



# TOWN OF COMOX

Our File No: 0580-20-19012

July 15, 2019

Terry Farrell, Editor  
Comox Valley Record  
Via email: [editor@comoxvallyrecord.com](mailto:editor@comoxvallyrecord.com)

Dear Mr. Farrell

**Re: Freedom of Information & Protection of Privacy Act (the "Act")  
Access Request No. 19012**

I am writing in response to your request dated June 6, 2019 for copies of records related to "all documented complaints from residents between the dates of Jan. 1, 2010 and June 1, 2019, under Bylaw No. 1652 (Comox Public Nuisance and Property Maintenance Bylaw, 2010), sections 12-16, regarding accordion music in public spaces in the Town of Comox". Enclosed are copies of all responsive records.

Some of the records contain information that is exempted from disclosure under the Act. This information has been severed in accordance with section 22 of the Act so that the remaining information can be disclosed to you. For your information, the above quoted section reads as follows:

22. (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

Pursuant to section 52 of the Act, you may ask the Information and Privacy Commissioner to review any matter related to the Town of Comox response to your request. The Act allows you 30 days from the date you receive this notice to request a review by writing to:

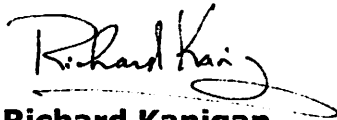
Office of the Information and Privacy Commissioner  
P.O. Box 9038, Stn. Prov. Govt.  
Victoria, BC V9W 9A4  
Tel. 250.387.5629 Fax. 250.387.1696

If you request a review, please provide the Commissioner's office with:

1. Your name, address and telephone number;
2. The file number assigned to your request [0580-20-19012]
3. A copy of your original request for information;
4. A copy of this letter; and
5. The detailed reasons or grounds upon which you are seeking the review.

Please contact me at 250.339.2202 if you have any questions.

Yours truly



**Richard Kanigan**  
**Chief Administrative Officer/Corporate Administrator**  
**FOI Head**

Enclosures

K: Admin\T\FOI\2019\_07\_15\_Reponse\_Records\_19012

**TOWN OF COMOX  
BYLAW ENFORCEMENT COMPLAINT**

**Inquiry No. 8777**

*Printed Jul 12, 2019*

<b>Inquirer Name:</b> s.22	<b>Date:</b> 26-Apr-2019
<b>Inquirer Address:</b> s.22	<b>Time:</b> 8:30 AM
<b>Inquirer Phone:</b>	<b>Received By:</b> suzanne/email
<b>Type of Inquiry:</b> Bylaw Enforcement	<b>Property Type:</b>

**Location of Incident**

<b>Roll No./PID:</b> /	<b>Prop. Owner:</b>
<b>Address/ Location:</b> marina Park	<b>Owner Add. 1:</b>
	<b>Owner Add. 2:</b>

**Description of Incident**

Hello. Have you authorized the accordion player at the Comox marina? If so why? It's a place to peace, to hear children play in the water park. Enjoy the sounds of the sea lions and nature And dream of boating. If you have not. Please let me know if I should call you or the rcmp to have the racket stop!! I don't believe it is fair to anyone to have a questionable artist begging in a public area I await your reply at your earliest convenience

**Bylaw Infraction:**

<b>Bylaw:</b> Other	<b>Section:</b>
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<b>Referred to:</b> Bill Smith	<b>Date Referred:</b> 29-Apr-2019
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**Findings/Action:**

<b>Date:</b>	<b>Time</b>	<b>Activity:</b>
30-Apr-2019	9:39 AM	<p>a 2nd email sent today: Hello. Have you authorized the accordion player at the Comox marina?</p> <p>If so why? It's a place to peace, to hear children play in the water park. Enjoy the sounds of the sea lions and nature And dream of boating.</p> <p>If you have not. Please let me know if I should call you or the rcmp to have the racket stop!!</p> <p>I don't believe it is fair to anyone to have a questionable artist begging in a public area</p> <p>I await your reply at your earliest convenience</p> <p>Regards</p> <p style="text-align: center;">s.22</p>
30-Apr-2019	9:51 AM	<p>Bill, please respond to s.22 today. And try to talk to the accordion player as well as advise he needs to renew his permit.</p> <p>Thanks. Shelly</p>

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**Type of Inquiry:** Bylaw Enforcement

