


**THE UNIVERSITY OF BRITISH COLUMBIA**

**REQUEST FOR DECISION**

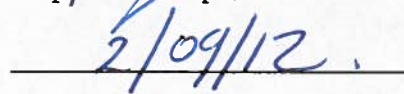
FORWARDED TO:

BOARD OF GOVERNORS ON  
RECOMMENDATION  
OF PRESIDENT STEPHEN J. TOOPE


APPROVED FOR SUBMISSION:

  
\_\_\_\_\_  
Stephen J. Toope, President & Vice-Chancellor

DATE

  
\_\_\_\_\_  
2/09/12

PRESENTED BY:

Pierre Ouillet, Vice President - Finance Resources  
and Operations  
Hubert Lai, University Counsel  
Nancy Knight, Associate Vice President Campus  
and Community Planning 

DATE OF MEETING:

September 20, 2012

SUBJECT:

University Neighbourhoods Association Bylaws for  
Noise Control and Enforcement and Disputes

DECISION REQUESTED:

That, under the authority of sections 27(2)(t),  
27(2)(t.1), 27(2)(t.2), 27(2)(t.3), 27(2)(t.4),  
27(2)(x.1) and 27(2)(x.2) of the *University Act*, the  
Board approve the bylaws provided in Attachment 1  
and 2 of this report (noting that, pursuant to the  
Neighbours' Agreement 2008, the University  
Neighbourhoods Association will be responsible for  
administration of these bylaws, including all  
enforcement costs).

**A. EXECUTIVE SUMMARY:**

The Neighbours' Agreement 2008 between UBC and the University Neighbourhoods Association (UNA) established the basis by which the UNA could develop and administer bylaws to manage local issues such as noise, parking and animals within

designated neighbourhood boundaries. Before UNA Bylaws can be effective, they must be approved by the UBC Board.

The UNA Board of Directors and UNA staff and legal counsel have worked diligently to develop two bylaws for the UBC Board's approval. One bylaw addresses noise control. The other sets out an enforcement and dispute regime for UNA bylaws that are approved for administration in designated neighbourhoods. This regime would apply to all local bylaws developed by the UNA and approved by the UBC Board for administration in the designated neighbourhoods.

The Administration has reviewed the bylaws against best practices in municipalities, applicable UBC standards and the Neighbours' Agreement 2008 requirements. A comprehensive legal review was also undertaken. The Administration recommends the UBC Board approve the bylaws as rules. The UBC Board has authority to make rules with respect to such matters pursuant to sections 27(2)(t), 27(2)(t.1), 27(2)(t.2), 27(2)(t.3), 27(2)(t.4), 27(2)(x.1) and 27(2)(x.2) of the *University Act*. Pursuant to the Neighbours' Agreement 2008, the administration and enforcement of these bylaws will be the responsibility of the University Neighbourhoods Association.

## **B. REPORT**

### **Background**

The Neighbours' Agreement 2008 established the basis on which bylaws to control and manage parking, traffic, noise, nuisance and other similar matters for the designated neighbourhoods would be developed, approved and administered. The role of the UNA Board is to develop and administer the bylaws; the role of the UBC Board is to approve the bylaws using its authority under the *University Act*. These provisions were built on the local governance mechanism for neighbourhood areas developed by the Province, UBC and the GVRD when the Official Community Plan was approved in 1997 and that continues to be effective following the passage of Part 10 of the *Municipalities Enabling and Validating Act No. 3* (MEVA), and the adoption of the Land Use Plan as contemplated by the MEVA. Designated neighbourhoods are those neighbourhoods for which the UNA has responsibility for providing local services as defined in the Neighbours' Agreement 2008.

The Neighbours' Agreement 2008 sets out the process by which such proposed regulations should be developed, with requirements for public consultation and consideration of input received by the UNA Board. The Neighbours' Agreement 2008 also notes that the UBC Administration will review regulations developed by the UNA Board for the UBC Board's approval, and encourages early communication and consultation with the UBC Administration. The UBC Administration reviews the rules for consistency with municipal and UBC practices as appropriate, and a legal review is also undertaken.

## **Discussion**

The UNA Board has forwarded a Noise Control Bylaw (Attachment 1) and an Enforcement and Dispute Bylaw (Attachment 2) for the UBC Board's approval. The process used by the UNA Board to create these bylaws is summarized in Attachment 3.

In late 2008, the UNA Board of Directors initiated a process to create a bylaw controlling noise within designated neighbourhoods, and a general bylaw setting out how enforcement and disputes would be managed for all bylaws developed by the UNA Board and approved by the UBC Board. Bylaw development and consultation occurred for the noise control bylaw in 2009 / 2010, and the UBC Administration reviewed a draft noise control bylaw in late 2010. Further amendments to this bylaw were completed in 2011. A draft of the enforcement and dispute bylaw was provided for public input in 2012 and UBC review and final amendments were completed in the summer of 2012.

The UNA Board adopted these two bylaws at its August 14, 2012 meeting. In June of 2012 the UNA Board, anticipating that it would be adopting these bylaws in August, requested the UBC Administration to work towards ensuring that these bylaws would be considered by the UBC Board at its September meeting. A comprehensive, collaborative effort has been made to achieve that timing.

The UBC Administration has reviewed both proposed bylaws against the required process in the Neighbours' Agreement 2008 and consistency with municipal and UBC practices. A comprehensive legal review by the Office of the University Counsel has also been completed. A summary of the review is provided below, by bylaw.

### Noise Control Bylaw

The process to develop the Noise Control Bylaw followed the process required in the Neighbours' Agreement 2008. The UNA Board advised UBC of its intent to develop a bylaw, provided opportunities for community input, considered that input, and circulated a draft bylaw to the UBC Administration for review. UBC's comments were considered and accommodated.

The Noise Control Bylaw is modeled on the City of Vancouver's noise bylaw. The UNA bylaw is slightly more restrictive in the hours during which construction noise is permitted, but these restrictions are consistent with UBC requirements and the bylaw has a provision for relaxations of these restrictions, and a protocol for coordinating such restrictions will be developed. The UNA bylaw also has a system of escalating fines for repeat offenses related to construction noise, to avoid the situation where firms treat fines as 'the cost of doing business'. The UNA is aware that it will need to take care in the implementation of this innovative approach to ensure that there is sufficient time given to rectify noise issues before the escalation is implemented.

## Enforcement and Dispute Bylaw

The process to develop the Enforcement and Dispute Bylaw followed the process required in the Neighbours' Agreement 2008. The UNA Board advised UBC of its intent to develop a bylaw, provided opportunities for community input, considered that input, and circulated a draft bylaw to the UBC Administration for review. UBC's comments on the draft bylaw were considered and accommodated.

