

File No.: 04-1000-20-2025-840

December 17, 2025

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 November 4, 2025 under the *Freedom of Information and Protection of Privacy Act* for:

Record of the most up to date manuals, instructions, guidelines, substantive rule and policies related to enforcement of the Standards of Maintenance By-law and the Fire By-law in relation to after the City has received a complaint (i.e. violation of these two By-laws), including the date they became effective.

All responsive records are attached*. Some information in the records has been severed (blacked out) under s.13(1) and s.15(1)(l) of the Act. You can read or download these sections here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00.

*Please note, the following responsive records are publicly available by-laws:

- Standards of Maintenance By-law No. 5462: <https://bylaws.vancouver.ca/5462c.pdf>;
- Ticket Offences By-law No. 9360: <https://bylaws.vancouver.ca/9360c.pdf>.

Under Part 5 of the Act, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request 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 (2025-840); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

Kevin Tuerlings, FOI Case Manager, for

[Signed by Kevin Tuerlings]

**Cobi Falconer, MAS, MLIS, CIPP/C
Director, Access to Information & Privacy**

If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. You may also contact 3-1-1 (604-873-7000) if you require accommodation or do not have access to email.

Encl. (Response Package)

:lg



BYLAW TICKETS AND WARNINGS

Training Manual

Bylaw Tickets and Warnings: Training Manual

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Purpose

City Inspectors and Bylaw Officers have the discretion to attempt to achieve voluntary compliance with a bylaw through education and/or a warning notice. However, when these measures are ineffective in gaining voluntary compliance or when the offense is serious enough, then they can issue a Municipal Ticket Information (MTI) or a Bylaw Violation Notice (BVN).



Scope

This policy applies to all City staff who are issuing BVN and/or MTI tickets. The Inspector or Bylaw Officer are responsible for the BVN, MTI and warning books assigned to them. After issuing a ticket, they must retain their copy of the ticket and notes for a minimum of two years after the date of service.

Definitions

Bylaw Officer	City staff who hold the authority to enforce bylaws, such as an Animal Control Officer (ACO) or Property Use Inspector (PUI)).
Warning Notice	A written warning notice that looks like a ticket but carries no fine. The bylaw officer will catalogue the warning notice in Amanda.
Municipal Ticket Information (MTI)	A ticket with an associated fine that must be paid or disputed within 14 days. This ticket carries an automatic guilty finding after 14 days. The bylaw officer who observed the violation serves the ticket.
Bylaw Violation Notice (BVN)	A long-form ticket with a fine, given to a person who has violated one or more sections of Animal Control Bylaw 9150.
Investigation Report	The official report documenting an inspection.
Evidence	Anything admissible in court used to establish a fact. The prosecution relies on the facts established at trial to prove the elements of the offence beyond a reasonable doubt.
DG Number	Dog complaint number in Amanda.
DG Report	Dog complaint report written in Amanda.

Investigation and Evidence Gathering

Elements of an offence

During your investigation, you should be documenting the following types of evidence:

- Date
- Time
- Location (in City of Vancouver)
- Violation
- Who committed the violation
- What the violation was
- ID of offender(s)
- ID of animal (if animal control issue)
- Whether violation was observed by the inspector or by a witness
- Complete prosecution report file
- BVN/MTI that meets charge approval

Example of elements of an offense: Animal Control Park Patrol

Jun 17, 2018, 4:30 p.m.: ACO 99 was working as an ACO for the CoV and in uniform driving a marked CoV vehicle. ACO was on patrol at Hinge Park and viewed an off-leash dog. A male, later IDed as Joe SMITH of 169 Athletes Way, Unit #205 was throwing a ball for a dog named "Fluffy."

The ACO approached and identified themselves as an ACO and asked if this was his dog. He said "yes." The ACO asked if the dog was licensed, he said, "Yes, I think so." The dog was not wearing a tag, so ACO asked to confirm the dog license information. The ACO recorded the (Name of DOG/address/phone number) and checked with Dispatch. Dispatch confirmed that the dog was not licensed and had a history of warning notices.

SMITH is a Caucasian male, 5' 6", 150 lbs, short brown hair, brown eyes, 35 years old, tattoo of a bird on left arm. His dog "Fluffy" is a neutered border collie X, male, black and white, with expired licence #B4321.

The ACO issued MTI TA12345 for sec 4.2 to SMITH. The ACO issued AC Warning 123456 for section 3.1 and 3.5 and gave him five (5) days to license the dog. Photo taken. SMITH was cooperative and said he would renew the license today.

The ACO took three (3) photos at Hinge Park at approximately 4:30 p.m.:

Photo 1: "Fluffy" off leash in the northeast corner of the park.

Photo 2: SMITH approximately 50 feet away from his dog.

Photo 3: SMITH's BC driver's licence.

Example of elements of an offense: Business License Bylaw

An inspection on March 24, 2021 between 1:45 p.m. and 2:15 p.m. revealed that business Electronics Galore (JK Enterprises Inc.), located at 501 Spencer Street was operating without a business license.

The following information was observed and obtained:

- Security gates were opened (see Photo 1)
- Entry door was unlocked
- Interior lights were turned on and display cases were full of goods (see Photo 2)

- Patron seated in the store stated that he is there to have his phone activated and picked up (see Photo 2)
- Jimmy Kenzie (business owner) was observed activating the patron's phone
- Jimmy Kenzie promised on a February 17, 2021 inspection that he would ensure the security gate will be closed and locked at all times

The following online information was obtained to support the business operating without a license:

- Website indicates that the business is still in business – hours of operation, location and prices – (see Photos 3, 4, and 5)
- Eight (8) Craigslist advertisements with address, prices and photos of store posted between the dates of January 25 and March 20 (see Photos 6 and 7)

The following information was provided to the business owner (Jimmy Kenzie) on February 17, 2021:

- Store cannot be open for business because it would be in contravention of the License Bylaw
- Business owner cannot utilize the space to lounge because it would be in contravention of the Zoning and Development Bylaw

An MTI was served on March 24, 2021, as the business owner was in contravention of Licence Bylaw No. 4450 - Section 3.(1), where "No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City license therefor."

Beyond a reasonable doubt

A reasonable doubt is not an imaginary or frivolous doubt. It must not be based upon sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence.

Even if you believe the accused is probably guilty or likely guilty, that is not sufficient. In those circumstances, you must give the benefit of the doubt to the accused and acquit because the Crown has failed to satisfy you of the guilt of the accused beyond a reasonable doubt.

On the other hand, remember that it is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. Such a standard of proof is impossibly high.

In short if, based upon the evidence before the court, you are sure that the accused committed the offence, you should convict since this demonstrates that you are satisfied of their guilt beyond a reasonable doubt.

Statements made by an accused

If a statement from the accused is required to prove an element of the offence, you **must** take complete and accurate notes. Consider the following:

- What you said and what they said
- Who else was present and what that person said
- What the tone of the conversation was and whether the accused was cooperative
- Whether you said or did anything that could be construed as a threat, promise, inducement, or trick

Evidence-gathering statements

Statements made by an accused to a person in authority must be voluntary to be admissible. This is determined by a “voir dire” in court on a standard of proof beyond a reasonable doubt. The rule is designed to ensure the reliability of confessions. Voluntariness of a statement is determined by considering the following:

- Threats or promises
- Sound mind
- Oppression
- Trickery

The application of the confessions rule is contextual and requires taking into account all of the circumstances.

Example of evidence gathering – Animal Control

ID of dog owner

Request a driver's license, passport, BCID, or other government-issued photo ID from the complainant, witness, and/or dog owner to confirm ID plus proper spelling of name and correct address. Take a photo of the ID, dog, and dog owner, and be sure to identify both the dog and dog owner in the photo. If ID is not produced, take a photo of the person involved, label it, and attach it to the file.

Dog owners are obligated to provide ID when asked. Failure to do so can be obstruction of justice. (Sources: [Bylaw BC](#), [Frequently Asked Questions](#), [R. v. Turko](#))

City of Vancouver bylaw officers do not have the authority to detain or arrest an individual, though.

Driver's license: R v Schryvers

If the dog owner produces a driver's licence:

- Compare the likeness of the dog owner with the driver's licence photo
- Ask the dog owner if the information on the driver's licence is correct
- Ask the dog owner for their name and address, and compare with the name and address on the driver's licence
- Confirm with the dog owner that the driver's licence is theirs

If the dog owner answers all the questions above, then an ACO can then use the case law **R v Schryvers** to ID the dog owner in court. This case dates back to November 1, 1962, in the BC Supreme Court. It is known as the [Schryvers Test](#) and is used to properly ID offenders in traffic court.

Verbal ID confirmed by Amanda

An ACO may take the dog owner's information verbally or run the dog's licence, then confirm the information in Amanda to establish ID. (Name, address, phone number, email address, dog's name, etc.)

Dog owner and description

In your notes and/or notebook write a description of the dog owner (race, sex, height, weight, hair colour/length/style, facial hair, eye colour, glasses, marks, tattoos, scars, physical deformities, clothing).

Also write a description of the dog (breed, sex, colour, licence number, microchip number, spayed/neutered, eye colour)

If possible, take a photo of the dog owner and dog.

All of this information will help you identify the offender in court if they dispute the matter.

MTI Rules

When to issue an MTI


- If possible, **when the offence and the offender are before you**
- If not possible at the time of the offence, within six months from the offence date
- According to department policy
- When the charge meets the Crown Counsel [charge assessment standard](#)

When not to issue an MTI

- Discretion is appropriately exercised
- Higher fine is appropriate
 - o Repeat offender
 - o Egregious violations
 - o Life safety or dangerous circumstances
- Court order for compliance is appropriate
- Offender has no means to pay the fine

Ensure that the offense you plan to issue an MTI for is something you can issue an MTI for. Check the bylaw if you're unsure.

A fine should be large enough to deter the offender and others from committing further offences. It should not simply be the cost of doing business or a "slap on the wrist." If the MTI fine is too low to deter the individual in the future, a long form information prosecution is more appropriate.

City of Vancouver Vancouver Charter		 MUNICIPAL TICKET INFORMATION TA21251			
ISSUED TO:					
SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON			
GIVEN NAMES (OR CORPORATE NAME CONT'D)		GENDER M F	BIRTHDATE YY MM DD		
ADDRESS					
CITY		PROVINCE	POSTAL CODE		
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 <table border="1"><tr><td>DATE OF OFFENCE YY MM DD</td></tr></table>		DATE OF OFFENCE YY MM DD	at the time of <table border="1"><tr><td>24 HR CLOCK HH MM</td></tr></table>		24 HR CLOCK HH MM
DATE OF OFFENCE YY MM DD					
24 HR CLOCK HH MM					
at or near _____, City of Vancouver					
Province of British Columbia					
Did commit the offence indicated, under the following by-law:					
BYLAW NAME AND NUMBER					
DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT		
			\$		
			FINE AMOUNT IF PAID WITHIN 30 DAYS		
			\$		
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			DATE OF SERVICE YY MM DD		
BYLAW ENFORCEMENT OFFICER 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.					
MUN - VAN - FORM A 11/2014		ENFORCEMENT OFFICER'S COPY			

Benefits of MTIs

- Provides a shortcut in the process compared to laying a charge on long-form information.
- Can provide an immediate response to the infraction.
- If the MTI is not disputed, the City does not need to take any other steps for a finding of guilt. No trial is held, and the issuing officer does not need to attend court. The fine is automatically imposed and subject to collection.

Disadvantages of MTIs

- There is a misconception that MTI prosecutions are easier than a long-form prosecution.
- If an MTI is disputed, a trial will take place in exactly the same way as if long-form information is used for prosecution.
- Does not provide a shortcut in investigation or the evidence required to prove the charge.
- If there is a finding of guilt after trial, the fine will be imposed. The fine cannot be increased or decreased.
- The court cannot impose a 333C Vancouver Charter compliance order.

Animal Control MTIs

MTIs can only be written for two offenses under Animal Control Bylaw 9150, Section 3.1 “No Dog License,” or Section 4.2 “Dog Off Leash In Public.”

Crown charge assessment standard

Before issuing an MTI, you must:

“...fairly, independently, and objectively examine the available evidence in order to determine whether there is a substantial likelihood of conviction; and, if so, whether a prosecution is required in the public interest.”

(Source: [BC Prosecution Service Crown Counsel Policy Manual: Charge Assessment Guidelines](#))

With respect to social regulatory matters:

“...generally speaking, prosecutions should be initiated only where alternate methods to enforce compliance have been tried and have failed, where the offender has demonstrated a willful or repeated non-compliance, or where the public interest otherwise requires prosecution in order to protect the integrity of the regulatory scheme.”

(Source: [BC Prosecution Service Crown Counsel Policy Manual: Municipal Bylaw Prosecutions](#))

Essential elements of the offence and notes

The bylaw officer issuing an MTI must be satisfied that evidence of all essential elements of the offence exists, and they must take sufficient notes of this evidence. They can write notes in the space provided on the MTI form, in the bylaw officer’s notebook, or in the investigation report. Copies of all notes and reports should be submitted with the MTI.

Take photographs and record witness statements.

Note observations and conversations at the time the MTI is issued or shortly after. Include the following:

- Time
- Date
- Location
- Details of the offence
- Identification details
- What was asked and what was said (i.e. admissions)
- Weather
- Any unique circumstances

Notes should be detailed enough to allow you to give evidence on all elements of the offence if the matter is disputed and proceeds to trial. The trial may be one year or more in the future.

Identifying an individual

If the party being charged is an individual, you must establish their identity and fill out this information completely and accurately on the MTI.

Bylaw officers must ensure that the individual produces proper ID and cannot issue an MTI without it. The only means by which you can reliably identify an individual is by referring to a piece of government-issued photo ID.

Obtain the ID and confirm that the information is correct. Ask the following questions:

- What is your full name?
- What is your address?
- What is your date of birth?

Look at the photo, the date of birth, and the person. Satisfy yourself that the person before you is the person in the document. Make a note of the type of ID supplied, how you confirmed its accuracy, and that you are satisfied that the person had properly identified themselves.

You can also identify an individual by the name they provide as long as there is another piece of evidence that corroborates their ID. Such other evidence might include City licenses or permits issued to the individual, property ownership records, or vehicle registration records.

In all cases, record a physical description of the individual on the Notes page of the MTI. Note the person's ethnicity, sex, height, weight, hairstyle, facial hair, eye colour, clothing, glasses, and any distinctive marks, tattoos, scars, or physical deformities. If a camera is available, you may take a photograph of the individual. All this will help you identify the offender in court if they dispute the matter.

If the party is uncooperative and will not identify themselves, the bylaw enforcement officer can call 911 for police assistance. Advise the 911 operator that you are requesting police assistance because you are a bylaw officer attempting to issue an MTI. Explain to the 911 operator that you have informed the alleged violator that you have observed an offence and need their identification in order to issue the ticket, but the alleged violator will not identify him or herself. If no officer is available immediately, you may be able to agree on a time to return with police assistance.

If the accused party has provided someone else's name, that person won't know about the MTI and a conviction against the wrong person can result.

If the individual does not produce proper ID, the bylaw officer can still issue a [BVN](#).

Identifying a corporation or proprietorship

If the party being charged is a corporation or a proprietorship, the legal name of the corporation or partnership must be filled out completely and accurately on the MTI.

If the liable party is a corporation or proprietorship, the ticket must be issued in the correct legal corporate name, including any suffix such as Ltd., Inc., Co., or Enterprise. Search for the company on [BC Online](#) in order to confirm this information. Determine the legal corporate name and business license information before attending the inspection to ensure you can fill out any resulting ticket accurately.

A City business licence may also assist in identifying the correct corporate party. However, do not rely on the business licence for the proper legal name. This information can only be obtained from the company search.

Completing the MTI

By completing the MTI form, you are indicating that you have **reasonable and probable grounds** to believe that the party named on the ticket has committed the indicated offence. You can only issue an MTI to one party for one offence.

Fill out the following fields on both the front (Municipal Ticket Information) and back (Certificate of Service) of the ticket form. Be sure to print legibly. Any errors or omissions will result in the MTI being thrown out.

For more on filling out an MTI, see [Appendix A](#).

Serving an MTI

Serving an MTI is different from issuing an MTI. The bylaw officer **must** personally serve the MTI to whom the ticket is issued. If possible, the issuing officer should serve the MTI at the time of the offence. In any case, it must be served within six months of the offence date.

Colour	Copy to	How distributed
Blue	Alleged offender	Serving bylaw officer must provide to the named party
White	Court	Bylaw officer must complete and sign the Certificate of Service on the back
Green	Bylaw officer	Stays in the MTI book with room on the back for notes

Service on an individual

The MTI must be personally served on the individual(s) involved. Service by mail or other means is **not** lawful service.

Personally serving the MTI is completed by placing the MTI in the hand of the violator. If they do not voluntarily accept the ticket, the serving bylaw officer may gently touch them with the MTI and let it fall to the ground.

In any case, the serving bylaw officer should advise the recipient:

“You have been served with an MTI charging you with [name the offence]. The ticket contains important information about dispute and payment, and you should keep the ticket and read it.”

If the violator to whom the ticket is issued cannot be found, then service can also be completed by leaving it for the violator at their last or usual residence with an occupant who appears to be at least 16 years of age.

Service on a corporation

An MTI must be served on the party to whom the ticket is issued 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. The names and addresses of the above-noted persons are listed on the company documents obtained with a BC Online search.

If the person you are dealing with at the time of the violation is one of these persons, the MTI can be served on them immediately. If not, the ticket must be served on the appropriate person at a later time. Always obtain the name of the person who is accepting service on behalf of the corporation.

After an MTI is issued and served

The violator may either pay or dispute the MTI.

If the violator does nothing within 14 days, there is a deemed guilty plea. The city does not need to take any other steps for finding guilt. No trial is held, the bylaw officer does not need to attend court, and the fine is automatically imposed.

If the violator disputes the MTI, the city must receive notice of the intention to dispute within 14 days of the date of service. If the MTI is disputed, the enforcement officer who issued the MTI will be notified. The officer is then responsible for forwarding their notes and any other supporting documents to the Prosecutor’s office. Other supporting documents may include City records, photographs, and witness statements. Include details about any warnings or tickets previously given.

City of Vancouver
Vancouver Charter

CERTIFICATE OF SERVICE

I, _____
NAME OCCUPATION

certify that on the date

YY	DATE	DD
	MM	

I served _____

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	

BYLAW ENFORCEMENT OFFICER SIGNATURE

MUN - VAN - FORM A.1 11/2014

If a disputant is found guilty after a trial, the Court will impose the indicated penalty. The Court can only reduce the fine if the disputant has demonstrated an inability to pay the fine. The City's ability to collect the debt will depend on the accuracy of the name and contact details on the MTI.

BVN Rules for Animal Control

Essential elements of the offence and notes

The bylaw officer issuing a BVN must be satisfied that evidence of all essential elements of the offence exists, and they must take sufficient notes of this evidence. They can write notes in the space provided on the front of the BVN, in the bylaw officer's notebook, or in a DG report. Copies of all notes and reports should be submitted with the BVN and forwarded to the City Prosecutor's office. These elements apply to both MTIs and BVNs.

A BVN is not a charge, whereas an MTI is a charge. A BVN can be issued without government ID as long as the person can be verified.

Crown charge assessment standard

Before issuing a BVN, you must:

"... fairly, independently, and objectively examine the available evidence in order to determine whether there is a substantial likelihood of conviction; and, if so, whether a prosecution is required in the public interest."

(Source: [BC Prosecution Service Crown Counsel Policy Manual: Charge Assessment Guidelines](#))

Six-month time limit

A BVN should be served at the time of the offence or as soon as possible thereafter, but no later than six months after the offence date.

Type of offender

A violator with no fixed address and no assets is likely to ignore the BVN. If they don't attend, a warrant will be issued.

Type of dog

If it is an animal control issue, a BVN can be issued for a dog with no aggression history. If the dog is aggressive, the animal control officer must serve a "considered aggressive" letter in order to upgrade to "deemed aggressive" in court.

Fines and conditions

For repeat or chronic offenders, where a higher fine is appropriate, the court may increase the fine from \$250 up to \$10,000. Court-ordered conditions can also be added.

Witnesses

Witnesses involved in an incident will be required to prove the offence.

DG number

Write the DG number (dog complaint reference from Amanda) on the front of the BVN in the bottom note section.

Serving a BVN

Colour	Copy to	How distributed
Green	Alleged offender	The serving bylaw officer must give the green copy of the BVN to the named party.
White	Court	Submit to supervisor to ensure all criteria met, then retain for court.
Yellow	Bylaw officer	This copy stays in the BVN book, with room on the back for notes.

A BVN may be mailed, personally served, or left in the violator's mailbox.

After a BVN is issued and served

The violator has 30 days to either pay or dispute the ticket. The fine is \$250.

Processing an MTI, BVN, or Warning

There must be two uploads:

- The MTI or BVN, uploaded on its own and named as follows:
 - TA12345 for an MTI
 - LA12345 for a BVN
- The complete file for the MTI or BVN

MTI steps – Animal Control

- Scan the MTI as a PDF, both front and back
- Name the PDF **TA12345**
- Upload the PDF to the H: drive in folder **Files For Review**
- Attach a Post-It note to the hard copy of the MTI with DG #21-123456
- Place the hard copy of the MTI in the supervisor's mailbox
- Email the supervisor to check the Files For Review folder
- If not approved, the supervisor will send it back to the bylaw officer to correct
- If approved, the supervisor will forward the PDF to the **Animal Services Enforcement** email

MTI steps – Property Use

- Upload a scan of the MTI into the Documents tab of the relevant POSSE case file.
- Make notes in the case file that you have issued an MTI, including the ticket number (Perform Investigation process, Details tab, Findings field).

3. Send the prosecutor's copy through inter-office mail to Revenue Services (contact person Joanne Rahiman).
4. Make a note in the POSSE case file that you have sent a copy to Revenue Services. Send the ticket as soon as possible after you have issued it, as this is important for the processing of payments and disputes. Remember there is a 14-day window!

BVN steps – Animal Control

1. Scan the BVN
 - Front side only
 - Write the DG# on the front
2. Name the PDF **LA12345**
3. Upload the PDF to the H: drive in folder **Files For Review**
4. Place the hard copy of the BVN in the supervisor's mailbox
5. Email the supervisor to check the Files For Review folder
6. If not approved, the supervisor will send it back to the bylaw officer to correct
7. If approved, the supervisor will forward the PDF to the **Animal Services Enforcement** email

Warning steps – Animal Control

1. Ensure the DG information and notes are up to date
2. [Scan the warning](#), front side only
3. Name the PDF **AC12345**
4. Email the PDF directly to the **Animal Services Enforcement** email
5. Place the warning into the **Warning Notice** drop tray

Scanning a warning

1. Scan and send only one warning at a time
2. Log into the photocopier
3. Press the **Scanner** button, which brings you to the **Scan Options** screen
4. Ensure that **Scan Settings** are set to **1 Sided Original**
5. Select **Enforcement** as the recipient in the menu
6. Select **Subject**
7. Select **Text Entry**
8. Enter Subject line **AC12345**
9. Insert the warning notice into the feed tray
10. Press the **Start** button

For detailed instructions with photos, see VanDocs DOC/2021/021242 "DBL – AS – Operational Standard – Bylaw Administration – ACO"

Note: The steps for scanning an MTI/BVN are the same as for scanning a warning, except a supervisor will scan a BVN or MTI instead of an ACO. As well, the recipient in a BVN or MTI scan should be Supervisor instead of Enforcement.

MTI or BVN or warning for Animal Control - complete file

1. Sort the file pages as below: [Complete file page order](#)
2. Scan the complete file, including a copy of the MTI or BVN, to a PDF
3. Name the PDF file **21-12345 – Complete File**
4. Upload the PDF to the H: drive in folder **Files For Review > Their Name**
5. Email the supervisor to check the Files For Review folder
6. If not approved, the supervisor will send it back to the bylaw officer to correct
7. If approved, the bylaw officer will forward the PDF to the **Animal Services Enforcement** email

Complete file page order

The bylaw officer should collect and verify the following evidence based on the [rules of evidence](#).

Sort case files in this order for a complete file scan:


1. **Ticket(s) / Warning Notice(s)** – stamped copy
2. **Considered Aggressive Letter** - copy (original stays in office)
3. **Summary**
4. **Narrative** of the investigation - detailed and in chronological order
5. **DG File** - copy
6. **Dog License(s)** - copy (all dogs involved)
7. **Statement(s)** from the complainant, witnesses, and dog owner (signed)
8. **Photos** - must be numbered
9. **Photo Index** - list the following:
 - Photo #
 - Brief description
 - Date, time, and location
 - Who took or provided the photo
 - If the photo is of an injury, place a common object like a coin or ruler beside the injury to show the scale
10. **Video** - need four copies for court. Each copy must be marked with the DG number, bylaw officer number, alleged offender's name, and complainant's name. The Prosecutor's Office needs three copies, and one copy stays in the file.
11. **Vet Records / Medical Records / Invoices**
12. **Police Reports**
13. **Expert Canine Assessments**
14. **Email Correspondences**
15. **History** - copies of all historical reports for the dog owner and dog

Number all pages, and write the DG# in the heading.

Appendix A: Filling Out an MTI

Front: Municipal Ticket Information

Field	How to complete
Surname or corporate name	Surname: confirm with identification Corporate name: ensure correct legal name with suffixes
Young person	Person between 12 and 17 years of age
Given names (or corporate name cont'd)	Given names: confirm with identification Corporate name: ensure correct legal name with suffixes
Gender	Confirm with identification
Birthdate	Confirm with identification
Address	Confirm with identification
City	Confirm with identification (person's address may be outside Vancouver)
Province	Confirm with identification
Postal Code	Confirm with identification
Date of offence	When the alleged offence occurred
24 hr clock	Enter the time using the 24 hour clock
Street Address	Where the alleged offence occurred
Bylaw name and number	Ensure the correct bylaw name and number are entered here as set out in the pertinent table of the Ticket Offenses Bylaw . Wording must be exactly as shown on the front of the MTI book. See search portal to search for a particular bylaw.
Description of offence	Fill in one offence only
Section	Section number within the bylaw number
Fine amount	Enter the fine amount as per the Ticket Offenses Bylaw
Fine amount if paid within 30 days	Enter the fine amount if paid within 30 days (possible discount)
Bylaw enforcement officer name or number	Enter your name or number
Date of service	Date that the ticket was served (may be different from date of alleged offence)
Bylaw enforcement officer signature	Ticket must be signed



City of Vancouver
Vancouver Charter

MUNICIPAL TICKET INFORMATION TA21251

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONT'D)		GENDER M F	BIRTHDATE YY MM DD
ADDRESS			
CITY	PROVINCE	POSTAL CODE	

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

 at the time of

24 HR CLOCK
HH MM

at or near _____, City of Vancouver

STREET ADDRESS

Province of British Columbia
Did commit the offence indicated, under the following by-law:

BYLAW NAME AND NUMBER				
DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT	FINE AMOUNT IF PAID WITHIN 30 DAYS
			\$	\$

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

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

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
AT HEARING			YY MM DD
<input type="checkbox"/> CONVICTED		<input type="checkbox"/> DISMISSED	
SIGNATURE OF JUSTICE			
BYLAW ENFORCEMENT OFFICER NAME OR NUMBER			DATE OF SERVICE
			YY MM DD
BYLAW ENFORCEMENT OFFICER 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.

MUN - VAN - FORM A 11/2014 **ENFORCEMENT OFFICER'S COPY**

Back: Certificate of Service

Field	How to complete
Name	Your name (name of bylaw officer)
Occupation	Your job title
Date	Date that you served the ticket
How ticket served	Check off how you served the ticket (delivered personally, left it at last or usual residence with occupant, delivered it to company representative)
Date	Date that you filled out Certificate of Service
Bylaw enforcement officer signature	Certificate of Service must be signed

City of Vancouver
Vancouver Charter

CERTIFICATE OF SERVICE

I, _____
NAME OCCUPATION

certify that on the date

YY	DATE MM	DD
----	------------	----

I served _____

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:

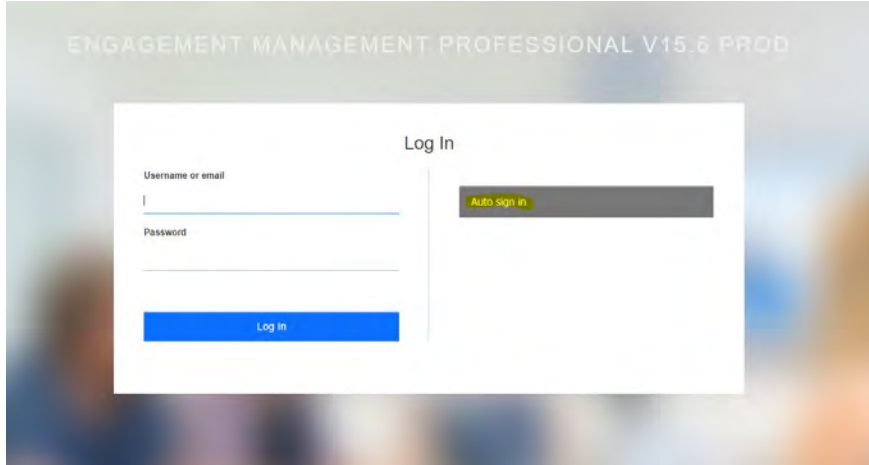
YY	DATE MM	DD
----	------------	----

BYLAW ENFORCEMENT OFFICER SIGNATURE

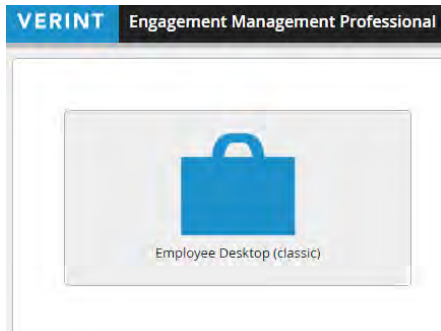
MUN - VAN - FORM A.1 11/2014

How to login to EM Pro

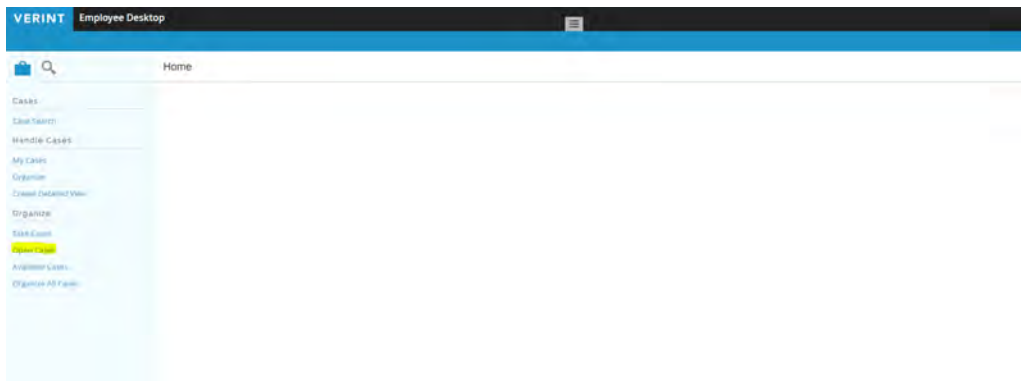
Step 1: Go to [s.15\(1\)\(l\)](#) and click on “Auto Sign in”



Step 2: Click on the suitcase

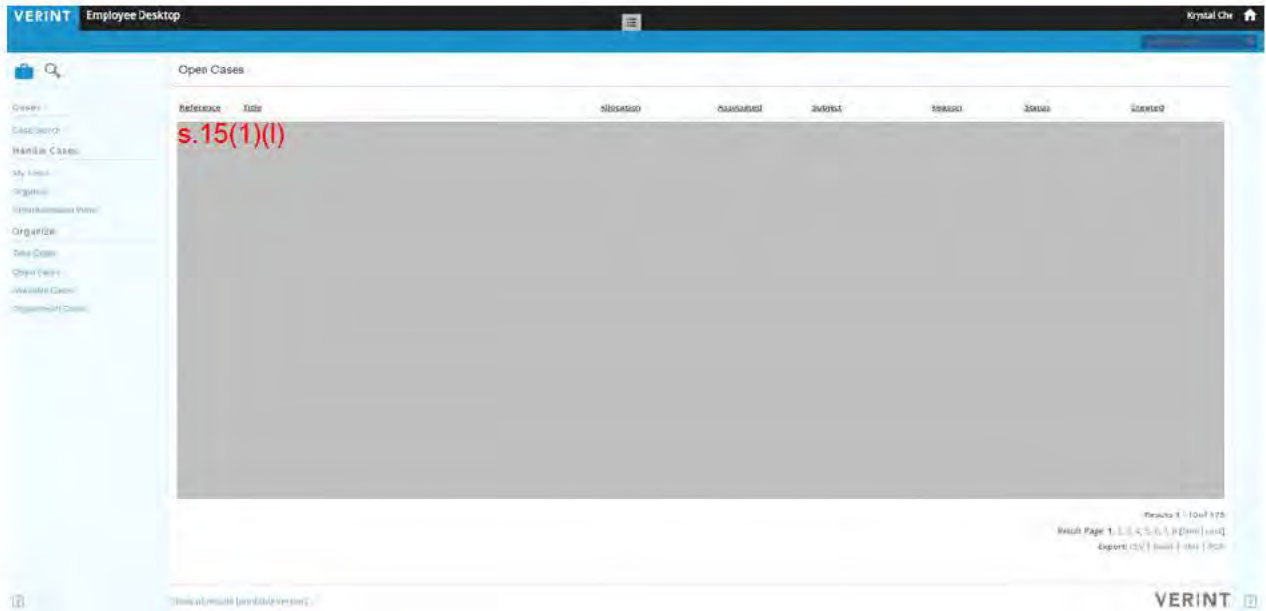


Step 3: Click on “Open Cases”

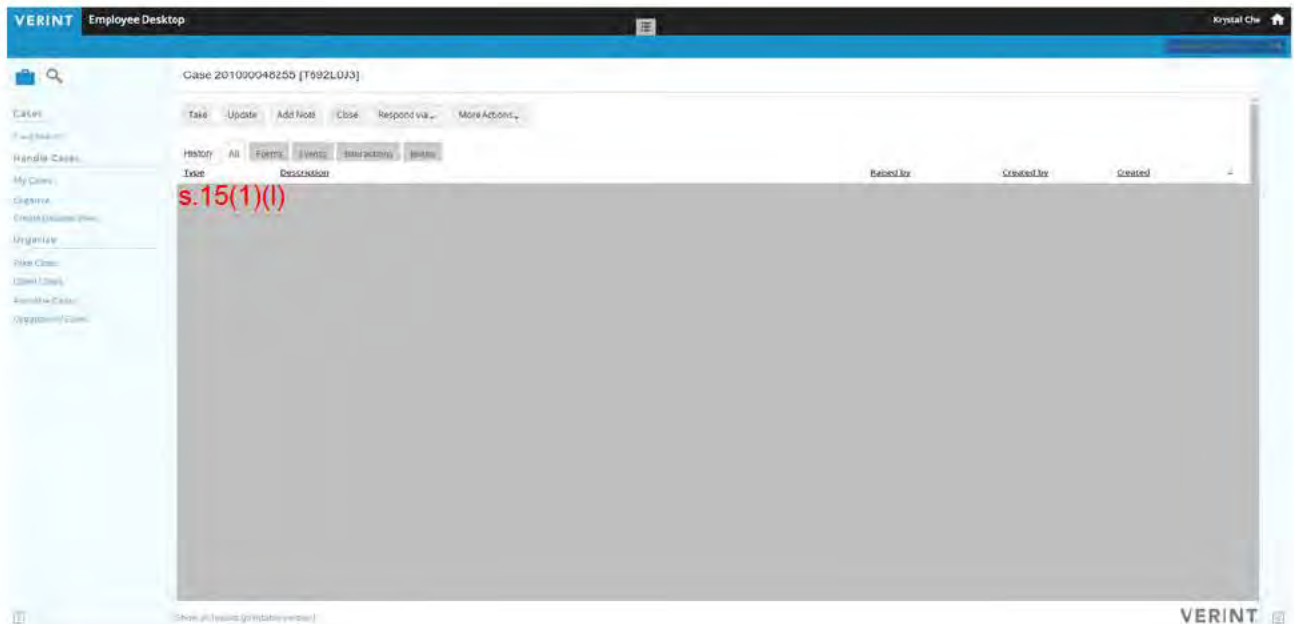


How to save a case as a PDF

Step 1: Click on Reference number



Step 2: Click on Form



Step 3: A new tab will open up with the complaint form

This form is read only

Reference: T692L033-20100048255

Location Details Contact **4 Review** 5 Confirm

Tell us about the location
Noise on private property
Customer lookup
Case summary

Case Summary

Case ID	20100048255
Case creation date	8/24/2022, 10:23:16 PM

Location and request details:

Location	s.15(1)(l)
Type of request	
Type of noise	
Describe the noise and who is making it	
When/how often is it happening?	
Did you speak to the person/company making the noise?	
What was the result of your conversation?	
Did you contact the police about your concern?	
Provide details:	

Step 4: Right click on your mouse to print the page

This form is read only

Reference: T692L033-20100048255

Location Details Contact **4 Review** 5 Confirm

Tell us about the location
Noise on private property
Customer lookup
Case summary

Case Summary

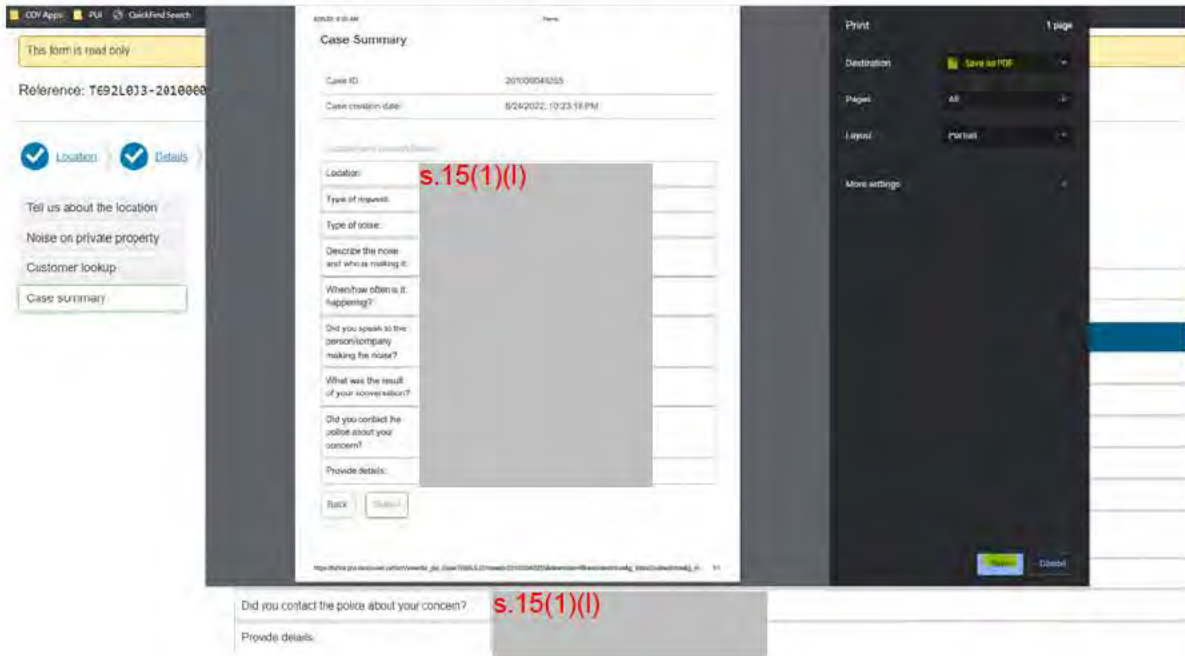
Case ID	20100048255
Case creation date	8/24/2022, 10:23:16 PM

Location and request details:

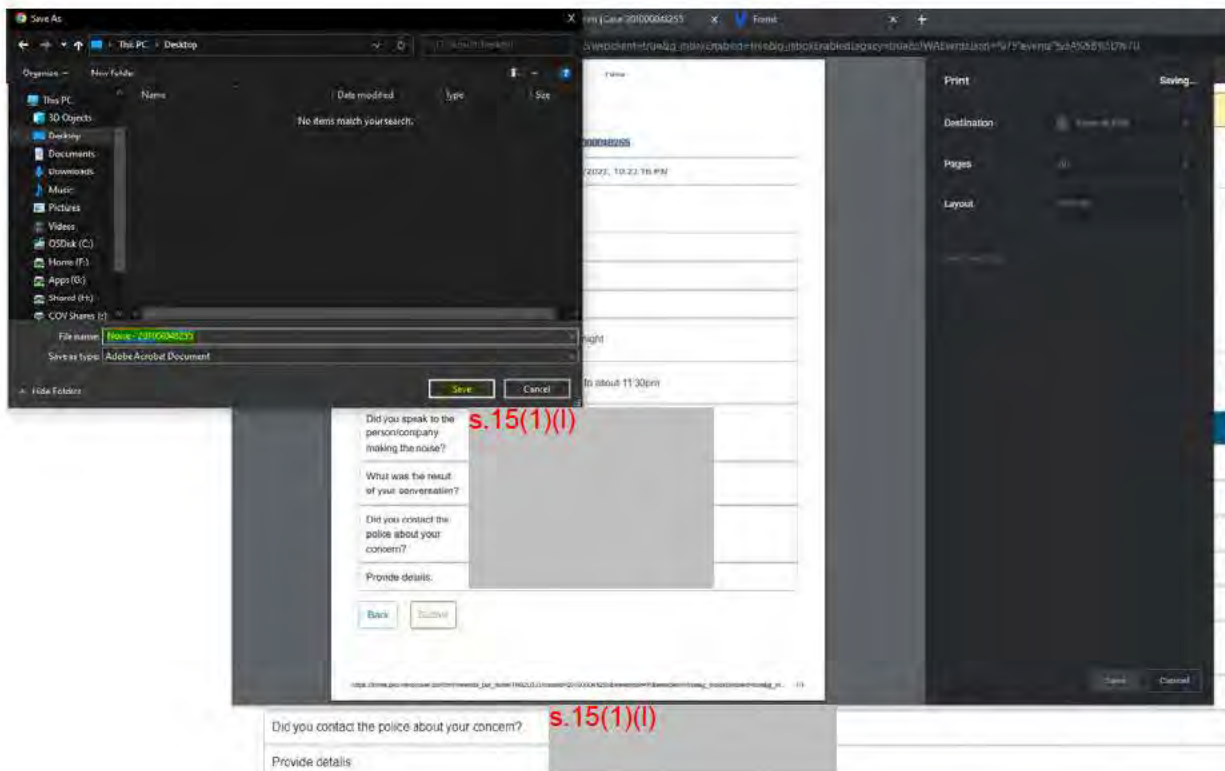
Location	s.15(1)(l)
Type of request	
Type of noise	
Describe the noise and who is making it	
When/how often is it happening?	
Did you speak to the person/company making the noise?	
What was the result of your conversation?	

- Back
- Reload
- Save as...
- Print...
- Cast...
- Search images with Google Lens
- Create QR Code for this page
- Translate to English

Step 5: Change the printer settings to "Save as PDF" and click save

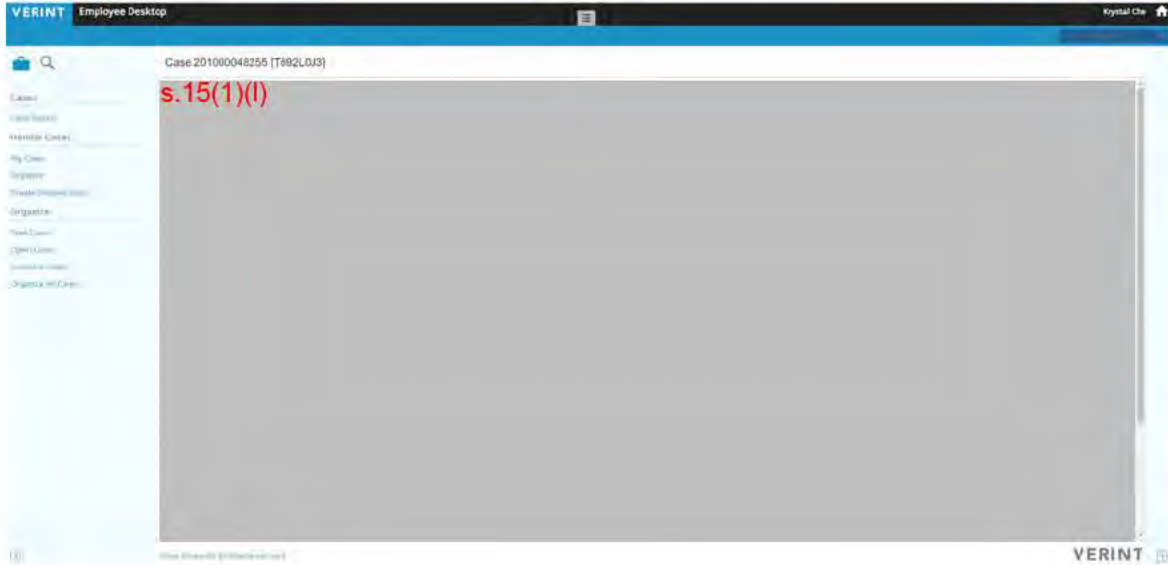


Step 6: Change the name of the PDF to the complaint type and casefile number then click save

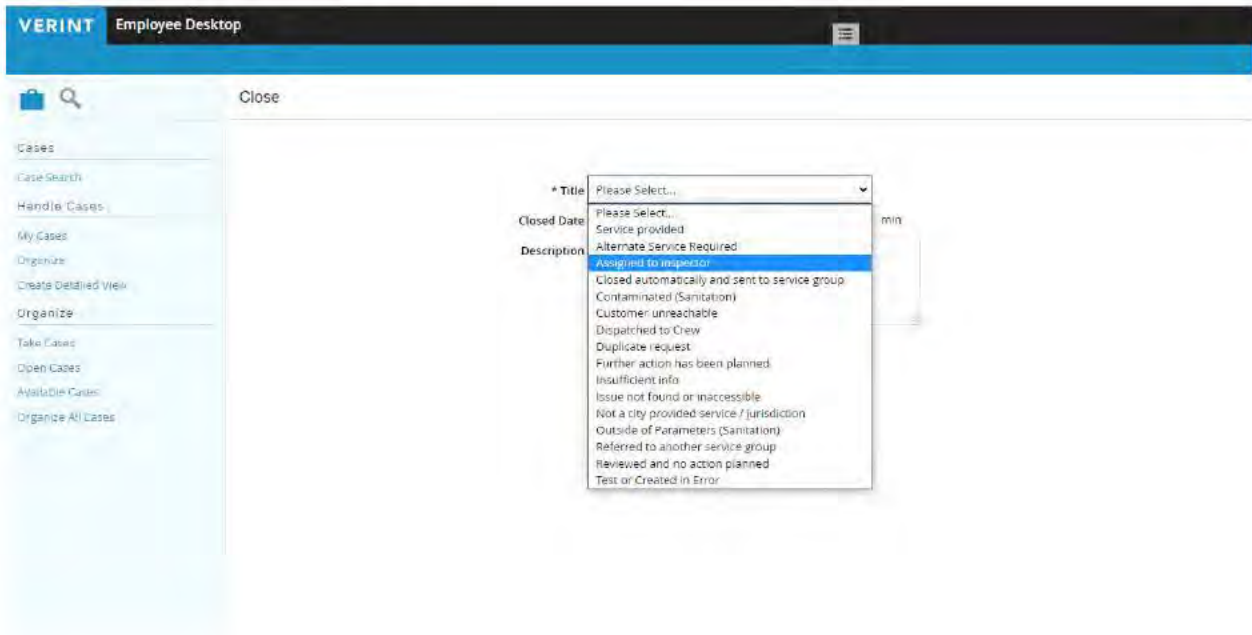


How to close a document

Step 1: Click on "Close"



Step 2: Click on the drop down menu in "Title" and choose the correct reason. In this case we will click "Assigned to Inspector".



Step 3: Please put the reason for closing the casefile in "Description" and click "Close Case". In this case we put the inspector and phone number.

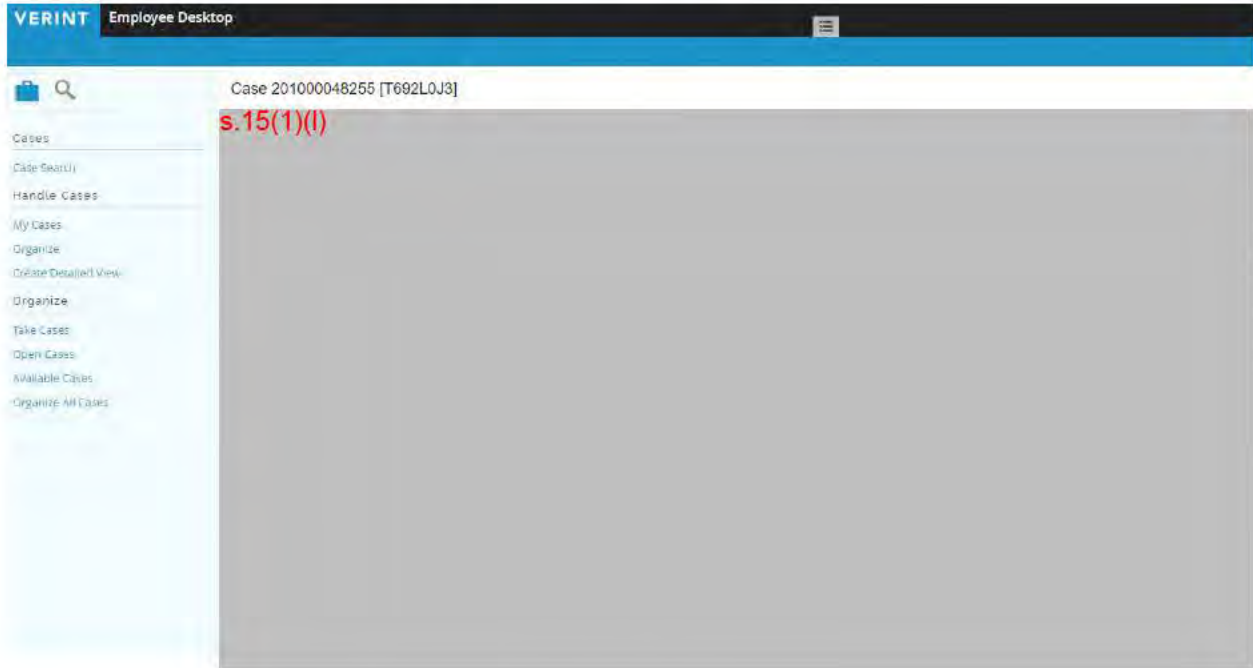
The screenshot shows the VERINT Employee Desktop interface. On the left is a navigation sidebar with options like 'Cases', 'Case Search', 'Handle Cases', 'My Cases', 'Organize', 'Create Detailed View', 'Take Cases', 'Open Cases', 'Available Cases', and 'Organize All Cases'. The main area is titled 'Close' and contains a form for closing a case. The form has the following fields:

- * Title:** A dropdown menu set to 'Dispatched to Crew' with a link to 'or Define Custom Title'.
- Closed Date:** A date field set to '08/25/2022' with a calendar icon and time selection options for 'hr' (10) and 'min' (03).
- Description:** A text area containing the text 'James Phanthoupheng, Property Use Inspector 88419'.

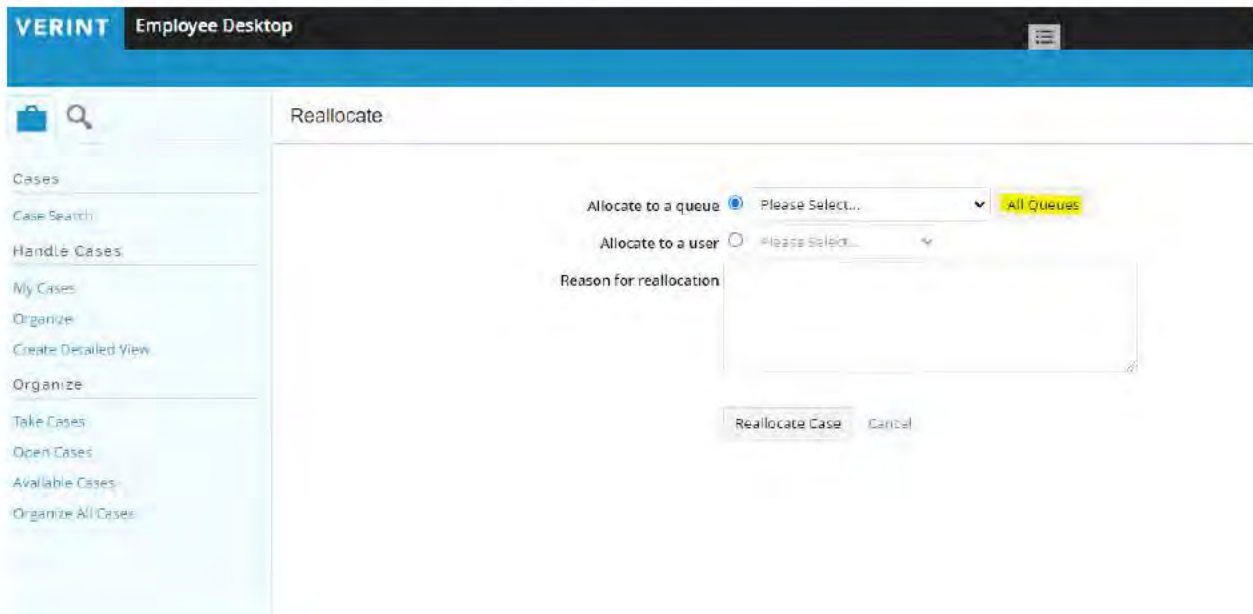
At the bottom of the form are two buttons: 'Close Case' and 'Cancel'.

How to reallocate a case

Step 1: Click on "More Actions" and click on "Reallocate"



Step 2: Click on "All Queues" to see all the departments



Step 3: Please choose the correct department. Put in the reason for reallocating and which department to reallocate to. Then click on “Reallocate case”.

VERINT Employee Desktop

Reallocate

Allocate to a queue 311_Contact Centre Preferred Queues

Allocate to a user Please Select...

Reason for reallocation Complaint about street, please reallocate to Engineering. Thank you.

Reallocate Case Cancel

Module 4 – Evidence Gathering Techniques

When a bylaw officer receives a complaint from the public relating to a bylaw offence, the first step is for the officer to conduct a preliminary review of the complaint to verify the information. Depending on the nature of the complaint, the officer will generally inspect the location, give a verbal warning explaining the consequences of non-compliance and request compliance by specific dates.

Where the officer cannot meet with the individual(s), or to provide a record for future use, a letter may be sent to the individual or company alleged to be non-compliant advising them of the complaint and requesting compliance by a specific date. The bylaw officer in all cases should seek voluntary compliance and advise the violator(s) that failure to comply may result in the local government exercising appropriate available enforcement options.

What is an Investigation?

In order to conduct such a review and seek compliance, the development and sharpening of investigative skills is a fundamental requirement in your role as an effective bylaw officer. Let's begin by looking at some key terms associated with the investigative process. An investigation collects information and evidence for identifying and convicting suspected violators and offenders of local government bylaws and regulations.

An investigation involves the following:

- An incident (possibly an offence, violation or contravention).
- A violator or offender (a person, group or corporation).
- The scene or location of the offence.
- A complainant (or witness(es)).
- Evidence and information about the facts and circumstances surrounding the incident.
- A bylaw enforcement officer (who identifies the offence, collects and interprets the evidence, and recommends an appropriate enforcement action).
- A problem-solving approach.

The bylaw officer's duties during and after an investigation may include the following:

- Pursue an investigation with objectivity and impartiality.
- Determine whether a municipal bylaw has been violated.
- Gather all the information, facts, and evidence regarding the violation.
- Identify and determine the appropriate action to be taken.
- Where there is a dispute regarding a bylaw notice, the bylaw officer will prepare a report for adjudication if required.
- Assist in prosecuting the offender by providing evidence that is admissible in court and by testifying as a witness.
- Provide unbiased evidence during testimony that relates the facts and describes the bylaw officer's actions.

As with any other kind of process, there are certain tasks that must be accomplished first before other tasks can be addressed. However, the nature of investigative work is such that the process does not always unfold in neat and distinct phases. Below is a summary of the processes:

- 1 Assessment and evaluation of complaints.
- 2 Evidence collection and documentation including note-taking and interviews.
- 3 Reports (findings and recommendations).
- 4 Promote compliance: enforcement through court, out of court action, direct enforcement or self-help remedies.

Assessment and Evaluation of Complaints

Assessment and evaluation of complaints is the first step of the investigative process.

Assessment and evaluation involve the act of analyzing and judging the complaint or situation and using your discretion to decide a course of action.

Local governments generally have policies and procedures governing the actions of complainants, bylaw officers, and municipal staff.

Local governments are committed to providing excellent customer service to members of the community when dealing with formal complaints, whether they be verbal or written.

When a bylaw officer is addressing a resident's concerns or complaints, the services provided should reflect the following:

- Responding promptly and courteously to complaints.
- Following up on the complaint and processing the evidence promptly, especially where there is a potential concern for public safety.
- Investigating and researching the complaints thoroughly. For example, spite complaints or complaints based on neighbour disputes will not be accepted unless deemed by the investigating bylaw officer to be an immediate threat to health and safety.
- Finding a resolution and concluding the case in a timely manner following established policies and procedures.

The following chart provides some guidelines and suggested actions to be taken when a bylaw officer receives a complaint from the public about a local government bylaw violation.

Procedure

Click on the headings or + below to reveal more information.

Formal Complaint Issued	+
Information Request	+
Preliminary Review	+
Site Visit	+
Issue Ticket or Notice	+
Deadline for Voluntary Compliance	+
Emergency Orders	+
Site Visit	+
Compliance/Non-Compliance	+

Formal Complaint Issued

—

Include date, case number, location, neighbourhood, details of complaint and status.

Information Request

—

Request personal contact information. Information obtained remains in strict confidence in accordance with *Freedom of Information and Protection of Privacy Act*.

Preliminary Review

—

Verify information and research any supporting documentation. The bylaw officer may call the complainant to confirm, clarify, or provide further information. This preliminary review is to ensure this is not a spite complaint or retaliatory complaint.

Site Visit

—

Witness and record the activity to determine if a contravention exists. Educate the suspect/violator of the bylaw requirements and address the implication of non-compliance. In most cases, the issue will be resolved without any further actions. If the bylaw officer is unclear of a possible contravention such as zoning-related cases, seek advice from a local government solicitor.

Issue Ticket or Notice

—

In cases where there are established fines for violations, and upon confirmation of the existence of a violation, immediately issue a ticket or notice. However, in all cases, attempt to achieve voluntary compliance within a set time limit.

Deadline for Voluntary Compliance

—

Where compliance is unsuccessful and a set fine is not established, the bylaw officer must provide the suspect/violator an initial warning in person, by telephone or in writing and notify the suspected violator of a time limit in which voluntary compliance is expected.

Emergency Orders

—

Where a violation poses immediate threat, the bylaw officer must issue an emergency order and notify internal departments and outside agencies that may be required to assist - fire department, public works, Ministry of Environment, regional health, Ministry of Natural Resources.

Site Visit

—

After the time limit has expired, the bylaw officer should return to the site and determine if compliance has been established.

Compliance/Non-Compliance

—

If compliance is achieved, the bylaw officer will record the finalized date and close the file. If the suspected violator has not complied, the bylaw officer should record and discuss the non-compliance with his/her supervisor and determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with the local government bylaws.

Writing Compliance Letters

Bylaw officers must demonstrate competency in writing compliance letters. Compliance letters must be concise, clear, and easy to read. Below are a set of questions to ask yourself as you write compliance letters.

Did you:

- Address the letter to the right person?
- Use effective opening words to get the message across?
- Provide a summary of the sequence of events leading to the reason for writing this compliance letter?
- Quote relevant sections of the bylaw at issue?
- Refer to the section of the bylaw stating penalties for non-compliance?
- Provide a required timeline for compliance?
- Check for clarity and accuracy including dates and sequence of events?
- Review the letter for any punctuation and spelling errors?
- Sign the letter?

Proving an Offence

As discussed in Module 1: Society, Law, and the Canadian Example, local governments have a number of enforcement options available to them. Bylaw officers can opt to impose fines on people who violate parking or noise requirements or who refuse property maintenance and pet ownership restrictions, etc. Bylaw officers may also utilize statutory self-help remedies such as remedial action requirements, which allow direct enforcement without prior court approval.

However, where violators are prosecuted, proving an offence in order to proceed to the next stage of the enforcement process is fundamental to any case. Two statutory provisions make the contravention of a local government bylaw an offence. These are:

Section 260(3) of the Community Charter

If a bylaw establishes a lawful regulation or requirement to be observed in a municipality, a person who contravenes the regulation or requirement commits an offence that is punishable in the same manner as if the bylaw had expressly forbidden persons from doing or refraining from doing the act. ([Source](#).) The *Local Government Act* equivalent, relating to regional districts is [s 416\(1\)](#).

Section 5 of the Offence Act

A person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that is required to be done, commits an offence against the enactment.

In layman's terms, what this means is that if somebody does something that the law states they are not supposed to, or hasn't done something that they are required to do by law, it is considered a violation and a bylaw offence has been committed.

Evidence Gathering Techniques

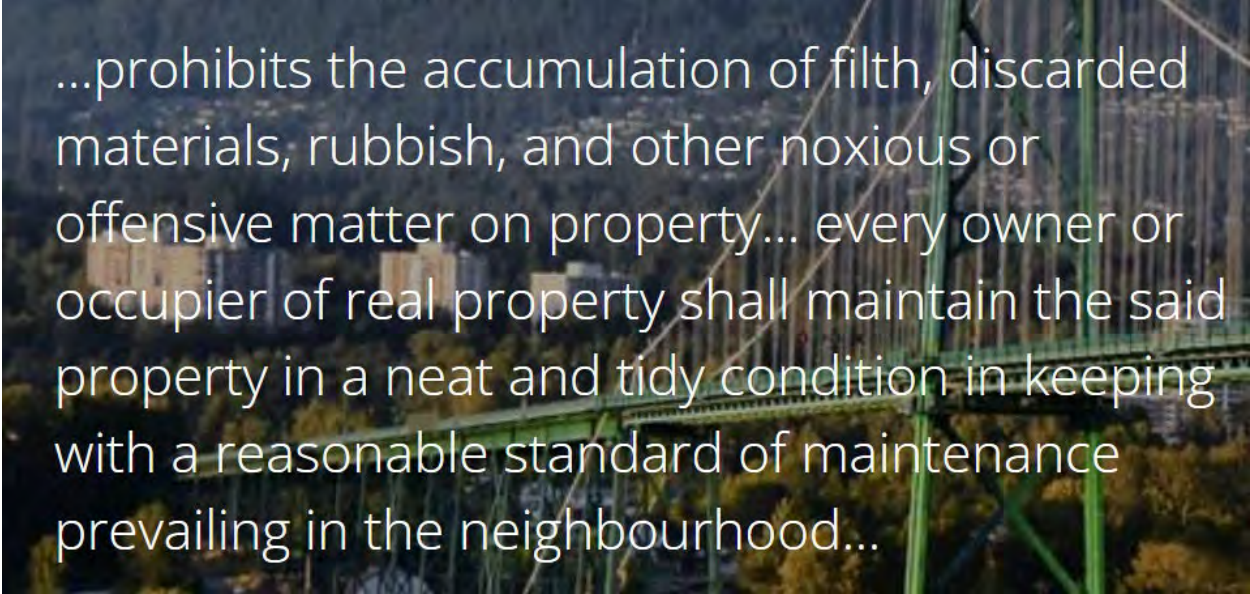
Most bylaws also contain a provision reiterating that doing something prohibited by the bylaw, or failing to do something required by the bylaw, constitutes an offence. The activities undertaken in organizing and conducting investigations are intended to help prove the elements of an offence under investigation. Every element must be satisfied, or the offence cannot be proven.

Proving each element of the alleged offence is a crucial task since if even one element is missed, the whole case may be lost. In terms of identifying elements of a case, one has to consider the primary elements and the secondary elements.

The *primary elements* that must be established during an investigation include:

- Identity of the offender.
- Date and time of the offence.
- Location of the offence (either the specific location or the general area).

The *secondary elements* are specific to the alleged violations of the bylaw. For example, a property maintenance (unsightly property) bylaw states that it:



...prohibits the accumulation of filth, discarded materials, rubbish, and other noxious or offensive matter on property... every owner or occupier of real property shall maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood...

In proving every element of the offence, it will be necessary to prove:

- 1 The entity, that has allegedly contravened the provision, is an owner or occupier of real property.
- 2 The owner or occupier, has left their property untidy by accumulating rubbish or discarded materials. The items should direct the investigator to prove that they are an accumulation rather than a few items scattered or stored.
- 3 The unsightly property is not keeping a reasonable standard of maintenance prevailing in the neighbourhood. The accumulated items must meet the definition of rubbish, rather than 'exterior storage of materials'. There is an important difference. The way that items are stored may indicate some intrinsic value has been attached to them.

Identifying the elements of the offence provides the bylaw officer with a guide for obtaining the information and evidence needed to prove the case should the case go to court or adjudication.

Charge Assessment Guidelines

Before discussing evidence collection, it is worth reviewing the policy on [charge assessment guidelines](#) (commonly referred to as CHA 1). Essentially, the charge assessment guidelines are used to determine whether or not the Crown is in a position to proceed with charges related to the alleged offence.

CHA 1 requires an independent examination of documents and evidence by Crown Counsel and outlines the two-part charge assessment guideline, which must be satisfied before prosecution can proceed with charges (given some exceptions) as follows:

- 1 An evidentiary test needs to be satisfied as to whether there is a substantial likelihood of conviction and, if so,
- 2 Whether a prosecution is required in the public interest.

The Criminal Justice Branch recognizes the authority of bylaw officers to create a charge by laying of an information. The Criminal Justice Branch recognizes the responsibility of Crown Counsel's independent function to examine all relevant evidence and documentation before approving prosecution of an offence.

What this means is that a bylaw officer is recognized by the Criminal Justice Branch as being able to provide information to the courts, but that Crown Council is independent of that information and can decide to move forward on a charge or stay it depending on their own analysis. In short, just because a charge is laid by an officer does not mean Crown Council will automatically approve it.

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bc-prosecution-service>

Evidence Collection

Now that you are familiar with assessing and evaluating complaints and with the charge assessment guidelines, let's move to the next step in the process – collecting evidence. When gathering evidence to prove a bylaw offence, bylaw officers will collect information, evidence and exhibits.

Let's look at what the difference is between information, evidence and exhibits and how these items aid the investigative process.

What is Information?

Information is acquired knowledge that may be obtained through study, communication, search, research, and observation. The term, as used here, differs from laying "an Information" when initiating prosecutions.

The sources of information include: people, physical evidence and records. Not all information obtained in an investigation can be used as evidence. Information may also include investigative aids such as anonymous tips and hearsay evidence, but these cannot be used as evidence (to be discussed in greater detail later).

Laying Information is also the document that starts the court process for most criminal and quasi-criminal charges.

What is Evidence?

Evidence is something that proves or helps to prove a fact.

There are three types of evidence:

- **Verbal** - Words were spoken by a witness in court while under oath reaffirmation; testimony.
- **Physical** - A physical object, thing or substance which has some connection to the incident being examined by the court e.g. photographs, sketches
- **Documentary** - Written, typed, printed, or drawn, e.g. A violation ticket, interim agreements, or deeds of land.

What is an Exhibit?

An exhibit may be an item of physical evidence or a piece of documentary evidence accepted by a judge as evidence of a material fact or issue in a trial.

What are the Implications of Evidence in Court?

Strict rules govern the handling of all evidence before it is presented in court. These rules determine what evidence is admissible (allowed) and how it should be admitted.

What are the Characteristics of Evidence that is Likely to be Admitted in Court?

Admissible evidence is:	Non-admissible evidence is:
Relevant to an issue to be determined by the court	Irrelevant evidence
Reliable and has had proper care (trustworthy)	Unreliable (untrustworthy)

Exclusionary Rules of Evidence

Exclusionary rules of evidence are the guidelines for excluding evidence from a court proceeding. They include the following three rules:

1. Rule Against Hearsay

Hearsay evidence is generally not admissible. Hearsay evidence is any out-of-court statement by a person which is sought to be introduced through the testimony of another person who heard it (i.e., second-hand information). The problem with hearsay evidence is that it is a second-hand account and therefore the original speaker is not available in court for the truth of the statement to be tested. There is therefore an issue with the reliability of evidence given through a second hand account.

2. Rule Against Evidence of Bad Character

Calling for evidence during a trial to show that the accused is a person of bad character is excluded. This includes sharing that have a bad reputation or have previous convictions.

3. Rule Against Opinion Evidence

Opinion evidence will generally only be admitted if the witness is qualified to give the opinion, and sets out the facts and assumptions on which the opinion is based and their qualifications to provide the opinion.

What is the Best Evidence Rule?

The best evidence rule requires that the best available evidence on any issue is preferred. For example, if a relevant piece of evidence is a permit, the original permit should be presented rather than a photocopy.

Evidence required for adjudication:

[Section 20 \(Evidence for Adjudication\)](#) of the *Local Government Bylaw Notice Act* states that in a dispute adjudication the technical and legal rules of evidence discussed above do not apply.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03060_01#section20

As you collect evidence, be sure that the evidence presented is:

Click on the headings below to reveal more information.

Relevant	Admissible	Material
Proves or tends to prove or disprove a fact at issue in a case. For example, if the issue is to do with an individual dumping garbage illegally then the witness who saw the suspect dumping	All relevant evidence is admissible, unless it has been excluded due to the exclusionary rules of evidence (per previous page).	Evidence that contributes and supports admissible evidence.

the witness who saw
the suspect dumping
the garbage is relevant.
The observation of the
witness clearly relates
to the issue of illegal
dumping of garbage
and to the identity of
the accused person.



Documentation

Bylaw officers document their work through an increasingly wide and creative variety of ways. Today's documentation includes field notes, unedited photographs, aerial photos, sketches, video and audio tapes, and reports. Let's take a closer look at some of these and consider requirements and best practices.

Photographs

—

Photographs should be relevant to the incident and accurately depict the scene. For the photo to be admissible as evidence in court, the investigator must be able to testify that they took a photograph or at least that it accurately depicts the scene as they saw it that day.

Videotapes

—

The same rules apply to videotaping. Ideally, the video or still camera will have an automatic date/time stamp feature that can be placed on the picture to ensure accuracy. Ensure the courtroom will have audio/video equipment available to view the video

Audiotapes

—

In terms of audiotaping, the general rule is that one may not intercept and record any conversation between two parties if there is a reasonable expectation on the part of those parties that the conversation is private. This would apply to a telephone conversation, but not to a conversation being held on citizens' band radio, which constitutes public airwaves. The only people allowed to intercept and record a private conversation are the police, when in possession of a court order which allows them to do so. Any time that you breach these rules, the courts may well consider this to be *unreasonable search and seizure* and rule the evidence inadmissible in court.

Other Documentation

Other evidentiary documentation includes:



As part of a bylaw officer's investigative work, the officer may have to research supporting documentation available in the local government records. Documents should have a date, time, location, and signature (where applicable). This is not mandatory, but it provides credibility and demonstrates professionalism.

Interviewing Complainants and Witnesses

So far, we have established the principal sources of investigative information and evidence as:

- 1 Records
- 2 Physical evidence
- 3 People

Concerning people, you will have to interview them to gather evidence.

What is an interview?

An interview is a non-accusatory, two-way conversation designed to obtain as much information as possible from the complainant, victim or witness.

The importance of taking a formal statement during an interview includes:

- To convey evidence from the witness to the judge or your legal counsel.
- To assist the witness in recalling events.
- To provide a legal record.
- To assist the investigator in completing reports.
- To provide a written back-up for the investigator's actions.

Guidelines for Dealing with Witnesses at the Scene or Location

Bylaw officers are considered to be persons of authority, so when dealing with a witness or possible offender, it is important not to make any threats, promises or offer inducements for the witness or accused person to speak since these may lead to the finding that the statement was not made freely and voluntarily.

Below is a brief guideline for dealing with witnesses:

- 1 Be aware that a witness may provide misleading information for various reasons. For example, the witness may:
 - Be involved with the offence.
 - Be protecting the offender.
 - Wish to distract the investigator.
 - Simply be mistaken.
- 2 Remain impartial.
- 3 Don't allow the observations of one witness to influence the rest of the interviews.
- 4 Ask open-ended questions such as, "Can you tell me what you saw?"
- 5 Don't use leading or suggestive questions.

Freedom of Information and Protection of Privacy Act (FOIPPA)

The British Columbia [*Freedom Of Information and Protection of Privacy Act \(FOIPPA\)*](#) allows access to information held by public bodies (such as ministries, local governments, hospitals and other crown corporations) and determines how public bodies may collect, use and disclose personal information.



FOIPPA intends to strike a balance between the public's right to access records in the custody of, or under the control of, the local government and preventing the unauthorized collection, use, or disclosure of personal information.

Individuals have the right to access their own personal information and request correction of this information where necessary. *FOIPPA* also outlines the types of personal information which may be collected and how this information may be kept.

Scope of Disclosure and Exceptions from Disclosure under *FOIPPA*

A person who makes a request under *FOIPPA* has a right of access to any record in the custody or under the control of the local government. However, *FOIPPA* lists several exceptions to the general disclosure as follows:

- Draft resolutions/bylaws and substance of deliberations.
- Policy advice or recommendations received by the local government.
- Legal advice.
- Disclosure harmful to law enforcement.
- Disclosure harmful to financial or economic interests of the local government.
- Disclosure harmful to conservation of heritage sites.
- Disclosure harmful to business interests of a third party.
- Disclosure harmful to personal privacy.

The exceptions, referred to as *disclosure harmful to law enforcement* and *disclosure harmful to personal privacy*, are as follows:

- Local government may refuse to disclose information if the information is harmful to law enforcement matters which may include:
 - Harm to the effectiveness of investigative techniques and procedures.
 - Revealing the identity of a confidential source.
 - Endangering the life or physical safety of a law enforcement officer.

BUT

- Must not refuse disclosure to reports prepared during routine inspection or statistical information. In other words, regular information gathered by an officer during an investigation that does not fall within the requirements of non-disclosure must be freely released.

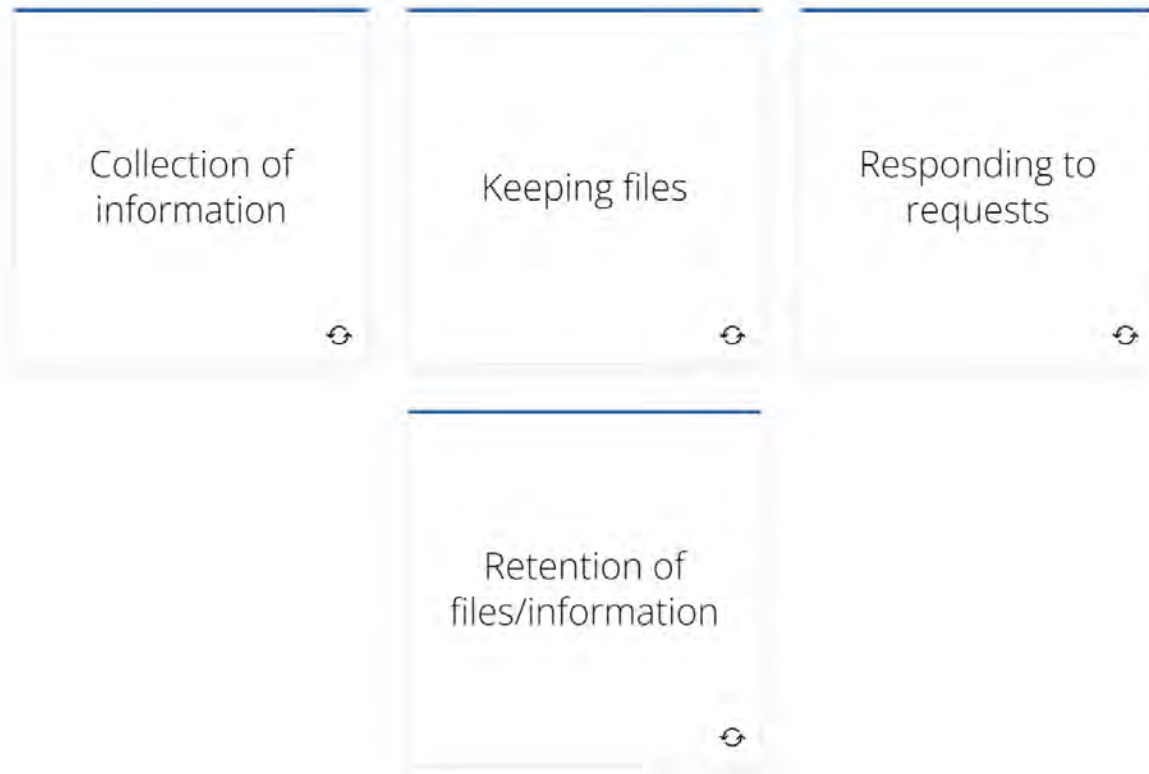
With respect to *disclosure harmful to personal privacy*, the following must be considered:

- Public body must not disclose personal information if such disclosure would be an unreasonable invasion of personal privacy.
- Personal information means almost all information about an identifiable individual which [exceptions](#).
- Disclosure is not usually considered an unreasonable invasion of personal privacy if the disclosure reveals details of a license, permit or other discretionary benefit granted by a public body. This does not include any personal information supplied in support of the benefit.
- Disclosure of contact at a place of business is not prohibited.

Application of FOIPPA in Bylaw Enforcement

The *Freedom of Information and Protection of Privacy Act* applies to all local government records including all records held by the local government with respect to bylaw enforcement, including:

Click on the headings below to reveal more information.



Collection of Information

1. **The information collected may include complaints or investigative evidence including letters, applications for licenses, etc. Bylaw officers must advise persons submitting information that local governments are subject to FOIPPA and information may be subject to disclosure. Before any decisions are made it is important to ensure that the information is correct.**

Keeping files

2. **Information in files must be kept secure against unauthorized access, collection, use, disclosure or disposal. Any information contained within the files (for example, email communications) may be subject to disclosure under FOIPPA.**

Responding to requests

3. **Some information (for example, licenses) can be released. Other information (for example, application for a license, ongoing investigation) may be exempt fully or partially from disclosure and the privacy officer from your jurisdiction should be involved.**

Retention of files/information

4. **Consider if information is still necessary and, if not, is there a record retention policy? Where no record retention policy exists, legal or business need to keep the records for two to six years. A records management policy is a useful reference for employees in regard to document retention and destruction.**

Privacy Breach

A privacy breach occurs when there is unauthorized access to or collection, use, disclosure or disposal of information (for example, mistaken disclosure). Below are suggested steps to contain, mitigate and investigate any information breaches.

Step 1	Contain the breach
Step 2	Evaluate risks associated with the breach and who is affected
Step 3	Notify affected individuals (may be important in some, but not all, circumstances)
Step 4	Investigate the source of the breach

Overview

Now that we have to thoroughly explore the need for attention to detail and accuracy in evidence gathering, it should be clear why effective note-taking procedures are also integral to your work.

Every bylaw officer should enter their notebooks each working day during or after an event. If an incident occurs, your notes will assist you in recalling events and writing reports. Days, weeks and sometimes years may pass between the time you gather the information and are asked to recall it. Without thorough notes, it is highly unlikely you will be able to recall all the facts surrounding the people and incidents you encountered.

i It is important to ensure that you record notebook entries accurately, as it will assist you in giving accurate evidence and hold you accountable for your observations and actions. In short, your notebook is an *official memory* of what occurred.



Notebooks must be kept secure and in your possession at all times when on duty. Line-of-duty notebooks are considered records and, as discussed earlier are subject to disclosure under the [B.C. Freedom of Information and Protection of Privacy Act](#).

Investigative Skills

Developing and continually sharpening your investigative skills is integral to your role as an effective bylaw officer. We will now examine some key components of effective note-taking.

What are the uses of an effective notebook?

There are five main uses of a notebook:

- Aids in accurate testimony.
- Assists during an investigation.
- Aids in writing reports.
- Ensures accountability.
- As a reflection of your professionalism.

What are the elements of an effective notebook?

In order for notebooks to be used effectively, they must reflect particular elements including:

- Accuracy.
- Clarity and concise use of language.
- Completeness.
- Objectivity, with no prejudice.
- Consistency in writing style and note taking habits.
- Legibility in writing.
- Detailed information.
- Factual.
- Unbiased with no personal opinions.
- Appropriate language and terminology.
- Utilize diagrams or sketches.

What entries do you make in your notebook?

Entries made in a notebook include both daily notebook entries and investigative entries as follows:

Daily Notebook Entries	Investigative Entries
Date and day of week	Witnesses – statement, comments and demeanor
Shift	Specific circumstances
Weather	Observations
Equipment assigned	Actions and activities
Assignment	Evidence obtained and gathered

Rules of Maintenance and Correction to Entries

The maintenance of notebooks requires compliance with the following four rules:

1. Rules of Maintenance

- Use the notebook issued by your department.
- Only use one notebook at a time.
- Label your notebook with complete information on the cover.
- Write in dark ink only.
- Single space and use every page of the notebook. Do not leave blank lines.
- Use only for work purposes, no personal notes.
- Print names and addresses in block letters.
- Print legibly.
- Make entries in chronological order.
- Keep control of your notebook.
- Store all of your used notebooks in a safe location.

2. Corrections to Entries Made in a Notebook

- If entries or information are missed, use a symbol like an asterisk (*) to add/complete your entry.
- Address mistakes; do not remove pages.
- Make the correction immediately.
- Draw a line through the error, do not use correction fluids or erase the error.
- Initial the correction.

3. Recalling Events from a Previous Date

- Do not add to the end of that dated entry. Use today's date and enter the pertinent information while referencing that this is recalled information from the previous date.

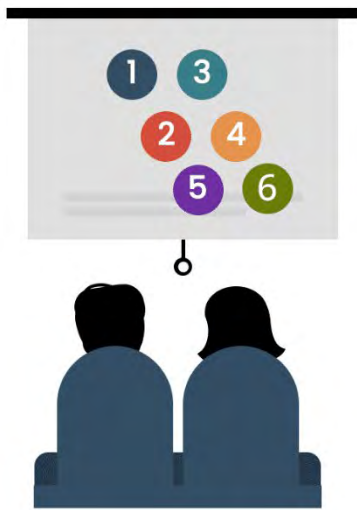
4. Keeping Old Notebooks

- Even after the official report has been completed, bylaw officers should keep their original notes. These notes may need to be produced later, at a legal proceeding, as a memory aid or in the disclosure of documents.

The 5 W's and 1 H

Conducting an investigation is like solving a puzzle and one must find the pieces of the puzzle and discover how they all fit together. A useful framework for solving investigative puzzles is asking a series of questions called the *5 Ws and 1 H*.

The *5 Ws and 1 H* assist in taking effective notes resulting in a complete record of events. Below is a summary of the *5 Ws and 1 H* and the suggested questions to consider:



- 1 WHO
- 2 WHAT
- 3 WHEN
- 4 WHERE
- 5 WHY
- 6 HOW

Who May View Your Notes?

Bylaw officers have a legal obligation to disclose all relevant information, including notes, to the accused and/or their defence counsel about a case once a ticket is issued or charges are laid in provincial court.

Failure to disclose all notes can be a serious breach of an accused person's rights and may jeopardize the case. It's important to remember that your notes are also your employers' property. Notes are also disclosable in civil proceedings, bylaw adjudications, and through *FOIPPA*.

As a guiding rule, remember to ask yourself:

Will I be able to complete an accurate and complete report of what happened during an incident based on the notes I have made in my notebook?

Module 4 – Report Writing

As a bylaw officer, you are required and expected to write reports which conclude or clarify your involvement in a case and which recommend further action that may be taken by your council or board about a case. It is important to compile a well-written report to provide the best information possible to fellow bylaw officers, your council or board, or legal counsel. Reports are also an effective way to share information, identify any issues, and justify actions taken.



Your report may end up in many important places, such as in court or presented in front of the council. Every report you write must be written with the possibility of various people with different backgrounds reviewing the report.

Failing to consider these outcomes can be not only embarrassing or career threatening to you but detrimental to your department and municipality.

A report provides information to your board, council or external agencies about a particular event or incident that occurred, and generally provides options, an analysis of those options, and a recommended course of action.

What is the Purpose of a Bylaw Enforcement Report?

As discussed earlier, evidence collected by a bylaw officer or a building inspector is crucial to bylaw enforcement proceedings. The evidence, which may include notices, letters, inspection reports, and photographs, are records that support a report. The purpose of a bylaw enforcement report includes the following:

- To recommend civil proceedings to enforce a bylaw contravention.
- To recommend that a notice of a building or safety contravention be placed on title to the property.
- To recommend that remedial action be ordered by council to address specific types of conditions on a property, general hazards, nuisance or unsafe conditions and drainage work obstructions ([Sections 72 to 75 of the *Community Charter*](#)).
- To recommend the suspension or cancellation of a business license, etc.

It is important to note that the report that goes to council or a board (for example, a report recommending a resolution to impose remedial action requirements) will likely be prepared by senior staff. However, the groundwork in preparing the final report, including evidence-gathering and record keeping, must have occurred months or years earlier.

Why Write a Good Report?

As a bylaw officer, you may prepare a report to the local government council or board seeking a resolution that the local government approves action against a contravener. The report may be considered by a number of readers in a professional context. Below are just a couple of reasons why writing good reports is important:

- Your report will be relied upon by the council or board to make a bylaw enforcement decision.
- Your report will likely become a part of the enforcement records, or even the record of the council or the board's reasons for taking specific action in court or other proceedings.

Writing Style Guidelines

Your reports must convey professionalism by using appropriate professional language. This means you should:

- Avoid slang terms or jargon.
- Never include profanities unless as part of a witness or suspect statement.
- Admit to all mistakes, do not try to cover them up.
- Present as unbiased and never include personal opinions unless supported by facts.
- Be clear, consistent, concise, complete and accurate.

Clear

- Explanation of what occurred must be clear
 - Thought process must be clear
 - Has to be easily understood
 - Use plain language
 - Free from excessive wording
-

Consistent

- Write in a uniform format (synopsis and narrative)
 - Information should be written out in logical order
 - Write in third person throughout the report
-

Concise

- Must still provide necessary detail
- Use all the words to tell the story, but no more
- Be specific, not vague

Complete

- Who (complaint, contravener, witness)
- What (was specifically done)
- When (it was done)
- Where (location)
- How (it happened)
- Why (officer perception)

Accurate

- Document facts and actions, do not guess or fill in the blanks
- Factual reports display professionalism

What is the Basic Structure of a Bylaw Enforcement Report?

As a bylaw officer or inspector, you must articulate your actions when writing a report so the people reading your report can clearly understand the events that took place. Because a report is an official record of what happened, what you did, why, and what you are recommending moving forward, it should be structured to address the following:

- Chronological account of relevant events, actions, and observations (where appropriate)
- Factual conclusions based on your investigation
- A list of bylaw enforcement options
- An analysis of those options for council or board to consider
- A recommendation

Other supporting documentation and evidence supporting the report include:

- Letters
- Notices
- Photographs
- Expert reports – e.g., structural engineer’s report, geotechnical report, etc.

It is important to emphasize the point that keeping good notes and records such as photographs does not only help in refreshing one's memory but is vital when the case goes to council for a decision or is later challenged in court. In a report recommending remedial action, it is important for a bylaw officer to provide complete materials and documentation and to ensure that the best case is presented from the outset.



Council will only consider submissions and documentation that has been put before it, and material may not be supplemented with information that the council had not considered. Incomplete reports often lead to additional work and more questions asked.

Never assume the reader knows what you mean, and remember that, in the future, a wide external audience may read the report you write today.

Ten Characteristics of Well-Written Reports

Well-written reports share the following ten characteristics:

1. Objective
 - Ensure the report is fair and impartial.
2. Factual
 - Facts can be verified and known with certainty.
3. Accurate
 - Ensure accuracy by being specific in your choice of language and words for each situation.
4. Complete
 - Provide as full an account as possible by using who, what, when, where, how and why questions to provide completeness.
5. Concise
 - Use few words to record the necessary facts and leave out unnecessary information.
6. Clear
 - Be clear and specific.
7. Mechanically Correct
 - Check spelling, grammar, punctuation, etc.
8. Written in Standard English
 - Use past tense and complete sentences.
9. Legible
 - An illegible report gives a poor impression of the writer.
10. On Time
 - A report submitted late reflects negatively on the report writer.

CE - Inspection Report Staff Guide

These instructions will assist in creating inspection reports for Case Files in POSSE. There are templates for each report that offer a quick, clear and less repetitive way to create investigation reports. This guide assumes the reader already knows how to retrieve a CF in POSSE. Click [here](#) for more information on how to search for a CF in POSSE.

Please make sure that you have added any identified violations under the “Violations” tab in POSSE prior to creating an Inspection Report.

You need to create the violations before starting your Inspection Report, because the system will pull the violation data into the Report.

For more information on how to add a violation, click [here](#).

The report shown is an example of CE – Inspection Report – PUI, but the main concepts will also apply to reports for Building, Electrical, Enviro and Plumbing.

Intended Document Use:

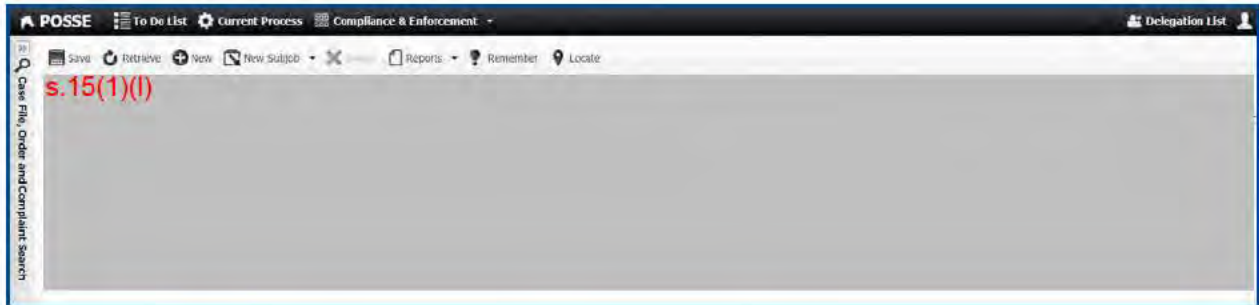
- [Click](#) on the FAQ hyperlinks below to take you to the applicable section in the document
- [Click](#) on the Back to FAQs button, located on each page, to come back to this section

Frequently Asked Questions

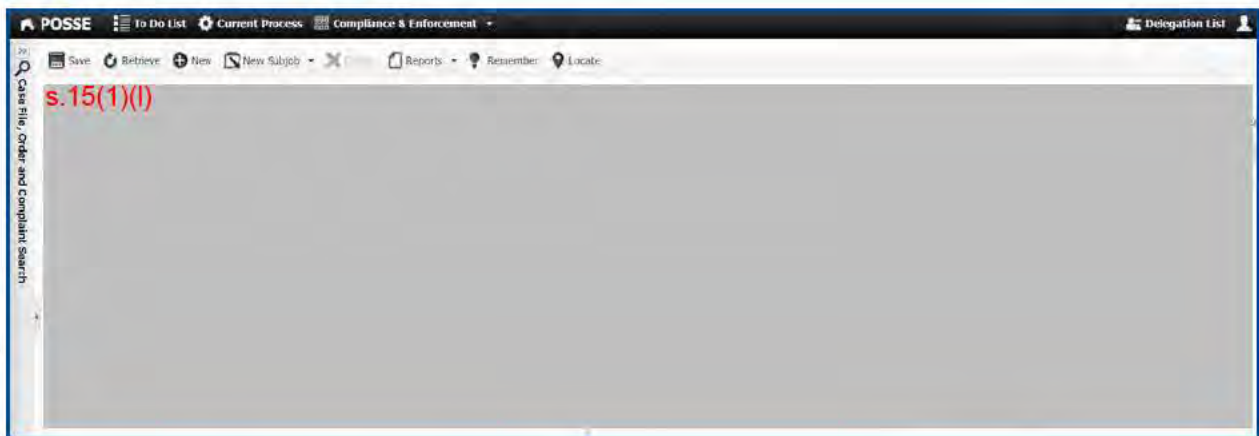
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How do I fill out the Inspection Overview/Narrative section?	7
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How do I open an Inspection Report?

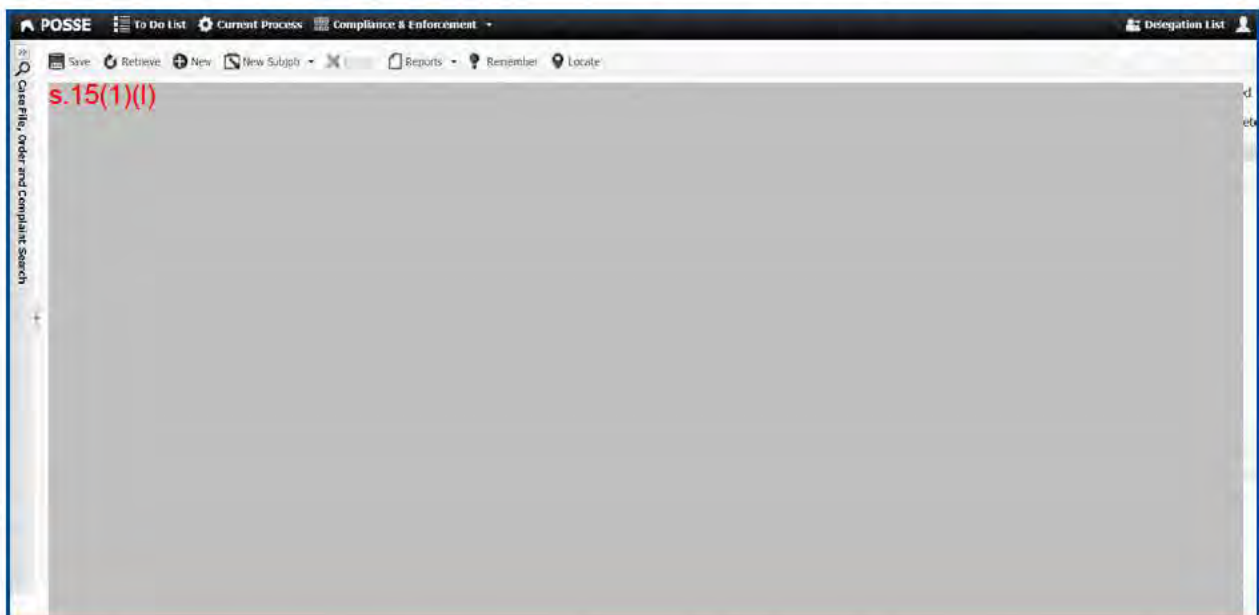
Step 1: Open the *Perform Investigation* process.



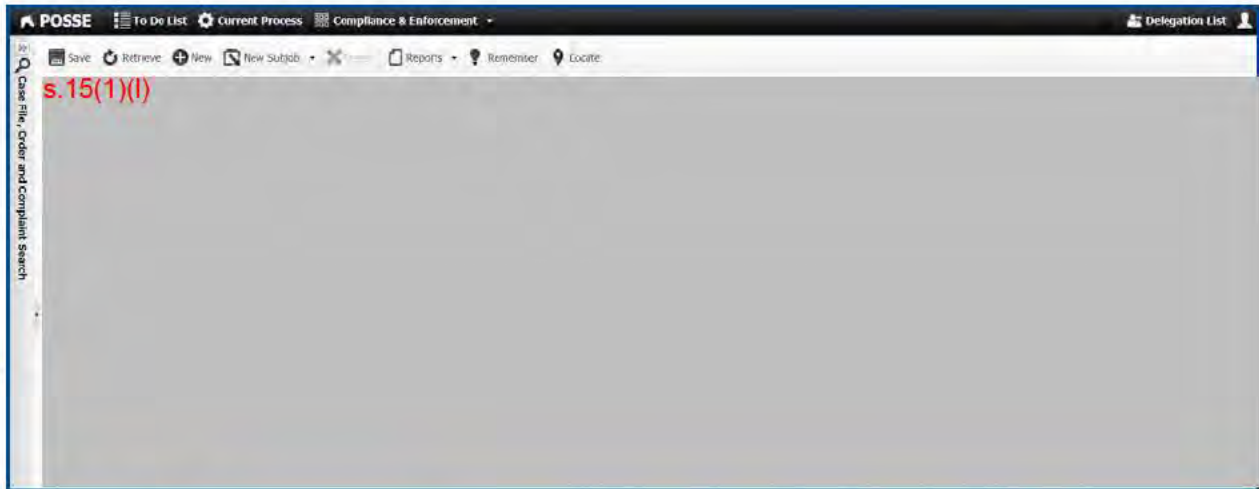
Step 2: Click on the *Letter* tab.



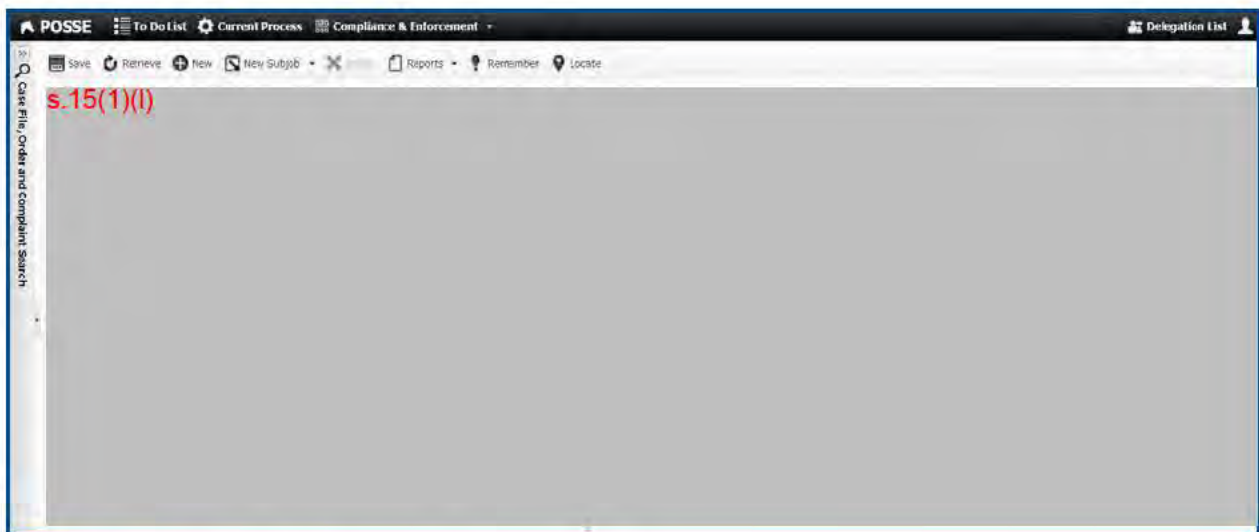
Step 3: From the *Letter Type* drop-down menu select the template.



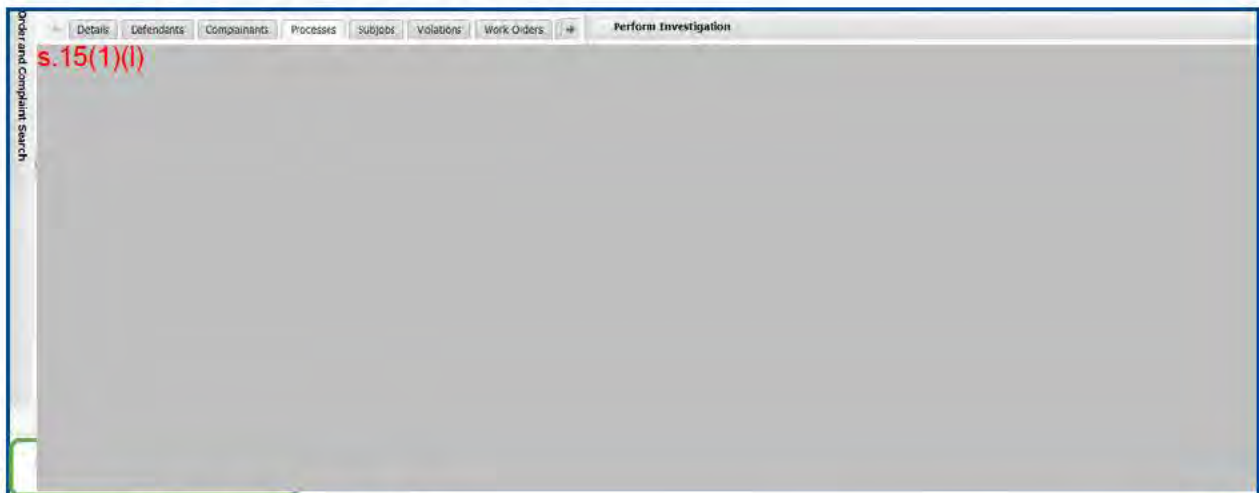
Step 4: Click + *Letter*.



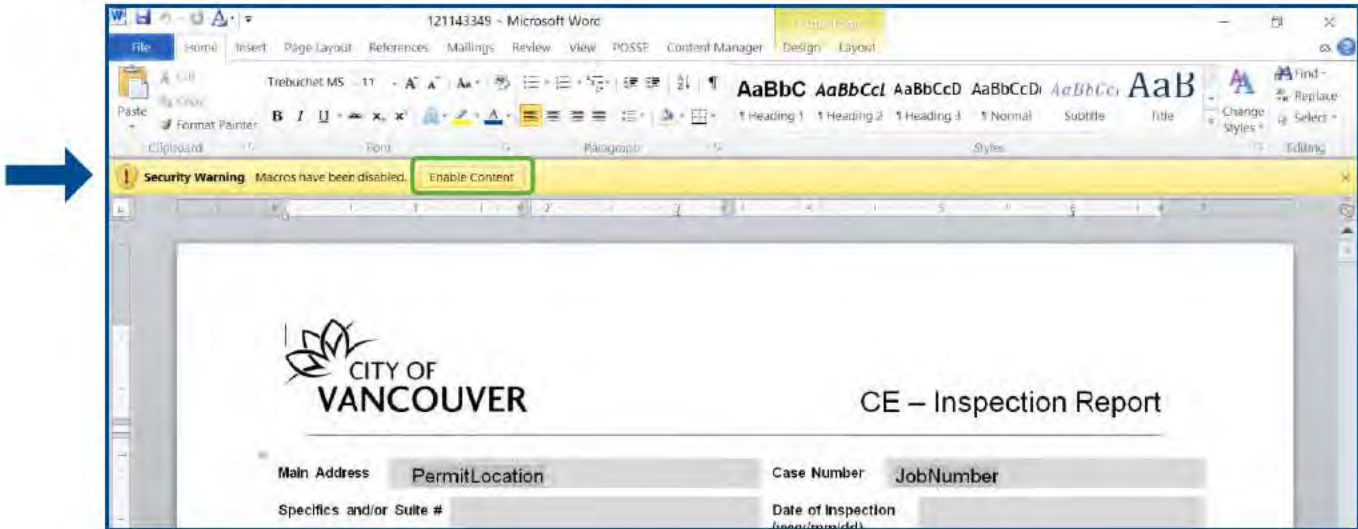
Step 5: Click the *downward* arrow.



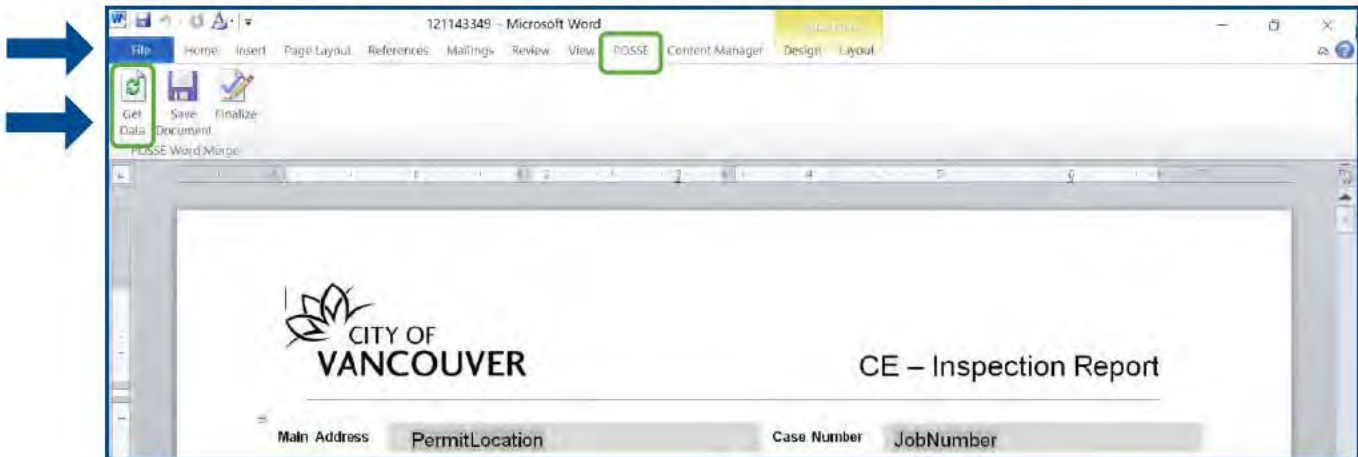
Step 6: *Open* the document by clicking on it.



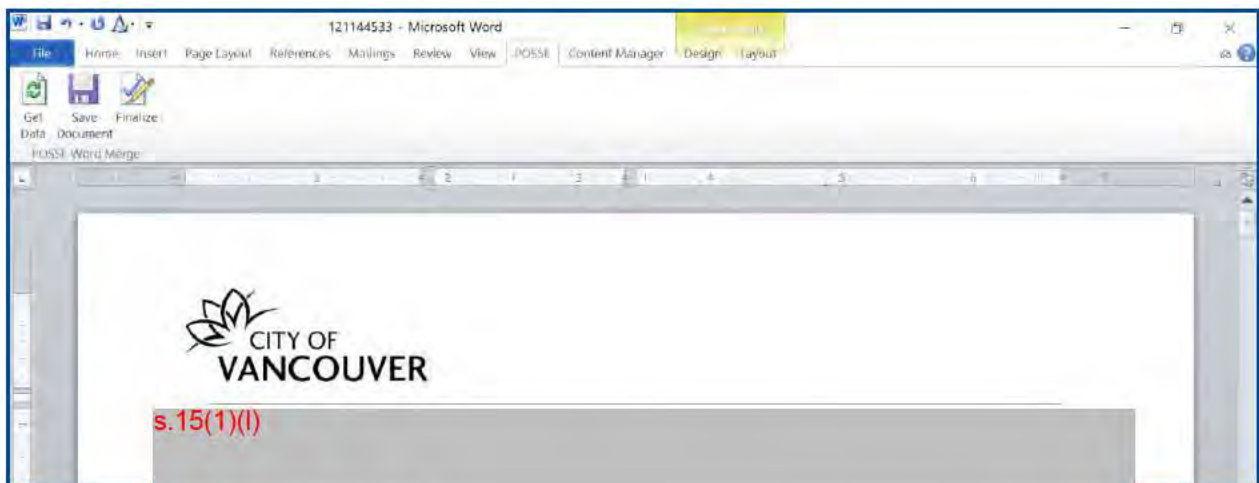
Step 7: If applicable, click *Enable Content*.



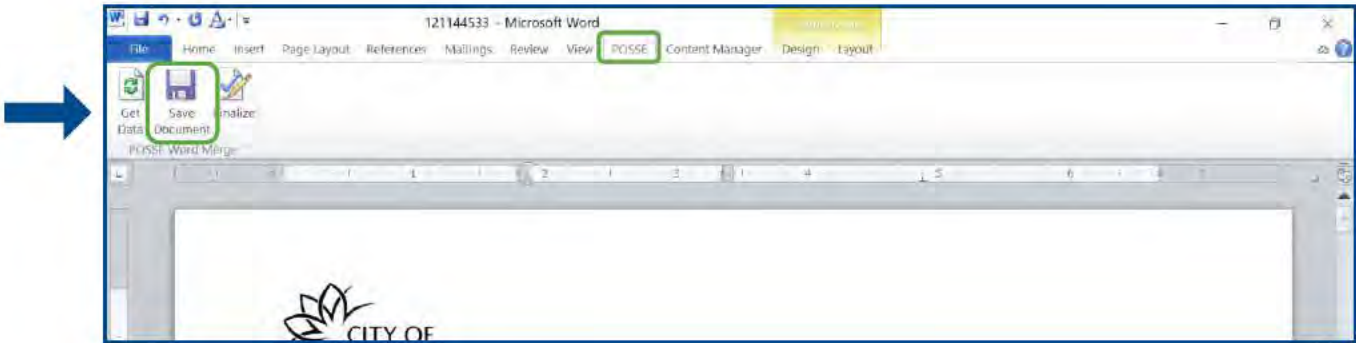
Step 8: Click on the *POSSE* tab and click on the *Get Data* button.



Step 9: The main information is pulled from POSSE including the Main Address and Owner & Contact Information sections.



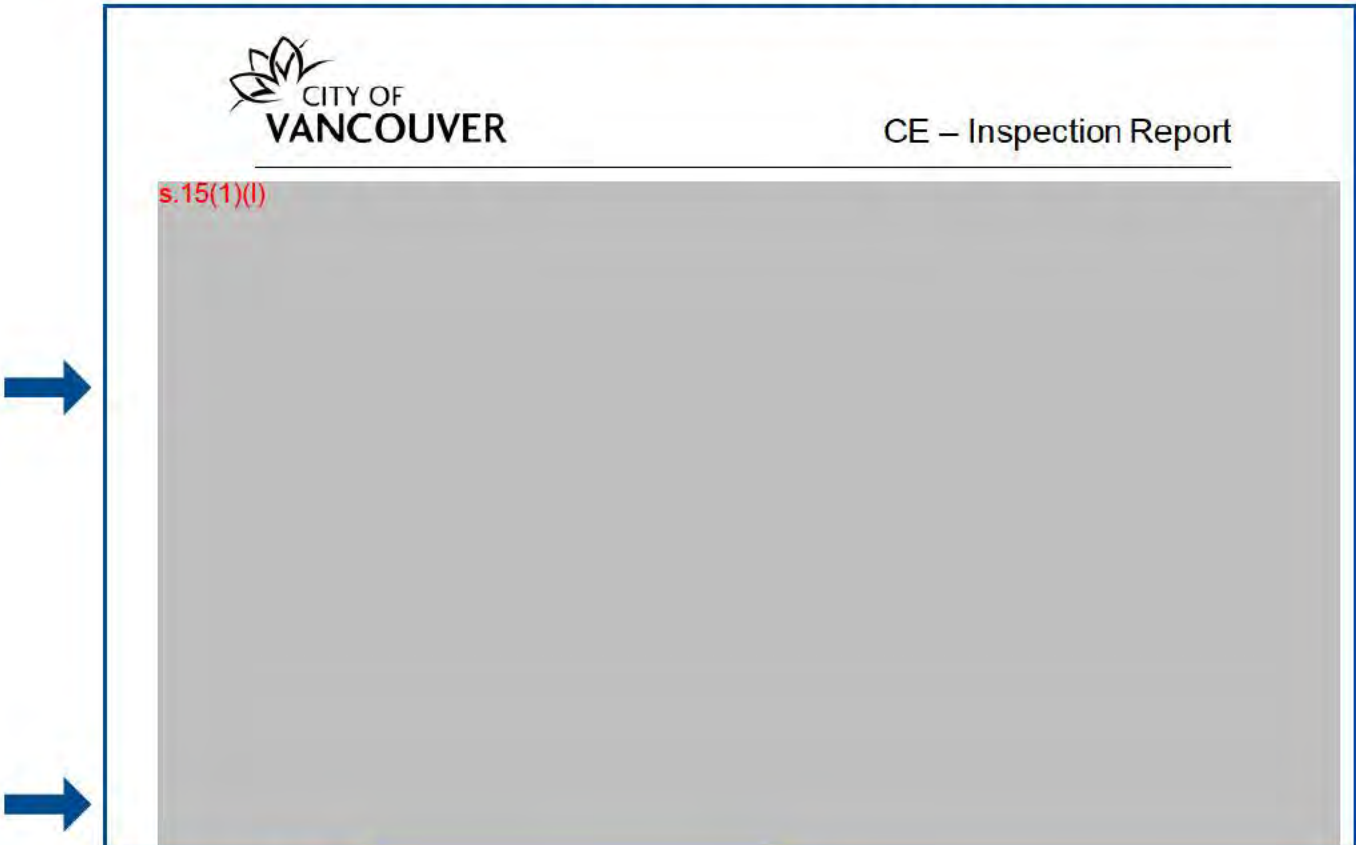
Step 10: In the *POSSE* tab, click *Save Document*.



How do I fill out the Property Information Section?

Step 1: Complete the *open-text fields* with any other appropriate information. For example, if you have been working with the Owner's agent, add in their name and contact information.

Step 2: In the *Strata Titled Building* section, select the appropriate *checkbox* items.



Step 3: Click *Save*.

How do I fill out the Reason for Inspection and Attendance section?

Step 1: In the *Reason for Inspection* section, select the appropriate *checkbox* item.



Reason for Inspection - Complaint | IA | Permit | Referral | Routine | Re-Check | 1 Year Access:

311 Complaint Dated June 19, 2020 & Phone call on June 20th re Pests, Holes in Walls & Mold in Unit #505

In Attendance

PUI	Bill Saite	Owner/Rep	
Plumbing/Gas/Sprinkler		Fire	
Electrical		VPD	
Building		Other	

Step 2: In the open-text field, enter the *inspection brief* in one sentence. The sentence should answer: *From? Where? When? What?*



Reason for Inspection - Complaint | IA | Permit | Referral | Routine | Re-Check | 1 Year Access:

311 Complaint Dated June 19, 2020 & Phone call on June 20th re Pests, Holes in Walls & Mold in Unit #505

In Attendance

PUI	Bill Saite	Owner/Rep	
Plumbing/Gas/Sprinkler		Fire	
Electrical		VPD	
Building		Other	

Step 3: List the people in *attendance* for the inspection and include both the *first name* and the *last name*.



Reason for Inspection - Complaint | IA | Permit | Referral | Routine | Re-Check | 1 Year Access:

311 Complaint Dated June 19, 2020 & Phone call on June 20th re Pests, Holes in Walls & Mold in Unit #505


In Attendance

PUI	Bill Saite	Owner/Rep	
Plumbing/Gas/Sprinkler		Fire	
Electrical		VPD	
Building		Other	

How do I fill out the Inspection Overview/Narrative section?

Step 1: Answer the following questions first:

- When did you arrive on site?
- Who gave you access?
- What is their contact number?
- If someone refuses to provide their name or their contact number, specify that they refused to do so.



Inspection Overview/Narrative:


Inspection on June 24, 2020 revealed violations of the Standards of Maintenance By-Law #5462. Arrived on site at 10:15AM and was provided access by Phillip Harris (778-111-1111).

Background:

Phillip Harris, a tenant in unit #505, stated that from October through December 24th, 2019, the outdoor deck of his unit repeatedly flooded during heavy rain. On several occasions, water from the

Step 2: Then, answer these questions regarding the nature of inspection results:

- When? What? Why?



Inspection Overview/Narrative:

Inspection on June 24, 2020 revealed violations of the Standards of Maintenance By-Law #5462. Arrived on site at 10:15AM and was provided access by Phillip Harris (778-111-1111).

Background:

Phillip Harris, a tenant in unit #505, stated that from October through December 24th, 2019, the outdoor deck of his unit repeatedly flooded during heavy rain. On several occasions, water from the

Page 1 of 4

outside rooftop patio deck entered into both his apartment and the apartment directly below, and resulted in damage to walls sand carpet including mould.

Violations were observed both inside the apartment and outside where there is a large rooftop patio.

Step 3: Check **Yes**, if pictures were taken and check **No**, if pictures were not taken.

Pictures Taken?

Yes

No

Step 4: Use the checkbox options to indicate if a notice was posted.



Notice Posted?

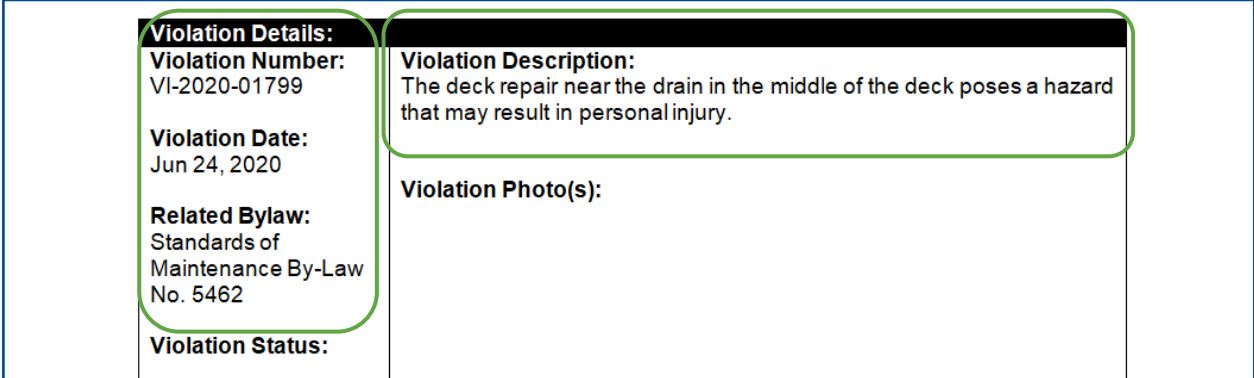
- No
- Stop Work Order
- Do Not Occupy
- Unsafe to Occupy

Step 5: Click [Save](#).

How do I fill out the Violation Description and Photos section?

Prior to creating the Inspection Report, the violations should have been entered in the [Violations](#) tab in POSSE. The violations should be detailed, because once you press [Get Data](#), the information will automatically be entered into the Inspection Report.


Step 1: Review the [violation details](#) and confirm the information is [accurate](#).




<p>Violation Details:</p> <p>Violation Number: VI-2020-01799</p> <p>Violation Date: Jun 24, 2020</p> <p>Related Bylaw: Standards of Maintenance By-Law No. 5462</p> <p>Violation Status:</p>	<p>Violation Description: The deck repair near the drain in the middle of the deck poses a hazard that may result in personal injury.</p> <p>Violation Photo(s):</p>
---	--

Step 2: If a *violation photo* was taken, insert it in the designated area. If a photo is not taken, leave it blank.



Violation Details:	
Violation Number: VI-2020-01799	Violation Description: The deck repair near the drain in the middle of the deck poses a hazard that may result in personal injury.
Violation Date: Jun 24, 2020	Violation Photo(s): 
Related Bylaw: Standards of Maintenance By-Law No. 5462	
Violation Status:	

Violation Number: VI-2020-01798	Violation Description: The downspout on the exterior south wall of the unit will not stay connect to the eaves trough.
Violation Date: Jun 24, 2020	Violation Photo(s): 
Related Bylaw: Standards of Maintenance By-Law No. 5462	
Violation Status:	

Step 3: Repeat steps 1 and 2 for each additional violation.

How do I fill out the Required Correspondence and Permits section?

Step 1: Use the checkbox options to specify the *type of letter/order* you would like drafted.

Administrative Request:

Please select required correspondence type for this case file:

30 Day Letter 7 Day Order 14 Day Order
 60 Day Letter 10 Day Order 30 Day Order
 Immediate Action
 Other - Please Specify Preferred Action: _____

Step 2: Identify all the *permits required* to resolve the violation(s). Leave this section blank if no permits are required.

Administrative Request:

Please select required correspondence type for this case file:

30 Day Letter 7 Day Order 14 Day Order
 60 Day Letter 10 Day Order 30 Day Order
 Immediate Action
 Other - Please Specify Preferred Action: _____

If permits are required, please specify those that should be mentioned in the correspondence:

Development Permit Sign Permit
 Building Permit Tree Permit
 Electrical Permit Occupancy Permit
 Plumbing Permit IA (Special Inspection)
 Gas Permit
 Sprinkler Permit
 Sewer Permit



Step 3: Provide a *brief summary* of the corrective actions required to resolve the violation(s).

