

## Land Code Enforcement

# Overview of Model Ticketing and Enforcement Law

Presented by: Amy Jo Scherman & Richard Grounds



# How to Access the Model Ticketing & Enforcement Law

- <https://labrc.com/resource/tmpd-workshop-enforcement-ticketing-east-region/>
- Scan the QR code
- Paper copies to share



There will be Model Law section references throughout this presentation.



Model Ticketing and  
Enforcement Law

**BACKGROUND &  
METHODS OF  
ENFORCEMENT**

# MODEL LAW IS PROCEDURAL

Offence will be set out in substantive Nation law  
(ex: trespass law, nuisance law, environmental  
management law)



Every offence under a Nation law connects  
to this Model Ticketing & Enforcement Law





# TWO STREAMS UNDER MODEL LAW

**Court stream if available AND  
if Nation chooses to use it**



**Internal stream if no  
court tie-in OR don't want to use court**

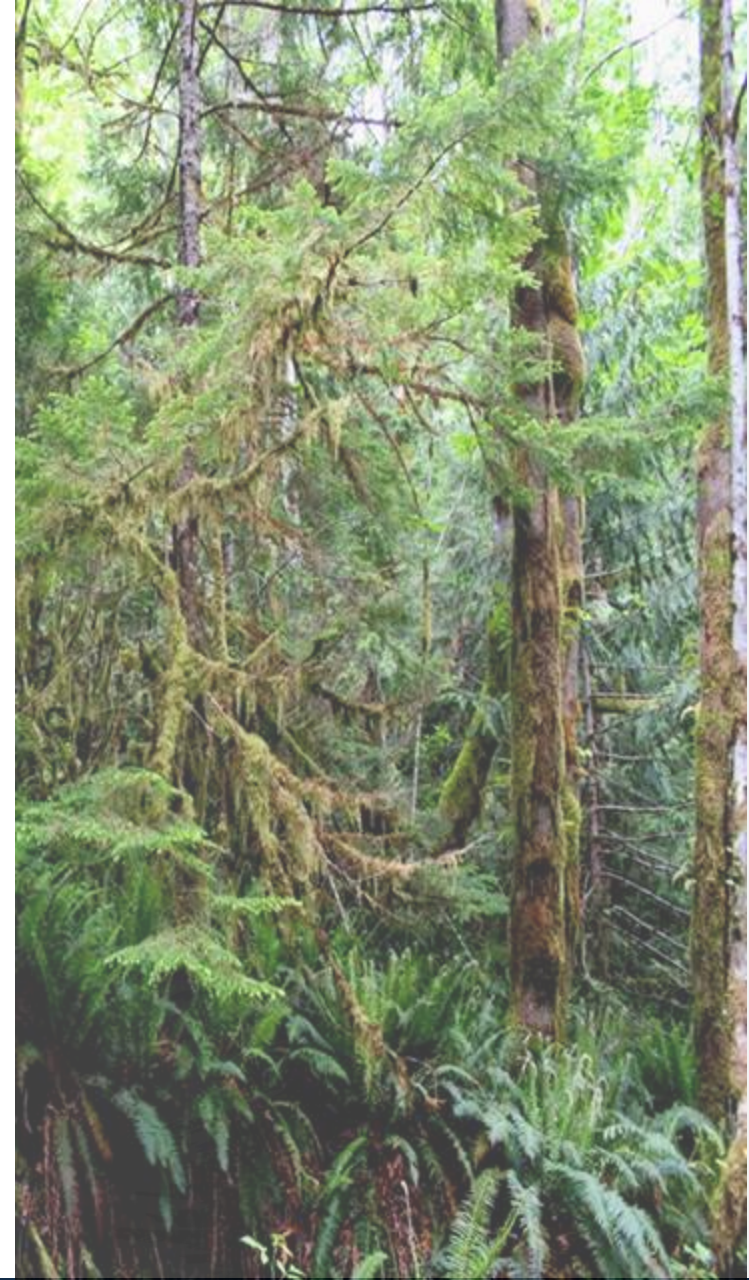


## 4 WAYS TO ENFORCE

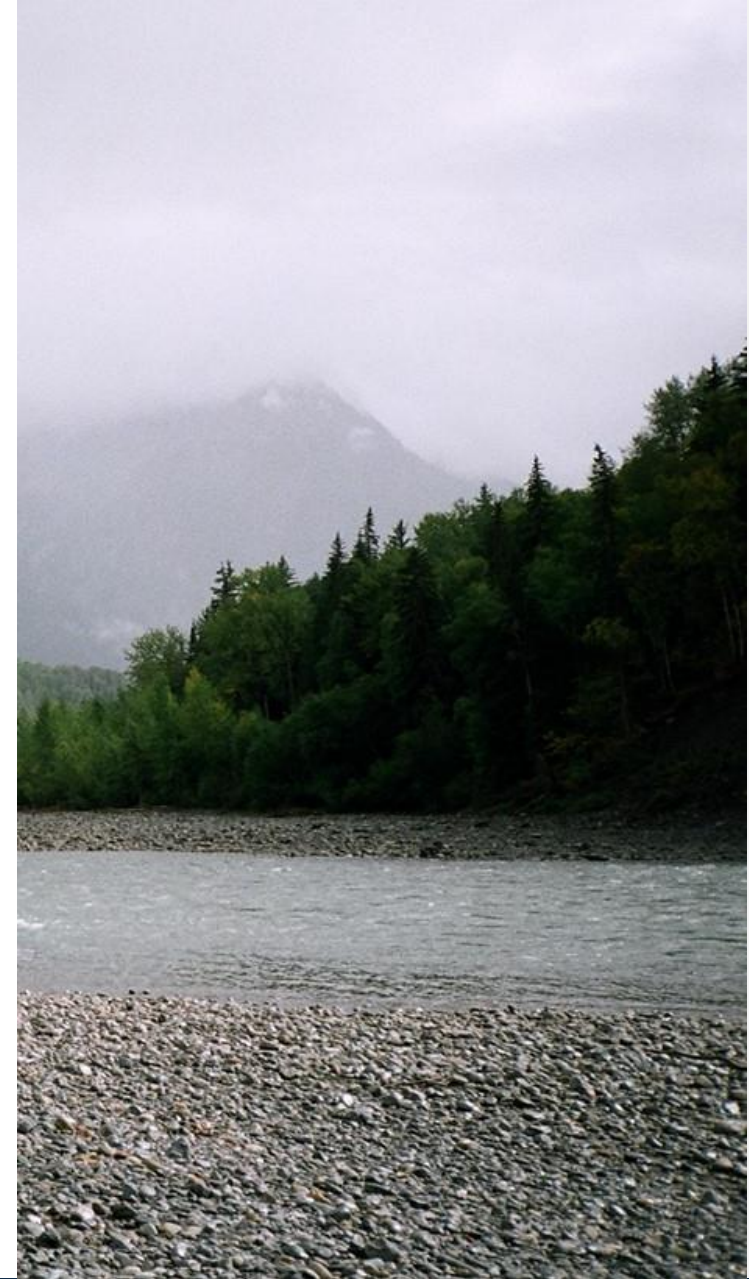


Model Law provides 4 ways to achieve compliance with a Nation law

1. Warning issued (*section 10*)
2. Compliance Notice issued (*section 11*)
3. Ticket issued (*section 12*)
4. Seek to commence long form prosecution/trial (*section 24*)









**Model Ticketing and  
Enforcement Law**

**APPOINTMENTS AND  
DESIGNATIONS**



# JUSTICE OF THE PEACE APPOINTMENT (*section 5*)

## Appointment by Council BCR



## Qualifications & Independence

- Duties include:
  - Holding hearings to review Tickets that are disputed (*sections 5.8 & 18.4*)
  - Must maintain judicial independence (*section 5.7*)
  - Can only be removed by Council if misconduct or gross negligence (*section 5.5(b)*)

# ENFORCEMENT OFFICER DESIGNATION *(section 6)*

Can be police OR Nation's own  
Enforcement Officer



## Role

- Officers will issue Tickets, Warnings, Compliance Notices (*sections 10.1, 11.1 and 12.1*)
- Have other powers as well, but subject to other legal requirements (*sections 6.6 to 6.8*)
  - Investigate and gather evidence
  - Inspect property and lands
  - Other powers under the Framework Agreement



