

August 26, 2016

Bylaw Enforcement Processes Audit

Background

The authority to create and enforce bylaws is outlined in the Vancouver Charter. Various departments at the City of Vancouver manage the bylaws in place, particularly those that have been created to maintain public health and safety and enhance quality of life of citizens. The City Clerk's Office maintains bylaw records, including posting any amendments. A listing of most frequently used bylaws is found online on the City's website.

Responsibility for bylaw enforcement

The City's approach to bylaw enforcement is by the nature of the bylaws decentralized, with various departments overseeing enforcement of bylaws that fall within the scope and authority of their operations.

While enforcement efforts change in response to new bylaws and frequency of non-compliance issues, the majority of bylaw enforcement activities are overseen by the following City departments and divisions:

<u>Department</u>	<u>Examples of Typical Bylaws Enforced</u>
Engineering	Encroachment Bylaw Parking Bylaw Parking Meter Bylaw Street and Traffic Bylaw Street Tree Bylaw Street Utilities Bylaw Street Vending Bylaw
Development Services, Building & Licensing	Animal Control Bylaw Building Bylaw Electrical Bylaw Gas Fitting Bylaw Graffiti Bylaw License Bylaw Standards of Maintenance Bylaw Untidy Premises Bylaw
Parks	Parks Control Bylaw

Vancouver Fire & Rescue Services	Fire Bylaw
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These departments may also be involved in handling issues that relate to other less frequently referenced bylaws, depending on the nature of complaint or inquiry that is received. Citizens have a variety of methods available to notify the City of bylaw related complaints; the majority of which are received by the 311 contact centre and then directed to the appropriate department for action.

Proactive vs reactive enforcement

Bylaw enforcement processes can take a proactive or reactive form, depending on the bylaw and at the discretion of the City. Proactive measures could include conducting inspections to verify compliance with bylaw requirements and public awareness initiatives, while reactive approaches typically involve investigations that are initiated in response to a complaint.

In efforts to achieve and maintain compliance, there are various bylaw enforcement tools employed by City departments including: warnings and encouragement of voluntary compliance, fines, enforcement orders, suspension of business licenses, and prosecution. Although bylaw fines are issued for some bylaw violations, the focus is on achieving compliance rather than revenue generation.

Scope

The audit objective was to provide reasonable independent assurance that the existing internal controls and business processes relating to bylaw enforcement are efficient and effective. The scope of the audit included:

- Structure and governance of bylaw enforcement teams;
- Methods and approaches to enforcement;
- Performance measurement and metrics;
- Staffing and training for enforcement teams;
- Processes for intake and follow-up of bylaw complaints.

Conclusion

Multiple departments have processes in place to respond to bylaw enforcement issues which are generally relayed by citizens or internally by other City departments. There are also proactive inspections and patrols that are conducted for some key bylaw areas. While these enforcement processes are generally adequate, they can be strengthened by increasing coordination for proactive enforcement activities and training of staff, as well as developing more appropriate and robust performance measures for enforcement teams.

Some of the more significant findings and recommendations include:

- **Consider implementing additional proactive enforcement activities**
There are opportunities to coordinate the activities of bylaw enforcement and gain operational efficiency by cross-training staff on other bylaw areas. Additionally, non-compliance issues for some bylaws could be proactively identified through more active checking and verification. Management has agreed to review the current approaches to enforcement and consider employing cross-training of staff and additional proactive verifications and inspections where practical.
- **Develop performance targets and metrics**
Performance targets and metrics for bylaw enforcement could be further developed to provide a better picture of quality of service and appropriate timeliness of response. Management will implement a more robust set of performance targets and metrics to better assess operational results and assist with management decision-making.

Findings and recommendations have been discussed with appropriate management and work is underway to address them.