor. If the defendant does not respond to

the MTI after a specified period of time, the defendant is deemed to have pleaded guilty and the fine amount is immediately payable to the City.

## DISCUSSION

Section 6 of the Tree Protection Bylaw provides the following:

6. *No person shall cut, remove or damage any protected tree or cause, suffer or permit any such tree to be cut, removed or damaged, except where permitted by and in accordance with the terms of this Bylaw.*

Currently, offences related to Section 6 must be enforced by means of long form charges through the Court, which is a fairly time-consuming and costly process. The amendments to the MTI By-law, if adopted, will provide staff with an additional tool and greater latitude in relation to enforcement actions associated with the Tree Protection By-law. The option of proceeding with long form charges through the Court will also remain an option where circumstances warrant such an approach.

## SUSTAINABILITY CONSIDERATIONS

The recommendation of this report if adopted will assist in achieving the objectives of the City's Sustainability Charter by using the City's resources more efficiently.

## CONCLUSION

Based on the above discussion, the Legal Services Division and the Planning and Development Department recommend that Council:

- Approve amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "A" of this report, which allow for the use of MTI tickets in the enforcement of Section 6 of the Surrey Tree Protection By-law No. 16100; and
- Authorize the City Clerk to bring forward the related amendment By-law for the required readings.

CRAIG MACFARLANE  
City Solicitor

JEAN LAMONTAGNE  
General Manager, Planning & Development

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Appendix "A": Proposed Amendments to the Surrey Municipal Ticket Information Utilization By-law No. 12508

**APPENDIX "A"**

**CITY OF SURREY**

BY-LAW NO. \_\_\_\_\_

A by-law to amend the provisions of "Surrey Municipal Ticket Information Utilization By-law", 1994, No. 12508, as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508" as amended is hereby further amended as follows:
  - a) By renumbering existing Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Schedule 26 to 2, 3, 4, 5, 6, 7, 8, 9, and 10 respectively; and
  - b) By adding a new Section 1 immediately before Section 2 as follows:

"1. Cut/remove/damage tree                          6                          \$500"
2. This By-law shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment By-law, 2013, No. \_\_\_\_\_."

PASSED FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED THIRD READING on the \_\_\_\_ day of \_\_\_\_\_, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK