

Title: Development Enforcement

Policy No: 6002

Effective Date: January, 2023

Motion Number: 23.01.19

Supersedes Policy No: 6002

Department: Planning and Development Services

Review Date: January, 2026



Legal References:

Freedom of Information and Protection of Privacy Act, R.S.A 2000, c. F-25

Municipal Government Act, R.S.A. 2000, c.M-26

Cross References:

Bylaw 18-800 "Land Use Bylaw"

Bylaw 799 "Land Use Bylaw" – Grande Cache

Purpose: To provide a clear and defined process to uphold all planning documents and a process in which enforcement action is to be taken on apparent illegal, nonconforming, or refused development within Greenview.

1. DEFINITIONS

- 1.1. **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of Greenview.
- 1.2. **Complainant** means the person who is dissatisfied and is filing a written complaint.
- 1.3. **Contravener** means a person who fails to comply with a municipal bylaw.
- 1.4. **Contravention** means an action that violates the provisions of the Land Use Bylaw.
- 1.5. **Development** means any development as defined in the MGA.
- 1.6. **Freedom of Information and Protection of Privacy Act (FOIP)** means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25.
- 1.7. **Greenview** means the Municipal District of Greenview No. 16.
- 1.8. **Land Use Bylaw (LUB)** means Greenview’s Land Use Bylaw.
- 1.9. **Municipal Government Act (MGA)** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- 1.10. **Planning documents** means documents that have been created and approved by Greenview to create and promote orderly development within Greenview, including Intermunicipal Development Plans (IDPs), Municipal Development Plans (MDPs), Area Structure Plans (ASPs), and Land Use Bylaw (LUB).

- 1.11. **Stop Order** means a written notice to cease use or development that is in contravention of the Land Use Bylaw.
- 1.12. **Valid Complaint** means a written complaint describing the location and general nature of a potential bylaw contravention, which includes the complainant's name, physical address, and telephone number or email address, which is not a vexatious complaint.
- 1.13. **Vexatious Complaint** means a complaint made for retaliatory, vengeful, or bad faith purposes or otherwise forms part of a pattern of conduct by the complainant that amounts to abuse of the complaint process.

2. POLICY STATEMENT

- 2.1. Greenview believes that it is essential to provide a process by which enforcement is undertaken transparently and that actions are carried out on allegedly illegal, non-compliant, or refused development in a consistent manner that upholds the legislative requirements, as well as promotes community goals, objectives, and targets for development within Greenview, as defined in the MGA and further defined in the Land Use Bylaw (LUB).
- 2.2. Greenview recognizes that the goals and objectives of statutory plans created through public engagement contain the community's objectives, goals, and targets should be considered in how effective enforcement can be meet those long-term objectives and what options are supported in obtaining compliance during enforcement.
- 2.3. Greenview relies on public complaints to identify most non-compliant development. The primary goal in dealing with contraventions of these bylaws is to both minimize impacts on adjacent landowners and to achieve the community's objectives, goals, and targets for the use of land.
- 2.4. Voluntary compliance through communication and education is the preferred method of enforcement. A consistent and fair process will be exercised if corrective action has not taken place, through the issuance of Stop Orders and registration on a property as prescribed by legislation. Pursuing further legal compliance is at the discretion of Greenview.
- 2.5. Greenview will accept and act on information received as a written complaint from members of the public, government departments, public bodies or stakeholders that have an interest in or are adjacent to an apparent illegal, nonconforming or refused development.
- 2.6. The enforcement process must be accessible and transparent while ensuring and upholding FOIP.

3. PROCEDURE

- 3.1. Complaint submission:
 - A) All development complaints must be submitted in writing to the Development Authority before being considered for investigation.

- B) A valid complaint must include complete contact information for the complainant. The complaint must be in the form of a letter or email. Greenview will generally not respond to anonymous complaints. Complete contact information includes:
 - i. Name of the Complainant;
 - ii. Address of the Complainant; and
 - iii. The telephone number of the complainant.

