

File No.: 04-1000-20-2020-122

March 17, 2020

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of February 14, 2020 for:

1. **Records of fines issued to Vancouver residents for violation of Section 84 under the Street & Traffic By-law 2849**
2. **Records, reports, and other documents sufficient to describe validation, accuracy, reliability, and policy compliance of the system while penalizing the person.**

Date range: January 01, 2018 to January 01, 2020.

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00.

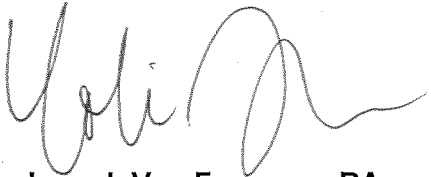
Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2020-122); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,

Cobi Falconer, Acting Director, ATIP, for

A handwritten signature in dark ink, appearing to read 'Cobi', followed by a large, stylized loop and a trailing flourish.

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:kt



MUNICIPAL TICKET INFORMATION

s.22(1)

ISSUED TO:

SURNAME OR CORPORATE NAME s.22(1)		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONT'D) s.22(1)		GENDER s.22(1)	BIRTHDATE s.22(1)
ADDRESS s.22(1)			
CITY VANCOUVER		PROVINCE B.C.	POSTAL CODE s.22(1)

The bylaw enforcement officer says that he or she has reasonable and probable grounds to believe, and does believe, that the above named

on or about

DATE OF OFFENCE		
YY	MM	DD
18	08	31

 at the time of

24 HR CLOCK	
HH	MM
18	30

at or near 375 PRINCESS AVE, City of Vancouver
STREET ADDRESS

Province of British Columbia

Did commit the offence indicated, under the following by-law:

BYLAW NAME AND NUMBER SOLID WASTE Bylaw 8417				
DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT	FINE AMOUNT IF PAID WITHIN 30 DAYS
DEPOSIT REFUSE ON STREET		84(1)	\$ 100.00	\$

If you wish to dispute the allegation contained in this ticket, you may appear at the following location to give notice of dispute:

Vancouver City Hall
Revenue Services – Main Floor
453 West 12th Ave (12th & Cambie)

VANMTI

or deliver, have delivered, or mail a **Notice of Dispute** to the address as described on the reverse. The fine amount may be paid in accordance with the prescribed instructions (see reverse).

For Court Use If Ticket Disputed		DATE	
		YY	MM DD
AT HEARING <input type="checkbox"/> CONVICTED <input type="checkbox"/> DISMISSED			

SIGNATURE OF JUSTICE

BYLAW ENFORCEMENT OFFICER NAME OR NUMBER

Donna Taylor

DATE OF SERVICE
YY MM DD
18 09 17

BYLAW ENFORCEMENT OFFICER SIGNATURE

[Signature]

AREAS OF THIS TICKET OUTLINED IN BOLD BLACK ARE NOT PART OF THE OFFENCE CHARGED

If the fine is not paid or the allegation contained in this ticket is not disputed (see reverse) within 14 days from the date of service of this ticket, you will be deemed to have pleaded guilty to the offence charged and the fine amount will be immediately payable.

CERTIFICATE OF SERVICE

I, DONNA TAYLOR
NAME

STREET USE INSPECTOR
OCCUPATION

certify that on the date

YY	DATE	DD
	MM	
18	09	17

I served

s.22(1)

with a copy of the Municipal Ticket Information on the reverse side of this ticket, in the manner indicated below:

- ☒ by delivering it to the person personally;
- ☐ by leaving it for the person at the person's last or usual residence with an occupant of it who appeared to be at least 16 years of age, because the person could not be conveniently found;
- ☐ the defendant being a corporation, by delivering it to a director, or to a manager, secretary or other executive officer of the corporation or of a branch of it or on the attorney of an extraprovincial company, namely:

Dated:

YY	DATE	DD
	MM	
18	09	17

Donna Taylor
BYLAW ENFORCEMENT OFFICER SIGNATURE

Tempest

- Tempest Development Group
- Cash Collections
- Land
- Local Improvements
- Pre-Authorized Withdrawals
- Property Taxation
- Ticketing
- Utility Billing

Ticketing/Ticket/s.22(1) New



Record #1

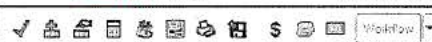
Ticket Number s.22(1)

Licence Plate

Prov./State

TICKET

- Archive
- Attachments (1)
- Comments
- Linked Accounts
- Transactions (2)
- Vehicle Comments
- Vehicle Registry
- Viewer
- Workflow
- Map



☐ Not Issued

Str/Hse/Unit

Free Form Location 375 PRINCESS AVE

Meter/Location

Name s.22(1)

Address s.22(1)

VANCOUVER BC s.22(1)

Officer E4365 STREET USE INSPECTOR

Offence Date Aug 31, 2018 06:30 PM Driver's Lic.