<p>Provide specific instructions (i.e. actions needed for the owner/applicant/tenant to comply) that you would like included in the letter/order:</p> <p>Send <letter/order> to <property owner AND/OR tenant> instructing them to <actions required to correct violations>.</p>



<p>Provide specific instructions (i.e. actions needed for the owner/applicant/tenant to comply) that you would like included in the letter/order:</p> <p>Send S of M Order to property owner instructing them to apply for the required building permit to restore missing rear deck and stairs, and remove the vehicle stored in the rear yard.</p>

Step 4: Click [Save](#).



PROSECUTION AND ATTENDING COURT

Training Manual

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Definitions

Acquit/Acquittal

To declare or find a person not guilty. A person is presumed to be innocent until convicted.

Adjournment

To postpone the trial until a later stated time. All applications are to be considered by a justice on the record.

Affirm

To formally declare and attest to the truth of a statement (and thus subject oneself to the court's penalties for perjury) without giving one's oath on the Bible.

Amendment

A formal correction to information. The Offence Act S. 100 gives the justice discretion, on the request of the prosecutor or defendant, to make a change to information to correct an error such as the wrong date or address.

Appeal

To apply to a higher court to set aside the trial decision on conviction or sentence on the basis that the trial justice made an error. An appeal is not an opportunity to make the same arguments to a new judge.

Bench Warrant

A warrant issued by a justice authorizing the defendant's arrest for failure to attend court.

Charge

A charge is an allegation of a breach of a law or bylaw. When long form information is sworn or the Municipal Information Ticket is issued against an accused (defendant), the charge is laid.

Company Certificate of Incorporation

This shows the corporate defendant became registered in BC on a provided date and remained so up to and including the day of the alleged violation.

Convict

To find guilty of an offence.

Cross-Examination

Questions asked a witness by the party (or their lawyer if there is one) on the other side. You will be cross-examined by the defendant or defendant's lawyer. If the defendant takes the stand to give evidence, the prosecutor (or you if no prosecutor) may cross-examine the defendant and any witnesses he or she calls. The purpose is to test the witness's evidence in chief or bring out new evidence. Questions in cross-examination can suggest or lead to a particular answer.

Defendant

The defendant (or accused) is a person alleged to have committed an offence. Once that person has been personally served with a summons, they must appear, or the justice may issue a Bench Warrant or order the matter to proceed ex parte.

Denotify

To be informed that you are no longer required for a specific court date. The reasons could be that the ticket was paid prior to the court date, the accused has changed their plea to guilty, or the accused has requested a new court date.

Direct Evidence

See Evidence in Chief

Disclosure

Upon request, the prosecutor must give the defendant a copy of the evidence the prosecution has against the defendant. This includes a copy of the ticket and any notes of the prosecution witnesses.

Dismiss/Dismissal

To acquit, to find the defendant or accused not guilty.

Due Diligence

As an example, watering contrary to the bylaw is a strict liability offence. The prosecution must prove all the elements of the offence beyond a reasonable doubt. This is a prima facie case. The defendant will be convicted unless he or she shows that they were duly diligent. In order to successfully raise a due diligence defence, they must prove on the balance of probability that they took all reasonable steps to prevent the offence from occurring (i.e. they were duly diligent).

Enactment

The process of passing legislation.

Evidence

Information that tends to prove or disprove a matter in issue. Evidence may be in the form of verbal testimony under oath; documentary evidence, such as the Registered Owner certificate; or real evidence, such as photographs or objects.

Evidence in Chief

Also called direct evidence or examination in chief. This is the evidence given by a witness before cross-examination. The purpose is for the witness (city or defence) to tell, in his or her or own words, what happened. If the city prosecutor is prosecuting, they will ask you open-ended questions. Questions in examination in chief cannot suggest or lead to an answer.

Ex Parte

Literally "without the party". An ex parte trial is a trial held in the absence of the defendant.

Exculpatory evidence

Includes any evidence that may prove a defendant's innocence. Examples of exculpatory evidence include an alibi, such as witness testimony that a defendant was somewhere else when the crime occurred.

Exhibit

A document or material object produced and identified in court and entered in court as evidence (i.e. the Registered Owner Certificate (R/O) or Certificate of Title showing who owns the motor vehicle or property).

Inculpatory evidence

Evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt.

Indictment

A formal charge or accusation of a serious crime.

Information

The formal document that contains a charge against a defendant or accused.

Judge

Sits at more important court cases, whereas judicial justices handle lower court cases. Certain types of files, such as breach of court order, may also go in front of a judge.

Judicial Justice

A judicial justice (JJ) is authorized to hear and adjudicate civil matters. Zoning and building cases are typically heard by a judicial justice. A JJ should be referred to as "Your Worship" in the hearing and courtroom. (Note: There are also justices of peace in the registry who have different authority.)

Order Excluding All Witnesses

This is a request made by the prosecution or defence before the trial starts. All witnesses other than the first prosecution witness and the accused must leave the hearing room and wait outside until called to give evidence. The prosecutor should always ask for an order excluding witnesses.

Personal Service

A summons or Municipal Ticket Information must be personally served on the defendant. If the defendant has been personally served and does not attend court in accordance with a summons, a judicial justice may authorize the arrest by bench warrant or for a trial to proceed ex parte, pursuant to S. 68 of the Offence Act. If the defendant that has been personally served with an MTI does not dispute within the time limit or disputes but does not attend the trial, the penalty is automatically imposed without trial.

Prima Facie

Clear on its face. The term literally means "at first sight". A prima facie case is one clear on its face: the Crown has proven all the elements of the case. A prima facie case shifts the burden of proof to the defendant, because unless the other side can discredit the prima facie case by establishing evidence to the contrary or presenting a due diligence defence, they will be convicted.

Process Server

A person that personally serves official court documents such as a summons.

Record to Allege

A presentation made just prior to sentencing in which the prosecutor advises the court if there is a previous history or record of convictions to allege.

Re Examination

Following cross-examination, the party calling in a witness is given an opportunity to re-examine, that is, to ask further questions to clarify matters that arose during cross examination. Questions that could have been asked in evidence in chief but were not or cannot be asked.

Sentence

After a finding of guilt or a guilty plea, the judge must impose a sentence. In a Municipal Ticket Information matter, the only penalty available is the fine set out in the Ticket Offences Bylaw 9360.

Submission

See Summation.

Subpoena

A command issued by the court directed to a witness to appear in court to give evidence.

Summary Conviction

A conviction that is resolved without a jury or indictment.

Summation

A final argument which summarizes the evidence and makes an argument for conviction or

acquittal (at the end of the evidence) or as to the appropriate sentence (after a conviction is entered). Also known as a submission.

Summons

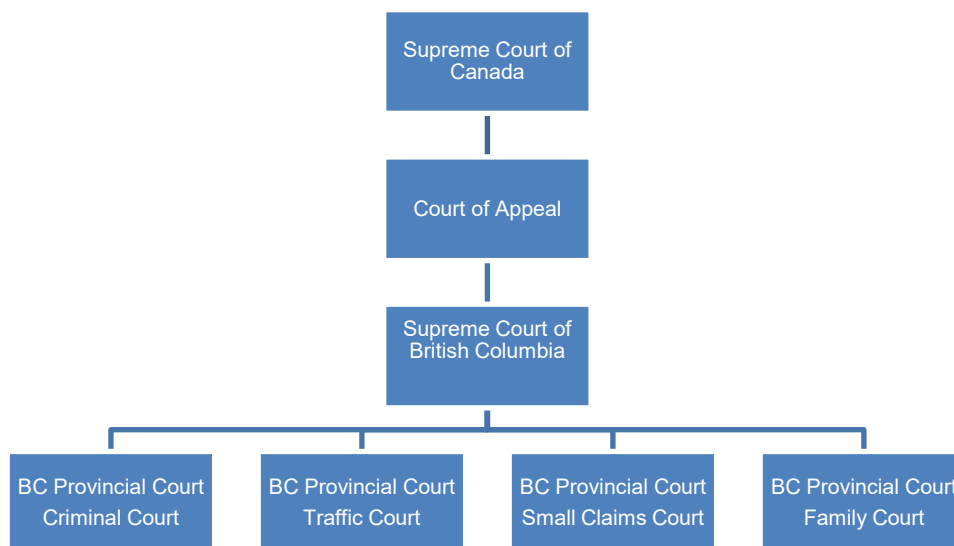
To command a defendant to appear in court.

Voir Dire

Literally "to speak the truth". A voir dire is a trial within a trial. The purpose is to decide whether certain evidence is admissible. In order to have the court admit a statement of the defendant made to you, a person in authority, as evidence in the trial, it must be shown that the statement of the accused was freely and voluntarily made, and not made as the result of a promise, threat or inducement. The requirement for a voir dire does not apply during the sentencing proceedings.

Court System Hierarchy

The court system is structured in a pyramid format:



Supreme Court of Canada

- Highest level of court
- Appeals only – does not hear trials

Court of Appeal

- Appeals only – does not hear trials

Supreme Court of British Columbia

- Appeals of summary conviction and small claims matters
- Trials of matters proceeding by indictment
- Civil trials involving divorce, injunctions, and amounts over \$10,000

If one of your cases is appealed, it will be heard in the Supreme Court of British Columbia.

Provincial Court of British Columbia

- Criminal Court
- Traffic Court
- Small Claims Court
- Family Court

Provincial Court hears the following trials:

- Summary conviction matters
- Motor Vehicle Act
- Municipal Bylaw Act
- Civil claims up to \$10,000
- Family Relations Act (non-divorce, such as custody and maintenance)

The Provincial Court level is entry-level for most cases. Your cases will be heard at this level.

Legislative History and our Role in the Justice System

The trial that you participate in before a judicial justice is part of the larger justice system in Canada. Our justice system, created when British Parliament passed the British North America Act in 1867, is modelled after the common law system in Britain.

Our system of justice is based on some important and fundamental principles:

1. Impartiality
2. Predictability
3. Procedural fairness

Constitution Act (1867)

The City of Vancouver's authority to prosecute its bylaws begins with the Constitution Act of 1867, which gives exclusive powers to provincial legislation.

Subjects of exclusive Provincial Legislation

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, [...]

8. Municipal Institutions in the Province.

9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.

15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.

16. Generally all Matters of a merely local or private Nature in the Province.

Vancouver Charter (1953)

The Vancouver Charter is a provincial statute that grants Vancouver City Council the authority to pass bylaws ([City Hall Watch](#)). Fines and penalties are used to enforce those bylaws.

Part XVII — Penalties

Fines and Penalties

333. (1) Subject to subsection (2), the Council may make by-laws for the purposes of enforcing its by-laws, including establishing one or more of the following penalties to which a person convicted of an offence in a prosecution under the Offence Act is liable:

- a) a minimum fine;*
- b) a maximum fine of up to \$10,000;*
- c) in the case of a continuing offence, for each day that the offence continues either or both of
 - i. a minimum fine under paragraph (a), or*
 - ii. a maximum fine under paragraph (b);*
 - iii. imprisonment for not more than 6 months.**

Enforcement of bylaws

333B. (1) Subject to subsection (2), without limiting the available remedies, the authority of the Council to deal with a contravention of a bylaw includes the following:

- a) prosecution of the offence in accordance with the Offence Act;*
- b) proceedings under sections 482 to 482.91 of this Act;*
- c) subject to the regulations under the Local Government Bylaw Notice Enforcement Act, proceeding by bylaw notice under that Act;*
- d) civil proceedings authorized under this Act.*

Constitution Act (1982)

In 1982 the Constitution Act was passed. This act of Canadian Parliament in Ottawa created our own “made in Canada” constitution, including the Charter of Rights and Freedoms.

The fundamental principles of justice and the Charter of Rights and Freedoms affect how you gather evidence and present it in court.

You must be fair, objective and honest. The accused is innocent until proven guilty, and is entitled to know the case against them.

These same principles affect all the players in the justice system, including you, the bylaw enforcement officer.

Offense Act (1996)

The Offense Act [RSBC 1996] Chapter 338 states that offenses under British Columbia enactments are punishable by summary conviction ([ClickLaw BC](#), [Courthouse Library](#)).

Jurisdiction

s.8 Subject to section 2.1 of the Provincial Court Act, every justice has jurisdiction to try, determine and adjudge proceedings to which this Act applies in the territorial division over which the justice has jurisdiction.

Definitions

s.1 In this Act:

"justice" means a justice of the peace, and includes 2 or more justices, if 2 or more justices act or have jurisdiction, and a judge of the Provincial Court or any person who has the power or authority of 2 or more justices of the peace;

"proceedings" means

- a) proceedings in respect of offences, and*
- b) proceedings in which a justice is authorized by an enactment to make an order*

Assignment of Duties by the Chief Judge pursuant to s.11 of the Provincial Court Act, effective December 5, 2013

Subject to section 2.1 of the Provincial Court Act, the following are the duties, classes of cases or matters to which Judicial Justices are assigned:

[...]

- 5. (b) Hearings in respect of all municipal bylaw offences;*

Actors in a Prosecution

Enforcement Officer or Inspector

Your job is to look for all the evidence available, not just evidence that shows guilt. When giving evidence in court, you must be objective, fair, and above all, honest.

A breach of a bylaw is not a wrong to you personally. It is a wrong to the community as a whole.

Prosecutor

The prosecutor can describe Crown Counsel, the Prosecutor for the City, or the enforcement officer acting as their own prosecutor.

The job of the prosecutor is to present all the evidence available, not just evidence that shows guilt. The prosecutor represents the Crown and must consider the interests of the community as a whole. They must be objective, fair, and honest.

The Prosecutor has the obligation of proving all elements of the case beyond a reasonable doubt.

Defence Counsel

The defence counsel's job is to defend the accused. Their job is to show that the prosecution has not proven the case beyond a reasonable doubt. They must follow the instructions of the accused. Their job is to act in the best interests of the accused, not the community.

The defence counsel has only to raise a reasonable doubt. They can do this by finding flaws in the prosecution's evidence or legal reasoning.

Defence counsel must be honest and fair.

Judge or Judicial Justice

The job of the judge or Judicial Justice (JJ) is to decide whether the prosecution has proven the guilt of the accused beyond a reasonable doubt. They do this based on the law and the evidence presented in court. The judge cannot make any assumptions or judgement based on sympathy or prejudice. Instead, they can only base the decision on the sworn evidence. Before a judge can convict an accused, the prosecution must have proven all the required elements beyond a reasonable doubt.

The judge or judicial justice must be fair and unbiased. His or her job is not to ensure only guilty people are convicted. It is to ensure a trial is fair and that the Crown has proven an accused guilty beyond a reasonable doubt before entering a conviction.

Steps to a Prosecution

Step 1: Investigation and evidence gathering for referral to prosecution

Evidence

Broadly construed, evidence is anything admissible in court that can be used to establish a fact.

The prosecution relies on the facts established at trial to prove the "elements of the offence" beyond a reasonable doubt.

Elements of the offence

The information is the actual charge. Every word in the information must be proven. This is where the elements of the offence or case can be found.

Certain standard elements must always be proven, and additional elements must also be proven depending on the charge. Remember that if it is in the information, it must be proven.

The following elements of any given offence **must** be proven beyond a reasonable doubt in order to obtain a conviction.

- Date
- Location
- Jurisdiction
- The prohibited act
- The commission of the prohibited act by the accused (ID)

Example 1: Elements of an offense – snow removal

On or about December 23, 2017, Joe Smith, being the owner of real property at 2468 Even Street, Vancouver, British Columbia, did fail to remove snow and ice from any sidewalk adjacent to the parcel's property line for a distance that coincides with the parcel's property line, no later than 10:00 a.m., contrary to the form of the enactment in such case made and provided.
Section 76, By-law 2849

Example 2: Additional elements – lawn watering

Additional elements specific to a lawn watering charge:

- Owner or occupant of the address
- Whether they violated or allowed a person to violate the Water Shortage Bylaw
- Stage of water restriction
- How stage of water restriction was declared and announced
- Whether they watered lawn on unpermitted day or time

All of these elements must be proven beyond a reasonable doubt in order to obtain a conviction. If any one of these elements is not proven (for example, the Registered Owner's certificate is missing, or the officer forgets to provide evidence of them watering their lawn during an unpermitted day or time) the judicial justice **must** acquit.

Proof beyond a reasonable doubt

R. v. Lifchus, [1997], 3 S.C.R. 320 at para. 39

A reasonable doubt is not an imaginary or frivolous doubt. It must not be based upon sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence.

Even if you believe the accused is probably guilty or likely guilty, that is not sufficient. In those circumstances, you must give the benefit of the doubt to the accused and acquit because the Crown has failed to satisfy you of the guilt of the accused beyond a reasonable doubt.

On the other hand, you must remember that it is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. Such a standard of proof is impossibly high.

Based upon the evidence before the court, if you are sure that the accused committed the offence, you should convict since this demonstrates that you are satisfied of their guilt beyond a reasonable doubt.

In order to prove the case beyond a reasonable doubt, the prosecution must lead evidence on all the elements in the case.

Admissible evidence

What constitutes admissible evidence at trial?

- Evidence that is relevant and probative of an issue at trial
- The first-hand observations or knowledge of a witness
- A statement made by the accused, orally or in writing, provided it can be authenticated and proven voluntary by the witness tendering the statement
- Business records kept by the City of Vancouver, provided they can be authenticated by the witness tendering the evidence
- Documents, such as correspondence, provided they can be authenticated and proven voluntary by the witness tendering the statement
- Photographs, audio and video evidence, provided they can be authenticated by the witness tendering the evidence
- Expert opinion evidence

What evidence is not admissible at trial?

- Hearsay evidence
- Opinion evidence, generally
- Character evidence
- Prejudicial evidence

While these forms of evidence are not admissible at trial, they may be admissible for sentencing purposes.

Note taking and witness statements

Notes and witness statements are a record of what was observed. Notes can take the form of handwritten notes made at the scene or a report written shortly after the observations. The notes themselves are not admissible at trial, but they can be used to refresh a witness's memory in court if the notes or statement was made at the time of the observation or shortly thereafter.

Your notes are the record of what happened. When you get to court many tickets and many months later, you will not be able to give accurate and reliable evidence without your notes. Your notes show your professionalism. In a dispute between you and the defendant as to what really happened, your notes can support and enhance your credibility. When you are in court, you may, with the permission of the judicial justice, read your notes to refresh your memory.

Your notes should include:

- Time and date of offence, including day of the week
- Location and jurisdiction
- Address and description of property
- Day of the week and time of day
- Weather
- All other details required to prove the offence

Unusual circumstances:

- Any conversation between you and an occupant or owner
- Condition of the property
- Anything out of the ordinary, including any threats, assault, or abusive language directed at you

How do you know what is important? You don't always know, so include it. You will never regret taking the time to add something, but you may regret not adding it. Even if you don't use it in court, a notation that someone was abusive (for example) may assist a fellow officer.

If the observations of a witness are required to prove the charge, the witness must provide a written statement that clearly sets out all of the evidence respecting the elements of the offence that they can provide.

Documents and business records

The following are City of Vancouver documents and business records that can be used as evidence:

- Licences
- Permits
- Applications
- Taxation records
- Property reports
- Past enforcement records
- Aerial photographs

Statements made by an accused

Statements made by an accused to a person in authority must be proven to be voluntary for them to be admissible. This must be determined on a "voir dire" hearing on a standard of proof beyond a reasonable doubt. The rule is designed to ensure the reliability of a confession.

The voluntariness of a statement is determined by considering the following factors:

- Threats or promises
- Oppression
- Operating mind
- Trickery

The application of the confessions rule is contextual and requires taking into account all the circumstances.

If a statement (i.e. a confession) from the accused is required to prove an element of the offence beyond a reasonable doubt, take complete and accurate notes of your interactions with the individual, including:

- What you said and what they said
- Who else was present and what that person said, if anything
- What the tone of the conversation was and whether the accused was cooperative
- Whether you said or did anything that could be construed as a threat, promise, inducement, or trick

Identification evidence

The only means by which you can reliably identify an individual is by referring to a piece of government-issued photo ID.

Obtain the ID and confirm that the information is correct. Ask questions like “What is your full name? What is your address? Your date of birth?” Look at the photo, the date of birth, and the person. Satisfy yourself that the person before you is the person in the document. Make a note of the type of ID supplied, how you confirmed its accuracy and that you were you are satisfied that the person had properly identified themselves.

