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POLICY MANUAL

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COUNCIL POLICY  
COMMUNITY

BYLAW ENFORCEMENT POLICY  
Formerly AP6.1

POLICY #CP12.6

Approved: August 12, 2025

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### **Purpose**

The purpose of this policy is to outline the District's overarching approach to bylaw enforcement, establishing a transparent, fair, and consistent framework for addressing bylaw-related complaints. This policy describes how bylaw enforcement investigations are prioritized based on risk, community impact, and available resources, and details the procedures followed to ensure complaints are received, assessed, and resolved in a timely and equitable manner. By providing clear guidance on the investigation and enforcement process, the policy supports public confidence, accountability, and the effective management of community standards.

### **Policy**

The District of Port Hardy is committed to bylaw enforcement practices that protect public safety and foster community harmony. Due to resource limitations, the District cannot proactively monitor all areas for bylaw compliance. As a result, enforcement on public property is generally proactive, while violations on private property are typically investigated in response to complaints from residents.

The District's enforcement philosophy emphasizes voluntary compliance, particularly for private property matters. Education is generally the first step in achieving compliance, with offenders usually provided a reasonable period to correct any bylaw infractions. Ticketing and other punitive measures are considered tools of last resort, used only when voluntary cooperation and compliance cannot be reasonably achieved.

However, an educational or warning-based approach is not suitable in every circumstance. More immediate and direct enforcement measures, including the issuance of tickets without warning, may be applied in cases such as:

- when an infraction occurs on public property;
- where there is a risk to environmental or human health, safety, or security;
- where enforcement follows a broad public education campaign;
- where Council has prioritized direct enforcement to address a specific issue or category of concerns;
- where the offender knows, or reasonably ought to know, that their actions violate District bylaws.

Common examples of situations where the District routinely applies direct ticketing include parking violations and dogs at large.

### **Scope**

This policy applies to all District of Port Hardy staff involved in bylaw enforcement activities, including enforcement officers, administrative staff, and any personnel acting on behalf of the District in support of bylaw compliance.



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Managers are responsible for ensuring that their enforcement and clerical support staff:

- are fully aware of this policy and its requirements;
- receive appropriate and ongoing training related to its application; and
- carry out their duties in accordance with the policy's standards and principles.

The Bylaw Enforcement Department is responsible for promoting consistency, fairness, and efficiency in bylaw enforcement across the District. The department oversees the management of ticket disputes, coordinates the adjudication process, administers formal legal enforcement remedies, and handles debt collection related to bylaw infractions.

#### Definitions

**Valid complaint:** a complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant's name, address and telephone number, and which is not a vexatious complaint.

**Vexatious complaint:** a complaint that is made for retaliatory, malicious, or bad-faith purposes, or that forms part of a recurring pattern of conduct by the complainant which amounts to an abuse of the complaint process. Such complaints may include repeated, unfounded, or excessive submissions intended to harass, intimidate, or otherwise disrupt the fair and efficient administration of bylaw enforcement.

#### General Procedure

##### 1. Prioritization of Complaints

The District of Port Hardy prioritizes its response to valid bylaw complaints based on the severity and potential impact of the alleged violation. The following priorities guide the District's enforcement actions:

##### **Priority 1: Safety**

Complaints involving bylaw violations that pose an immediate risk to public safety or have the potential to harm the environment will receive the highest priority. These matters will be investigated and addressed as promptly as staffing and resources allow. In these cases, prior warnings or educational measures may not be appropriate or practical.

##### **Priority 2: Significant Negative Impact on Adjacent Properties**

Complaints about bylaw violations that significantly and negatively affect nearby properties, but do not present an immediate threat to public safety or the environment, will be given secondary priority. Staff will generally encourage voluntary compliance through education and issue warnings, providing a reasonable timeline for corrective action before proceeding with ticketing. However, proactive investigations and immediate ticketing may be undertaken in response to repeat offences, persistent offenders, or circumstances that warrant stronger enforcement.



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**Priority 3: General Nuisance**

Complaints involving general nuisance concerns — typically minor or cosmetic issues that do not impact safety or the environment — will be addressed based on available resources and initiated in response to complaints. Staff will exercise discretion to determine whether a complaint is valid, including whether there is a sufficient connection between the complainant and the property in question. Enforcement in these cases will focus on education and providing reasonable opportunities for compliance. Where violations are minor, or where complaints appear vexatious or part of a larger neighbourhood conflict, staff may determine that pursuing enforcement is not in the best interest of the District or the community.

**2. Complaints**

- 2.1. Complaints may be received in person, in writing or via email and will be entered in the District's complaint database for tracking, follow-up and statistical information.
- 2.2. While all complaints will be received and logged, not all complaints will be investigated:
  - 2.2.1. Anonymous complaints will not be acted upon unless the alleged violation falls within the scope of Priority #1 or is something the District otherwise proactively enforces (e.g. parking, signs on public property); and
  - 2.2.2. Vexatious complaints will not be addressed.
- 2.3. Upon receipt of a valid complaint, enforcement staff in the appropriate department(s) or division(s) will be assigned to investigate in accordance with the priorities described in this policy.
- 2.4. Should a violation be confirmed, staff will exercise discretion to determine whether further enforcement is appropriate in accordance with the principles set out in this policy and, if enforcement is appropriate, the best method to gain compliance. Relevant considerations include, but are not limited to, the nature, number and duration of the violation(s); the current, short and long-term impacts of the violation(s); the potential for precedent; and the resources available to resolve the matter. Enforcement staff with questions about the appropriate use of discretion should discuss with their supervisors and/or managers. Supervisory and management staff in the Bylaw Enforcement department are also available for assistance.
- 2.5. If the validity of the complaint cannot be confirmed, e.g. barking dog, an information letter will be sent advising the person of the complaint. The letter will clearly state that the alleged infraction has not been confirmed but will include a copy of the pertinent bylaw section for information.
- 2.6. The District's bylaw enforcement resources are prioritized to ensure the timely receipt and



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investigation of complaints. It is not the District's practice to proactively provide follow-up information to complainants. Staff will respond to specific requests for information (subject to confidentiality requirements) as time permits.

### 3. Confidentiality

- 3.1. Confidentiality is necessary to ensure complainants are not exposed to retaliation or other adverse actions as a result of the complaint, and to maintain effective investigation techniques. The identity of the complainant and any identifying information will not be disclosed to the alleged offender or any member of the public, except as required by law. Likewise, the details of the District's investigation and enforcement steps will not be disclosed to the complainant.
- 3.2. Situations in which complainant information or offender enforcement history may be disclosed include:
  - 3.2.1. if required by Court order, warrant or other similar judicial or quasi-judicial process;
  - 3.2.2. if required under the Freedom of Information and Protection of Privacy Act;
  - 3.2.3. if required as part of the disclosure process in the event of a prosecution or civil proceedings; and
  - 3.2.4. if the person to whom the personal information pertains consents to the disclosure.
- 3.3. If a complainant is the only witness to an alleged infraction and the complainant's information is necessary to proceed with enforcement, the complainant will be advised of the extent to which his or her identity needs to be disclosed and the reasons enforcement staff consider the disclosure necessary. Except in situations of significant risk to the environment or human safety, the complainant will be provided the option of consenting to the disclosure or withdrawing the complaint.