

Village of Queen Charlotte

COUNCIL POLICY

Name of Policy: Enforcement of Good Neighbour Bylaws

Reference No: 19.0

Date Adopted: January 17, 2011 R2011/02/13

Purpose:

Disputes between neighbours are some of the most difficult kinds of issues that a municipality is asked to resolve. These complaints often concern issues of noise, odour, unsightly premises, noxious weeds, and other matters referenced in section 64 of the Community Charter. The Community Charter provides that a municipality may deal with these matters by adopting bylaws which establish penalties for specific kinds of violations. Alternatively, in the absence of a bylaw, the municipality has no specific jurisdiction to act and complainants have recourse to the courts directly or, if it is a criminal matter, to the police.

Council encourages neighbours to resolve their complaints without recourse to bylaw or other enforcement action and has considered alternate means of resolution that may be available in the community.

The purposes of this Policy are:

- a. to encourage the resolution of disputes between neighbours by suggesting alternative, voluntary, processes for resolving complaints received pursuant to Section 64 of the Community Charter, and;
- b. to provide direction and guidance to employees of the Village of Queen Charlotte and to the Queen Charlotte RCMP Detachment for responding to or investigating complaints from the general public in respect to bylaws adopted pursuant to Section 64 of the Community Charter.

Copy of Section 64 of the Community Charter is attached for reference.

Policy:

It is that Policy of the Village of Queen Charlotte Council that:

1. **Where Council has adopted a bylaw under Section 64 of the Community Charter, neighbours will be encouraged to resolve their complaint by talking with their neighbour, or owner of the property giving rise to the complaint, or by participating in a voluntary mediation process, or other process, before enforcement action is taken.**

2. **A bylaw adopted under section 64 of the Community Charter will only be enforced on receipt of a complaint from a resident of Queen Charlotte or by resolution of Council..**
3. **Enforcement action will not be taken in respect to anonymous complaints about matters included in Section 64 of the Community Charter that are received by the municipality.**
4. **Enforcement action will not be taken in cases where complainants are not prepared to document their complaint and, if necessary give evidence in court.**
5. **This policy is not intended to fetter the discretion of the RCMP to take enforcement action in circumstances where such action is deemed appropriate.**

Procedure:

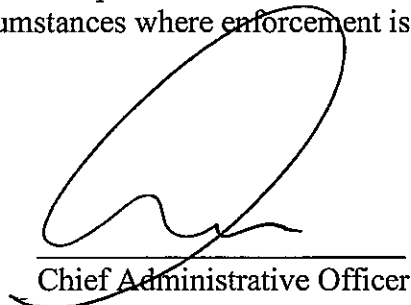
It is proposed that a voluntary community mediation program be established that would serve the needs of residents of our local communities. This program would be modeled on similar not for profit programs elsewhere and would be partially funded by local government and available grants. Success of this program will depend on the ability to find a qualified person to coordinate it and a pool of trained volunteers willing to support the program.

Mediation will be recommended, as an option to enforcement, after the parties have tried to resolve their dispute by talking together and by other means. In bylaw cases where mediation is tried and fails, or where mediation is declined, enforcement will be considered.

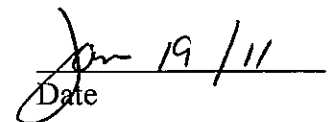
In the absence of a mediation program, complainants will be encouraged to resolve their disputes by talking to each other or with the assistance of a bylaw officer appointed by Council.

Where enforcement action is considered necessary, the complainant will be informed of their responsibility to have documented the specific details of their complaint including the dates and times that the actions giving rise to the complaint occurred, and to be prepared to appear in court to testify about the complaint if the need arises. If a complainant indicates that they are not prepared to provide evidence in court, then no further action will be taken.

In all cases, it is expected that enforcement will be looked upon as a last resort. However, there may be circumstances where enforcement is warranted immediately.



Chief Administrative Officer



Date

Community Charter: Nuisances, disturbances and other objectionable situations

64 The authority of a council under section 8 (3) (h) [*spheres of authority – nuisances disturbances and other objectionable situations*] may be exercised in relation to the following:

- (a) nuisances;
- (b) noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (c) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;
- (d) refuse, garbage or other material that is noxious, offensive or unwholesome;
- (e) the use of waste disposal and recycling services;
- (f) the accumulation of water on property;
- (g) unsanitary conditions on property;
- (h) drains, cesspools, septic tanks and outhouses;
- (i) trees, weeds or other growths that council considers should be removed, cut down or trimmed;
- (j) the carrying on of a noxious or offensive business activity;
- (k) graffiti and unsightly conditions on property;
- (l) indecency and profane, blasphemous or grossly insulting language.