You can also identify an individual by the name they provide as long as there is another piece of evidence that corroborates their ID. Such other evidence might include City licenses or permits issued to the individual, property ownership records, or vehicle registration records.

In all cases, a physical description of the individual should be recorded in your notes (race, sex, height, weight, hair colour/length/style, facial hair, eye colour, glasses, marks, tattoos, scars, physical deformities, clothing). If a camera is available, you may take a photograph of the individual. All this will help you identify the offender in court if the matter is disputed.

If the liable party is a corporation or proprietorship, you must determine the correct legal corporate name, including any suffix such as Ltd., Inc., Co., or Enterprise. Search for the company on [BC Online](#) in order to confirm this information. A City business licence may assist in identifying the correct corporate party, although the company search is the most reliable search.

Disclosure obligations

R. v. Stinchcombe, [1991] 3 S.C.R. 326

The Crown has a legal duty to disclose all relevant information to the defence. The fruits of the investigation that are in its possession are not the property of the Crown for use in securing a conviction, but the property of the public to be used to ensure that justice is done.

All possibly relevant information must be disclosed, both that which the Crown intends to introduce into evidence and that which it does not, and whether the evidence is inculpatory or exculpatory.

There is likewise an obligation on the part of the investigating party to provide the Crown with all of the fruits of the investigation that are not clearly irrelevant.

Report to prosecutor

Include the following:

- Notes
- Witness statements
- Statements made by the accused (written by the accused or transcribed by the investigator)
- City documents and records
- Correspondence documents
- Corporation documents
- Memo or report, including:
 - Recommended charge(s)
 - A narrative setting out how all the elements of the offence have been established
 - Identification of lead investigator and possible witnesses
 - An index of the materials

Limitation period

From the Offence Act [RSBC 1996] Chapter 338:

Limitation period

s.3 (2) If no time is specially limited for making a complaint or laying an information in the Act or law relating to the particular case, proceedings must not be instituted more than 6 months after the time when the subject matter of the proceedings arose.

Step 2: Charge assessment by the City Prosecutor (Crown Counsel)

Section 4(3)(a) of the Crown Counsel Act [RSBC 1996] Chapter 87 authorizes Crown Counsel to “examine all relevant information and documents and, following the examination, to approve for prosecution any offence or offences that he or she considers appropriate.”

Crown Counsel is constitutionally required to act independently of all partisan concerns and improper motives.

The independence of Crown Counsel must also be balanced with measures of accountability. Crown Counsel must review the available evidence and applicable law and exercise their discretion in accordance with published policies.

Charge assessment guidelines

From the British Columbia Prosecution Service, Crown Counsel Policy Manual – Policy Code CHA 1:

Crown Counsel must consider the presumption of innocence, the prosecution’s burden of proof beyond a reasonable doubt, and the prosecutor’s fundamental obligation to act as a “minister of justice,” and see justice done.

In discharging the charge assessment function, Crown Counsel must independently, objectively, and fairly measure all the available evidence against a two-part test:

- 1. whether there is a substantial likelihood of conviction; and, if so,*
- 2. whether the public interest requires a prosecution.*

This two-part test continues to apply throughout the prosecution.

Evidentiary test

“Likelihood” requires, at a minimum, that a conviction according to law is more likely than an acquittal.

“Substantial” refers not only to the probability of conviction but also to the objective strength or solidity of the evidence.

A “substantial likelihood of conviction” exists if Crown Counsel is satisfied there is a strong and solid case of substance to present to the court.

Public interest test

Crown Counsel should take into account the particular circumstances of each case and the reasonable public safety concerns of the local community.

The following factors may be relevant in the charge assessment for a municipal prosecution:

- The seriousness or triviality of the allegations
- The likely sentence upon conviction
- The degree of harm caused
- A history of relevant previous enforcement or convictions, or lack thereof
- That the alleged offender was under an order of the court at the time of the offence
- The degree of blameworthiness
- The personal circumstances of alleged offender, complainant, or victim
- Time
- The need to maintain public confidence in the administration of justice
- The length and expense of a prosecution when considered in relation to the social benefit to be gained by it

From the British Columbia Prosecution Service, Crown Counsel Policy Manual – Policy Code CHA 1.2:

Crown Counsel should exercise restraint in respect of social regulatory offences, and only initiate charges where alternate methods to enforce compliance have been tried and have failed; where the accused has demonstrated a wilful or repeated non-compliance with the social regulatory statute; or, where the public interest otherwise requires prosecution in order to protect the integrity of the regulatory scheme.

Step 3: Information sworn (i.e. charges laid)

From the Offense Act [RSBC 1996] Chapter 338

s.11 Proceedings must be commenced by the laying of an information in Form 2 [...]

Formalities of an information

s.13(1) An information

must be in writing [...],

a.1) must be under oath [...], and

may charge more than one offence or relate to more than one matter of complaint [...].

Originating document must contain substance of evidence

s.96

(1) An information [...] must contain [...] a statement that the defendant committed an offence or act specified in the proceeding and punishable on summary conviction.

(2) The statement referred to in subsection (1) may be:

- a) in popular language without technical averments or allegations of matters that are not essential to be proved,*
- b) in the words of the enactment that describes the offence or declares the matters charged to be an offence or act punishable on summary conviction, or*
- c) in words that are sufficient to give to the defendant notice of the offence with which the defendant is charged.*

(3) An information must contain sufficient detail of the circumstances of the alleged offence to give to the defendant reasonable information with respect to the act or omission to be proved against the defendant and to identify the transaction referred to [...].

(4) An information may refer to any section, subsection, paragraph, subparagraph or clause of the enactment that creates the offence charged [...].

INFORMATION/DENONCIATION	
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA DANS LE TRIBUNAL DE LA COLOMBIE-BRITANNIQUE	
	COURT FILE NUMBER NUMERO DE DOSSIER DE LA COUR COURT FILE NUMBER NUMERO DE DOSSIER DE LA COUR POLICE FILE NUMBER NUMERO DE PROCES-VERBAL
CANADA:	
PROVINCE OF BRITISH COLUMBIA PROVINCE DE LA COLOMBIE-BRITANNIQUE:	
This is the information of/Les <u>présentes</u> constituent la dénonciation de Snow White, a Legal Assistant (the "the informant"/le " <u>dénonciateur</u> ") of/ de City of Vancouver, British Columbia.	
The informant says that she has reasonable and probable grounds to believe and does believe that/Le <u>dénonciateur</u> declare qu'il a des motifs <u>raisonnables et probables et croit effectivement que</u>	
AAA HEART BYPASS LTD. of registered office located at 2468 Even Street, Vancouver, British Columbia	
Count 1: On or about December 23, 2017, being the owner of real property at 2468 Even Street, Vancouver, British Columbia, did fail to remove snow and ice from any sidewalk adjacent to the parcel's property line for a distance that coincides with the parcel's property line, no later than 10:00 a.m., contrary to the form of the enactment in such case made and provided. Section 76. By-law 2849	
SWORN BEFORE ME/ASSERMENTE DEVANT MOI ON/CE _____ DAY OF/JOUR DE _____	_____ (SIGNATURE OF INFORMANT) (SIGNATURE DU DENONCIATEUR)
_____, 2018	_____ PROCESS CONFIRMED/ ACTE DE PROCEDURE CONFIRME
AT THE CITY OF VANCOUVER BRITISH COLUMBIA	_____ A JUSTICE OF THE PEACE IN AND FOR THE PROVINCE OF BRITISH COLUMBIA JUGE DE PAIX DANS ET POUR LA PROVINCE DE LA COLOMBIE-BRITANNIQUE
_____ A JUSTICE OF THE PEACE IN AND FOR THE PROVINCE OF BRITISH COLUMBIA JUGE DE PAIX DANS ET POUR LA PROVINCE DE LA COLOMBIE-BRITANNIQUE	_____ A JUSTICE OF THE PEACE IN AND FOR THE PROVINCE OF BRITISH COLUMBIA JUGE DE PAIX DANS ET POUR LA PROVINCE DE LA COLOMBIE-BRITANNIQUE

Power to lay information or complaint

s.25 (1) A person may, on reasonable and probable grounds,

- a) lay an information before a justice
 - i) that any person, being within the jurisdiction of that justice, has committed or is suspected of having committed an offence or act for which the person is liable by law, on conviction, to be imprisoned, fined or otherwise punished

From the Offence Act [RSBC 1996] Chapter 338

Service on an individual

s.28 [...] a summons must be served by a peace officer or enforcement officer, who must deliver it personally to the person to whom it is directed, or, if that person cannot conveniently be found, must leave it for the person at the person's last or usual residence with an occupant of it who appears to be at least 16 years of age.

Service on a corporation or municipality

s.29 (1) [...] if the defendant is a corporation, the summons must be served

- a) 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 [...]

Under s.31 of the Offence Act, the service of a summons is proved by a certificate of service completed by the person who served the summons if filed with the court.

Schedule
(Offence Act)
Certificate of Service

I,

Name	Occupation
------	------------

certify that on

Date

, I served

Name of Defendant

with a copy of this summons in the manner indicated below:

(Place mark in appropriate box)

by delivering it to *him/her* personally.

because the defendant named above could not conveniently be found, by leaving it for *him/her* at *his/her* last or most usual place of abode with an occupant of that place who appeared to be at least 16 years of age.

the defendant being a municipal corporation, by delivering it to the *mayor/secretary treasurer/ or clerk* of the corporation,
namely:

the defendant being an extraprovincial company, by serving the copy on that extraprovincial company's attorney,
namely:

the defendant being a corporation that is neither a municipal corporation nor an extraprovincial company, by delivering the copy to a *director/ or to a manager/secretary/ or other executive officer* of the corporation/ or of a *branch* of the corporation,
namely:

pursuant to the order of

(name of justice who made the order)

by *leaving the copy at/ or sending the copy by registered post addressed to* the registered or principal office of the defendant corporation at the following address,
namely:

Dated

at

British Columbia

Signature of Peace Officer

Step 5: Pre-trial case management

Once a trial date is set and the file is back with the legal assistants, the following will happen:

- Witnesses are notified - both city staff (via email) and civilian witnesses (via subpoenas)
- Certified documents are requested from city witnesses
- The prosecutor prepares for trial and may contact the city witness prior to meeting them on the day of the trial
- Any other extraordinary processes will be completed, depending on the file

Step 6: Trial and sentencing

Advance interview and general preparation

You will be notified well in advance of a pre-trial interview date and your court dates, which you must attend. You must also review your court documents on the date you receive them to ensure all relevant issues are understood and addressed prior to the court date. If you have any questions, you can direct them to the city prosecutor.

The interview is a meeting with the assigned prosecutor to review your evidence and trial procedure. In simple matters, this may take place on the morning of the trial. Arrive at the city prosecutor's office a few minutes before your interview to go over the evidence you will be providing for the trial. Stick to the facts. Be fair and objective. Do not fabricate, embellish, or script your evidence.

Prior to attending court, review the bylaw and your evidence to ensure you are familiar with the requirements of the case and the evidence you have gathered. Ensure you have a full set of documents from the prosecution report, which includes all of your notes, copies of warnings and letters sent, and photographs. The documents should be in date order. Keep your court material secure and tidy for administrative reference and related purposes, and never destroy your original notes.

You do not need to memorize the information in the file, but you should have reviewed it sufficiently to know where to find anything if it is asked of you. Remember that if you are the assigned investigator on file, there is no reason that anyone else – including the prosecutor – should know the file better than you.

Introduction and preliminary matters

Introductions in the court and other processes between the lawyers and judicial justice have to take place before the trial begins. This includes names and how to spell out names. Inspectors normally have to wait outside until they are called to the witness stand, so you may not see this part.

Case for the prosecution

1. The first prosecution witness is called to the stand.
2. The witness is sworn or affirms they will tell the truth.
3. The prosecution conducts examination in chief of the witness.
4. The defence conducts cross-examination of the witness.
5. The prosecution re-examines the witness on issues arising out of cross-examination.
6. The witness is excused.
7. Repeat steps above until the prosecution concludes calling all witnesses.

Examination in chief consists of open-ended questions asked by the prosecutor that are designed to draw out a narrative of the evidence.

- What did you see?
- What happened next?
- What did you say?
- Did you do anything else?

See [Appendix A](#) for a checklist for giving evidence in chief.

In cross-examination, a defendant can use leading questions, designed to suggest an answer that the witness may agree or disagree with.

- You can't remember the colour of his hair, can you?
- You told the defendant that he didn't need a permit, isn't that right?
- Would you agree that my client was around 30 feet away when you saw her?

Case for the defence

The following assumes the defendant elects to call evidence.

1. The first defence witness is called to the stand.
2. The witness is sworn or affirms they will tell the truth.
3. The defence conducts examination in chief of the witness.
4. The prosecution conducts cross-examination of the witness.
5. The defence re-examines the witness on issues arising out of cross-examination.
6. The witness is excused.
7. Repeat steps above until the defence concludes calling all witnesses.

Submissions

At the conclusion of all the evidence, the judicial justice will ask both parties for submissions on why the accused should be convicted or acquitted.

If the defendant has called evidence, the defence goes first. If the defendant has not called evidence, the prosecution goes first.

The prosecution is expected to review the evidence that has been, argue what facts can be found from the evidence, and that those facts prove the elements of the offence beyond a reasonable doubt.

The defence is expected to argue that the prosecution has not met its evidentiary burden, or that it has established due diligence on the part of the defendant such that the defendant has done everything that could be reasonably expected of them to avoid the commission of the offence.

Verdict

The judicial justice will give their judgment of guilt or dismissal based solely on the on the evidence provided by both parties.

1. The judicial justice considers the relevant law and the evidence of all witnesses.
2. The judicial justice considers the weight to be applied to the evidence of all witnesses.
3. The judicial justice reminds themselves of the standard of proof, which is beyond a reasonable doubt.
4. The judicial justice renders a verdict of guilty or not guilty.

Sentencing

If the charge was initiated on a Municipal Ticket Information, the only possible sentence is the fine set out in the [Ticket Offences Bylaw 9360](#). The judicial justice may also make an order directing the defendant to do anything to prevent the repetition or continuance of the offence, or to remedy the harm done as a result of the commission of the offence.

In rare circumstances, the court may waive the imposition of the fine and suspend the passing of sentence.

A sentencing judicial justice will consider the following principles:

1. Protection of the public
2. General deterrence
3. Specific deterrence
4. Rehabilitation

The circumstances of each case will determine whether the court should be most concerned about protecting the public or about rehabilitation in any particular case.

General rules when attending court and giving evidence

Appearance

It is not necessary to dress formally, but you should still look and dress smartly. In other words, dress respectfully as you would in the workplace. If you wear a uniform to work, you should wear it to court as well. The judicial justice can even order someone, including a witness, to get changed if they deem the person to be dressed inappropriately.

Manners

When in the hearing room, you are expected to show a level of respect to all parties. A Provincial Court Judge is addressed as “Your Honour” and a Judicial Justice is addressed as “Your Worship.” Address the accused defendant by the title “Mr.” or “Ms.” Always be polite with the person or lawyer conducting the cross-examination. A disrespectful or confrontational attitude always backfires. Refrain from talking to or arguing with the defendant.

Entrance

The trial will start with the court clerk calling you by bylaw officer number from the waiting room into the court room. When entering the hearing room and the bar (gate), give a slight bow to the presiding justice as a sign of respect. Proceed to the witness box across from the city prosecutor. The court clerk will swear you in. You can choose to swear upon the Bible or affirm.

Presenting evidence

s.13(1)



Cross-examination

s.13(1)



Verdict

Remain professionally detached when you hear the outcome of the case, as you would when you give the court details of the case.

Step 7: Appeal

Appeal of the verdict or sentence, or both, is heard in the Supreme Court of British Columbia.

Appeal from the decision in the Supreme Court is heard in the Court of Appeal. In order to have an appeal heard in the Court of Appeal, the appellant must first seek leave of the court to do so.

Appendix A: Checklist for Giving Evidence in Chief

✓	Step	Description
<input type="checkbox"/>	Qualify yourself	"I am a bylaw enforcement officer (or more specific title) for the City of Vancouver. I have been so employed for (X months/years)."
<input type="checkbox"/>	Date of offence	"I was on duty as a bylaw enforcement officer on (date and time)."
<input type="checkbox"/>	Location of offence	"As a result of a complaint I attended to, I was patrolling the north side of the (location), when I observed the premises at (specific address), here in the City of Vancouver and the Province of British Columbia."
<input type="checkbox"/>	Full description of offence	<ul style="list-style-type: none"> - Relate all your observations in chronological order - Ensure you provide evidence on all essential elements of the offence - Explain what section(s) of the relevant bylaw were violated, and why
<input type="checkbox"/>	Conversation with defendant (if any)	<ul style="list-style-type: none"> - Refer to notes - Include any conversation about prior warnings delivered to and received by defendant and showing responsibility of defendant
<input type="checkbox"/>	Ticket issuance	<ul style="list-style-type: none"> - Describe serving the ticket - List identification produced - Describe the person you issued it to (physical features, clothing) - Point the person out (eg. the person I served the ticket on is the gentleman seated at counsel table wearing the blue sweater)

Vancouver Fire Rescue Services
Fire Prevention Division Career Education Plan - 2025

	Course	FPI	A/Capt *	Captain	Mode
New FPI In Prevention	1. FPO Inspections E-Learn	•		#	Vector Solutions
	2. Fire Detection Alarm and Suppression Systems	•			Vector Solutions (Search under Community Resources)
	3. Understanding Commercial Kitchen Inspections – Intro module	•			VFRS In-House Workshop
	4. Portable Extinguisher Training (If from non-suppression background)	•			Delivered by Public Education Staff
	5. First Responder/EMR	•			Delivered by VFRS EMS Instructors Course credits or patient contacts
	6. Note Taking Course	•			In-House Workshop
	7. Preventing and Addressing Harassment in the Workplace	•			Success Factors
	8. Conflict of Interest/Code of Conduct	•			Success Factors
	9. Bar Watch	•	•	•	VFRS In-House Workshop
	10. Office of the Fire Commissioner Fire Inspector Training Standard (TBD)	•	•	•	B.C. OFC (online)
	11. NFPA 1030 Fire Inspector	•	•	•	FireWise (Online)
	12. Pyrotechnics Course – Display and Consumer Fireworks (renew 5 yrs)	•	•	•	Natural Resources Canada
	13. FireSmart 101 Online/Wildfire Risk Reduction Online/Local FireSmart Representative Workshop (Virtual)	•	•	•	https://firesmartbc.ca/events/category/course
	14. Elevator Firefighter Emergency Operations PowerPoint	•	•	•	Vector Solutions
	15. Prosecution Awareness and MTI	•	•	•	Legal Services Dept.
After 1 Year in Prevention	16. BC Building Code Part 3	•	•	•	BCIT (online or night school)
	17. BC Fire Code	•	•	•	JIBC
	18. DSA Level 1(Or awareness level)	•	•	•	VEMA/or in House
	19. DSA Level 2(Or awareness level)	•	•	•	VEMA/or in House (Not currently offered by VEMA)
	20. ICS 100 – Incident Command System	•	•	•	JIBC or Equivalent
	21. ICS 200 – Incident Command System	•	•	•	JIBC or Equivalent
	22. NFPA 1041 Fire Service Instructor	•	•	•	VFRS Training Department
	23. Acting FPO Officer ODP Workshop (held annually depending on eligibility of staff beginning 2022)	•	•	•	VFRS In House
24. Bluebeam 101	•	•	•	Success Factors	
After 2 Years in Prevention	25. Total of 48 Acting Captain's Shifts Required in order to be confirmed FPO Captain***	FPI	A/Capt *	•	Acting FPO Roles

• = Required for position

e = Eligible for training

- * Must pass competency test. To be a confirmed Fire Prevention Captain, applicants must show proof of all required courses and certifications as part of the interview process.
- # In order to act in an officer position, must have completed two years in Prevention, provided that all required courses on the matrix are complete. Three consecutive years in Prevention in order to be confirmed.
- *** Total of 48 shifts as an Acting FPO Captain to be confirmed in 2026. Total of 96 shifts as an Acting FPO Captain to be confirmed in 2027.

Note: All courses offered in-house by VFRS Training Staff will be the first option of training. Only if a course is not available to be delivered in house will external training courses be considered.

Approved by DC Meers, AC Mulcahy and AC Cheung, November 2025