

NO: R182

COUNCIL DATE: September 14, 2015

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **August 24, 2015**

FROM: **City Solicitor** FILE: **3900-20-12508/#3**
General Manager, Planning & Development

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

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 "I" of this report, which allow for the use of MTI tickets in the enforcement of Surrey Building Bylaw, 2012, No. 17850; 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 particular provisions of Surrey Building Bylaw, 2012, No. 17850 (the "Building 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

Surrey Building By-law, 1987, No. 9011 was repealed in 2013 and was replaced by the current Building Bylaw. Amendments were not made to the MTI By-law to enable MTI tickets to be issued.

Currently, offences related to the Building Bylaw must be enforced by means of long form charges or by civil injunction through the Court, which are both fairly time-consuming and costly processes. 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 Building Bylaw. The option of proceeding with long form charges and civil injunction through the Court will also remain options where circumstances warrant such approaches.

SUSTAINABILITY CONSIDERATIONS

The recommendations 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 "I" of this report, which allow for the use of MTI tickets in the enforcement of Surrey Building Bylaw, 2012, No. 17850; 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 "I": Proposed Amendments to the Surrey Municipal Ticket Information Utilization By-law No. 12508

APPENDIX "I"

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 deleting the phrase "Surrey Building By-law, 1987, No. 9011" in Section 4 of Schedule 1 and replacing it with the phrase "Surrey Building Bylaw, 2012, No. 17850";
 - b) By deleting the phrase "SURREY BUILDING BY-LAW, 1987, NO. 9011" in Schedule 5 and replacing it with the phrase "SURREY BUILDING BYLAW, 2012, NO. 17850";
 - c) By deleting Sections 1 to 4 in Schedule 5, inclusive of all wording below the columns entitled "SECTION" and "FINE" and replacing them with the following:

1. No building permit	8	\$500.00
2. Occupy without permit	9	\$500.00
3. Prevent inspection	13	\$500.00
4. Work after stop work notice	98	\$500.00"

- 2. This By-law shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment By-law, 2015, No. _____."

PASSED FIRST READING on the ____ day of _____, 2015.

PASSED SECOND READING on the ____ day of _____, 2015.

PASSED THIRD READING on the ____ day of _____, 2015.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2015.

_____MAYOR

_____CLERK