

Date: 2023-03-10

Subject: Information Report on Proactive Property Standards Exterior Enforcement (RM 42/2022 and RM 55/2022)

Secondary Title: A Comprehensive Plan to Enhance the Proactive Exterior Enforcement of Municipal By-laws on Private Property

Contact: Shane Keyes, Acting Manager, Enforcement and By-law Services, Legislative Services

Report Number: Legislative Services-2023-264

Recommendations:

1. That the report from Shane Keyes, Acting Manager, Enforcement and By-law Services to the Committee of Council's Meeting of March 29, 2023, re: [Information Report on Proactive Property Standards Exterior Enforcement \(RM 42/2022 and RM 55/2022\)](#) be received.

Overview:

- This report addresses the Committee of Council's request (RM 42/2022 and RM 55/2022) for staff to review and report back on a plan for proactive property standards enforcement on private residential property in the City of Brampton.
- This report informs Council of Enforcement and By-law Services' current service delivery standards and legislative authorities as they relate to the enforcement of maintenance and occupancy standards.
- This report proposes a 12-month pilot project for the enhanced proactive enforcement of exterior maintenance-related by-law contraventions through an inter-divisional strategy, led by a dedicated project team.
- The model for proactive enforcement is supported by geographical and rate of recurrence data and is complemented by ongoing service delivery enhancements.

Background:

This report will inform Council of an enhanced proactive enforcement model to address property-related violations in response to resolutions CW371-2022 and CW425-2022 ([RM 42/2022](#) and [RM 52/2022](#)).

To build the model, Enforcement and By-law Services considered trends in service requests, the relationship between illegal market-provided rental housing and property conditions, and, the impact of Provincial legislative amendments on the delivery of enforcement services. The model proposes enhancements to standards and procedures for exterior maintenance inspections, including:

- Strategically increasing the ratio of proactive (municipally-initiated) inspections to reactive (citizen-initiated) inspections;
- Utilizing user fees for re-inspections due to non-compliance; and,
- Amending the penalty structure of the Administrative Monetary Penalty System (AMPS) for designated by-laws to allow for the gradual increase of penalty fines.

Property Standards

The Property Standards section operates within the Enforcement and By-law Services Division and is responsible for the administration and enforcement of approximately 11 municipal by-laws that prescribe minimum standards for the maintenance and occupancy of properties in the City of Brampton; including but not limited to the *Property Standards By-law 165-2022* and the *Refuse and Dumping By-law 381-2005*.

Property Standards is comprised of 22 full-time property standards officers who operate Monday through Friday to perform reactive and proactive investigations (See Attachment 1 for legislative authority). In 2022 Property Standards received 15,657 service requests. This represents an average annual increase of 10% since 2015, with an increase of 26% in 2021. Of these inspections, 46% pertained to general exterior maintenance concerns. For the purpose of this report, general exterior maintenance service requests include refuse (garbage) and exterior property standards (yards and building maintenance), and garbage containers where specified.

Property Standards administers a compliance-based enforcement model through progressive and proportionate enforcement action. The method of enforcement is to be proportionate with the alleged violation(s), considering the seriousness, intent, and history of the alleged violating property. Progressive enforcement generally includes education, voluntary compliance, enforcement action, and escalation. However, guided by the principle of proportionality, officers may choose to proceed with enforcement action immediately for repeat or egregious contraventions.

Enforcement action can take the form of any or a combination of the following:

- Verbal or written warnings;
- Orders to comply and Property Standards Orders;
- Non-parking Administrative Monetary Penalties;
- Performing the work with City-hired contractors; or,
- Charges in accordance with the *Provincial Offences Act*.

Based on the seriousness or repetition of the contravention, the officer may elect to commence enforcement action with any one of the above measures and repeat or escalate enforcement action where compliance is not achieved.

Additional Residential Units and Lodging Houses

In 2015 Council passed the *Second Unit Registration By-law (87-2015)* that required the registration of second units, which was later replaced by the *Additional Residential Units By-law (157-2022)* which requires the registration of all additional residential units. This By-law was passed with City-Initiated amendments to the Official Plan and Zoning By-law to conform to *Bill 108 More Homes, More Choice Act, 2019*, and recommendations from the City's affordable housing strategy. Since 2015, the City has seen a consistent increase in second-unit registrations; totaling 16,131 as of February 28, 2023 (Attachment 3, Figure 1).

