



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** November 17, 2009  
**FROM:** Community Life  
**SUBJECT:** MUNICIPAL TICKET INFORMATION SYSTEM AMENDMENT  
BYLAW NO. 1932, 2009

**REPORT:** 09 - 175  
**FILE:** 1932

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Community Life be endorsed.

### RECOMMENDATION

**That** Council considers giving first, second and third reading to the Municipal Ticket Information System Amendment Bylaw No. 1932, 2009.

### PURPOSE OF REPORT

The purpose of the report is to outline proposed amendments to the Municipal Ticket Information System Implementation Bylaw No. 1719 that would allow the Supervisor of Bylaw Services, Bylaw Enforcement Officers, and Royal Canadian Mounted Police Officers the ability to issue tickets to owners of land that contravene the Zoning and Parking Bylaw 303, 1983.

### DISCUSSION

From time to time property owners, either inadvertently or intentionally, find themselves in contravention of the Zoning and Parking Bylaw. When these transgressions are brought to the attention of municipal staff, an investigation is conducted to confirm the circumstances of the transgression. If confirmed the municipal staff follow a continuum of enforcement that begins with seeking voluntary compliance with the Zoning and Parking Bylaw. This may take many forms including but not limited to, removal of uses that are not permitted in the zone, removal of all or parts of structures that do not comply with the standards in the Zoning and Parking Bylaw, or seeking conformity with the Zoning Bylaw by applying for an amendment to the Zoning and Parking Bylaw or seeking a variance from either Council or the Board of Variance.

If voluntary compliance is not achieved, the next step is legal action through the courts. This is very expensive, time consuming and potentially stressful for all involved. Planning staff have identified a need for an intermediate step in the continuum of enforcement between voluntary compliance and legal action in the courts. The Resort Municipality of Whistler uses the Municipal Ticket Information System as a tool to gain compliance with other bylaws. To date this system has not been used for enforcement of the Zoning and Parking Bylaw. Staff believe that the proposed amendments to the Municipal Ticket Information System Bylaw will give it the necessary tools required to ensure compliance with the Zoning and Parking Bylaw without incurring the very high costs associated with seeking a legal rendition through the court system.

The proposed amendments to the Municipal Ticket Information System Bylaw No. 1719, 2005 would allow the municipality to issue tickets for the following infractions:

Infraction	Fine
Unauthorized use or occupation of land, building, or structure.	\$1000.00
Unauthorized placement of building or structure in required setback area.	\$500.00
Unauthorized parking of commercial vehicle.	\$500.00

It should be noted that Section 3 (5) of the Zoning and Parking Bylaw states, “Every offence under this Bylaw is deemed to be a new and separate offence for each day during which it takes place”.

### WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Health and Social	Community members and visitors are civil and law abiding, and they respect each other’s physical space and emotional boundaries.	Enforcing zoning bylaw infractions through the MTI process may resolve bylaw disputes faster with less emotional stress to complainants.
Visitor Experience	The resort is comfortable, functional, safe, clean and well-maintained.	Resolving zoning infractions expediently will help have a safe, clean and well-maintained resort.
Finance	Financial principles, practices and tools employed by both the public and private sectors encourage behavior that moves Whistler towards success and sustainability	Increased compliance with the Zoning Bylaw increases the liveability in the resort and moves Whistler towards success

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	N/A	

### OTHER POLICY CONSIDERATIONS

There are no other policy considerations beyond those included in the initial development of the Zoning and Parking Bylaw 303.

### BUDGET CONSIDERATIONS

No budget considerations.

### COMMUNITY ENGAGEMENT AND CONSULTATION

An advertisement in the Whistler Question and Pique Newsmagazine was placed November 12<sup>th</sup>, 2009 to allow the public to provide comments on the proposed zoning amendment until November 17<sup>th</sup>, 2009. The *Local Government Act* does not require any public consultation.

## SUMMARY

These additions to the Municipal Ticket Information System bylaw are a necessary step to allow full implementation and enforcement of the Zoning and Parking Bylaw 303, 1983. Adding the ability to issue tickets for infractions of the Zoning and Parking Bylaw 303 gives the municipality an additional step in the continuum of enforcement to help ensure compliance with the bylaw.

Respectfully submitted,

Kevin Creery  
Planning Analyst  
for  
Bob MacPherson  
General Manager of Community Life