

DATE OF MEETING DECEMBER 14, 2020

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT BYLAW NOTICE ENFORCEMENT HOUSKEEPING AMENDMENT
BYLAW**

OVERVIEW

Purpose of Report

To introduce a housekeeping amendment to “Bylaw Notice Enforcement Bylaw 2020 No. 7159” to correct a section reference within Schedule A to the bylaw.

Recommendation

1. That “BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW 2020 NO. 7159.09” (housekeeping amendment to correct reference to section 6.9 within the Building Bylaw section of Schedule “A”) pass first reading;
2. That “BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW 2020 NO. 7159.09” pass second reading;
3. That “BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW 2020 NO. 7159.09” pass third reading.

BACKGROUND

On December 10, 2020, a Bylaw Enforcement Officer went to issue a Bylaw Offence Notice ticket under the authority of the Bylaw Offence Notice Enforcement Bylaw for on-going construction on a property without a permit after a stop work order was posted. The applicable section of the Building Bylaw is Section 6.9 which reads as follows:

“6.9 No person shall continue to construct a building or any portion of it after the Building Official as ordered cessation of construction of it or has ordered the suspension of any portion of the construction of it.”

Unfortunately, the Officer noted a disparity between the section identified in the Building Bylaw No. 7224 (as noted in 6.9 above) vs. the penalty section in Schedule A of the Bylaw Notice Enforcement Bylaw No. 7159 which referenced that section as 6.8.

As the sections for both the regulatory bylaw (in this case the Bylaw Building) and the ticketing bylaw (the Bylaw Offence Notice Enforcement Bylaw) must match, tickets cannot be issued until this numbering error is rectified.

DISCUSSION

When “Building Bylaw 2016 No. 7224” was first adopted, the section was correctly identified as 6.8 and noted as such in the “Bylaw Notice Enforcement Bylaw 2020 No. 7159”. Since that time, a subsequent amendment to the Building Bylaw resulted in section 6.8 being renumbered to 6.9 but that amendment was not carried forward to the Bylaw Notice Enforcement Bylaw. The attached housekeeping bylaw will remedy that omission.

OPTIONS

Option 1:

1. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.09” (housekeeping amendment to correct reference to section 6.9 within the Building Bylaw section of Schedule “A”) pass first reading;
2. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.09” pass second reading;
3. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.09” pass third reading.

As this is housekeeping amendment that is required, no other options are being put forward by staff.

SUMMARY POINTS

- The proposed amendment is a housekeeping amendment to correct reference to section 6.9 of the Building Bylaw within Schedule “A” of the Bylaw Offence Notice Bylaw.

ATTACHMENTS:

Attachment 1 – Bylaw Notice Enforcement Bylaw 2020 No. 7159.09

Attachment 2 – Schedule A_Building Bylaw Section_Bylaw Notice Enforcement Bylaw

Submitted by:

Karen Robertson
Deputy City Clerk

Concurrence by:

Sheila Gurrie
Director of Legislative Services