

Date: 2021-04-10

Subject: Amendment to User Fee By-law – Contravention Administration Costs for Driveway Paving Contractors

Contact: James Bisson, Manager, Licensing Enforcement, Enforcement and By-law Services, Legislative Services, 905-458-3424 Ext. 63222, james.bisson@brampton.ca

Report Number: Legislative Services-2021-470

Recommendations:

1. That the report titled **Amendment to User Fee By-law- Contravention Administration Costs for Driveway Paving Contractors**, be received;
2. That a user fee of \$700 to recover the cost of enforcement and administrative staff time to investigate instances where Driveway Paving Contractors contravene the Zoning By-law, be approved by Council,.
3. That the User Fee By-law 380-2003, as amended, be further amended by adding the new fee for Contravention Administration Costs for Driveway Paving Contractors in Schedule D – Legislative Services Fees/Charges

Overview:

- **On February 17, 2021, Council enacted a By-law 21-2021 an amending by-law, to the Business Licensing By-law 332-2013, to include additional provisions for licensing driveway paving contractors.**
- **The new provisions require a specified fee to be added to the User Fee By-law with respect to Contravention Administrative Costs.**
- **The Contravention Administrative Costs fee is to recover costs associated with enforcement and administrative resources in remedying a driveway when a licensed Driveway Paving Contractor has performed any paving work that is not in compliance with the City’s Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by-law is obtained prior to the commencement of any paving work.**

- **This report provides rationale for the fee along with a request to amend the User Fee By-law to include this new fee.**

Background:

On February 17, 2021, Council enacted By-law 21-2021 to amend Schedule 9, Driveway Paving Contractors of Business Licensing By-law 332-2013, to include additional provisions for licensing driveway paving contractors. Within the new provisions was reference to a new fee in the User Fee By-law, Contravention Administrative Costs. The fee is defined as follows;

“Contravention Administration Costs” means outstanding fees for Licences, penalties, administrative and enforcement costs, fees set out in the User Fee By-law, and related charges incurred by the Driveway Paving Contractor in the event that the contractor fails to comply with any applicable by-laws or statutory obligations.

This fee is not currently defined within the User Fee By-law, and this report will establish the required fee.

Current Situation:

There is reference to a fee in the Business Licensing By-law for Contravention Administration Costs

2. *Every Person licensed as a Driveway Paving Contractor under this By-law shall deposit a Letter of Credit or other security satisfactory to the Licence Issuer in the amount of \$5,000.00 that shall be valid for the term of the Licence.*
 - (a) This security shall be used for purposes as set out in the “Security Acknowledgement” which the Contractor shall enter into with and the City prior to licence issuance. Execution of the Security Acknowledgement is a condition of the licence issuance.*
 - (b) Any funds drawn upon the security for breach of the Acknowledgement must be replaced within 48 hours or the licence will be subject to revocation.*
 - (c) Should the security posted not be sufficient to cover the Contravention Administrative Costs in which the security was drawn upon, the City shall charge any additional costs related to the contravention under Section 22 of this By-law which shall be paid by the Driveway Paving Contractor.*
 - (d) The City shall maintain the security for up to 180 days after the licence*

expires or is cancelled to perform any required inspections on paving work completed to ensure compliance.

An Amendment will be required to add this fee to User Fee By-law 380-2003.

The fee is to recover costs associated with the administration and enforcement resources required to seek a remedy from a licensed Driveway Paving Contractor who has performed any paving work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by-law is obtained prior to the commencement of any Paving Work.

Staff have calculated the fee to be \$700.00, which accounts for the time of the Property Standards Officer, Enforcement Supervisor, Enforcement Clerk, Deputy Clerk (Licensing), Licensing Administrative Clerk, Legal Counsel and Plans Examiner to review and take appropriate action in applying the fee to the Driveway Paving Contractor.

The hourly rate for non-union staff is based on mid-grade and the hourly cost for unionized staff is set at max grade.

Corporate Implications:

Financial Implications:

The proposed user fee of \$700 is to offset the enforcement and administrative costs to seek a remedy from a licensed Driveway Paving Contractor. Should the anticipated volume and/or cost associated with enforcing the new rules exceed current estimates, amendments will be brought forward for Councils consideration and approval.

Communications:

There are no specific communications implications from this report. The amended by-law could be added as part of the web information resources available on www.brampton.ca/drivewaypaving.

:

Term of Council Priorities:

This report is consistent with the 2018-2022 Term of Council Priorities as it supports Direction 5: Brampton is a Well-Run City by demonstrating Cost recovery for enforcement activities in relation to enforcing violations of the Zoning By-law.

Conclusion:

This report identifies the need to create a new fee for Contravention Administration Costs associated to the Driveway Paving Contractors, violating the Zoning By-law.

Authored by:

Reviewed by:

James Bisson, Manager, Licensing
Enforcement

Paul Morrison, Director, Enforcement and By-
law Services

Approved by:

Submitted by:

Paul Morrison, Acting Commissioner,
Legislative Services

David Barrick, Chief Administrative Officer