

Requesting ID – Bylaw Enforcement Officers’ Scope of Authority

At one time, it was widely believed in the local government bylaw enforcement community that bylaw enforcement officers did not have the power to require identification. Although identification is often necessary to issue a violation ticket, there remained uncertainty around whether individuals were obligated to provide such information. Refusals were commonplace. However, bylaw enforcement officers are in fact empowered to request identification and such refusals may be contrary to law. We discuss the scope of bylaw enforcement officers’ authority to request identification below.

Bylaw enforcement officers are employees of local governments and are tasked with enforcing local government bylaws, regulations, or codes. In British Columbia, bylaw enforcement officers are most commonly appointed under the local government’s legislation and their authority is derived from statute¹. Bylaw enforcement officers undertake a range of duties, many of which are similar to other law enforcement personnel. These include entering private and public property, patrolling, searching and seizing property, and issuing violation tickets².

When acting within the scope of their statutory duties, bylaw enforcement officers are justified in seeking identification³. For bylaw enforcement officers to perform their duties, such as issuing violation tickets and filling out the associated paperwork, it is often necessary to obtain the identity of the individual to be ticketed⁴. A bylaw enforcement officer may request identification where they “reasonably believe an infraction has occurred” and accordingly require information to issue a ticket⁵. Detention of an individual is also permitted for the purposes of obtaining identification if the officer is performing functions related to their statutory duties⁶.

Where an individual refuses to comply with a bylaw enforcement officer’s request for identification, they may be in violation of the *Criminal Code of Canada*⁷. Bylaw enforcement officers are considered peace officers within section 2 of the *Criminal Code of Canada*⁸ where they are acting within the scope of their statutory duties and these duties generally involve preservation and maintenance of public peace. The Criminal Code establishes that it is an offence to obstruct a peace officer⁹. Individuals owe a duty of obedience to peace officers, otherwise they may be criminally liable for obstruction¹⁰. Refusal to identify oneself has been considered obstruction of a peace officer in the performance of their duties¹¹. Further, a bylaw enforcement officer may arrest an individual where there are reasonable grounds to believe that an arrest is needed in the public interest to identify the person and to have the person attend at court¹².

Bylaw enforcement officers are empowered to request identification so long as it is in connection to the officer’s duties. For example, they may issue a ticket where they reasonably believe an infraction has occurred and, in doing so, are empowered to request identification. If a person refuses to provide such identification, they may be criminally liable and subject to arrest.

¹ Less commonly, bylaw officers may also be appointed pursuant to the Police Act [RSBC 1996] c. 367

² "Local Government Bylaw Enforcement." Government of B.C., The Government of British Columbia, 2020, www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/bylaws/bylaw-enforcement#:~:text=Bylaw%20enforcement%20is%20carried%20out,also%20be%20bylaw%20enforcement%20officers

- ³ Moore v. The Queen, [1978] 1 S.C.R. 195 at para 17
- ⁴ R v Turko, 20 November 2000, Victoria BC
- ⁵ R v Paradis, 2015 ABPC 21
- ⁶ R v Paradis, 2015 ABPC 21
- ⁷ Criminal Code, R.S.C., 1985, c. C-46 [Criminal Code]
- ⁸ R v Turko, 20 November 2000, Victoria BC; R v Smith, 1982 CarswellBC 669; R v Jones, 1975 CarswellYukon 1
- ⁹ Moore v. The Queen, [1978] 1 S.C.R. 195 at para 18; R v Fraser, 2017 ABPC 57
- ¹⁰ R v Virani, 2011 BCSC 1032
- ¹¹ Moore v. The Queen, [1978] 1 S.C.R. 195 at para 20
- ¹² Criminal Code s.495(2)

July, 2020

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