The Enforcement and Dispute Bylaw is analogous to the City of Vancouver's parking enforcement and dispute process. As with the UNA bylaw, parking violations in the City must be disputed within 14 days of receiving the ticket and can only be disputed if the ticket is paid. In the City's process, the dispute is heard by a screening officer and if an appeal is lodged, then the appeal is heard by an adjudicator at a hearing. Disputes in the UNA process are heard by the UNA Board's appointed adjudicator. If an appeal is lodged, the appeal is heard by the Associate Vice President, Campus and Community Planning. This appeal provision is consistent with the Neighbours' Agreement 2008.

Pursuant to the Neighbours' Agreement 2008, the UNA will be responsible for administration of these bylaws, including their enforcement and all costs. The UNA Board will ensure that the bylaws are enforced in a manner consistent with other municipalities (many of which enforce their bylaws on a 'complaint' basis) and will, in any case, ensure that its enforcement officers are well trained in procedures related to bylaw administration.

## **Next Steps**

The decision of the Board of Governors will be forwarded to the UNA Board. If the bylaw is approved, it must be posted on the website of the Office of the University Counsel.

## **ATTACHMENTS:**

1. Noise Control By-Law
2. Enforcement and Dispute Bylaw
3. History of UNA Process to develop the Noise Control and Enforcement and Dispute Bylaw

## **University Neighbourhoods Association (“UNA”) Noise Control Bylaw (“Bylaw”)**

1. Adopted by the Board of Governors of the University of British Columbia (“**University**”) on the date set out below.
2. Defined terms not expressly defined in this Bylaw have the meaning assigned to them in the Neighbours’ Agreement 2008 between the University and the UNA.
3. This Bylaw is designed to regulate noise within the Designated Local Areas, as identified in the Neighbours’ Agreement 2008 and as may be amended from time-to-time under that agreement.

### **Abbreviations and Definitions**

4. In this Bylaw any abbreviation or technical standard which is not defined specifically or defined by context, shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (“**CSA**”), the American Standards Institute (“**ANSI**”), the International Organization for Standardization (“**ISO**”), or the International Electro-Technical Commission (“**IEC**”), as applicable and, unless the context otherwise requires:

“**Approved Sound Meter**” means any instrument that is in fact used by the UNA, or person appointed by the UNA, to measure levels of sound pressure in accordance with the minimum specifications for type 2 general purpose sound level meters set out under ANSI S1.4 or IEC 123, and includes Bruel and Kjaer’s Sound Level Meter Type 2232, 2230, and 2205 as well as Larson-Davis Laboratories Model 700;

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

“**Cause**” means to make, cause or allow, or to permit to make, cause or allow. A person who rents to a person, or issues a license or permit to a person, is responsible for that person’s conduct;

“**Commercial Premises**” means Premises used to sell or offer to sell goods or services;

“**Construction**” includes the erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure, and all processes ancillary or related thereto, structural maintenance, painting, land clearing, earth moving, trucking to and from (including before and after Construction Hours), grading, excavating, the laying of pipe and conduit (whether above or below ground level), building of parks or recreation space and all processes ancillary or related thereto, street building, concreting and the installation, alteration or removal of construction

equipment, components and materials in any form or for any purpose, and includes any work being done in connection therewith;

**“Construction Hours”** means the hours between 0730 hours to 1900 hours on any weekday that is not a Holiday and between 0900 hours to 1700 hours on any Saturday that is not a Holiday;

**“Continuous Sound”** means any Noise occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically but totaling more than three minutes in any 15 minute period of time;

**“Daytime”** means from 0700 hours to 2200 hours on any week day, and from 1000 hours to 2200 hours on any Saturday, Sunday or Holiday;

**“dBA”** means the sound pressure level in decibels measured using the “A” weighting network setting of an Approved Sound Meter and with Slow Response;

**“dBC”** means the sound pressure level in decibels measured using the “C” weighting network setting of an Approved Sound Meter and with Slow Response;

**“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 UNA have agreed that the UNA will assume responsibility to provide municipal-like services. The Designated Local Areas are identified in Schedule “A” to the UNA Enforcement and Dispute Bylaw, as that Schedule may be amended from time-to-time;

**“Holiday”** means New Years Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Remembrance Day, Christmas Day, Boxing Day and New Years Day and any other statutory holiday that may be declared by the Province of British Columbia.

**“Leaf Blower”** means a portable machine, including backpack units or handheld units, used for blowing or sucking up leaves, grass, or debris including leaf blowers that accept vacuum attachments but excluding vehicle-mounted units;

**“Nighttime”** means any time not included within the definition of Daytime;

**“Noise”** means noise or sound;

**“Non-Continuous Sound”** means any Noise other than Continuous Sound;

**“Point of Reception”** means:

- (a) a point in a lane or a street, adjacent to but outside of the property occupied by the recipient of the Noise, that represents the shortest distance between that property and the source of the Noise; or
- (b) where no lane, street, or other public property exists between the recipient and the source, any point outside the property line of the real property from which the Noise emanates; and
- (c) in either case at least 1.2 metres (4 feet) above the surface of the ground;

**“Power Equipment”** means any equipment or machinery used in lawn or garden care, or both, or in building or property maintenance, or both, and includes but is not limited to Leaf Blowers, edge trimmers, line trimmers, rototillers, lawnmowers, pressure washers, carpet cleaning equipment, generators, and hand-operated power tools;

**“Premises”** means the area contained within the apparent boundaries of any legal parcel of land and any building situated within such boundaries, provided however that where a building contains more than one unit of commercial, industrial or residential occupancy each unit, the common areas of the building, and the land within the apparent boundaries of the lot, shall each be deemed to be separate premises;

**“Quiet”** means quiet, peace, rest, enjoyment, comfort or convenience;

**“Residents”** means those people who own or reside in strata lots, or who are tenants of rental housing or commercial space, located within Designated Local Areas, excluding individuals residing in student residences that are directly owned and operated by the University or by an affiliated theological college;

**“Residential Premises”** means Premises utilized primarily for residential accommodation;

**“Slow Response”** means the pre-determined setting of a sound level meter, which setting meets the minimum specifications set out in ANSI SI.4 or IEC 123;

**“Sound Level”** means the sound pressure level in decibels measured using the “A” weighting network setting of an Approved Sound Meter and with Slow Response; and

“UNA” means the University Neighbourhoods Association.

### **General**

5. The University hereby confirms that the Board has been and is appointed by the University to implement and administer 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.

6. No person shall Cause any Noise in a street, park or similar public place within the Designated Local Areas which disturbs or tends to disturb unreasonably the Quiet of any person.

7. No person being the owner or occupant of any Premises shall Cause the Noise of a barking dog or the cry of an animal or bird which can easily be heard by a person not on the same Premises and which disturbs or tends to disturb unreasonably the Quiet of that person.