Currently, another policy review is being undertaken to amend additional residential unit policies in the Official Plan and Zoning By-law to conform to *Bill 23, the More Homes Built Faster Act, 2022*, and regulate multiple accessory apartments, laneway suites, garden suites, and/or coach houses. With the growing number of independent residential units on a property, an increase in vehicles, garbage, traffic, and noise is expected.

Lodging houses (also commonly referred to as rooming, boarding, or multi-tenant houses) provide affordable housing to many residents in Brampton. Landlords are permitted by the Zoning By-law to provide residential accommodation to any group of persons living together as a single housekeeping or household unit, however, are limited to only four lodgers where only single-room accommodations are provided. If a property is registered as a two-unit dwelling, this shall apply separately to each unit. The majority of service requests received for lodging houses result in no violation. Nonetheless, Property Standards recognizes that with increased occupancy, there will unavoidably be an increase in garbage, vehicles, and traffic. It is this impact that the enhanced proactive model can address.

Current Situation:

During any inspection, property standards officers are required to conduct a proactive exterior inspection to determine compliance with City by-laws, and take enforcement action where necessary (Including parking, municipal, zoning, and licensing violations). Additionally, officers may be assigned to proactive enforcement projects throughout the year where it is in the interest of the public to take proactive enforcement measures (i.e. clustering of complaints for garbage containers, refuse, trucking yards etc.). By increasing the ratio of proactive measures to complaints through blitzes and educational campaigns, Enforcement can further safeguard community standards and public safety ([See enhanced proactive enforcement model](#)).

Service Level Trends

Property Standards responds to over 20 service request types that vary in frequency throughout the year and within geographical areas. The top five citizen-initiated service requests between 2018 and 2022 were: excessive growth, refuse, property standards exterior, basement apartment (additional residential units), and garbage containers, accounting for approximately 73% of all citizen-initiated property standards service requests (Attachment 3, Figure 2). Of these service requests, enforcement action was taken in approximately 62% cases.

Citizen-initiated service requests for market-provided rental housing (additional residential units and lodging houses) started to trend downwards in 2019. However, citizen-initiated service requests for general exterior maintenance have continued to increase annually (Attachment 3, Figure 3). While the number of annual two-unit registrations and exterior property standards service requests are positively correlated with each other, service requests at registered two-unit properties have declined since 2020 (Attachment 3, Figure 7).

Seasonality

Regular and predictable fluctuations recur annually and typically correlate with the changing of seasons (Attachment 3, Figure 4). To maintain service standards during higher volume months, Enforcement and By-law Services employs six summer students annually to perform reactive and proactive refuse and excessive growth inspections from May through September.

Geographical

Using location-based data, we can extrapolate which areas in the city require additional resources, including specific locations, streets, postal codes, and wards (Attachment 3, Figure 4). For many areas with increased second unit service requests, there are few property standards complaints, but can be more concentrated in certain areas such as Wards 1, 3 and 4 (Attachment 3, Figure 8). Our analysis of exterior maintenance service requests over the past five years show F3, G3, H3, and E4 “map pages” having an average of in excess of 600 complaints per year (Attachment 3, Figure 6)

Rate of Recurrence

Appropriately allocating resources to a proactive model involves examining where enforcement resources are used more frequently. Between 2018 and 2022, 31% of the 12,880 properties attended were attended more than once for refuse or property standards exterior service requests (Based on 21,519 service requests). 490 of these properties required officers to visit 5-9 times and 62 properties required officers to visit 10-19 times (Attachment 3, Figure 5).

Ongoing Service Delivery Enhancement

Enforcement and By-law Services regularly monitor service requests to improve the efficiency and delivery of enforcement services.

By-law Amendments

To support the City's growth rate and the changing nature of property standards service requests, in 2022 property standards drafted a new property standards by-law (165-2022) to meet the shift in community and service demand. Among the changes were stricter occupancy standards and interior and exterior maintenance requirements. The new by-law created (AMPS) penalty fines for most deficiencies under the by-law to promote and expedite compliance. AMPS that are left unpaid are deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 of the *Municipal Act, 2001*.

Standard Operating Procedures Review

In 2022, Enforcement and By-law Services initiated a comprehensive review of standard operating procedures. This review examined the effectiveness of processes and practices in place to support the delivery of consistent and efficient by-law enforcement activities. Among the updates are ways to improve the efficacy and efficiency of enforcement processes, including thorough proactive exterior enforcement during interior occupancy-related investigations.

Pilot Project

On January 30th, 2023, Property Standards launched a pilot project comprised of four property standards officers to proactively inspect properties of concern that required significant enforcement resources during the last two years. Properties were added to a proactive inspection list that received more than five exterior maintenance service requests between 2021 and 2022 and will be removed when they no longer meet the criteria.