**Model Ticketing and  
Enforcement Law**

**WARNINGS,  
COMPLIANCE NOTICES &  
TICKETS**



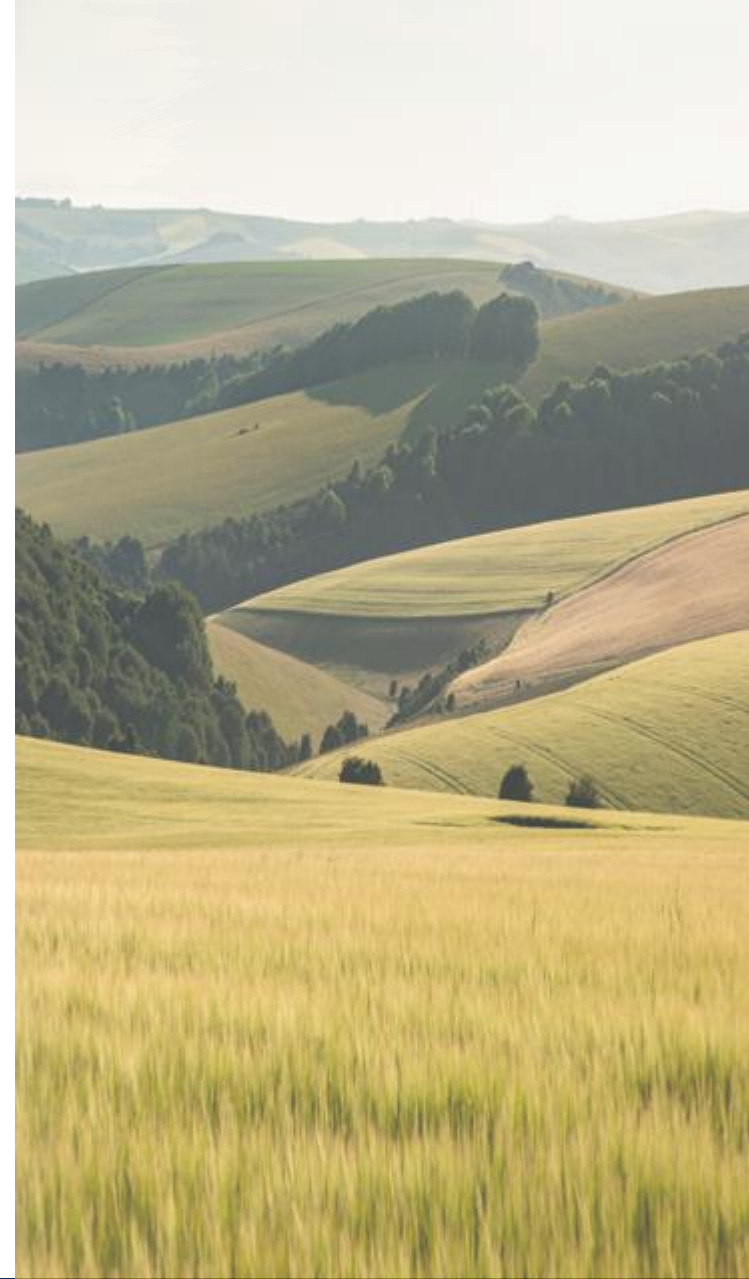
# WARNING

- Issued by Enforcement Officer, on standard form (*sections 10.1 and 10.7*)
- Must be reasonable and probable grounds to believe an offence under Nation law was committed to issue a Warning (*section 10.1*)
- No penal consequence attached, but can result in escalated compliance methods for future offences (*section 10.3*)



# COMPLIANCE NOTICE

- Issued by Enforcement Officer, on standard form (*sections 11.1 and 11.7*)
- Must be reasonable and probable grounds to believe an offence under Nation law was committed to issue a Compliance Notice (*section 11.1*)
- **Includes conditions that must be followed to bring the person into compliance with the Nation law** (*section 11.2(e)*)
- No penal consequence attach, but can result in escalated compliance methods for future offences (*section 11.3*)
- Failure to follow conditions contained in Compliance Notice is an offence (*section 11.8*)