8. The ordinary and usual sounds and noises incidental to the occupation and use of Premises, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of this Bylaw.

### **Specific**

9. Notwithstanding any other provision of this Bylaw the following are declared to be Noises which are objectionable or liable to disturb the Quiet of any person and are hereby prohibited and no person being the owner or occupant of any Premises shall Cause:

(a) the Noise resulting from any person or persons at any time, where one or more human voice is raised beyond the level of ordinary conversation, which can easily be heard by an individual or member of the public who is not on the same Premises, notwithstanding that such a Noise might not constitute a breach of any other provision of this Bylaw;

(b) the Noise of a radio, television, record, CD, DVD or other player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument whether recorded or live, whether amplified or not (provided that the Noise does not emanate from a Commercial Premises) which can easily be heard by an individual or member of the public who is not on the same Premises, notwithstanding that such a Noise might not constitute a breach of any other provision of this Bylaw;



(c) the operation of a Leaf Blower at any time unless the Leaf Blower has attached to it the manufacturer's decal certifying that the Leaf Blower meets the Category 1 -  $\text{db(a)} \leq \text{A65}$  equipment standard set out in ANSI B175.2 - 2000, published by the Portable Power Equipment Manufacturers Association; or

(d) the operation of Power Equipment within the Designated Local Areas that is within 50 metres (164 feet) of the boundaries of any Residential Premises, except between 0800 hours to 1800 hours on any week day that is not a Holiday or between the hours of 1000 hours to 1700 hours on any Saturday that is not a Holiday.

10. No person shall Cause Continuous Sound the Sound Level of which:

(a) during the Daytime exceeds a rating of 55 on an Approved Sound Meter when received at a Point of Reception; or

(b) during the Nighttime exceeds a rating of 45 on an Approved Sound Meter when received at a Point of Reception.

11. No person shall Cause Non-Continuous Sound which disturbs or tends to disturb unreasonably the Quiet of any person.

12. Sections 6, 9(d), 10 and 11 of this Bylaw shall not apply to Noise created:

(a) as a consequence of the emergency Construction, cleaning, or other maintenance of any building, street, sewer, water main, electrical duct, or other public utility; or

(b) by the sound of bells, gongs, chimes or carillons by religious institutions, whether amplified or not; or

(c) as a consequence of the lawful testing of an emergency generator provided that it is not operated more than once a week during the Daytime, and for a maximum of 5 minutes and its Continuous Sound Sound Level does not exceed a rating of 80 on an Approved Sound Meter when measured at the Point of Reception or at least 6.1 metres (20 feet) from its source, whichever is the greater.

13. Noise emanating from a source on a street shall, for the purposes of sections 10-11, be measured at the Point of Reception or at least 6.1 metres (20 feet) from the source of the Noise, whichever is the greater.

14. Where Noise emanating from a source on a Residential Premises is received on a street the Noise shall, for the purposes of sections 9-10, be measured at the Point of Reception or at least 6.1 metres (20 feet) from the source of the Noise, whichever is the greater.

15. No person shall in any Commercial Premises Cause Continuous or Non-Continuous Sound or sound of a radio, television, player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the level of which during the Daytime exceeds a rating of 70 dBC (Leq) on an Approved Sound Meter, or during the Nighttime exceeds a rating of 65 dBC (Leq) on an Approved Sound Meter, when measured for a period of three minutes at the Point of Reception.

16. (1) No person shall in a Commercial Premises Cause Continuous or Non-Continuous Sound of music, whether recorded or live, whether amplified or not, the Sound Level of which exceeds a rating of 90 on an Approved Sound Meter when measured within the Commercial Premises at a distance of not less than 6.1 metres (20 feet) from the source unless a notice in the form prescribed in subsection (2) is posted in a prominent location at the entry to the premises.

(2) The notice referred to in subsection (1) shall contain the word "CAUTION" in bold face, followed by the words "THE SOUND LEVEL WITHIN THESE PREMISES MAY BE HAZARDOUS TO YOUR HEARING" in capital letters and the notice shall be constructed and placed so that it is easily and prominently readable.

17. Notwithstanding any other provision of this Bylaw, a person may Cause a Noise which exceeds the Sound Levels set out in this Bylaw, when performing works of an emergency nature for the preservation or protection of property, life or health and, for greater certainty and without limiting the foregoing, includes Noise made by a police, fire, ambulance or other emergency vehicle as well as Noise made by fire and smoke alarms or similar warning devices.

18. Notwithstanding any provision of this Bylaw, but subject to sections 9(c)-(d) and 20-23, a person may Cause a Noise which exceeds the Sound Levels set out in this Bylaw, provided the Sound Level does not exceed a rating of 77 on an Approved Sound Meter when received at the greater of 15.2 metres (50 feet) or at the Point of Reception and the Noise is caused by the use or operation of Power Equipment.

19. Notwithstanding any provision of this Bylaw, a person may Cause a Noise which exceeds the Sound Levels set out in this Bylaw where such Noise is made by a participant in and as a consequence of a nuisance abatement program, festival, race, parade or other special event provided:

- (a) such program, festival, race, parade or event has been authorized by either the Board or the University;
- (b) the Noise originates from the specific area authorized by either the Board or the University; and

- (c) the authorized program, festival, race, parade or event concludes no later than 2100 hours.

### **Construction**

20. No person shall, in or adjacent to Residential Premises, but not including a street, Cause Noise resulting from Construction the Continuous Sound Level of which exceeds a rating of 85 on an Approved Sound Meter when measured at the Point of Reception or 15.2 metres (50 feet) from its source, whichever is the greater.

21. No person shall carry on any Construction to the disturbance of the Quiet of any person, except during Construction Hours. For greater certainty, no Construction shall be conducted on a Sunday or a Holiday.

22. (1) In any case where it is impossible or impractical to comply with sections 20 or 21 or where, as the result of a special event, sections 6 or 9-11 cannot be complied with, an application, in the form prescribed in subsection (2) below may be made to the Board (who may in turn provide the application to a person identified by the Board to administer such applications) (in either case, and for the purposes of this section 22 and section 24 the “**Board/Person**”) for an exception, and the Board/Person may, in its, his or her absolute discretion, give consent in writing to carry on any such works or events outside the prescribed limits and upon such terms as the Board/Person determines.

