



Report
Staff Report
 The Corporation of the City of Brampton
 2/19/2025

Date: 2025-01-31

Subject: **Election Sign Enforcement**

Contact: Robert Higgs, Director, Enforcement & By-law Services

Report number: Legislative Services-2025-125

RECOMMENDATIONS:

1. That the report from Robert Higgs, Director, Enforcement & By-law Services to the Committee of Council meeting of February 19, 2025, re: **Election Sign Enforcement**, be received;
2. That staff be directed to enforce election signs utilizing the Administrative Penalty System and implement a \$2000 cap per candidate;
3. That staff be directed to implement an authorized storage and disposal process with a 30-day cycle that allows for unclaimed signs to be destroyed without notice or compensation; and
4. That, in an effort to provide stakeholders with clear direction in a timely format, staff be directed to create the approved components in a stand-alone "Election Sign Bylaw."

OVERVIEW:

- **In the 2022 municipal election, election sign complaints represented only 1% of the top four complaint types during the election period.**
- **Over 10,000 signs were proactively removed, stored, and either returned or destroyed**
- **The time and effort dedicated to this issue far exceeds the community's demonstrated concern on this matter.**
- **The goal of this report is to provide options to Council that will still address the community's concern without disproportionately diverting resources away from the community's larger, and more consistently, demonstrated concerns.**
- **Maximum potential revenues generated through the implementation of the amended bylaw are approximately \$2,000 per candidate. Revenues**

collected will be deposited into the Enforcement and By-Law Services division budget.

- **This report recommends implementing the penalty for the removal of illegal election signs from \$25 to \$200 per sign to enhance compliance and offset enforcement costs. Under the proposed amendment, the maximum revenue that may be generated per candidate is \$2,000. As a result, overall revenue will be contingent on the number of candidates participating in the election. All funds collected through this enforcement measure will be directed to the Enforcement and By-Law Services Division to support by-law compliance and operational requirements.**

BACKGROUND:

Election signs are regulated by the “Sign By-law 399-2002”

<https://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Signs.pdf>

A summary of the pertinent sections includes, but is not limited to:

- Definition: “Election sign” shall mean a sign advertising, promoting, supporting or opposing the election of a political party, a candidate for public office, or a “yes” or “no” answer to a question on the ballot in a federal, provincial or municipal election; (By-law 48-2018)
- Municipal election, only erected after 5:00 p.m. twenty-four (24) days prior to Voting Day
- Federal or provincial election, only erected after 5:00 p.m. on the date the Writ of Election
- Removed within 72 hours after the close of the election
- Limit 2 signs/candidate on residential and 3 signs/candidate on non-residential private property
- Limited to no more than two election signs per third party advertiser on any one residential property;
- Not to exceed 2 m² (21.5 ft²) in sign area
- No person shall cause or permit an unsafe sign to be erected or displayed
- No person shall erect or display, or cause to be erected or displayed a *sign* on *public property* or upon a *road right-of-way* except in accordance with the provisions of this by-law
- No person shall erect or display, or cause to be erected or displayed, a *sign* within a *visibility triangle* unless such *sign* has a minimum clearance of 2.4 m (7.9 ft) above the established grade
- “Third Party Advertiser” shall mean:

- In the case of a federal or provincial election, a person, entity or group, other than a registered party, registered association, candidate or nomination contestant, that conducts election advertising;
- In the case of a City of Brampton municipal election, an individual, corporation or trade union that is a registered third party pursuant to section 88.6 of the Municipal Elections Act, 1996, as amended; or
- In all other cases it shall refer to a product or business that is not available on the same site as the sign;

Enforcement - Prior to September 2021

Any signs that did not conform with the by-law were removed. Photographs were taken and an investigative file was created for each candidate. The total number of seized signs was calculated at the conclusion of the election period and the associated candidate was issued a Part III Summons and the matter was addressed via the Provincial Court process.

Negatives associated with this process included:

- Labour costs from initial sign removal, by-law case administration, court brief preparation, followed by court staff was not proportional to the issues being addressed.
- Part III Summons demand a court appearance, there is not a set fine process.
- Storage of signs was a significant drain on labour and return rates of signs was minimal. Signs returned during the election period, in all likelihood, were simply placed back into circulation and enabled further violations.
- Some court cases lasted for years and most resulted in a plea arrangement that saw 50% 'not proceeded with' and then a further reduction on the fines levied for the matters that did proceed.
- Candidates were only made aware of the scope of the issue post-election.

CURRENT SITUATION:

Enforcement – Post-September 2021

A pilot process was initiated prior to the federal election of 2021, and then adopted as a permanent process via a staff report (Report number: Legislative Services-2022-376)

<https://pub-brampton.escribemeetings.com/filestream.ashx?DocumentId=48399>

This report addressed the above-noted challenges by removing the process from the provincial court process and instead invoked the City of Brampton service fee approach. At the time of this decision, the Administrative Penalty System solution being proposed was not available.

The service fee approach involved creating a master file for each candidate and tracking each sign until the completion of the clean-up process. Following this, a user fee was calculated based on \$25/sign and an invoice was sent to each candidate.

Benefits associated with this approach:

- This established a set level of revenue at \$25/sign.
- The City was not forcing candidates into a provincial court appearance. This avoided poor optics as well as saving significant costs to the City and the court system.