# TICKET

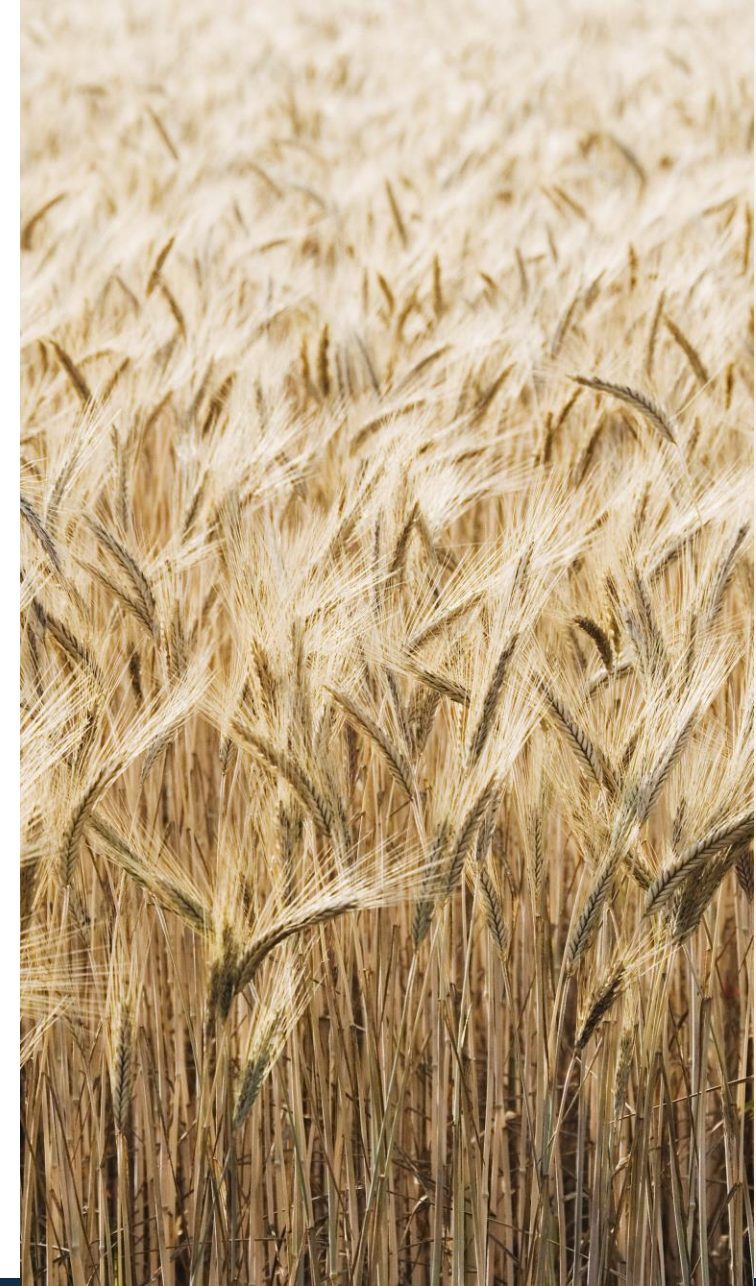
- Issued by Enforcement Officer, on standard form (*section 12.1 and 12.6*)
- Must be reasonable and probable grounds to believe an offence under Nation law was committed to issue a Ticket (*section 12.1*)
- Issuing a Ticket constitutes the laying of an Information (*section 12.2*)
- There are specific content requirements to be set out on Tickets, including fine amount (*section 13.1*)
- Service is required for Ticket (*section 13.5*)





# FINES FOR TICKETS

- Fine amount for Ticket will be established in either (*section 14.1*):
  - The Nation law creating the offence
  - A regulation established under the Model Law, setting out fines for various offences under various Nation laws (**best practice**)
- Can have surcharges for late payment, or amount for early payment (*section 14.2*)