(2) The application shall be in writing and submitted to the Board/Person at least five working days prior to the date of the proposed activity, and shall contain:

- (a) the name, address and telephone number of the applicant;
- (b) the address of the site of the works or events;
- (c) the building permit number, if applicable;
- (d) the reason(s) the exception is sought;
- (e) a description of the source(s) of Noise in respect of which the exception is sought;
- (f) the exact period of time for which the exception is desired;
- (g) the reason(s) why the exception should be given;

- (h) a statement of the measures planned or presently being taken to minimize the Noise;
  - (i) a non-refundable application fee of \$100.00; and
  - (j) a description of the communication strategy the applicant proposes to alert those who may be affected if the application is granted, and any consent will be conditioned on the applicant fulfilling its proposal.
- (3) In any case where, because of an emergency or other unforeseen circumstance, an application for an exception cannot be submitted within the time limit prescribed in subsection (2), the Board/Person may waive that limitation.
- (4) For Construction activities which shall not Cause a disturbance to occupiers of other lands in the immediate vicinity, a person may apply in writing to the Board/Person for a permit upon 24 hours prior notice to extend the Construction Hours for a period which is specified in the notice. If the Board/Person, in its, his or her sole and absolute discretion, agrees that the Construction activity specified in the notice shall not cause a disturbance then the Board/Person may issue a permit specifying the periods of time in which the Construction Hours have been extended. If the Board/Person decides to issue a permit, the applicant shall pay a permit fee, in the amount established by the Board/Person in its, his or her absolute discretion, as required by the Board/Person from time to time. Any permit fee received by the Board/Person shall be paid forthwith to the UNA.

23. All developers shall install a sign on any Construction site. The sign shall legibly bear reference to this Bylaw, the name and current address of both the developer and the Construction manager or general contractor, and the name and telephone number of a person from both the developer and either the Construction manager or the general contractor who may be contacted from 0700 hours to 2200 hours each day (including weekends and Holidays) during the time that the project is undertaken.

### **Construction Noise Penalties**

24. If a person, including any strata corporation or other owner who has a commercial relationship with that person, contravenes any of the provisions in sections 20-23, including a failure to comply with the Construction Hours or any permits issued by the Board/Person to extend the Construction Hours, that person shall be liable to pay additional rent pursuant to that person's lease with the University (where applicable), or a penalty, to the UNA, as follows:

- (a) \$500 for a first contravention,

- (b) \$1,000.00 for a second contravention,
- (c) \$1,500.00 for a third contravention,
- (d) \$2,000.00 for a fourth contravention or any offence past a fourth contravention,

25. Failure to comply with the established Construction Hours on any day, counts as a contravention. For each full 60 days between contraventions, the contravention level that the person may be at for the purposes of section 24, shall be reduced by one contravention level.

### **Refuse Collection**

26. (1) No person involved in the collection of refuse shall Cause any Noise which can be avoided to emanate from the collection process itself including a motor vehicle while the vehicle is being used to collect refuse by any means including by means of a mechanical or hydraulic lift from a bulk refuse container in or adjacent to a Residential Premises.
- (2) No person involved in the collection of refuse shall do so except from 0800 hours to 1800 hours Monday to Friday unless in regards to a Commercial Premises for which the hours will be 0800 hours to 2200 hours every day.

### **Penalties and Enforcement**

27. Where a Resident has a Noise complaint against another Resident (**“Other Resident”**), the complaining Resident shall follow the process set out below:

- (a) Stage 1: Wherever reasonably possible, the complaining Resident, unless the complaining Resident bona fide concludes it is unsafe to do so, must speak directly to the Other Resident in an attempt to resolve any problem and, in either case if the problem remains unresolved, the complaining Resident must refer the matter to the applicable property or strata manager who, unless the property or strata manager concludes it is unsafe to do so, must speak to the Other Resident in an attempt to resolve any problem and, if necessary, proceed to stage 2;
- (b) Stage 2: Next, wherever reasonably possible, the complaining Resident and the Executive Director of the UNA (or a person nominated by the Executive Director (in either case and for the purposes of this section 27 and section 28, the **“Executive Director”**)), unless the Executive Director concludes it is unsafe to do so, must speak to the Other Resident in an attempt to resolve any problem or, alternatively, meet

with the parties, together or separately, adjudicate and obtain consensual enforcement of the established rules. If necessary, the UNA shall provide a mediator at this stage. Following this the complaining Resident shall, if necessary, proceed to stage 3;

(d) Stage 3: In the absence of satisfactory resolution at any of the prior stages, the UNA Board or its designate shall, follow those procedures set out in the UNA's Enforcement and Dispute Bylaw.

28. Subject only to section 27 above, a person may report any offense to the Executive Director and may use the contact procedure in the UNA website [www.myuna.ca](http://www.myuna.ca).

29. Where, during week day operating hours, a Resident has a Noise complaint against a non-Resident, the complaining Resident, unless the complaining Resident bona fide concludes it is unsafe to do so, must speak directly to that non-Resident in an attempt to resolve any problem. If the Noise persists after the complaining Resident has spoken directly to the non-Resident, the complaining Resident may contact the UNA at the following address to resolve the complaint, as necessary in the circumstances:

Attention: UNA Executive Director,  
University Neighbourhoods Association  
#202 – 5923 Berton Avenue  
Vancouver, British Columbia V6S 0B3  
Tel: 604.827.5158  
Fax: 604.827.5375  
E-mail: [reception@myuna.ca](mailto:reception@myuna.ca)

30. Where a Resident has a Noise complaint after week day operating hours or the complaining Resident bona fide concludes it is unsafe to speak directly to the person making or responsible for the Noise, the complaining Resident may (1), as regards Construction Noise, contact the person identified on the UNA website [www.myuna.ca](http://www.myuna.ca) at the provided 24-hour cellular phone number and (2), as regards other complaints, contact the RCMP detachment at UBC at the following address to resolve the complaint, as necessary in the circumstances:

Attention: Staff Sergeant in Charge,  
UBC RCMP Detachment  
2990 Wesbrook Mall  
Vancouver, British Columbia V6T 2B7  
Tel: 604.224.1322  
Fax: 604.224.4759

**Applicable Penalties under the Noise Bylaw**

31. (1) Every person who contravenes any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw (and such specifically includes any strata corporation or other owner who has any commercial relationship with such person), or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of a contravention against this Bylaw and liable to the penalties hereby imposed. Each day that a contravention continues to exist shall constitute a separate contravention.
- (2) Every person who commits a contravention of this Bylaw is liable to a penalty of \$200 for each contravention.
- (3) Notwithstanding subsections (1) through (2), a person who contravenes sections 20-23 is liable to the penalties set out in section 24 and section 25, as applicable.
32. A person may dispute an alleged contravention of this Bylaw pursuant to the process set out in the UNA's Enforcement and Dispute Bylaw.

**Severance**

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

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

DONE AND PASSED by the University Board of Governors on \_\_\_\_\_. "42340

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Chair of the University Board of Governors

### 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 provides a process for disputing 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:

“**Academic Community**” means students, faculty and staff of the University and other residents of the University campus excluding the Residents;

“**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;



- 2 -

**“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;

**“UNA”** means the University Neighbourhoods Association.

### **General**

4. The University may, on the recommendation of the Board and the approval of the Board of Governors, adopt various bylaws further to which Enforcement Officers issue Infraction Notices for breaches of those bylaws. The process for disputing 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 implement and administer 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*, 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:

- 3 -

- (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) a description of 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

- 4 -

- (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 7<sup>th</sup> 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 7<sup>th</sup> 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, either:

- (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 of this Bylaw (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.