Drawbacks to this approach:

- Storage of signs, and potential return, continued to drain labour and incur significant costs.
- Cost to candidate was now 'firm' but, unfortunately, 'firm' to a fault. The provincial court system used a 'plea bargaining' approach to encourage a resolution. With a service fee approach there was no latitude to 'encourage' the candidate to pay the invoice which was often unexpected and much larger than anticipated.
- Candidates feedback is that their voice was not heard, and the only recourse was for the candidate to sue the City.
- Additionally, the unexpected cost of the user fee had many candidates reporting that they felt 'targeted'.
- Administrative costs again rose to a level disproportionate to the issue being addressed as the efforts to justify the user fee resulted in copious hours of management effort to create an acceptable case brief. These matters have again taken multiple years to resolve.
- Given the unknown amount of fines that would subsequently be levied on the candidate, and the lack of ongoing reporting, it may anecdotally be seen that the fee could be viewed as an inhibitor to a person participating in this democratic process. Post-election a candidate could be faced with thousands of dollars in fees without a budget set aside to address it.

Service Fee Analysis:

- Total user fees over three years = \$159k
- Amount still unpaid = \$67k or 42%

	# of Invoices	Total \$ Amount	Avg \$ Amount	Median \$ Amount	High \$	Low \$
2021	7	\$5,000	\$455	\$500	\$1,375	\$50
2022	8	\$42,000	\$3,000	\$838	\$10,575	\$475
2023	80	\$112,225	\$1,403	\$300	\$17,175	\$25
Total	95	\$159,225	\$1,516	\$325	\$17,175	\$25
Unpaid	27	\$66,875	42%			

Complaint Data:

2022 Election (May 2 - October 24, 2022)

- Total election complaints: 259 complaints
- The following table summarizes the top four complaint types during the election period:

Complaint Type	Complaint number
3 hours (in excess)	10,630
2:00 AM TO 6:00 AM	8,929
Excessive loud music	3,617
Election complaints	259

- Election-related complaints (259) make up only 1% of the top four complaint types during this election period.
- During the 2022 election period, a total of 10,012 election signs were proactively removed.

Environmental Scan

All municipalities regulate:

- The permissible timeframe for posting and removing election signs to minimize visual clutter.
- The removal of all signs found to be non-compliant
- The standards for signs (e.g. no illumination, not on fences, not at voting locations)

Some municipalities restrict:

- Sign placement, prohibiting signs on public property or within specific distances from intersections to ensure traffic safety and avoid obstructions size of signs
- Number of signs per candidate

Of specific note, Oakville is in the process of removing the election sign sections from their main sign by-law and creating a stand-alone Election Sign by-law. It is recognized that election signs are utilized infrequently but, when they are utilized, it is difficult to locate the specific sections to assist in navigating what is permissible and what is not. Staff support and recommend a similar stand-alone by-law for Brampton to provide clarity and ease of use.

Recommended Options:

It is recommended, that staff pursue:

- transitioning to the Administrative Penalty System, \$200/sign
- penalty capped at \$2000 per candidate
 - This cap applies only to sign-related violations. The removal of signs shall be reviewed and, in cases where signs are larger than prescribed or require unusual removal processes, all costs will be borne by the owner.
- implement an authorized storage and disposal process with a 30-day cycle
- improperly placed signs will be deemed refuse
- unclaimed signs will be destroyed after a 30-day retention period without notice or compensation

Benefits of this would include:

- An established payment process that also includes screening, hearing and appeals process.
- The highest median amount charged in the past three elections was \$838. By increasing the per sign penalty to \$200 the City is consistent with surrounding municipalities. By capping the penalty at \$2,000, the threshold is quickly reached, freeing enforcement resources to focus on addressing the higher concerns.
- A clearly defined storage/disposal process will limit the City's liability and efficiently release enforcement staff focus on other community concerns.

While the need to familiarize oneself with election sign by-law parameters is infrequent, it is recognized that when it is required, the stakeholders involved need to have the information readily available in a timely manner with clear language. Given this, it is recommended that the election sign components be withdrawn from the main sign bylaw and presented to stakeholders as a stand-alone reference source.

Given the penalty process cap, it is not anticipated that this process will result in a significant revenue stream. The cap limit of \$2000 is significantly higher than the median amount of \$325. It is reasonable to assume that the actual funds collected by the City will increase while at the same time administrative, direct and ancillary, will be drastically reduced. It can further be noted that the Administrative Penalty System, by regulation, is designed for compliance as opposed to cost recovery.

CORPORATE IMPLICATIONS:

Financial Implications:

This report recommends implementing the penalty for the removal of illegal election signs from \$25 to \$200 per sign to enhance compliance and offset enforcement costs. Under the proposed amendment, the maximum revenue that may be generated per candidate is \$2,000. As a result, overall revenue will be contingent on the number of candidates participating in the election. All funds collected through this enforcement measure will be directed to the Enforcement and By-Law Services Division to support by-law compliance and operational requirements.

Communications Implications

A communications strategy will be developed to notify all stakeholders of the changes to process.

STRATEGIC FOCUS AREA:

Government & Leadership: Focusing on service excellence with equity, innovation, efficiency, effectiveness, accountability, and transparency Implementation of the included recommendations will elevate performance and service standards as well as advancing technology for service delivery.

CONCLUSION:

Election signs have an infrequent and finite existence that, even at the height of their visibility, only factor as 1% of the service requests. Systemic efforts are focused on limiting administrative costs associated to the collection, storage, and disposal of these signs.

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