

**UNIVERSITY NEIGHBOURHOODS ASSOCIATION (“UNA”)
ENFORCEMENT AND DISPUTE BYLAW (“BYLAW”)**

1. Adopted by the Board of Governors of the University of British Columbia (“**University**”) on the date set out below.
2. This Bylaw establishes the mechanisms for the enforcement of any UNA bylaw and how to dispute an Infraction Notice issued by an Enforcement Officer pursuant to any UNA bylaw, unless otherwise specified in the bylaw in connection with which the Infraction Notice is issued.

Definitions

3. In this Bylaw the following words or phrases have the following meaning unless the context otherwise requires:

“**Board**” means the Board of the UNA;

“**Board of Governors**” means the Board of Governors of the University;

“**Designated Local Areas**” means those areas of non-institutional development at the University campus and currently known as Chancellor Place, East Campus, Hampton Place, Hawthorn Place and Wesbrook Place, or portions thereof and which may be amended from time -to -time, for which the University and the UNA have agreed that the UNA will assume responsibility to provide municipal-like services. The Designated Local Areas are identified in Schedule “A” to this Bylaw, as that Schedule may be amended from time-to-time;

“**Dispute Notice**” means a notice filed by a person who wishes to dispute an Infraction Notice;

“**Disputant**” means any person who files a Dispute Notice;

“**Enforcement Officer**” means a person or persons designated by the Board to enforce UNA bylaws and to assess the penalties and fines set out in UNA bylaws for breaches of those bylaws and, without limiting the foregoing, includes members of the Royal Canadian Mounted Police or such other police force responsible for policing within the Designated Local Areas;

“**Infraction Notice**” means any ticket, notice, or penalty issued pursuant to a UNA bylaw;

“**Resident**” means those people who own or reside in strata lots, or who are tenants of rental housing or commercial space, located within the Designated

Local Areas, excluding individuals residing in student residences that are directly owned and operated by the University or by an affiliated theological college;

General

4. The University has, on the recommendation of the Board and the approval of the Board of Governors, adopted various bylaws permitting the UNA's Enforcement Officers to issue Infraction Notices for breaches of those bylaws. The mechanism to dispute any Infraction Notice issued by an Enforcement Officer is as provided in this Bylaw, unless otherwise expressly provided in the bylaw in connection with which the Infraction Notice is issued.

5. The University hereby confirms that the Board has been and is appointed by the University to perform the duties under this Bylaw pursuant to the *University Act*, R.S.B.C. 1996, c. 468 generally, and in particular, sections 27(2)(c), (t.1), (t.2), (t.3), (t.4), (x), (x.1) and (x.2) and 34, as recognized in the Neighbours' Agreement 2008, section 5.5.

Designation of bylaw Enforcement Officers

6. The Board may from time to time designate a person or persons as Enforcement Officers in regards to any or all UNA bylaws.

Notice of Violation of a bylaw

7. (1) Any Enforcement Officer may issue an Infraction Notice to any person for an alleged contravention of any provision of a UNA bylaw.

(2) Where the Infraction Notice is issued in respect of an alleged contravention involving a vehicle, it may be issued to the vehicle's license plate or the vehicle's identification number, temporary operation permit or interim permit under the *Motor Vehicle Act*, and in which case the notice is deemed to have been issued to each registered owner of the vehicle as contained in the records of the government of British Columbia or person responsible for maintaining records of vehicle registrations in British Columbia or any other province or jurisdiction, as the case might be.

8. (1) An Infraction Notice shall contain the following information:

- (a) particulars of the alleged contravention of the bylaw in sufficient detail that a recipient of the notice is able to identify the bylaw and contravention alleged;
- (b) the amount of the penalty for the contravention alleged and the consequences of failing to respond to the Infraction Notice;

- (c) a description of how and when the penalty must be paid; and
- (d) how to dispute the allegation in the Infraction Notice.

(2) The UNA may from time-to-time provide for the form or forms of the Infraction Notice. An Infraction Notice may be in the form of a “ticket” or “notice” as may be provided under another UNA bylaw. An Infraction Notice may, but not must, be in the form attached as Schedule “B” to this Bylaw.