- 5 -

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), 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 and in which case correspondence sent to the email address provided shall be deemed delivered.

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

- 6 -

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 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 in fact received at the address in section 16.

18. (1) An adjudicator, who has been appointed pursuant to Schedule "D" to this Bylaw, 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 adjudicator 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 adjudicator may accept evidence in any manner the adjudicator 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 adjudicator 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

- 7 -

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 adjudicator shall inform the Disputant of the adjudicator's decision in writing.

19. If the adjudicator allows the dispute, the Infraction Notice shall be set aside and rendered a nullity. If the adjudicator allows the dispute in part or denies the dispute, the Infraction Notice shall be varied or stand, respectively, 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, the Disputant may appeal the adjudicator'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, and subject to section 22, 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 adjudicator for an extension of the relevant time limitation 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

- 8 -

- (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 adjudicator, upon reviewing the application for an extension of time, 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 adjudicator or deny the application where an extension had previously been granted.

If the adjudicator is not satisfied that that the applicable conditions in subsection (2) or (3) have been met, the adjudicator 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.

- 9 -

**Severance**

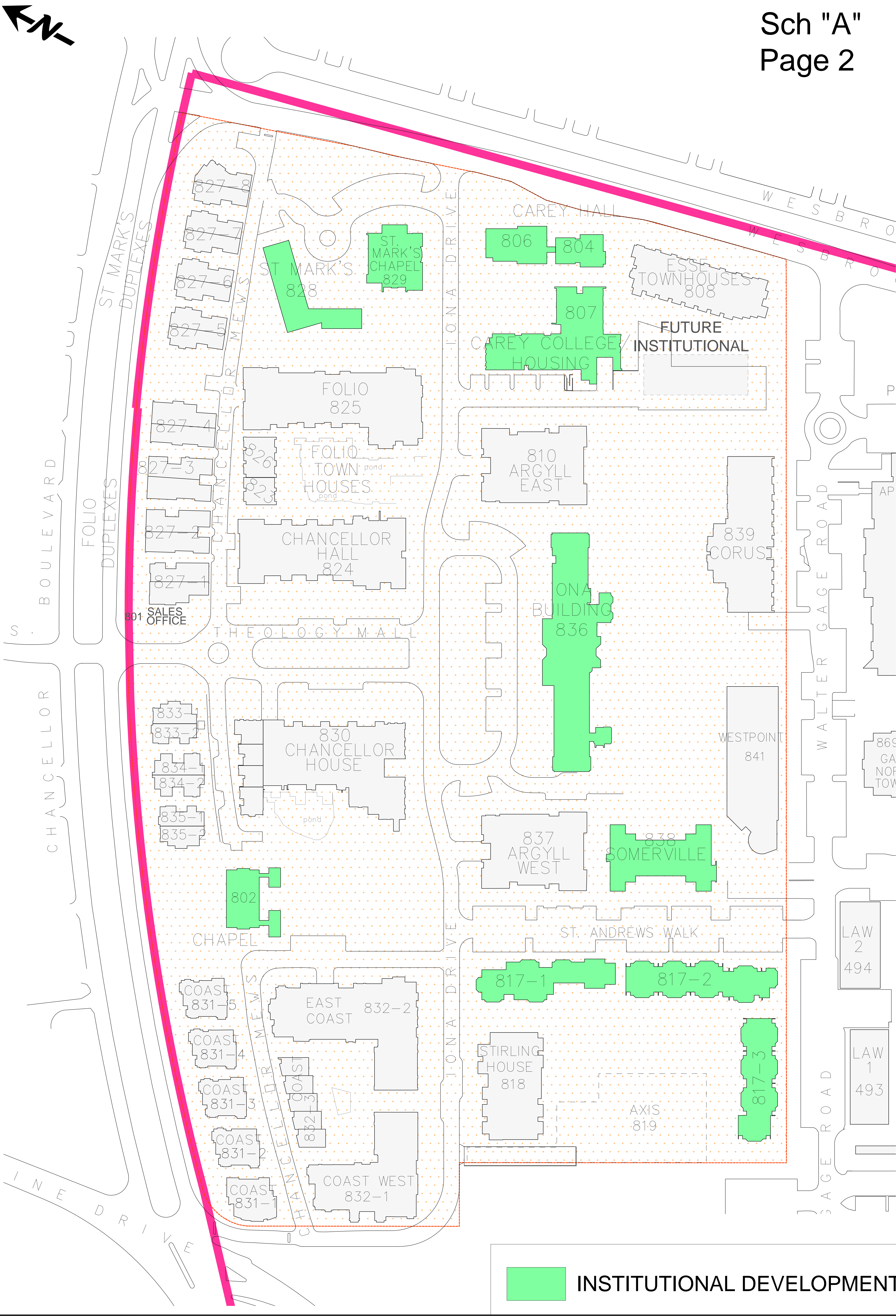
26. Each separate provision of this Bylaw is deemed independent of all other provisions herein and if any provision of this Bylaw is declared to be invalid, all other provisions shall remain valid and enforceable.