Respond By Sep 14, 2018 11:59 PM DL Prov/State

DL Produced

Vehicle

Licence Prov./State

Colour

Make

Model

Ins. Exp.

V.I.N.

Vehicle Id

Reg. Year

Reference

Birth Date s.22(1) M/F s.22(1) Young Offender

Court File

Police File

Row	Bylaw	Bylaw Description	Section	Section Description	Notes	Fine	Pay / Adj	Owing
1	2849	STREET AND TRAFFIC	34(1)	DEPOSIT REFUSE ON STREET		100.00	-100.00	0.00

Created On

Created By

Last Modified On

Last Modified By

Sep 20, 2018 01:24:59 PM

TVSAS

Record retrieved.

NUM

8:23 AM

3/6/2020

Protocol Title: ILLEGAL DUMPING PROTOCOL

Date Produced: 8 April 2015
Last Update: 24 Nov 2016

Implemented By: Solid Waste Management Branch (SWMB) - Clean Street Program Coordinator (CSPC), Clean Street Program Assistant (CSPA), Street Use Inspectors (SUI)

Reference: Street and Traffic By-Law #2849 (Section #84(1) - Depositing refuse on street or #84(2) Vehicle used to deposit refuse on street)
Ticket Offence By-Law #9360

- (1) No person shall deposit upon any street or other public place, any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things.
- (2) An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to be used to deposit upon any street any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things."

The Ticket Offence By-Law 9360 provides the City the authority to issue a MTI ticket.

Note: As part of the Employee Orientation Package for the Solid Waste Management Branch, a Safe Operating Procedure was developed for investigating illegally dumped garbage (located on H:Drive - H:\SOLIDWASTE\Safe Operating Procedures). SUI's are expected to follow these guidelines to ensure safety in the field.

Overview:

Prior to conducting any investigation some preliminary questions need to be addressed:

- Is the dumping occurring on City property vs private property?
- Was the incident physically witnessed vs simply assumed?
- Is there a vehicle involved? Was a vehicle license plate provided?
- Has evidence been collected &/or provided from the public?
- Is there a history for this location &/or caller?

Based upon the answers to the above questions, it can be determined what type of illegal dumping may apply:

- **Unwitnessed Dumping with Evidence** - Dumping reported by the public or by discovered by SUI - No witnesses but evidence is retrieved.
- **Witnessed Illegal Dumping** - someone witnessed &/or documented the incident.
- **Witnessed Vehicle Illegal Dumping** - someone witnessed an individual(s) dump items from an identified motor vehicle - licence plate provided.

CONDUCTING AN INVESTIGATION:

1. SEARCH FOR EVIDENCE - Gathering evidence must be done effectively for a favourable outcome which can include:

- Ordering an individual/business to clean up the mess and to cease dumping
- Billing an individual/company for garbage picked up by City crews.
- Issuing an MTI ticket
- Submitting evidence to City prosecutor for consideration to lay charges.

Start by searching for evidence of ownership of the waste, such as packaging labels, invoices or mail with addresses, names and phone numbers. It is important to observe safety procedures whilst undertaking task.

Identify and Talk to Witnesses

Identify and talk to potential witnesses, such as occupiers of neighbouring premises. Find out what they may have observed in relation to the illegal dumping, for example did they notice when the waste was dumped, did they see the person dumping the waste or their vehicle, are there any possible related neighbourhood activities, such as building work (construction/renovation) or people moving.

Record Evidence

- Photos: capturing extent of dumping, close ups of identifiable garbage. Photos must be downloaded/saved with accurate label (See SOP - Record Management for Clean Streets Team using VanDocs).
- Look up Registered Ownership ICBC certificates when given vehicle plates.
- Collecting identifiable garbage: look for individual/business names, addresses, phone numbers, and garbage unique to individual/business. Store and label in evidence bags. Be sure to indicate, location, date, time and initial the evidence bag.
- Collect witness statements: from complainant, neighbours. The more detailed the statements, the more weight they will have in any possible court situation.

- Investigate past complaints and enforcement history of the location by using database.

Note: For court purposes the fewer people that handle evidence the better - everyone who handles evidence in a case will be called as a witness by the City Prosecutor if the matter goes to trial.

2. COMMUNICATION TO INDIVIDUAL/BUSINESS RESPONSIBLE FOR DUMPING - when the evidence is conclusive in identifying the "dumper".

- Contact individual/company in person, by phone, e-mail, letter with a choice to either:
 - to clean up material by a set deadline or
 - be charged with cost of cleanup and possible littering charges. Issue a notice of violation.
- If city crews have already cleaned up material, contact by phone with notification they will be billed. Use contact as an opportunity for the person to take responsibility for the mess and to provide any information required to bill them. Issue Notice of Violation.

