

Delegation of Authority Bylaw Amendment

RECOMMENDATION:

That Committee of Council recommend that Council adopt amendments to the Delegation of Authority Bylaw, No. 3876, as outlined in the October 13, 2020, staff report.

REPORT SUMMARY

This report recommends amendments to the Delegation of Authority Bylaw No. 3876 to allow Council or their delegate to appoint bylaw officers as “Peace Officers”. This will reinforce the current case law recognizing that bylaw officers are peace officers in the course of their duties.

BACKGROUND

While bylaw officers are not listed as peace officers in statute law, they are established as peace officers by case law. The current case law states that bylaw officers are considered peace officers in the course of their duties. Council is authorized to appoint bylaw officers as peace officers.

Some Municipalities (such as Coquitlam) designate their bylaw officers as peace officers by Council resolution while other designate their bylaw officers as peace officers by bylaw (such as Langford). Langford has adopted a stand-alone bylaw that establishes bylaw officers as peace officers and affords them authorities under the Police Act that include the use of force and executing search warrants. Staff does not recommend a stand alone bylaw outlining the powers of peace officers to this extent being cognizant that it may over extend municipal authority.

This proposed bylaw amendment recommends appointing bylaw officers as peace officer under the delegation bylaw and adding an oath to be sworn under the Police Act. This oath replaces the current resolution that appoints individuals as bylaw officers. Using a combined approach of amending the bylaw to appoint bylaw officers as peace officers with a sworn oath does not over extend the authority of bylaw officers but does reinforces the current case law.

DISCUSSION

Both of these processes recognize bylaw officers as peace officers and aid in reinforcing the existing case law. The proposed amendments to the Delegation of Authority Bylaw enable Council or their delegate to appoint bylaw officers as peace officers.

In essence, the proposed amendments do not afford officers any more authority, but does reinforce legal standing and possibly public perception. Additionally, it may aid in gaining compliance as RCMP may charge for obstruction of a peace officer although this would be unlikely for minor

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infractions or failure to produce identification. Furthermore, should a bylaw officer be assaulted, a person may be charged with Assaulting a Peace Officer, which can carry a stronger sentence.

This report recommends amending the Delegation of Authority Bylaw, 2014, No. 3876 to allow Council or their delegate to appoint bylaw officers as peace officers and requires that officers take on oath under the Police Act.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Recommend that Council adopt amendments to the Delegation of Authority Bylaw.
	2	Request further information.
	3	Take no action (maintain the status quo).

ATTACHMENTS

Att#1: Resolution Oath Appendix A

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