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

DONE AND PASSED by the Board of Governors on \_\_\_\_\_, 2012

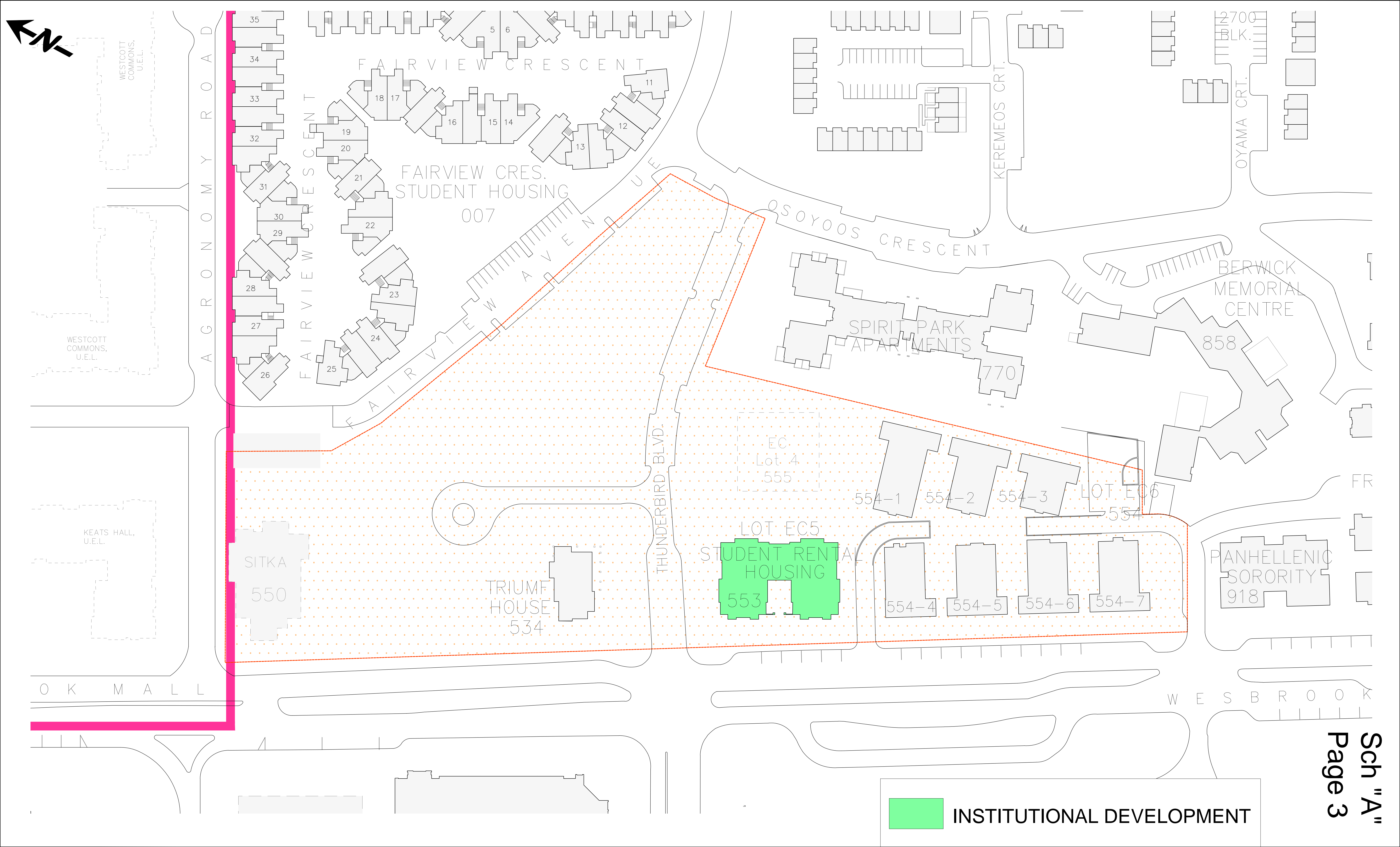
\_\_\_\_\_  
Chair of the Board of Governors





