

GVS&DD NOTICE OF BYLAW VIOLATION ENFORCEMENT AND DISPUTE ADJUDICATION BYLAW NO. 378, 2024

UNOFFICIAL CONSOLIDATION

This is a consolidation for reference purposes only

- GVS&DD Notice of Bylaw Violation Enforcement and Dispute Adjudication
Bylaw No. 378, 2024
(Adopted May 31, 2024)
- GVS&DD Notice of Bylaw Violation Enforcement and Dispute Adjudication
Amendment Bylaw No. 380, 2024
(Adopted July 26, 2024)

As of July 26, 2024

**ORIGINAL BYLAWS CAN BE INSPECTED
AT THE BOARD AND INFORMATION SERVICES DEPARTMENT
AT THE METRO VANCOUVER HEAD OFFICE**

**GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
BYLAW NO. 378, 2024**

**A bylaw respecting the enforcement of Notices of Bylaw Violation and establishing a Bylaw
Violation Dispute Adjudication System**

WHEREAS:

- A. Further to the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60 a local government may designate bylaw contraventions which may be dealt with by bylaw notice; and
- B. The Board of Directors (the “Board”) of the Greater Vancouver Sewerage and Drainage District wishes to designate certain bylaw contraventions which may be dealt with by bylaw notice.

NOW THEREFORE the Board of the Greater Vancouver Sewerage and Drainage District enacts as follows:

Citation

1. The official citation of this Bylaw is “Greater Vancouver Sewerage and Drainage District Notice of Bylaw Violation Enforcement and Dispute Adjudication Bylaw No. 378, 2024”.

Schedules

Replaced by Bylaw 380, 2024

2. The following Schedules are attached to and form part of the Bylaw:
 - Schedule “A”, *Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 299, 2007*, as amended;
 - Schedule “B”, *Greater Vancouver Sewerage and Drainage District Food Sector Grease Interceptor Bylaw No. 365, 2023*;
 - Schedule “C”, *Hospital Pollution Prevention Bylaw No. 319, 2018*, as amended;
 - Schedule “D”, *Greater Vancouver Sewerage and Drainage District Fermentation Operations Bylaw No. 294, 2015*, as amended;
 - Schedule “E”, *Greater Vancouver Sewerage and Drainage District Trucked Liquid Waste Bylaw No. 345, 2021*, as amended;
 - Schedule “F”, *Greater Vancouver Sewerage and Drainage District Sani-dump Bylaw No. 346, 2021*; and
 - Schedule “G”, *Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996*, as amended.

Definitions

3. In this Bylaw, unless the context requires otherwise, the following definitions apply:

“**Act**” means the *Local Government Bylaw Notice Enforcement Act* (British Columbia);

“**Day**” means a calendar day;

Revised by Bylaw 380, 2024

“Discounted Penalty” means the amount due when a discount is deducted from the Penalty, as described in Section 6 of the Act and identified in Column 3 of Schedules A through G;

“GVS&DD” means the Greater Vancouver Sewerage and Drainage District;

Revised by Bylaw 380, 2024

“Late Payment Penalty” means the amount due when a surcharge is added to the Penalty, as described in section 6 of the Act and identified in Column 5 of Schedules A through G;

“Notice of Bylaw Violation” means a notice issued by a GVS&DD Bylaw Enforcement Officer pursuant to this Bylaw and section 4 of the Act;

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“Penalty” means the amount that the recipient is liable to pay in respect of a violation of the related bylaw as identified in Column 4 of Schedules A through G; and

“Registry” means the GVS&DD bylaw violation dispute adjudication registry established pursuant to section 11 of this Bylaw.

4. Capitalized terms used in this Bylaw that are not defined in section 3 have the same meaning as the terms defined in the Act.

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Bylaw Violations

5. The bylaw violations designated in Schedules A through G may be dealt with by Notice of Bylaw Violation.

Penalty

6. The amount due for a bylaw violation referred to in section 5 is:

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- (a) subject to paragraphs (b), (c) and (d) of this section, the Penalty amount set out in Column 4 of Schedules A through G for the related violation described in Columns 1 and 2;

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- (b) if payment is received by the GVS&DD within 14 Days from the date of receipt of the Notice of Bylaw Violation in accordance with the Act, the Discounted Penalty set out in Column 3 of Schedules A through G for the related violation described in Columns 1 and 2;

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- (c) if payment is received by the GVS&DD more than 28 Days from the date of receipt of the Notice of Bylaw Violation in accordance with the Act, the Late Payment Penalty set out in Column 5 of Schedules A through G for the related violation described in Columns 1 and 2; or

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- (d) if payment is made under a Compliance Agreement, 50% of the Penalty set out in Column 4 of Schedules A through G for the related violation described in Columns 1 and 2.