3. IF THE MATERIAL IS NOT CLEANED UP BY THE "DUMPER" by deadline, complete the following steps:

- a) Issue an MTI ticket for Failure to Comply to the identified "dumper".
- b) Provide information to CSPA or CSPC to create a Service Request in Hansen for Sanitation Services to clean up material, including information regarding billing (name of individual/organization &/or business and address). Ensure cleanup crew takes a photo before and after the cleanup.
- c) If the cleanup is substantial and the evidence compelling discuss with CSPC to forward material to City Prosecutor to consider laying charges.

4. INFORMING AND EDUCATING THE NEIGHBOURHOOD (Additional tools)

- Contact the Community Policing Centre (Block Watch) and provide them with a Hot Spot list of dumping sites.
- Distribute Illegal Dumping Notice/Letter to the residents around any identified dumping hot spots.
- Contact the local CPC Constable and ask for their assistance with speaking to an identified "dumper". This pertains to dumping cases involving identified vehicles, provide the Officer with a detailed file including SR details, Inspector notes, Vehicle Abstract (Vancouver residents only) and copies of any & all evidence gathered.
- Install an Under Investigation &/or No Household Waste signage (see applicable SOP).

- Contact the caller and offer City No Dumping Signage (see SOP - No Dumping Sign).

For a successful prosecution, the following elements must be proven:

1. Time and date the offence occurred or was observed
2. Place and jurisdiction of the offence
3. Identification of the offender:
 - a. As the person who personally did the dumping, or
 - b. As the person who directed the dumping
4. One or more of the listed items were deposited
5. The listed items/materials were deposited/discarded upon a street

Or, for a charge under

(2) An owner, registered owner, lessee or operator of a vehicle must not cause, permit, suffer or allow that vehicle to be used in the depositing of any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things upon a street.

The elements which must be proven are:

1. time and date the offence occurred
2. place and jurisdiction of the offence
3. identification of the offender:
 - a. as the owner or lessee of the vehicle used in the depositing
 - b. (Owner's Certificate from ICBC to prove that the accused was the owner or lessee)
 - c. as the person operating the vehicle used in the depositing
4. one or more of the listed items were deposited
5. the listed items were deposited upon a street or other public place

In overview, **all elements must be proven beyond a reasonable doubt**, therefore, each Inspector:

- Must gather admissible evidence to prove each element.
- Must make notes at the time or shortly afterward while it is fresh in your mind.
- Must take photographs of your observations.

Each Inspector will rely on their notes, report and photographs to show that there is a substantial likelihood of conviction justifying the laying of charges. These things will also allow one to refresh their memory prior to trial and to give confident, detailed evidence to prove the Crown's case beyond a reasonable doubt.

Protocol Title:

WITNESSED ILLEGAL DUMPING

Date Produced: 8 April 2015
Last Update: 23 November 2016

Implemented By: Solid Waste Management Branch (SWMB) - Clean Street Program Coordinator (CSPC), Clean Street Program Assistant (CSPA), Street Use Inspectors (SUI)

Reference: Street and Traffic By-Law #2849 (Section #84 - Depositing Rubbish or Refuse)
Ticket Offence By-Law #9360

- (1) No person shall deposit upon any street or other public place, any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things.
- (2) An owner, registered owner, lessee or operator of a vehicle must not cause, allow or permit that vehicle to be used to deposit upon any street any rubbish, sweepings, leaves, construction or demolition debris, paper, handbills, refuse or other discarded materials or things."

The Ticket Offence By-Law 9360 provides the City the authority to issue a MTI ticket.

Note: As part of the Employee Orientation Package for the Solid Waste Management Branch, a Safe Operating Procedure was developed for investigating illegally dumped garbage (located on H:Drive - H:\SOLIDWASTE\Safe Operating Procedures). SUI's are expected to follow these guidelines to ensure safety in the field.

Preamble: Someone witnessed &/or documented the incident.

Procedure:

1. Contact complainant/witness to verify any issues/questions/background.
2. Have complainant complete Witness Statement Report.
 - Canvass area for additional witnesses, ie) neighbours or businesses if applicable
3. Search and thoroughly document any evidence found/collected.
 - Bag and tag evidence (date/time/location and signature)
4. If offender is identified, issue Illegal Dumping Letter with request of voluntary cleanup.
 - Save letter and evidence documentation in VANDOCs.

5. Re-inspect after 48 hours and document finding/results.
6. If area is not clean of dumped items, a 2nd letter with an Order to remove is sent to offender.
7. Re-inspect after 48 hours and document finding/results.
8. If not cleaned, request Sanitation crews - potential cleanup billing to offender if evidence is conclusive or issue MTI Ticket.