UNA: Chancellor Place Neighbourhood

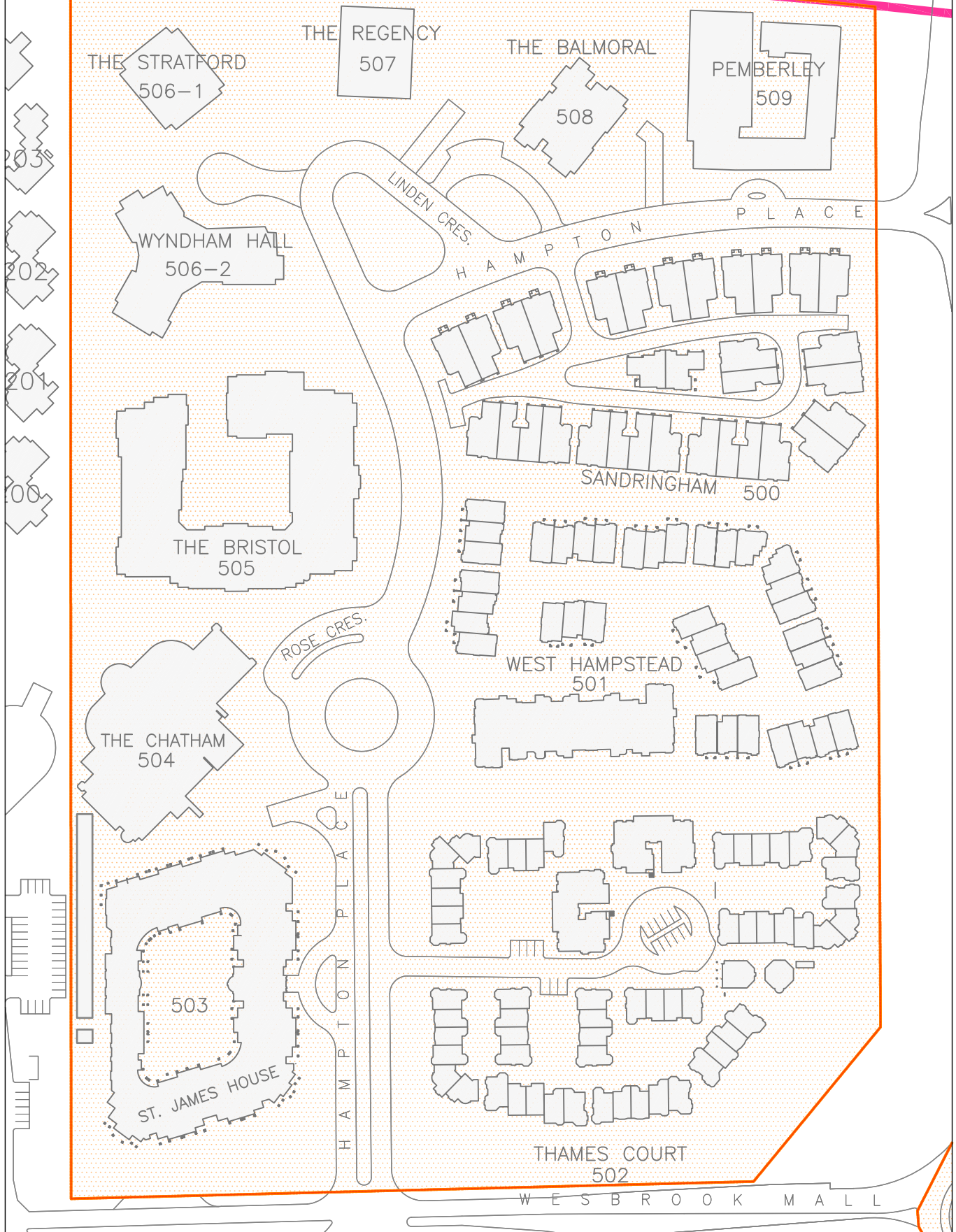




# UNA: East Campus Neighbourhood

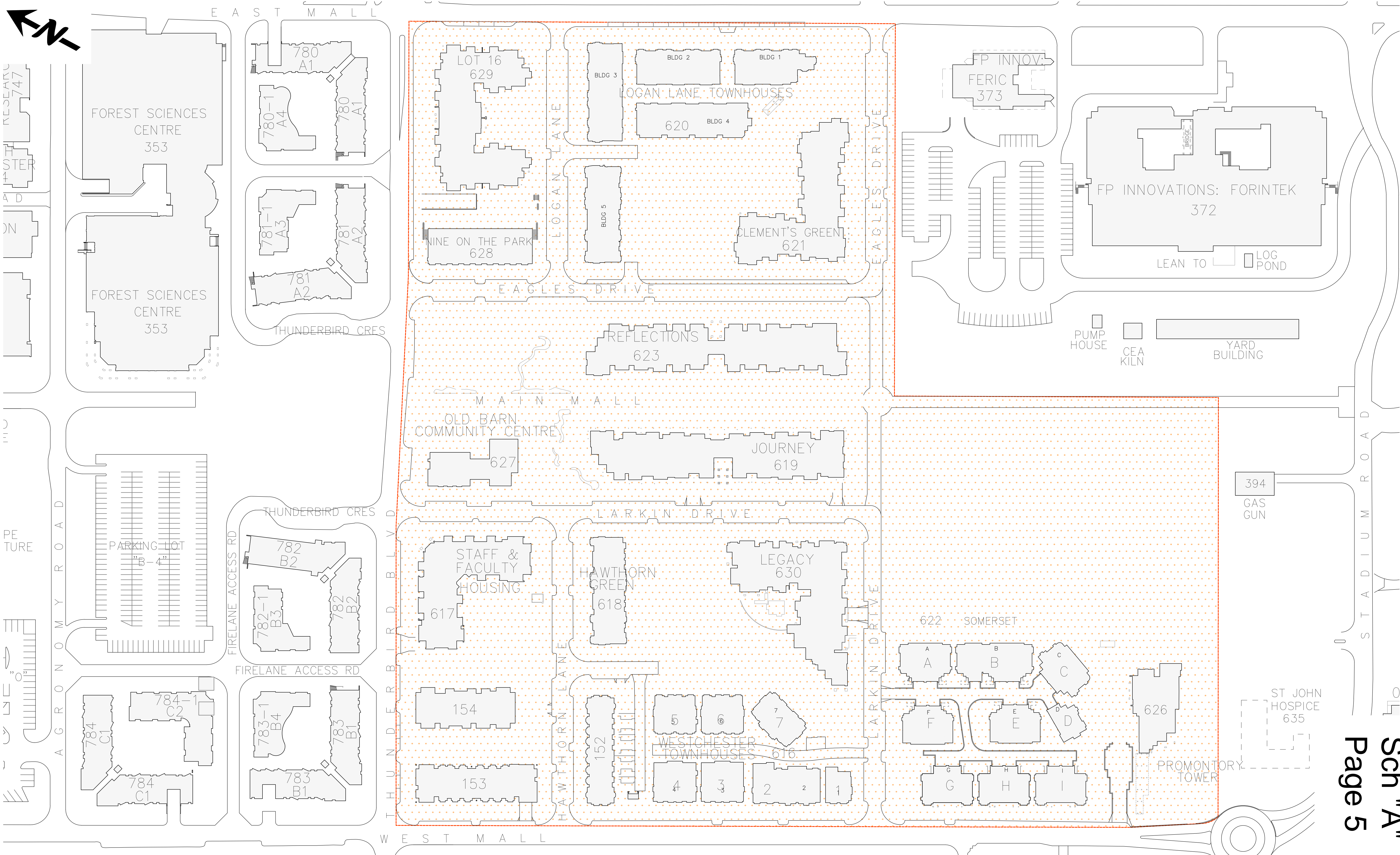


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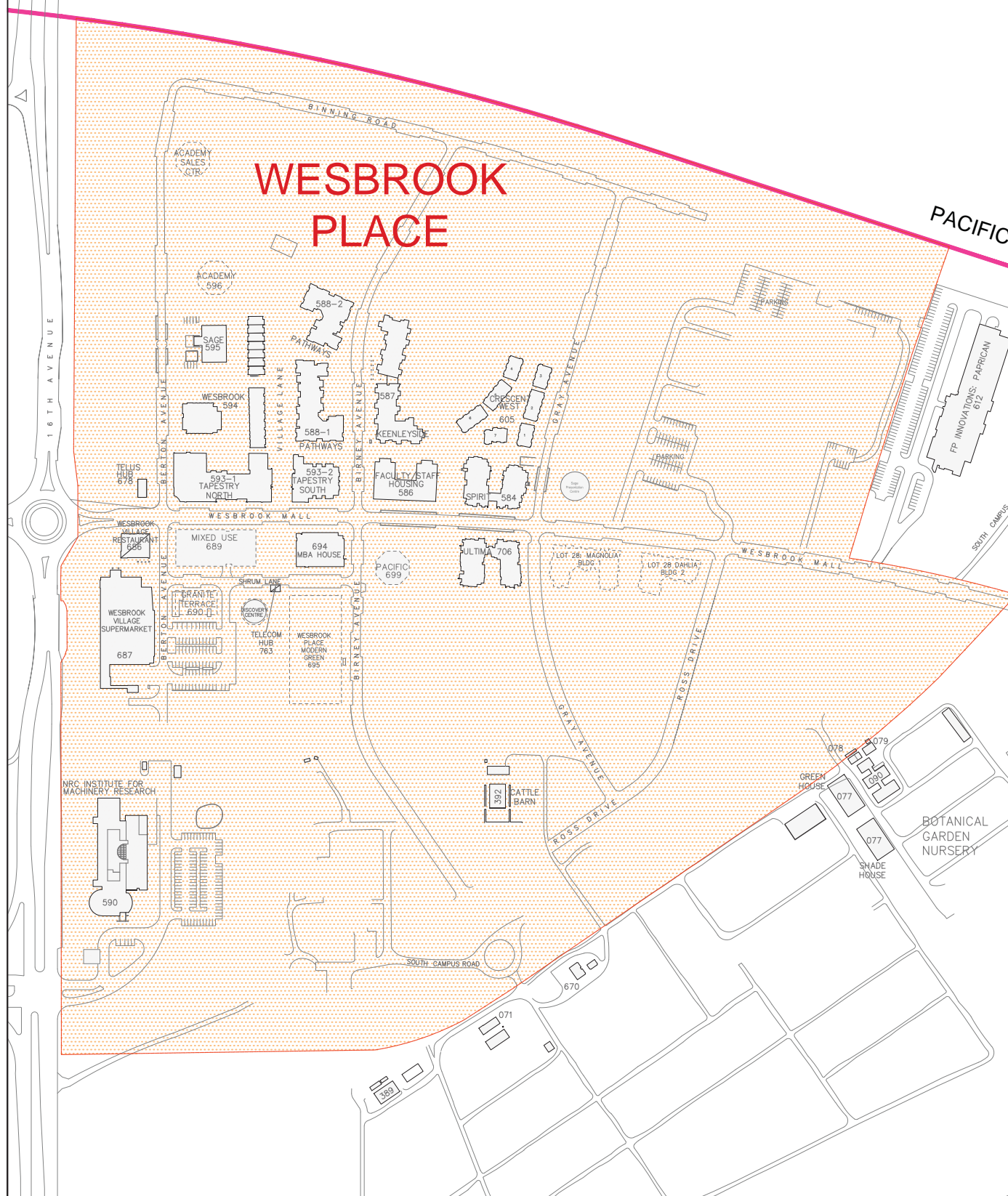