9. (1) The Infraction Notice may be delivered to the person alleged to have contravened the UNA bylaw in any of the following ways:

- (a) by handing a copy to the person alleged to have contravened the bylaw;
- (b) by mailing a copy,
 - (i) if the Infraction Notice is in respect of an alleged contravention involving a vehicle, to the address of the registered owner of the vehicle as contained in the records of the government of British Columbia or person responsible for maintaining records of vehicle registrations in British Columbia or any other province or jurisdiction, as the case might be;
 - (ii) to the actual or last known address of the named person; or
 - (iii) if the named person is a corporation or a business, either to the registered office or head office as contained in the records of the Registrar of Companies or to a director, manager or other executive officer of the corporation or business, or of a branch of it;
- (c) if the Infraction Notice is in respect of an alleged contravention involving a vehicle, by placing a copy of the Infraction Notice on the vehicle concerned; or
- (d) if the Infraction Notice is in respect of a particular parcel of real property (which, for certainty and for the purposes of this Bylaw, includes a strata lot) or an improvement on a particular parcel of real property, by leaving the Infraction Notice with a person who appears to be at least 16 years old at that parcel or by leaving a copy of the Infraction Notice at that particular parcel in a mail box, mail slot or mail receptacle or by affixing the Infraction Notice to the door of the residence or business situated on that parcel.

(2) An Infraction Notice delivered under subsection 9(1)(a) [handed to the person], is deemed to have been received by the person on the day that it is handed to the person.

(3) An Infraction Notice delivered under subsection 9(1)(b) [mailed], is deemed to have been received by the person to whom it is addressed on the 7th day after mailing.

(4) An Infraction Notice delivered under subsection 9(1)(c) [left on the vehicle involved] is deemed to have been received by each registered owner of the vehicle, as contained in the applicable records described under subsection (1)(b)(i), on the day it is left.

(5) An Infraction Notice delivered under subsection 9(1)(d) [left on or with a person at the parcel or real property or improvement] is deemed to have been received on the 7th day after it is left or affixed, as the case might be.

10. (1) A person shall within 14 days after the date on which the person received or is deemed to have received an Infraction Notice under section 9:

- (a) pay the penalty indicated on the Infraction Notice in accordance with the instructions on the Infraction Notice, or
- (b) dispute the Infraction Notice in accordance with the process set out in sections 13-21 (including paying the penalty under protest as required under section 15),

failing which the person is deemed to have not disputed the contravention alleged on the Infraction Notice and the penalty indicated on the Infraction Notice is immediately due and payable by the person to the UNA.

(2) Where an Infraction Notice has been issued to the registered owner(s) of a vehicle pursuant to subsection 7(2) and subsection 10(1) is not complied with, the penalty set out in the Infraction Notice is immediately due and payable in full by each registered owner of the vehicle who receives or is deemed to have received the Infraction Notice but in no case may the UNA collect more than the full amount of the penalty set out in Infraction Notice.

11. (1) If at the end of the period established for the purpose of subsection 10 (1), a person to whom the Infraction Notice was delivered in any other manner than in person has not responded to the Infraction Notice, the UNA shall deliver a notice to the person indicating the amount owing under the Infraction Notice and how and where payment may be made.

(2) The notice under subsection (1) shall be delivered in a manner authorized under section 9, with the exception of the manner authorized under section 9(1)(c), and shall be deemed received in accordance with that section 9.

12. (1) Delivery of an Infraction Notice may be proved by
- (a) the oral evidence of the Enforcement Officer who delivered it or caused it to be delivered, or
 - (b) the certificate of the Enforcement Officer who delivered it or caused it to be delivered, if the certificate is endorsed on or appended to the Infraction Notice or a copy of the Infraction Notice.

(2) The certificate referred to in subsection (1) is proof of the facts stated in the certificate and of the authority of the person who signed it without further proof of the person's appointment or signature.

(3) The UNA may from time-to-time provide for the form or forms of the certificate referred to in subsection (1). The certificate may, but not must, be in the form attached as Schedule "C" to this Bylaw.

Disputing an Infraction Notice

13. A person who wishes to dispute an Infraction Notice, including the amount of the penalty imposed, may dispute the Infraction Notice by filing a Dispute Notice with the UNA within 14 days after delivery of the Infraction Notice.

14. A Dispute Notice must be submitted in writing to the UNA, in a form provided by the UNA or in another reasonably acceptable form, and shall contain a postal address for the Disputant, sufficient information to identify the Infraction Notice (including providing the Infraction Notice's number) and the alleged contravention being disputed and a statement of the ground on which the Infraction Notice is being disputed. The Disputant may provide, in addition to a postal address, an email address to which correspondence relating to the dispute of the Infraction Notice may be sent.