3.2. Investigation:

- A) In response to a complaint, a Development Officer will assess and investigate to determine compliance with municipal bylaws and planning documents. The investigation may include reviewing a bylaw and file, conducting a site inspection, and contacting the alleged contravener.
- B) Upon receipt of a Valid Complaint, a Development Officer will open a file to track the progress. The Development Officer shall maintain a written record of inspections and investigations undertaken and a record of all complaints received.
- C) If a confirmed contravention is minor in nature or if it appears the complaint may have been vexatious or is part of a more significant neighbourhood conflict, Administration may conclude it is not in Greenview's best interest to pursue the matter.
- D) If a complaint is deemed not in the best interest of Greenview to enforce, it will be referred to the Chief Administrative Officer (CAO) for decision, and the complainant will be notified in writing on the reasoning of the outcome.

3.3. Confidentiality:

- A) Information regarding the Complainant is kept confidential and is protected under; however, a Complainant may be identified if the issue proceeds to court, and the Complainant is required to act as a witness for the prosecution.
- B) Confidentiality is necessary to ensure Complainants are not exposed to retaliation or other adverse actions due to the complaint, and to maintain effective investigation techniques. The Complainant's identity and any identifying information will not be disclosed to the alleged contravener or any public member except as required by law. Likewise, the details of Greenview's investigation and enforcement steps will not be disclosed to the Complainant.

3.4. Enforcement

- A) Bylaw enforcement is sought, in the first instance, through voluntary compliance. Individuals being investigated will be issued a warning letter, instructed to cease the activity or remedy the infraction and will be allowed to achieve compliance before further action is taken.
- B) If corrective action has not taken place, then a Stop Order and caveat will be issued and registered on the title of the property as prescribed by legislation, thus requiring remedial action to be taken to rectify the contravention of the Land Use Bylaw.
- C) Administration will determine the timeframe required to resolve the issue as stated in the Stop Order, and will base its decision on, but is not limited to, matters such as:
 - i. Potential risk to public health and safety;
 - ii. Magnitude, nature and duration of the contravention;
 - iii. History of non-compliance on the property or by the contravener;
 - iv. Potential short and long-term impact on a structure, the community and the environment;

- v. Resources available to resolve the matter; and
 - vi. Potential costs and liability associated with enforcement action.
- D) If the contravention has not been resolved within the timeframe provided or if the Stop Order has been appealed to the Subdivision and Development Appeal Board (SDAB), the Chief Administrative Officer (CAO) will be notified.
- E) The CAO will request approval from Council before Greenview proceeds further in the bylaw enforcement process, if it requires further legal proceedings. All requests to Council shall be in closed session.
- F) Council will decide whether to provide funding for legal action, decline to do so or recommend other actions. Administration, with the assistance of legal counsel, will follow up with Council’s motion to initiate legal proceedings.

3.5. Safety

- A) Any notice served in person will be done by Community Peace Officers or by registered mail.
- B) The safety of both planning and enforcement personnel is paramount; verbal or physical abuse will not be tolerated.

5. COUNCIL RESPONSIBILITIES

- 5.1. Forward any written complaints of apparent illegal, non-compliant or refused illegal development to the Director of Planning & Economic Development for action.
- 5.2. Hold in confidence any information brought forward pursuant to this procedure and uphold FOIP.
- 5.3. Approve enforcement and legal services as requested by the CAO.

6. ADMINISTRATION RESPONSIBILITIES

- 6.1. Forward written complaints to the Director of Planning and Economic Development or designate.
- 6.2. Hold in confidence any information brought forward pursuant to this procedure and uphold.
- 6.3. Director of Planning and Economic Development or designate shall:
 - A) Assess all information provided regarding the alleged contravention;
 - B) Ensure remedial action is undertaken to uphold the MGA and LUB;
 - C) Remedial action will be started on a case-by-case basis according to legislative requirements. A report documenting all contraventions will be forwarded to the CAO for consideration. Further action may also be considered on a case-by-case basis.