## UNA: Hampton Place Neighbourhood





# UNA: Hawthorn Place Neighbourhood



UNA: Wesbrook Place Neighbourhood

**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](http://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]

DRAFT

## **SCHEDULE “D” – ADJUDICATOR OF DISPUTES**

### Adjudicator qualifications

1. To be eligible for appointment as an adjudicator, a person:
  - a. must be over the age of 18; and
  - b. must not be an employee or an elected or appointed official of the UNA or University, nor a Resident or other person resident in any of the UNA neighbourhoods (i.e., the Designated Local Areas).

### Appointing an adjudicator

2. A person will be appointed as an adjudicator by the UNA Board. The UNA Board may also appoint another person or persons to act as alternate adjudicators in the event an adjudicator is unable to hear any particular dispute.
3. The UNA Board may establish terms for an adjudicator’s remuneration and expenses.
4. An adjudicator shall be appointed for a term of one year and may be reappointed for subsequent terms of one year.
5. The UNA Board may rescind the appointment of an adjudicator without notice if satisfied that:
  - a. the person has ceased to be qualified for the appointment, or
  - b. the person is not suitable for the appointment based on evidence (deemed to be reliable by the Board) of the person’s misconduct, neglect of duty or incapacity.
6. If an adjudicator resigns or his or her appointment expires other than by a rescission under section 5 and the adjudicator has started to hear a dispute, the adjudicator may continue to act as an adjudicator until the adjudicator has decided the dispute and provided his or her decision.
7. Before performing the duties of an adjudicator, a person appointed must swear or affirm the following oath:

I, \_\_\_\_\_ [name of adjudicator] of \_\_\_\_\_ [full address including postal code and an email address] do swear/affirm that I will faithfully, honestly and impartially fulfill the duties and exercise the powers entrusted to me as an adjudicator and that I have not received and will not receive any payment or reward, or any promise of payment or reward, for the exercise of any partiality or other improper execution of my office.

Sworn/Affirmed by me, at \_\_\_\_\_ [place], on \_\_\_\_\_ [date].

\_\_\_\_\_  
[signature of person swearing or affirming oath]

A commissioner for taking affidavits for British Columbia:

\_\_\_\_\_  
[signature of commissioner]

**The UNA Drafting and Consultation Process – Noise Bylaw**

- July, 2008: the UNA advised Campus and Community Planning that they were intending to draft a noise bylaw
- September, 2008: a Bylaw Development Committee was struck to review the bylaw; draft bylaw was developed by UNA
- October 8 – November 9, 2009: The bylaw was available on the UNA website for public review and comment
  - o Advertising of the bylaw consultation took place in the UNA newsletter: October 8
  - o Since virtually no comments were received, the public consultation period was re-opened in January, 2010
- January 21 – March 5, 2010: The bylaw was available on the UNA website for public review and comment
  - o Advertising of the bylaw consultation took place in the UNA newsletter: January 21, 28; February 4, 11, 18, 25; and March 5, 2010
  - o 16 comments were received during both consultation periods
- April, 2010: The Bylaw Development Committee considered public feedback and recommended the UNA Board approve the draft bylaw be forwarded to UBC for review
- May 6, 2010: UNA Board approves draft bylaw for review by UBC
- May 10, 2010: Official report from the Bylaw Development Committee
- May 10, 2010: Bylaw forwarded to Campus and Community Planning and UBC Counsel for review
- 2011 / 12: Finalization of bylaw in concert with development of Enforcement and Dispute Bylaw by UNA
- August 14, 2012: Final bylaw approved by UNA Board of Governors

**Campus and Community Planning Consultation**

- July 28, 2010: Campus and Community Planning forwarded the bylaw to the following internal UBC stakeholders:
  - o Athletic and Recreation
  - o Classroom Services
  - o Student Housing and Hospitality Services
  - o AMS
  - o Building Operations: Municipal Services and Technical Services
  - o Project Services
  - o UBC Properties Trust
- July 27, 2012: A copy of the latest draft of the bylaw was forwarded to UBC Properties Trust

**Consultation Feedback and Response**

The Noise Bylaw development committee identified three main concerns:

- 1) The use of power landscaping equipment, especially leaf blowers

- 2) The use of construction power equipment
- 3) The uncertainty by the residents of how to measure noise.

The committee recommended the draft noise bylaw be approved by the UNA Board of Directors, with the provision that the Board commit to continuing to research and consider the concerns of residents related to the use of power landscaping equipment and that the Board make the by-law accessible to residents in multiple languages and media.

Academic stakeholders requested clarification that the noise bylaw applied only to neighbourhood lands and would not impact events on academic lands.

### **The UNA Drafting and Consultation Process – Enforcement and Dispute Bylaw**

- March, 2008: the UNA advised Campus and Community Planning that they were intending to draft a enforcement and disputes bylaw
- No Bylaw Development Committee was struck as this is an enabling bylaw that allowed for the development of other bylaws. The UNA Standing Committee on Governance reviewed the bylaw throughout the process.
- April 12, 2012 to August 13: The bylaw was available on the UNA website for public review and comment
  - o Advertising of the bylaw consultation took place in the UNA newsletter: April 12, 19, 26 and May 3, 10, 12, 2012 and in *The Campus Resident* on April 16, 2012
  - o Three comments were received
- May 17, 2012: The UNA Governance Committee considered public feedback and recommended the UNA Board approve the draft bylaw be forwarded to UBC for review
- June 12, 2012: UNA Board approves draft bylaw for review by UBC
- July 16, 2012: Bylaw forwarded to UBC Counsel for review and to Campus and Community Planning for review; a follow-up email was send indicating wording changes would be coming from UNA legal counsel. These also addressed additional public input received late in the bylaw development process.
- August 7, 2012: Final bylaw forwarded to UBC
- August 14, 2012: Final bylaw approved by UNA Board

### **Consultation Feedback and Response**

A concern was raised in the public feedback about the appeal process for a person who wants to dispute an infraction. In response to that feedback, the bylaw was changed so that appeals are made to an independent adjudicator rather than the UNA Board.