Period for Paying or Disputing a Notice of Bylaw Violation

7. A person who receives a Notice of Bylaw Violation may, within 14 Days from the date of receipt of the Notice of Bylaw Violation in accordance with the Act:
 - (a) pay the Discounted Penalty established in section 6(b) of this Bylaw in any manner described on the reverse of the Notice of Bylaw Violation; or
 - (b) request dispute adjudication by completing the form on the reverse side of the Notice of Bylaw Violation and delivering it to the Registry.
8. After 14 Days of having received a Notice of Bylaw Violation, a person may not request adjudication and, if the person has taken no action under section 7, must pay the Penalty or the Late Payment Penalty established in section 6(c).
9. Within 21 Days of receiving a follow-up letter from the GVS&DD indicating the amount owing pursuant to a Notice of Bylaw Violation that was not delivered personally, a person may advise the GVS&DD, in writing, that they did not receive the original Notice of Bylaw Violation. In these circumstances the time limits for responding to the Notice of Bylaw Violation established under section 7 and 8 of this Bylaw do not begin to run until the day after the date that the Notice of Bylaw Violation is re-issued and delivered to them in accordance with the Act.
10. A person is conclusively deemed to have received a re-issued Notice of Bylaw Violation:
 - (a) if it was delivered in person, on the date it was delivered; or
 - (b) if it was mailed in accordance with the Act, on the 7th day after it was mailed.

Notice of Bylaw Violation Dispute Adjudication Registry

11. The Registry is established as a dispute adjudication system in accordance with the Act to resolve disputes relating to Notices of Bylaw Violation.

12. The civic address of the Registry is 4515 Central Blvd, Burnaby, BC V5H 0C6.
13. Every person who is unsuccessful in dispute adjudication for a Notice of Bylaw Violation or a Compliance Agreement must pay the GVS&DD an additional fee of \$25 to cover the GVS&DD's costs of administering the adjudication system.

Screening Officers

14. Pursuant to section 10 of the Act, the position of Screening Officer is established to review the circumstances surrounding a Notice of Bylaw Violation. Before dispute adjudication in respect of a Notice of Bylaw Violation can be scheduled a Screening Officer must review the circumstances surrounding the issuance of the Notice of Bylaw Violation.
15. The following are designated titles of persons that are appointed as Screening Officers:
 - (a) Environmental Control Officer;
 - (b) Program Manager, Environmental Regulation and Enforcement; and
 - (c) Director, Environmental Regulation and Enforcement.

Powers, Duties and Functions of Screening Officers

16. The powers, duties and functions of Screening Officers are as set out in the Act, and include the following powers:
 - (a) Where requested by the person to whom a Notice of Bylaw Violation has been issued:
 - (i) communicate information respecting the nature of the violation;
 - (ii) provide a copy or reference to the bylaw violated;
 - (iii) outline the facts on which the violation allegation is based;
 - (iv) confirm the penalty for a violation;
 - (v) where permitted, provide the opportunity to enter into a Compliance Agreement;
 - (vi) provide the opportunity to proceed to the Registry; and
 - (vii) confirm the fee or fees payable for the enforcement process.
 - (b) To communicate with any or all of the following so that the Screening Officer can perform their functions under this Bylaw or the Act:
 - (i) the person against whom a violation is alleged or their representative;

- (ii) the Bylaw Enforcement Officer issuing the Notice of Bylaw Violation;
 - (iii) the complainant or their representative; and
 - (iv) GVS&DD staff.
- (c) Where permitted to prepare and enter into a Compliance Agreement under the Act with a person who disputes a Notice of Bylaw Violation, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and ultimate compliance with the bylaw;
- (d) To provide for payment of a reduced Penalty if a Compliance Agreement is entered into; and
- (e) To cancel Notices of Bylaw Violation in accordance with the Act or GVS&DD policies and guidelines.

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17. The bylaw violations for which a Screening Officer may enter into a Compliance Agreement are indicated in Column 6 of Schedules A through G.

