

Date: 2020-11-04

Subject: Recommendation Report - Residential Driveway Widening Review and Recommendations.

Contact: Rick Conard, Chief Building Official, Director, Building Division, 905-874-2440, rick.conard@brampton.ca

Report Number: Planning, Building and Economic Development-2020-375

Recommendations:

1. **THAT** the report from Rick Conard, Chief Building Official, Director, Building Division, Planning, Building and Economic Development Department, dated September 14, 2020, to the Planning and Development Committee of December 7, 2020, re: **Recommendation Report – Residential Driveway Widening Review and Recommendations**, be received;
2. **THAT** City Council repeal Driveway Permit By-law 105-2019, as amended;
3. **THAT** City staff undertake a comprehensive education and awareness campaign to heighten public knowledge and understanding of homeowners and contractors, regarding the rules and regulations that apply to driveways, driveway widening and the installation of paved walkways in the front yard;
4. **THAT** Business licensing By-law 332-2013, as amended, be further amended to remove the definition of “permit” and include provisions for the collection and dispensation of securities, a required Driveway Paving Training Course related to the City’s Zoning requirements and circumstances for revocation or suspension of licenses for Driveway Paving Contractors
5. **THAT** the comprehensive review of the Business Licensing By-Law include further review of this process in 2021 to address any required amendments at time of consideration;
6. **That** By-law Enforcement Staff, with respect to driveway widths and compliance with the Zoning By-law, continue with suspended enforcement until June 1st, 2021;

Overview:

Overview:

- At its May 22, 2019 meeting, Council passed a Resolution and enacted by-laws to implement a Driveway Permit Program, to come into effect on July 2, 2019. An amendment to the by-law was later passed to extend the effective date to November 22, 2019 with a further amendment extending implementation of the permit program to January 2, 2020.

- Earlier this year, Council directed staff to defer the implementation of the driveway permit program to the end of November 2020 and report back to the Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public and paving contractors, including possible amendments to the driveway permit program.

- The requirements for a permitting program were met with concern from the paving industry around the viability to submit applications and receive permits in a timely fashion.

- This report provides a response to Council's direction and brings forward:
 - recommendations to repeal the Driveway Permit By-law and increase regulation of the industry through the Business Licensing By-law.

 - a plan to engage in a broad-based education and awareness campaign with respect to driveways, including updates to the City's website.

 - a recommendation to continue to hold driveway-related enforcement requests in abeyance until June 1st, 2021 to allow residents to become familiar with regulatory requirements.

- A copy of the previous report, including the implementing By-laws approved by Council, is attached as Appendix 1.

- A copy of the previous Driveway Permit Program reports are attached as Appendix 2.

- A copy of the amending by-law for Business Licensing By-law 332-2013 is attached as Appendix 3

Background:

On May 22, 2019, Council passed a resolution and enacted by-laws to implement a driveway permit program that, as a result of subsequent amendments, was anticipated to come into force and effect January 2, 2020.

In response to concerns raised by paving contractors and residents, Council passed a resolution (C052-2020) directing staff to “report back to Planning and Development Committee on options to simplify the application process and address the inquiries and questions from the public and paving contractors, including possible amendments to the driveway permit program”.

This report provides a response to the direction of Council and considers that the root concern of Council is that home owners may unknowingly be victims of non-conforming driveway installations carried out by paving contractors.

Council has also highlighted an interest in differentiating driveways from walkways and providing incentives for permeable driveway installations. These two items will be discussed in the “Future Actions Related to Driveways” section of this report.

Current Situation:

Comprehensive Business License Review

The City of Brampton requires certain businesses to be licensed, by the City, prior to conducting business within the boundaries of the City. The requirements for licensing, including qualifications, fees and securities are outlined within the Business Licensing By-Law.

Business Licence By-law 332-2013 will require some amendments to Schedule 9 relating to Driveway Paving Contractors for consideration of the requirements to obtain and maintain a license as a paving contractor, the potential for collecting securities, the circumstances in which the securities could be drawn upon and completion of a Driveway Paving Information course by the contractor and their applicable staff with respect to the City’s Zoning requirements related to driveways. The Legislative Services Department is currently undertaking a comprehensive review of the Business Licensing By-law which is anticipated to finalize by the end of 2021 which will provide for an opportunity to review this program after the first season of implementation (Q2 & Q3 2021) and further make any changes to the licensing requirements as may be needed to address any matters..