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**Roll No./PID:** /

**Prop. Owner:**

**Address/ Location:** marina Park

**Owner Add. 1:**

**Location:**

**Owner Add. 2:**

- |             |          |   |
|-------------|----------|---|
| 30-Apr-2019 | 10:14 AM | <p>email to Shelly: I have checked for him, I've spoken to Jeff s.22 to advise me if he sees the person and to contact me whenever he sees him, including week-ends. His licence should not be renewed, as I have received a number of complaints about this guy, they were not entered on the system because the accordion player was licensed, if he wants to play the guitar that should be okay, but an accordion is unreasonable at any location.</p> <p>Bill Smith,</p>   |
| 03-May-2019 | 9:15 AM  | <p>Called s.22 after receiving an email with his phone number, s.22, advised him that the accordion player won't be getting his licence renewed, and that we are watching for his re-appearance.</p>  |
| 10-May-2019 | 7:19 PM  | <p>Received a call at home from Jeff s.22 states the accordion player is at the Marina. I asked Jeff to tell him that he needs to stop as he doesn't have a busker's licence and hasn't since 2017. Also to advise the busker to see me next week.</p>  |
| 14-May-2019 | 10:10 AM | <p>Spoke to Jeff. He advises that the father and son were at the marina on Friday night and were combative with him, wanting to call the RCMP, Jeff advised him and walked away as the busker s.22 seemed to want to get into a fight with Jeff. s.22 has since posted on Facebook rants and raves about Jeff and the incident, and has had issues in Parksville and Nanaimo. Attended at reception, Suzanne says that the old busker records aren't kept by her, Andrea has them. Andrea pulled the old licenses for the s.22 from the vault s.22 emergency contact is the other busker,</p> |
| 15-May-2019 | 11:10 AM | <p>Called s.22 a female answered the phone, she said she will find s.22 phone number and have him call me.</p>  |
| 27-May-2019 | 1:28 PM  | <p>Called s.22 Asked him if he also plays the guitar as that would be less noisy at the Marina. States he only plays the accordion, told him we can't issue a licence for the marina for accordion playing as we have received calls about it. He said that was discrimination against accordion players, I tried to explain the nuisance bylaw to him and he wouldn't allow me to talk, told me that he was going to the press and a lawyer.</p>   |
| 30-May-2019 |          | <p>Call in from s.22 advised him that his son's licence won't be renewed. Advised him that the accordion is too noisy down at the marina as it is a wide open space. Told him that I have received complaints over the past few years but was under the impression that he was licensed during that time. Explained the nuisance bylaw to him. Stated that he was going to a lawyer and the press.</p>  |
| 31-May-2019 | 2:12 PM  | <p>Sent an email to Shelly asking her to contact s.22 of the s.22 re s.22</p>   |

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03-Jun-2019	2:40 PM	<p>Can you please tell me how many complaints we have received? I can find four. A second email from Shelly; Did we receive any complaints from prior years?</p> <p>Is this the first entertainer that we have denied? (I know we just said no to the accordion).</p> <p>Thanks.I called her and advised her that I had received complaints in the past but the callers were advised that the busker was licensed, also responded to another email from her about what offences are occurring, advised her that the Public Nuisance applies.</p>
03-Jun-2019	3:23 PM	Copied on an email from Shelly to Kendall at s.22
05-Jun-2019	10:53 AM	Sent Shelly a copy of s.22 2019 application to Shelly.
05-Jun-2019	1:29 PM	Sent an email to Shelly advising that the accordion player was walking around carrying a case. Asked her if she had spoken to the accordion player, she replied that it wasn't him as he is working.
06-Jun-2019	3:32 PM	Went through my emails looking for notations of complaints, found an email dated June 23rd, 2018 from s.22 complaining about the accordion player
10-Jun-2019		Received info from Shelly that the accordion player is licensed again.

**Date Resolved: 10-Jun-2019**     **Complainant Advised:**

## Bill Smith

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**From:** Town of Comox – Administration  
**Sent:** June 25, 2018 8:38 AM  
**To:** Bill Smith  
**Subject:** FW: Comox marina

-----Original Message-----

**From:** s.22  
**Sent:** June-23-18 12:49 PM  
**To:** Town of Comox – Administration <town@comox.ca>  
**Subject:** Comox marina

Hello. Just a quick note, you have the very best marina, park and playground (water park) in the province. The views. The attractions. Are second to none!!

Now my concern (sorry). I just arrived back from a wonderful sail and you have a accordion player (Not he first time!!). It is destroying your peaceful wonderful marina! Nothing sounds better than children playing and dreaming of boating adventures.

Please make it stop!!

I enjoy all the events over the summer. Bands playing and the like. And I would suggest he can play then. Or in his own back yard for his neighbours to enjoy.

I am sure if questioned you would be hard pressed to find a majority who supports this type of noise

Thanks for your time and attention

Regards

s.22

Sent from my iPhone