15. A Dispute Notice must be accompanied by payment of the prescribed penalty. No Dispute Notice is effective for any purpose unless such payment is made. Any such payment will be treated as being paid under protest and will be refunded if the dispute of the Infraction Notice is allowed. A Dispute Notice that is received by the UNA without the required payment shall be deemed not to have been delivered and shall be treated as if no dispute has been raised.

16. A Dispute Notice shall be delivered to the following address to the attention of the UNA's Executive Director:

*University Neighbourhoods Association
#202 – 5923 Berton Avenue*

Vancouver, B.C. V6S 0B3
Attention: Executive Director

or such current address for the UNA as may be specified on the Infraction Notice.

17. A Dispute Notice that is in fact delivered by mail and received by the UNA shall be deemed to have been received by the UNA on the date on which it was received at the address in section 16 in fact.

18. (1) The Board, or its nominee (and in this section 18 and sections 19-22 reference to the "Board" includes the Board or its nominee), shall review the Dispute Notice and shall determine whether to allow the dispute in whole, or in part.

(2) As part of this process the Board may, but not must:

(a) meet with the Disputant or/and a representative of the Disputant, in which case the Disputant shall be given at least 5 days' written notice of the date of such meeting including the manner of such meeting as described in subsection (2)(b), and

(b) decide to conduct such a meeting either in person, through the exchange of written material (including by facsimile or electronic mail), or by telephone or other electronic medium.

(3) In determining the dispute the technical and legal rules of evidence do not apply, except the rules relating to privileged communications, and the Board may accept evidence in any manner it considers appropriate and whether or not the evidence would be admissible in a court of law.

(4) A Disputant is not entitled to:

(a) an oral hearing;

(b) to be present for any enquiries that the Board may make of any person but, in the event that additional information relevant to the dispute is received from such enquiries, the Disputant shall be provided notice of that additional information and be given an opportunity to provide a response to that additional information; or

(c) examine or cross-examine any witness.

(5) The Board shall inform the Disputant of its decision in writing.

19. If the Board allows the dispute, the Infraction Notice shall be set aside and rendered a nullity. If the Board denies the dispute, the Infraction Notice shall stand and there shall be no appeal, subject only to section 20 below, and, where there is no appeal, the

payment that had been made under protest when filing the Dispute Notice shall be immediately forfeited to the UNA.

20. If the Disputant is a Resident or a member of the Academic Community (i.e., a student, faculty or staff of the University or other resident of the University campus excluding Residents), the Disputant may appeal the Board's decision to the University's Associate Vice-President, Campus & Community Planning, who shall determine the appeal on a final basis and there shall be no further appeal.

21. Should a Disputant fail to attend a meeting referred to in section 18, the Disputant is deemed not to have disputed the contravention alleged in the Infraction Notice, the penalty amount indicated on the Infraction Notice is immediately due and payable to the UNA and the payment that had been made under protest when filing the Dispute Notice shall be immediately forfeited to the UNA.

Time Extensions if person Not at Fault to Respond or Attend

22. (1) A person who received or was deemed to receive an Infraction Notice but failed to comply either with section 10 or failed to attend at a meeting referred to in section 18, may apply in writing to the Board for a time extension in the circumstances established in this section.

(2) In the case of a person who did not dispute the Infraction Notice, the person may only apply if:

- (a) the person has, through no fault of that person, not had an opportunity to dispute the alleged contravention; and
- (b) not more than 21 days has passed since the end of the period specified in section 10.

(3) In the case of a person who failed to attend at a meeting referred to in section 18, the person may only apply if:

- (a) the failure was through no fault of that person; and
- (b) not more than 14 days has passed since the date of the meeting of which the person had been given written notice.

(4) The Board, upon reviewing the application, with or without hearing further from the applicant, and being satisfied that the applicable conditions set out in subsection (2) or (3) have been met, may:

- (a) set aside the Infraction Notice and render it a nullity;

- (b) in the case of a person who did not dispute the alleged contravention, allow the person to dispute the contravention in accordance with section 10; and
- (c) in the case of a person who failed to attend at the meeting referred to in section 18, set a new time and place for the attendance of that person before the Board or deny the application where an extension had previously been granted.

If the Board is not satisfied that that the applicable conditions in subsection (2) or (3) have been met, the Board must decline the application made under subsection (1) for a time extension.

Collection of Infraction Notice Penalties and Administrative Costs

23. The collection of any penalty is the responsibility of the Board. The Board is authorized to engage the assistance of any person, including the University and UBC Properties Trust (“**Properties**”), to collect any penalty from the offender either directly or indirectly, or through any towing or removal company in relation to a parking violation, or any reasonable existing University or Properties mechanism (such as in the case of a Resident through a rental charge under any lease, or through strata corporation charge or real property charge).

