

# Making it Work

Presented by: Amy Jo Scherman,  
Richard Grounds, & Wade Davidson





# Establishing Fine Regulation and Tables

# ESTABLISHING FINE REGULATION AND TABLES

- The substantive law which creates an offence :
  - Typically sets out a maximum fine amount
  - May also set out a minimum fine amount
- The Fine Regulation provides more details related to the fine amount for offences under various laws:
  - Established by Resolution, so easily amendable
  - Fines typically set out in a table/chart with the Fine Regulation
  - Will usually list the substantive law and contain a brief description of the offence
  - Will prescribe the specific fine amount for an offence under a law
  - May set out a surcharge for early payment, or late payment, or both
  - May also set out an amount for first offence or second offence



# Offence Act (BC) → Violation Ticket Administration and Fines Regulation (Schedule 2)

## General Penalty

Unless otherwise specifically provided in an enactment, a person who is convicted of an offence is liable to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

1 Provision	2 Contravention	3 Fine	4 Victim Surcharge Levy	5 Ticketed Amount
<i>Animal Health Act</i>				
section 52	Fail to comply with General Order WD2024-01	\$350	\$53	\$403
section 81 (1) (d)	Fail to keep or produce records	\$350	\$53	\$403
section 81 (1) (e)	Fail to make reports and records, take samples or do other required things	\$350	\$53	\$403
<i>Fur Farm Regulation, B.C. Reg. 8/2015</i>				
section 2 (2)	Unlawful engagement in fur farming	\$500	\$75	\$575
section 2 (2.1)	Engage in fur farming of mink	\$500	\$75	\$575
<i>Armoured Vehicle and After-Market Compartment Control Act</i>				
section 2 (2)	Operate armoured vehicle without having armoured vehicle permit	\$250	\$38	\$288
section 6 (a)	Fail to carry armoured vehicle permit when operating armoured vehicle	\$100	\$15	\$115
section 6 (b)	Fail to produce armoured vehicle permit on request of peace officer	\$100	\$15	\$115
section 6 (c) (i)	Fail to report theft or loss of armoured vehicle permit	\$100	\$15	\$115
section 6 (c) (ii)	Fail to report change in employment	\$100	\$15	\$115
section 6 (c) (iii)	Fail to report change in circumstances	\$100	\$15	\$115

# Community Charter Act (BC) → Community Charter Bylaw Enforcement Ticket Regulation → City of Victoria Abandoned House Bylaw & City of Victoria Ticketing Bylaw

## Offences and Penalties

- 9 (1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by the Ticket Bylaw, this Bylaw and the *Offence Act*.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.
- (3) Except as prescribed in the Ticket Bylaw, the minimum penalty for a contravention of this Bylaw is a fine of
- (a) \$2,000 for a first offence;
  - (b) \$3,000 for a second or subsequent offence.
- (4) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.

## Schedule B Abandoned Properties Bylaw Offences and Fines

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Failure to affix barriers	4(a)	\$500.00	\$500.00
Failure to install security fencing/barrier	4(b)	\$500.00	\$500.00
Failure to install security lighting	4(c)	\$500.00	\$500.00
Improper security lighting	4(c)	\$500.00	\$500.00
Failure to install security alarm system	4(d)	\$500.00	\$500.00
No security guard	4(e)	\$500.00	\$500.00
Failure to repair damage	5(a)	\$500.00	\$500.00
Failure to secure against unauthorized entry	5(b)	\$1,000.00	\$1,000.00
Failure to comply with notice	6(3)	\$500.00	\$500.00

# Community Charter Act (BC) → Community Charter Bylaw Enforcement Ticket Regulation → City of Victoria Fireworks Bylaw & City of Victoria Ticketing Bylaw

## Schedule R Fireworks Bylaw Offences and Fines

### Offences and Penalties

- 12 (1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by the Ticket Bylaw, this Bylaw and the *Offence Act*.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.
- (3) The Maximum penalty for each separate occurrence of an offence contrary to this Bylaw is a fine of \$10,000.
- (4) The minimum penalty is a fine of \$200 for each separate occurrence of an offence contrary to any of the following sections (see schedule R):