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18. Where a Compliance Agreement is entered into, the Penalty payable for the bylaw violation shall be reduced to 50% of the Penalty for the violation as listed in Column 4 of Schedules A through G.
19. The maximum duration of a Compliance Agreement is one year.

Bylaw Enforcement Officers

20. Persons acting as any of the following are hereby designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the Act:
- (a) any person appointed by the GVS&DD Board to be an officer pursuant to Part 3 of the *Environmental Management Act*;
 - (b) Program Manager, Protective Services & Emergency Management;
 - (c) Coordinator, Protective Services & Emergency Management;
 - (d) Municipal Bylaw Enforcement Officer;
 - (e) Royal Canadian Mounted Police Officer;

- (f) Municipal Police Officer;
- (g) Local Assistant to the Fire Commissioner; and
- (h) British Columbia Provincial Conservation Officer.

Form of Notice of Bylaw Violation

21. The Director, Environmental Regulation and Enforcement may from time to time prescribe the form for a Notice of Bylaw Violation, provided the form of Notice of Bylaw Violation complies with section 4 of the Act.

General

22. Male gender words include the female gender and vice versa and either includes the neuter. Singular number words include the plural and vice versa.

Severability

23. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of the bylaw.

Schedule A

Greater Vancouver Sewerage and Drainage District Sewer Use Bylaw No. 299, 2007, as amended

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
5.3 (a)	Violation of permit discharge quantity limit	\$375	\$500	\$500	No
5.3 (a)	Violation of permit discharge composition restriction	\$375	\$500	\$500	No
5.3 (a)	Violation of permit discharge frequency restriction	\$375	\$500	\$500	No
5.3 (c)	Violation of permit monitoring requirement	\$190	\$250	\$310	No
5.3 (c)	Violation of permit record keeping requirement	\$95	\$125	\$155	No
5.3 (c)	Failure to provide information	\$95	\$125	\$155	Yes
5.6	Failure to provide information	\$95	\$125	\$155	Yes
5.6	Failure to provide drawing	\$95	\$125	\$155	Yes
5.6	Failure to provide specification	\$95	\$125	\$155	Yes
5.9	Violation of a reporting requirement	\$95	\$125	\$155	Yes
5.9 (a)	Violation of a reporting requirement	\$95	\$125	\$155	Yes
5.9 (b)	Violation of a reporting requirement	\$95	\$125	\$155	Yes
5.9 (c)	Violation of a reporting requirement	\$95	\$125	\$155	Yes
5.9 (d)	Violation of a reporting requirement	\$95	\$125	\$155	Yes
5.9 (e)	Violation of a reporting requirement	\$95	\$125	\$155	Yes
8.1	Violation of a monitoring requirement	\$190	\$250	\$310	No
8.2	Failure to install or maintain monitoring point	\$290	\$375	\$460	Yes
12.1	Tampering with any manhole cover or other appurtenance	\$375	\$500	\$500	No

Schedule B

**Greater Vancouver Sewerage and Drainage District Food Sector Grease Interceptor
Bylaw No. 365, 2023**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
8.1	Failure to use a grease interceptor	\$375	\$500	\$500	Yes
8.2	Failure to connect a grease bearing fixture	\$190	\$250	\$310	Yes
8.6	Inaccessible grease interceptor	\$190	\$250	\$310	Yes
9.1(a), 9.1(b)	Failure to provide requested information	\$95	\$125	\$155	Yes
10.2(a), 10.2(b)	Failure to maintain grease interceptor as required	\$375	\$500	\$500	No
11.1(a), 11.1 (b)	Violation of record keeping requirement	\$95	\$125	\$155	No
11.1(c)	Failure to provide requested records	\$95	\$125	\$155	Yes
12.1	Failure to pay fee as required	\$190	\$250	\$310	Yes

Schedule C

Hospital Pollution Prevention Bylaw No. 319, 2018, as amended

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
8	Failure to submit a hospital pollution prevention plan as required	\$375	\$500	\$500	Yes
11	Failure to submit annual report	\$95	\$125	\$155	Yes
15	Failure to amend and resubmit a pollution prevention plan within the specified timeframe	\$95	\$125	\$155	Yes
19	Failure to amend plan to include any discharges of wastes listed in Part 2	\$95	\$125	\$155	Yes
22(a), 22(b)	Failure to pay annual fee	\$190	\$250	\$310	Yes