24. The UNA may bring a civil proceeding to enforce any amount due and payable to the UNA under an Infraction Notice.

25. For greater certainty, where any amount is immediately due and payable under an Infraction Notice, that amount is due and payable to the UNA and is a debt owing to the UNA, and the UNA may take such steps it considers appropriate and necessary to collect such amount.

Severance

26. Each separate provision of this Bylaw is deemed independent of all other provisions herein and if any provision of this Bylaw is declared to be invalid, all other provisions shall remain valid and enforceable.

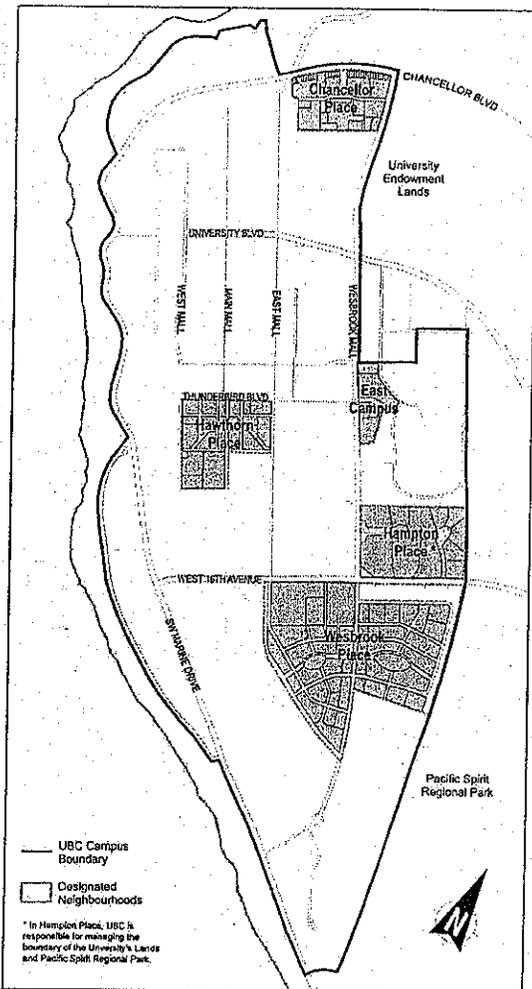
This Bylaw comes into force and takes effect on the date of its passing.

DONE AND PASSED by the Board of Governors on _____, 2012

Chair of the Board of Governors

SCHEDULE "A"
DESIGNATED LOCAL AREAS

1. Chancellor Place,
2. East Campus,
3. Hawthorn Place
4. Wesbrook Place
5. Hampton Place



SCHEDULE "B" – INFRACTION NOTICE

University Neighbourhoods Association ("UNA")

This notice is made pursuant to the UNA Enforcement and Dispute Bylaw

INFRACTION NOTICE

No.: _____

Issue date: _____

ISSUED TO:

SURNAME (OR CORPORATE NAME):		
GIVEN NAME (OR CORPORATE NAME CONTINUED):	GENDER: M / F	BIRTHDATE (YY MM DD):
ADDRESS:		
CITY:	PROVINCE:	POSTAL CODE:

OR (where applicable)

To the registered owner:

As the owner of the under-described vehicle

COLOUR:	MAKE AND MODEL:
PROVINCE:	LICENSE NUMBER:

you are liable for the commission of the contravention described below.

The UNA bylaw Enforcement Officer says that the Enforcement Officer has reasonable and probable grounds to believe, and does believe, that the above named

on or about [date of offence, year/month/date] ____ / ____ / ____

at the time of [24 hour clock] _____ hrs.

at or near [street address] _____, Vancouver, British Columbia,
did commit the contravention indicated, under the following UNA bylaw(s):

BYLAW NAME: _____

DESCRIPTION OF OFFENCE	SECTION	PENALTY AMOUNT	REDUCED PENALTY IF EARLY PAYMENT (where the bylaw provides)

The reduced penalty amount for early payment indicated in the table above is payable if such payment is received within 14 days of actual or deemed receipt of this Infraction Notice.

If the voluntary payment is not paid received within 14 days of actual or deemed receipt of this Infraction Notice, legal proceedings or other collection processes may be commenced against you.

[ENFORCEMENT OFFICER'S SIGNATURE]

HOW TO PAY THE PENALTY

What is the easiest way to pay?