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Possess/fire/discharge fireworks not specified in permit	5(a)	\$300.00	\$250.00
Possess/fire/discharge fireworks contrary to permit	5(b)	\$300.00	\$250.00
Unauthorized person possessing/firing/discharging fireworks	5(c)	\$300.00	\$250.00
Fail to present permit for inspection	5(d)	\$125.00	\$100.00
Offer for sale/sell/give/trade fireworks without permit	7	\$750.00	\$750.00
Possess fireworks without permit	8	\$400.00	\$350.00
Fire/discharge fireworks without permit	9	\$400.00	\$350.00
Fail to surrender fireworks to peace officer	11(1)	\$300.00	\$250.00

# Tsawwassen Land Use Planning and Development Act → Sign Regulation → Law Enforcement Act → Ticket Regulation

## Sign Regulation

### Offences and Penalties

- 19** (1) Any person who contravenes, violates, or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the Tsawwassen First Nation Ticket Regulation; or
  - (b) if no penalty is set out for the contravention in the Tsawwassen First Nation Ticket Regulation, then to a fine not exceeding \$2,000.
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designed for enforcement under the *Land Use Planning and Development Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).

General Description of Contravention	Section	Early Payment Discount	Penalty	Surcharge	Ticket Type
Contravening requirements of Schedules D-F	8 (1)	\$100	\$200	\$50	CN
Obstructing traffic or sightlines	8 (2)	\$75	\$150	\$40	CN
Non-permitted illumination	9 (1)	\$75	\$150	\$40	CN
Illumination which creates direct glare	9 (2)	\$75	\$150	\$40	CN
Failing to ensure wiring and conduits are not visible	9 (3)	\$50	\$100	\$25	CN
Failing to include English or Hun'qum'inum	10	\$50	\$100	\$25	CN
Failing to maintain sign	11 (1)	\$75	\$150	\$40	CN
Failing to comply with regulation	11 (2)	\$75	\$150	\$40	CN
Failing to display required information	11(6)	\$25	\$50	\$25	CN
Displaying temporary sign for non-permitted event	12 (1)	\$50	\$100	\$25	CN
Failing to adhere to temporary sign time limits	12 (2)	\$50	\$100	\$25	CN
Maintaining signs unsafely	13 (1)	\$100	\$200	\$50	CT
Signs fastened to window frame	13 (4)	\$50	\$100	\$25	CN
Interfering with egress	13 (5)	\$100	\$200	\$50	CN
Changing construction of sign without approval	13 (6)	\$75	\$150	\$40	CN
Sign projecting over highway	14	\$75	\$150	\$40	CN
Erecting a prohibited sign	15	\$100	\$200	\$50	CN
Hindering an enforcement officer	17	\$100	\$200	\$50	CT

# Westbank First Nation Business Licensing Law → Notice Enforcement Law (designate contraventions by Resolution) → Enforcement Notice Penalty Schedule

## Business Licence Law 2019

### 23. Vending Machines


- 23.1 A person who owns, keeps, or maintains any vending machine must, when applying for a licence under this law, notify the Business Licence Officer in writing of the number of vending machines owned, kept, or maintained, and advise the Business Licence Officer of any increase in the number of vending machines owned, kept, or maintained during the current period of the licence.
- 23.2 No person may commercially operate any vending machine unless a certificate or plate supplied by the Business Licence Officer is attached to the vending machine, indicating that the owner or operator thereof has procured a licence under this Law for the current licence period.
- 23.3 No person other than the Business Licence Officer or WFN Law Enforcement Officers can alter, remove, damage, deface, or destroy any such certificate or plate affixed or attached pursuant to section 22.2.