Schedule D

**Greater Vancouver Sewerage and Drainage District Fermentation Operations
Bylaw No. 294, 2015, as amended**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
8(b)	Discharge of total suspended solids in excess of 1,200 mg/L	\$375	\$500	\$500	No
9	Discharge of wastewater with pH lower than 5.5 or higher than 10.5	\$375	\$500	\$500	No
11	Failure to install sampling point	\$290	\$375	\$460	Yes
12	Inaccessible sampling point	\$290	\$375	\$460	Yes
17(a)	Failure to keep production records	\$95	\$125	\$155	No
17(c)	Failure to keep records	\$95	\$125	\$155	No
18(a)	Failure to keep records for 2 years	\$95	\$125	\$155	No
18(b)	Failure to provide requested records	\$190	\$250	\$310	Yes
19(a), 19(b)	Failure to pay administration fee	\$190	\$250	\$310	Yes
20	Failure to pay treatment fee	\$190	\$250	\$310	Yes
23	Unauthorized discharge	\$375	\$500	\$500	Yes

Schedule E

**Greater Vancouver Sewerage and Drainage District Trucked Liquid Waste
Bylaw No. 345, 2021, as amended**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
7	Discharge at a facility not designated for trucked liquid waste	\$375	\$500	\$500	No
7.1(a)	Unauthorized Non Domestic Waste discharge	\$375	\$500	\$500	No
8	Discharge without valid credit privileges	\$375	\$500	\$500	No
12	Discharge without "out-of-region discharge number" as required	\$375	\$500	\$500	No
26	Failure to submit manifest containing required information	\$190	\$250	\$310	Yes
27	Failure to pay discharge fee	\$190	\$250	\$310	Yes

Schedule F

Greater Vancouver Sewerage and Drainage District Sani-dump Bylaw No. 346, 2021

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
8(a)	Failure to register as required	\$190	\$250	\$310	Yes
8(b)	Failure to pay registration fee	\$190	\$250	\$310	Yes
9	Failure to post registration	\$190	\$250	\$310	Yes
11	Failure to provide requested information	\$95	\$125	\$155	Yes
12 (d), 12 (e)	Failure to post required signage	\$190	\$250	\$310	Yes
12(g)	Failure to provide access	\$290	\$375	\$460	No

Schedule G

Added by Bylaw 380, 2024

Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, as amended

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
2.1	Operation of a facility with a suspended licence	\$375	\$500	\$500	No
2.1	Operation of a facility with a cancelled licence	\$375	\$500	\$500	No
4.1(a)	Violation of a licence quantity limit or restriction	\$375	\$500	\$500	Yes
4.1(b)	Violation of a licence material restriction	\$375	\$500	\$500	Yes
4.1(d)	Failure to post signage	\$95	\$125	\$155	Yes
4.1(d)	Failure to control litter	\$95	\$125	\$155	Yes
4.1(d)	Failure to control vectors	\$95	\$125	\$155	Yes
4.1(d)	Failure to notify Solid Waste Manager of a fire or emergency	\$290	\$375	\$460	No
4.1(h)	Failure to keep or submit records	\$95	\$125	\$155	Yes
4.1(i)	Failure to comply with operating plan	\$290	\$375	\$460	Yes
8.1	Failure to provide entry	\$290	\$375	\$460	No
8.7(d)	Failure to undertake action as required by Solid Waste Manager	\$290	\$375	\$460	No
8.7(e)	Failure to provide information as required by Solid Waste Manager	\$95	\$125	\$155	Yes
8.9	Failure to keep or submit records as required by Solid Waste Manager	\$95	\$125	\$155	Yes
12.3	Failure to pay annual administration fee	\$190	\$250	\$310	Yes
12.4	Failure to pay disposal fees	\$190	\$250	\$310	Yes

Greater Vancouver Sewerage and Drainage District Notice of Bylaw Violation Enforcement and
Dispute Adjudication Bylaw No. 378, 2024 – Unofficial Consolidation

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Section	Authorized Words or Expressions	Discounted Penalty	Penalty	Late Payment Penalty	Compliance Agreement Available
12.5	Failure to deliver monthly statement	\$95	\$125	\$155	Yes
14.1	Failure to report licence or bylaw contravention	\$290	\$375	\$460	No
14.1	Failure to take remedial action to remedy a licence or bylaw contravention	\$375	\$500	\$500	Yes