# OPTIONS ON RECEIPT OF TICKET

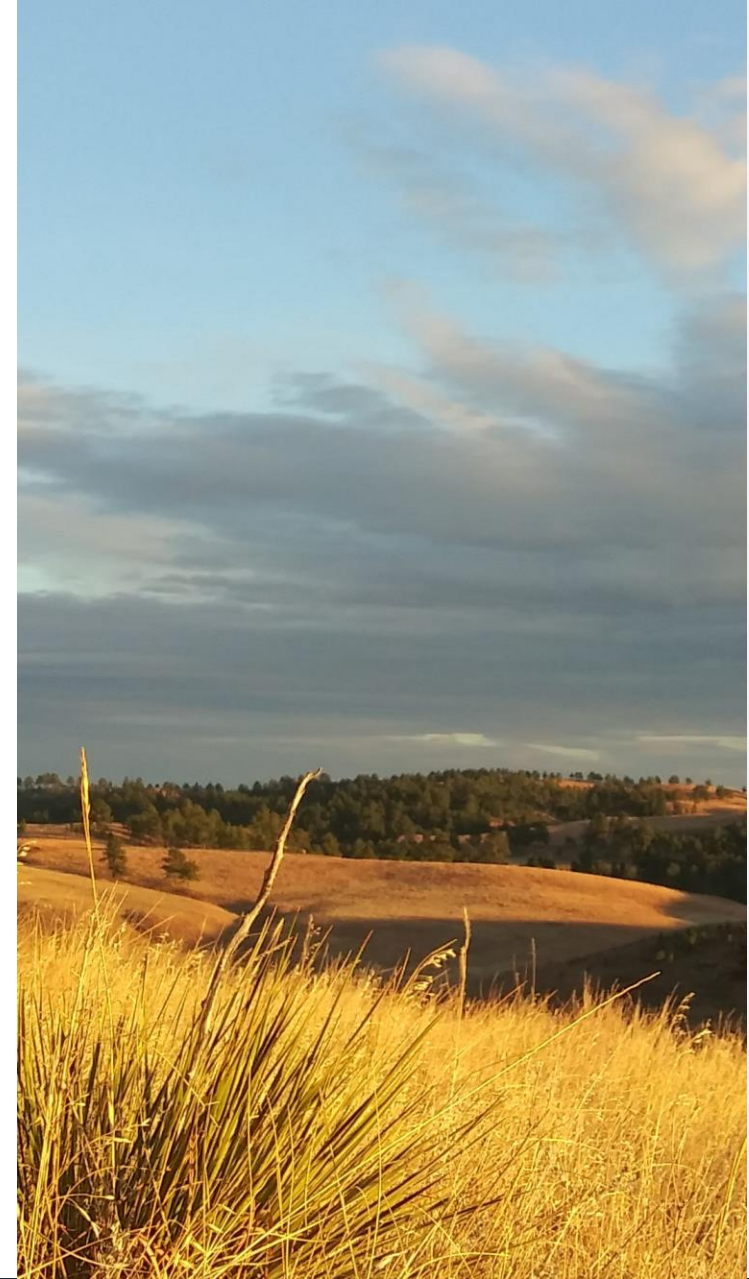
- 2 options when a person receives a Ticket (*section 15.1*): **Pay OR dispute**
- If pay within timeline, deemed guilty and no further steps (*section 16.1*)
- If dispute, the dispute hearing will happen either before Justice of Peace or in provincial court (*sections 18.1 to 18.4*)
  - If before a Justice of Peace, hearing with evidence, and finding of guilt or acquittal at end
- If do not pay within timeline, Ticket referred to Justice of the Peace who will review and may issue conviction (*section 17*)
- If conviction (from unpaid Ticket, after dispute hearing etc.), the fine is due and owing to Nation (*sections 17.3, 19.6, 20.2 and 21.8*)





# FINE COLLECTION

- Various ways to collect an outstanding fine due to the Nation (*section 22.1*)
  1. Collections agency
  2. Withholding member distributions
  3. Withholding member services
  4. File debt certificate in court to open up additional potential remedies (may be challenging in some provinces)
- Debt recovery can be challenging for all government
- Provincial and federal governments typically have additional recovery tools not available to Nations
- Where possible, consider starting with the recovery methods that are easier from an administrative perspective (ex: member holdbacks)