### 24. Offence and Penalty

- 24.1 Every person who contravenes any provisions of this Law commits an offence punishable upon summary conviction and is liable to a fine not exceeding ten thousand dollars (\$10,000.00).
- 24.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

3.2	Carry on a business without a licence	125	150	175
6.2	Give false information to obtain a business licence	150	200	250
7.1	Fail to display a business licence	40	50	60
8.1	Fail to notify change of information related to a business	75	100	125
8.2	Fail to notify change to information related to information based on floor area, ground area, number of persons, number of machines, or number of rental units	75	100	125
12.3	Carry on a business with a suspended licence	300	350	400
16.1	Canvass/Solicit business on a street or sidewalk	50	75	100
17.1	Soliciting for a charity without obtaining a licence	75	100	125
17.3	Soliciting for a charity without permission from Business Licence Officer	50	75	100
18.1	Soliciting of any sales for anything without a licence	75	100	125
18.4	Soliciting between 2100 hours and 0900 hours	50	75	100
18.5	Selling goods from a vehicle	75	100	125
23.1	Failure to notify Business Licence Inspector of number or increase of vending machines	75	100	125
23.2	Keep vending machine without certificate or plate confirming a business licence	75	100	125
23.3	Alter, remove, damage, deface or destroy a certificate or plate confirming a business licence	150	200	250





# **Form Requirements: Tickets and Notices**

# FORM REQUIREMENTS: TICKETS



Tickets should include:

- **Who** – Full Name, Date of Birth and Address of the person the ticket is being issued to
- **Where** – Location of Offence
- **When** – Date the Offence Occurred
- **What** – Description of Offence & Law Violated
- **How** – Description of How the Accused can Respond to the Ticket (e.g., pay fine, dispute)
- **Fine** – Dollar amount of the assigned penalty

FORM 1



000201

TSAWWASSEN FIRST NATION  
sc̓awəθən məsteyəxʷ  
Tsawwassen First Nation  
TICKET INFORMATION

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES	YY	MM	DD
ADDRESS	DRIVERS LICENCE NUMBER		GENDER
CITY	PROV / STATE	POSTAL / ZIP CODE	

VEHICLE INFORMATION:

VEHICLE MAKE	TYPE	MODEL	PROVINCE / STATE
LICENCE / VIN		COLOUR	

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED, AS:

☐ OWNER (Per Section 21(2) of the Motor Vehicle Act) ☐ DRIVER ☐ PASSENGER

☐ OTHER ☐ PEDESTRIAN ☐ CYCLIST

DATE OF CONTRAVENTION: MM | DD | YY

ON OR ABOUT 20\_\_ AT THE TIME OF 24Hr CLOCK

ON \_\_\_\_\_ TSANWASSEN FIRST NATION, BC

NAME OF STREET (IF APPLICABLE) \_\_\_\_\_

DID COMMIT THE FOLLOWING CONTRAVENTION(S) INDICATED, UNDER THE FOLLOWING TEN ACT OR REGULATIONS:

☐ COMMUNITY GOVERNANCE ACT ☐ LAND ACT ☐ LAND USE PLANNING & DEVELOPMENT ACT

☐ COMMUNITY SAFETY & SECURITY ACT ☐ OTHER (SPECIFY) \_\_\_\_\_

ACTION/REGULATION: \_\_\_\_\_ SECTION: \_\_\_\_\_

DETAILS OF CONTRAVENTION(S): \_\_\_\_\_

☐ COMPLIANCE NOTICE DOUNT [1] PENALTY: \$ \_\_\_\_\_

☐ CONTRAVENTION TICKET EARLY PAYMENT DISCOUNT: \$ \_\_\_\_\_

☐ OFFENCE TICKET LATE PAYMENT SURCHARGE: \$ \_\_\_\_\_

ACTION/REGULATION: \_\_\_\_\_ SECTION: \_\_\_\_\_

DETAILS OF CONTRAVENTION(S): \_\_\_\_\_

☐ COMPLIANCE NOTICE DOUNT [2] PENALTY: \$ \_\_\_\_\_

☐ CONTRAVENTION TICKET EARLY PAYMENT DISCOUNT: \$ \_\_\_\_\_

☐ OFFENCE TICKET LATE PAYMENT SURCHARGE: \$ \_\_\_\_\_

DATE OF SERVICE: MM | DD | YY

☐ LEFT ON VEHICLE ☐ HAND DELIVERED TO NAMED PERSON ☐ OTHER

SEE REVERSE FOR PAYMENT & DISPUTE PROCESS

ENFORCEMENT OFFICER: \_\_\_\_\_ NAME & ID NUMBER: \_\_\_\_\_

# FORM REQUIREMENTS: TICKETS



## The back of the ticket:

- May include instructions on how to pay or dispute the ticket, including those provisions of the Enforcement and Ticketing Law
- May be kept by the First Nation
- May include space for Enforcement Officer notes and the Certificate of Service