This report recommends that the amendment to the Business Licensing By-law include the following provisions in order to regulate paving contractors and protect residents against costly repairs to their driveways where the requirements of the zoning by-law have been ignored:

1. *That, prior to receiving a license to operate as a paving contractor in the City of Brampton, the contractor must deposit a letter of credit in the amount of \$15 000;*
2. *That the Business Licensing By-Law establish the conditions whereby the City may draw upon the securities in order to enforce against non-compliant driveway installations by the Contractor;*
3. *That the Business Licensing By-Law establish the conditions whereby the license may be revoked or suspended for non-compliance with the zoning and/or licensing by-laws;*
4. *That the Business Licensing By-law include a provision for completion of a Driveway Paving Information Course for all contractors, and applicable employees, with respect to the City's zoning requirements;*
5. *That the Business Licensing By-law require that any paving work being completed at a location requires an employee of the contractor to be on-site who has completed the Driveway Paving Information course and*
6. *Deletion of the definition of "Permit"*

Staff would also recommend that the City Clerk provide a public list on the City's website of all Persons that apply for and receive a Driveway Paving Contractor license under the Business Licensing By-law 332-2013.

Repeal the Driveway Permit Program

A driveway permitting system implemented by the City of Brampton, although a viable solution, creates significant administrative overhead for both the City and the industry. The cost/benefit analysis, from the perspective of the author of this report, would be a negative return and; therefore, a burden to the tax payer.

The Business Licensing By-Law, on the other hand, presents an opportunity to compel contractors (through the posting of securities and risk of license revocation) to proactively seek to install driveways/walkways that are in compliance with the zoning by-law. This will ease enforcement efforts and provide opportunity for the taxpayer to ensure that the contractor has met the minimum requirements established by the City.

In light of the stringent and enforceable requirements of the Business Licensing By-Law; this report recommends that the Driveway Permit By-law 105-2019 be repealed.

Update on Education and Awareness Campaign

Previous recommendation reports on the Driveway Permit Program included a recommendation that City staff engage in an education and awareness campaign with respect to driveways in light of the implementation of this permit program.

In addition to the aforementioned improvements to the City's website, an information ticket will be added to the City's homepage to coincide with the in-effect date of the Business Licensing By-law amendment (to be determined). Strategic Communications will also be introducing an information pamphlet that will be distributed to residents with their property tax bill.

Future Actions Related to Driveways

The Business Licensing Program is one aspect of the City's approach to managing driveways in an effort to provide properties with appropriate stormwater drainage, protect neighbourhood aesthetics and reduce the number of vexatious by-law enforcement complaints.

Other matters related to driveways, including zoning requirements and engineering matters, will be more appropriately addressed through a City initiated amendment to the Zoning By-law, including requirements related to soft landscaping, walkways that run parallel to driveways, the use of permeable pavers and a more in-depth examination of driveways by Engineering as it relates to stormwater drainage and potential surcharges.

In regards to by-law enforcement, Enforcement staff will resume enforcement activity to encourage compliance with the Zoning By-law on June 1 of 2021. This will include those enforcement requests held in abeyance since September 2018.

Corporate Implications:

Financial Implications:

The recommendations of this report have no significant financial implications to the City.

Other Implications:

2019 – 2022 Term of Council Priorities

This report and proposed recommendations aligns with the "Brampton is a well-run City" theme. The proposed actions will aid in providing awareness of driveway regulations to residents and contractors, support enforcement and make residents and contractors accountable in terms of complying with City regulations. The Business Licensing program will assist in ensuring that driveways remain balanced as part of a residential lot and streetscape and that the City's neighbourhoods remain attractive places to live.

Conclusion:

In accordance with the direction provided at the February 26, 2020 Council meeting, staff are presenting a set of recommendations for Council's consideration and to strengthen public awareness and contractor accountability as it relates to driveway regulations.

Authored by:

Reviewed by:

Rick Conard, C.E.T., CBCO, CRBO
Chief Building Official, Director
Building Division,
Planning & Development Services

Rick Conard, C.E.T., CBCO, CRBO
Chief Building Official, Director
Building Division,
Planning & Development Services

Approved by:

Submitted by:

Richard Forward, MBA, M.Sc., P.Eng.
Commissioner
Planning, Building and Economic
Development

David Barrick
Chief Administrative Officer

Attachments:

- Appendix 1: March 2019 Driveway Update Report
- Appendix 2: April 2019 Driveway Update Report
- Appendix 3: May 2019 Driveway Update Report
- Appendix 4: Schedule 9 – Final Proposed Amendments