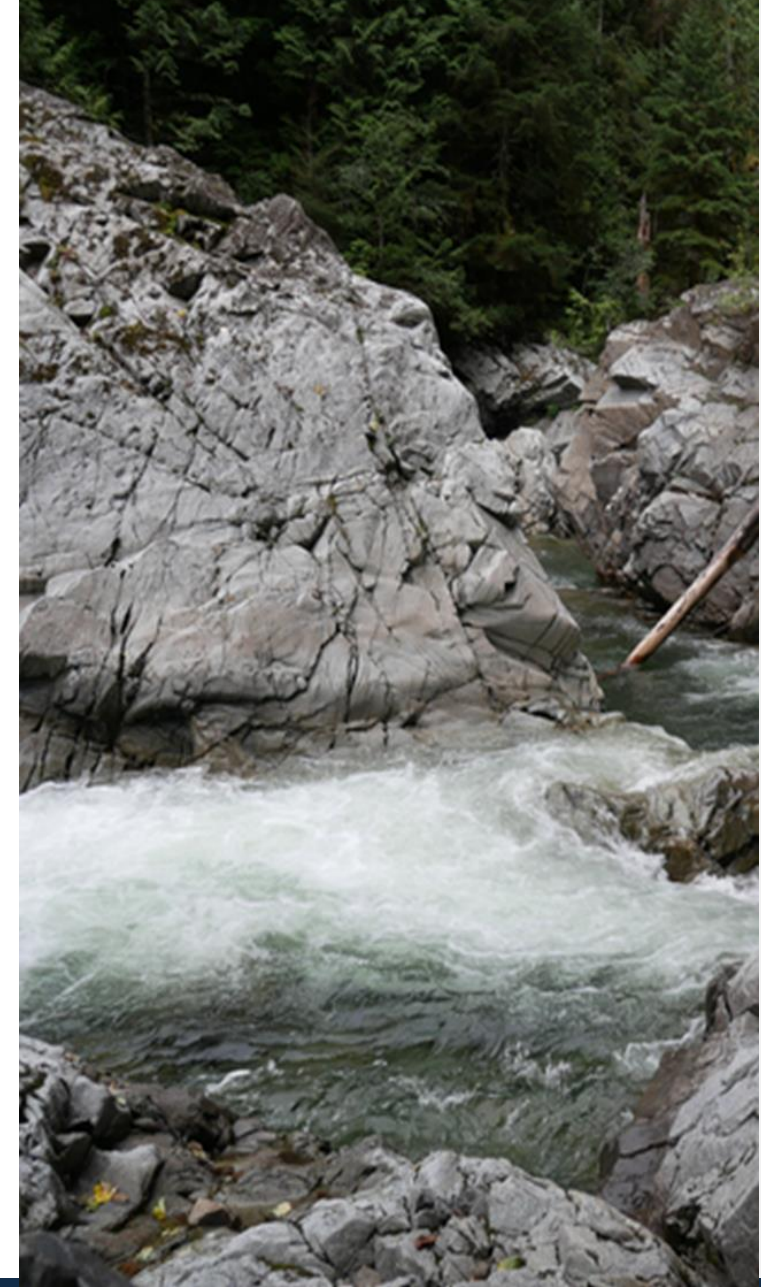


**Model Ticketing and  
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**LONG FORM  
SUMMARY CONVICTION  
PROCEEDINGS**

# PROCEEDINGS OCCUR IN COURT

- Where someone has reasonable and probable grounds to believe that an offence under a Nation law was committed, Council may seek to commence a long form prosecution (*section 24.1*)
- Use the private prosecution provisions in the *Criminal Code* (*section 24.3*)
- Threshold for commencing long form prosecution (*section 24.2*):
  - Multiple non-compliance incidents
  - Need a non-monetary order with conditions
  - Threat to community safety





# Thank You

## QUESTIONS & COMMENTS?

For more information, please visit:

[www.labrc.com](http://www.labrc.com)