TSAWWASSEN FIRST NATION  
s̓c̓aw̓aθ̓an m̓asteyax̓w̓

**PAYMENT:** YOU MAY PAY BY MAIL, SENDING YOUR CHEQUE OR MONEY ORDER, IN CANADIAN FUNDS, PAYABLE TO TSAWWASSEN FIRST NATION, TO THE ADDRESS BELOW; OR IN PERSON, BY CASH, AT THE ADDRESS BELOW, BETWEEN 9:30 AM AND 4:30 PM ON NORMAL BUSINESS DAYS. PLEASE DO NOT SEND CASH IN THE MAIL. INCLUDE A COPY OF THE OTHER SIDE OF THIS NOTICE OR A NOTE INCLUDING THE TICKET NUMBER, YOUR FULL NAME AND ADDRESS, THE DATE OF ISSUE, AND THE REGULATION AND SECTION CONTRAVENTED.

**IF YOU WISH TO DISPUTE A COMPLIANCE NOTICE, WITHIN 14 DAYS AFTER THE DATE THE NOTICE WAS RECEIVED, OR DEEMED RECEIVED UNDER THE TSAWWASSEN FIRST NATION TICKET REGULATION, 2013, YOU MAY DELIVER A NOTICE, OR APPEAR IN PERSON TO GIVE NOTICE OF DISPUTE, TO THE TSAWWASSEN ADMINISTRATION AT THE ADDRESS BELOW. A SCREENING OFFICER MAY BE ASKED TO REVIEW THE NOTICE. THE NOTICE OF DISPUTE MUST INCLUDE YOUR ADDRESS AND THE ALLEGED CONTRAVENTION THAT IS DISPUTED.**

**IF YOU WISH TO DISPUTE A CONTRAVENTION TICKET, WITHIN 14 DAYS AFTER THE DATE THE TICKET WAS RECEIVED, OR DEEMED RECEIVED UNDER THE TSAWWASSEN FIRST NATION TICKET REGULATION, 2013, YOU MAY FILE A NOTICE OF DISPUTE IN WRITING WITH THE TSAWWASSEN FIRST NATION JUDICIAL COUNCIL AT THE ADDRESS BELOW. THE NOTICE OF DISPUTE MUST INCLUDE YOUR ADDRESS AND THE ALLEGED CONTRAVENTION THAT IS DISPUTED.**

**IF YOU WISH TO DISPUTE AN OFFENCE TICKET, WITHIN 14 DAYS AFTER THE DATE THE TICKET WAS RECEIVED, OR DEEMED RECEIVED UNDER THE TSAWWASSEN FIRST NATION TICKET REGULATION, 2013, YOU MAY DISPUTE THE TICKET TO THE PROVINCIAL COURT IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THE OFFENCE ACT (BRITISH COLUMBIA).**

**IF THE PENALTY IS PAID WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE, IT IS REDUCED BY THE AMOUNT OF THE EARLY PAYMENT DISCOUNT.**

**IF A NOTICE OF DISPUTE IS NOT RECEIVED BY THE 14<sup>TH</sup> DAY AFTER RECEIPT, THIS TICKET WILL BE DEEMED UNDISPUTED AND THE PENALTY NOTED ON THIS TICKET WILL BE IMMEDIATELY PAYABLE. IF THE PENALTY IS NOT PAID IN FULL WITHIN 29 DAYS AFTER THE DATE THIS TICKET WAS RECEIVED OR DEEMED RECEIVED, THE SURCHARGE WILL APPLY IN ADDITION TO THE PENALTY AND BOTH WILL BE TREATED AS A DEBT OWING TO THE TSAWWASSEN FIRST NATION.**

