

# Compliance Monitoring and Enforcement Program

## 2020, Quarter 1 Summary report

### Background

Canada Port Authorities have been the permitting authority for federal port lands and waters since the introduction of the *Canada Marine Act* in 1998, and as a federal authority, conduct environmental reviews of projects in accordance with Section 82 of the *Impact Assessment Act*.

The Vancouver Fraser Port Authority uses its own **Project and Environmental Review** (PER) process to fulfill our federal responsibilities under the *Canada Marine Act* and the *Impact Assessment Act*, carefully reviewing and considering potential effects from all proposed project development on federal lands and waters before determining if a project should proceed. If a proposed project is approved, a project permit will be issued with conditions. A permit holder must comply with the scope and conditions as outlined in the project permit. Unauthorized work is work or activities that are undertaken without a project permit which would have required a project permit, or work undertaken that is beyond the scope of works as authorized in a project permit.

### Overview of compliance monitoring and enforcement program

Since 2018, the port authority updated its approach to compliance monitoring and enforcement (CME) to achieve the following objectives:

- Formalize permit compliance expectations
- More effectively monitor compliance with permit conditions
- Communicate more effectively with applicants/permit holders
- Ensure fair, consistent and transparent responses to permit non-compliance

### CME Program Statistics

The table below summarizes the number of permits issued by the port authority in the first quarter of 2020 and the compliance verification activities conducted during that period:

Permit category	Number of permits issued	Projects under construction	Compliance verification activities conducted by the port authority: site visits
Category A permits	28	Data not available	1
Category B permits	16		0
Category C permits	0		3
Category D permits	0		1
Designated projects permits	0		0
Potentially unauthorized works	N/A	N/A	0

Additional compliance verification activities conducted by the port authority during the first quarter of 2020 included:

- Desktop reviews of self-reports submitted by permit holders indicating the status of compliance with each condition of their permit
- Desktop reviews of environmental monitoring reports submitted by permit holders that provide information on the regular environmental monitoring conducted on site to ensure consistency with the project Construction Environmental Management Plan and permit conditions

## Enforcement actions

No enforcement actions were issued in the first quarter of 2020 (January 1 to March 1, 2020).

## Summary of enforcement actions

A summary of the enforcement actions that were resolved in the first quarter of 2020 are provided below:

Permit holder / proponent	Project	PER number	Permit category	Enforcement action		Status
				Tool used	Date issued	
Coast 2000 Terminals Ltd on behalf of Portside Equities (Nominee) Inc.	Lindome Fabric Structure	18-200	B	Restoration Order	May 2019	Returned to compliance December 2019
Tilbury Management No 1 Ltd	Infill	Prelim 15-326	C	No formal enforcement action issued	N/A	Works were not subject to enforcement action

### 18-200: Coast 2000 Terminals Ltd. on behalf of Portside Equities Inc. and Portside Equities (Nominee) Inc.

The port authority issued a restoration order to Coast 2000 Terminals Ltd. on May 3, 2019 as a structure was constructed at 16080 Portside Road, Richmond, without the required authorization. The unauthorized work is in contravention of VFPA's PER process and VFPA is unable to confirm whether the unauthorized work is compliant with the National Building Code 2015 or the National Fire Code 2015. In June 2019, Coast 2000 Terminals Ltd. provided documentation for a retroactive code consultant review to confirm compliance with the National Building Code 2015 and National Fire Code 2015. Based on this information, VFPA issued a retrospective project permit on December 31, 2019 for this structure. The order to remove the unauthorized work is no longer in effect. The port authority lifted the restoration order on December 31, 2019.

### Prelim 15-326: Tilbury Management No 1 Ltd.

On May 23, 2015 Tilbury Management No 1 Ltd. applied for a preliminary review of works involving water lot infill adjacent to 8295 River Road, Delta. In October 2018, VFPA became aware that infilling works had been completed the previous year without a Project and Environmental Review permit and we reported the works to Fisheries and Oceans Canada. Considerable time has passed since we discovered the works and the port authority has decided not to pursue formal enforcement action through the Compliance Monitoring and Enforcement Program.

Vancouver Fraser Port Authority  
Compliance Monitoring and Enforcement Program

## More information

Learn more about our Project and Environmental Review process at <https://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/>.

Learn more about our Compliance Monitoring and Enforcement program at <https://www.portvancouver.com/development-and-permits/compliance/>.

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