You may pay by mail, by sending your cheque or money order payable to the "University Neighbourhoods Association" in Canadian funds to the address below. Do not send cash in the mail. A receipt will NOT be sent back to you.

University Neighbourhoods Association
University of British Columbia
#202 – 5923 Berton Avenue
Vancouver, B.C. V6S 0B3

Your payment must be accompanied by a copy of this Infraction Notice *or* a note giving sufficient information to identify this notice, including:

- The INFRACTION NOTICE NUMBER (from the top right corner on the first page of this notice);
- Your FULL NAME and MAILING ADDRESS;
- The DATE of the contravention and the BYLAW NAME and SECTION of the contravention.

Note: if you do not provide these details, your payment might not be credited to you and legal proceedings or other collection processes may be commenced against you.

If you pay the voluntary penalty indicated on this notice within 14 days of the date of receipt or deemed receipt of this notice, legal or other proceedings will not be commenced against you.

Can I pay for this Infraction Notice in person?

Yes. You may make payment at the address noted above during regular business hours. Present a copy of this Infraction Notice along with your payment.

What happens if I do not pay?

If the voluntary payment is not made within 14 days of receipt or deemed receipt of this Infraction Notice, legal proceedings or other proceedings collection processes may be commenced against you.

HOW TO DISPUTE THE ALLEGATION

If you wish to dispute the allegation contained in this Infraction Notice or the amount of the penalty, you may deliver in person or have delivered during regular office hours, or deliver via mail, a Dispute Notice to the attention of the UNA's Executive Director at the following address:

University Neighbourhoods Association
University of British Columbia
#202 – 5923 Berton Avenue
Vancouver, B.C. V6S 0B3
Attn: Executive Director

Note: A DISPUTE NOTICE MUST BE ACCOMPANIED BY PAYMENT OF THE PENALTY AMOUNT. The payment will be treated as being paid under protest and will be refunded if the dispute is allowed. A Dispute

Notice received without the payment shall be deemed not to have been delivered and shall be treated as if no dispute has been raised.

A Dispute Notice must contain the following information:

- Your FULL NAME and MAILING ADDRESS;
- Sufficient information to identify the Infraction Notice and alleged contravention (you may wish to send a photocopy of the Infraction Notice)
- STATEMENT of the ground on which the Infraction Notice is being disputed.

Note: if you do not provide these details, the Dispute Notice may not provide sufficient information and you may be deemed not to have disputed the described contravention.

If you wish to dispute, you have up to 14 days from the receipt or deemed receipt of this Infraction Notice to deliver, have delivered or mail your Dispute Notice.

Upon receipt of your Dispute Notice, the UNA Board, or its nominee, shall review the Dispute Notice and shall determine whether to allow or reject the dispute either in whole or in part. As part of that process, the Board, or its nominee, *may* (but not must) decide to hold a hearing to determine your dispute in which case you will receive written notice of when and how that hearing will be conducted (for example, by written submission, by telephone or in person, or some other means).

A complete copy of the UNA's Enforcement and Dispute Bylaw and a form that may be used as a Dispute Notice may be found on the UNA's website, www.myuna.ca.

SCHEDULE "C" – CERTIFICATE OF SERVICE OF INFRACTION NOTICE

University Neighbourhoods Association ("UNA")

This certificate is made pursuant to the UNA Enforcement and Dispute Bylaw

CERTIFICATE OF SERVICE

I _____
[NAME and POSITION]

certify that on the date [year/month/day] _____ / _____ / _____

I served _____

with a copy of the attached Infraction Notice (No. _____) in the manner indicated below:

- by delivering it to him/her personally;
- by delivering it to him/her via mail to his/her actual or last known address;
- the person being a corporation or a business by delivering it
 - to a director, manager or other executive officer of the corporation or of a branch of it, or
 - to the registered office or head office as contained in the records of the Registrar of Companies;
- the contravention, being in respect of a parking violation, delivering it by
 - leaving a copy on the vehicle involved, or
 - mailing a copy to the address of the registered owner of the vehicle as contained in the records of vehicle registrations;
- the contravention, being in respect of a particular parcel of real property (including a strata lot) or an improvement thereon, delivering it by
 - leaving a copy with a person who appeared at least 16 years old at that parcel (person's name, if known: _____),
 - leaving a copy at that parcel in a mail box, mail slot, mail receptacle, or
 - affixing a copy to the door of the residence or business situated on that parcel.

Dated [year/month/day]: _____ / _____ / _____

[ENFORCEMENT OFFICER'S SIGNATURE]