TSAWWASSEN ADMINISTRATION:  
1926 TSAWWASSEN DRIVE  
TSAWWASSEN, BRITISH COLUMBIA  
V4M 2G2

JUDICIAL COUNCIL:  
1926 TSAWWASSEN DRIVE  
TSAWWASSEN, BRITISH COLUMBIA  
V4M 2G2

**THIS TICKET IS ISSUED PURSUANT TO THE TSAWWASSEN FIRST NATION TICKET REGULATION, 2013, ENACTED UNDER THE LAWS ENFORCEMENT ACT (TSAWWASSEN).**

Officer's Notes:


Traffic Conditions: \_\_\_\_\_

Road: \_\_\_\_\_

Weather: \_\_\_\_\_

Height	Weight	Eyes	Hair Colour

# FORM REQUIREMENTS: COMPLIANCE NOTICE



Should include the same ‘Who’, ‘Where’, ‘When’, and ‘What’ as a ticket:

**Who** – Full Name, Date of Birth and Address of the person the ticket is being issued to


**Where** – Location of Offence

**When** – Date the Offence Occurred

**What** – Description of Offence & Law Violated



Fine is replaced with **remediation instructions and time limits** for completion



4690 SALISH WAY  
AGASSIZ, BRITISH COLUMBIA  
V0M 1A1

COMPLIANCE  
NOTICE

Notice Number:

COMPLIANCE NOTICE

Issued in accordance with section 6.5 of the Sts'ailes Enforcement and Ticketing Law

This Compliance Notice does not impose any fine or charge. However, if the Remedy Information in this Compliance Notice is not completed within the specified time further enforcement action may be taken

Issued to:

SURNAME	GIVEN NAMES	BIRTHDATE (DD/MM/YYYY)
ADDRESS		PHONE NUMBER
CITY	PROVINCE	POSTAL CODE

A Sts'ailes Enforcement Officer believes on reasonable and probable grounds that:

on 

YYYY	MM	DD
------	----	----

 at 

AM/PM
-------

at 

CITY, PLACE OR TOWN
---------------------

In the Province of British Columbia, the person this Compliance Notice was issued to committed the following offences:

	Description of Activities Constituting an Offence	Section Contravened	Law Contravened
1.			
2.			

THIS COMPLIANCE NOTICE HAS TWO PAGES



The Sts'ailes Enforcement Officer has provided the following Remedy Information:

	Remedy Information and Completion Time
1.	
2.	

Enforcement Officer's Signature

I certify that this Compliance Notice was issued by:

NAME OF ENFORCEMENT OFFICER (TYPED OR PRINTED):		
SIGNATURE:		
YYYY	MM	DD





# Enforcement Record-Keeping

# RECORDS OF WARNINGS AND TICKETS

- Does not have to be complex or costly
- Does have to be CONFIDENTIAL and access controlled
- Data entry, deletion, editing and viewing should be trackable
- Should have several searchable data fields
- Retention time considerations (from laws and policies)
- May be standalone or integrated with Administration
- Sky is the limit for capability and cost



# Collection and Administration of Fines

# COLLECTION AND ADMINISTRATION OF FINES



Consider methods available for payment

- Online
- In person
- Cash or cheque
- Point of Sale



Record keeping system

- Paid fines and proof of payment
- Outstanding fines, since need to ensure timelines are met before commencing recovery



# COLLECTION AND ADMINISTRATION OF FINES

- Debt collection is challenging for all governments
- Nations do not have all the tools or fine recovery programs that other governments do for collection
  - Example: ICBC or other body licence suspension/cancellation, deduct debt from income tax credits/refunds owing (CRA), add debt onto property taxes
- Consider using internal avenues as first-line recovery method
  - Withholding Nation provided services, withholding distributions
- Consider engaging private collections agency
  - Some Nations have had very good success with this
  - Also used by other governments



# Thank You

For more information, please visit:

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