

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

BULLETIN

TO: Clients
FROM: Sara Dubinsky
DATE: March 24, 2020
RE: New Maximum \$50,000 Fine for *Offence Act* Prosecutions

The City of Vancouver's recent bylaw amendments to impose \$50,000 fines have received significant media attention, in light of the potential to impose fines of this magnitude for Covid 19 related bylaw infractions.

Vancouver is utilizing a very recent amendment to the *Vancouver Charter* that increases the maximum potential fine for an Offence Act prosecution to \$50,000:

333.(1) Subject to subsection (2), the Council may make by-laws for the purposes of enforcing its by-laws, including establishing one or more of the following penalties to which a person convicted of an offence in a prosecution under the Offence Act is liable:

- (a) a minimum fine;
- (b) a maximum fine of up to \$50 000
- ...

Prior to this amendment the *Vancouver Charter* contained the same \$10,000 maximum as was found in s. 263(1)(b) of the *Community Charter*. The *Community Charter* has also been amended to increase the maximum penalty for an *Offence Act* prosecution to \$50,000:

263. (1) A bylaw under section 260 (1) [enforcement powers] may establish one or more of the following penalties to which a person convicted of an offence in a prosecution under the Offence Act is liable:
- (a) a minimum fine;
 - (b) a maximum fine of up to \$50 000;
 - ...

Of note, there have been no changes to the maximum fines that can be imposed via ticket or bylaw notice.

For MTIs the maximum fine remains \$1000, per s. 2 of the *Community Charter Bylaw Enforcement Ticket Regulation* and s. 2 of the *Vancouver Charter Bylaw Enforcement Ticket Regulation*.

For bylaw notices the maximum fine remains \$500, per s. 6(3) of the *Local Government Bylaw Notice Enforcement Act*.