Using descriptive statistics from complaint-based data to guide proactive patrols allows us to align our reaction with the problem and target resources. Since implementation, the pilot project officers have performed 250 inspections at 125 different locations resulting in 2 warnings; 8 Property Standards Deficiency Reports; 8 Property Standards Orders; 34 Orders to Comply; and 55 penalty notices for improper storage of garbage, yard maintenance, and outside storage.

Benchmarking

This model is consistent with ones referenced in the council delegation related to RM 42/2022, adopted by the City of Ottawa for market-provided rental housing. The City of Ottawa's proactive, targeted, and persistent enforcement is complemented by increased ticketing, substantive and escalating consequences and user fees, greater transparency, and increased staffing. The program metrics (Attachment 4) support the results of improved responsiveness and results. Such models have also been established by a number of Ontario cities that have a regulatory framework for registering or licensing rental housing and apartments.

Enhanced Proactive Enforcement Model:

In accordance with Council's direction, we propose to continue the four-week pilot project for a consecutive 12-month period based on the season, frequency, and seriousness of previous service requests. Resources will be focused on recurring issues and educating residents about their rights and responsibilities under City by-laws. With this model, higher

enforcement costs can be recovered from inspection fees and fines. This model can be replicated with any future request or demand for enhanced proactive enforcement.

Coordinated Implementation Plan

The enhanced proactive enforcement model will use past and present data to make informed decisions about the appropriate allocation of resources to achieve a balance between reactive and proactive investigations. Property Standards Officers will be redeployed from their regular duties and will be assigned specific problem properties to proactively investigate.

Where coordination is required with other service areas to address by-law contraventions, the pilot project officers will engage their assistance to achieve compliance. Each officer will take ownership of the investigation and be the point of contact for the residents, property owners, and occupants. They will manage, oversee and coordinate an integrated approach to achieve compliance.

Noise and Parking Support

Where noise and parking concerns are identified, the information will be shared with that service area to address and report on. Additionally, where there is a known recurrence of noise or overnight parking-related concerns at specific locations, this information will be used to prepare a guided proactive patrol for enforcement officers.

Call Assignment

Currently, Property Standards utilizes an automated call assignment process to proportionately distribute calls based on call history and location. This automation will ensure that new service requests are assigned to the initial officer in charge to escalate enforcement measures appropriately based on an ongoing knowledge of the contravention and history.

Seasonal Enforcement

Seasonal blitzes based on community and enforcement trends will be planned and organized using geographical and complaint-based data and implemented based on operational requirements and resources. As the snow melts, a larger volume of refuse and property standards exterior service requests are expected and using the previous year's data (where there has been no change of ownership), officers will be assigned specific properties to proactively monitor for compliance. As temperatures rise in the late spring, an increase in the frequency of service requests related to excessive growth is expected. Officers and summer students will continue proactive enforcement in specific problem areas.

Enhanced Administrative Monetary Penalties and User Fees

To continue the expansion of administrative penalties as a method of enforcement and compliance, in 2023 the summer students will be equipped with the ability to issue penalty notices under the same progressive model as property standards officers.

The current system is made up of a flat penalty structure for property standards exterior and refuse contraventions. The administrative monetary penalty is currently set at \$250.

To complement the enforcement of egregious and repeat contraventions, we propose to amend the penalty structure to allow for graduated penalties for continuing contraventions (See Attachment 2 for administration and collection of fines). To complement this model, single user fees for re-inspections due to non-compliance or continued enforcement may be considered with an amendment to By-law 380-2003. This structure would help achieve cost recovery for the increased resource demand by increasing revenues from current enforcement and new revenues from the proactive pilot.

Enforcement Communications Plan

This model will involve collaboration with internal and community partners and will be communicated with support from Strategic Communications. We recommend aligning any enforcement and education blitzes with the 2023 Enforcement and Strategic Communication plans. These plans target multilingual communications to residents through multiple media channels including social media, ethnic radio, and City web pages.

Additionally, enforcement staff participates in community events that aim to engage and inform residents through education and communication including Sheridan College Community Networking and Marketplace Fairs for off-campus students; Sheridan College Newcomer and Be a Good Neighbour Programs; and the Nurturing Neighbourhoods program.

Program Monitoring and Performance Metrics Framework

The proposed model will carry out a trial period of 12 months with regular monitoring and evaluation. The efficacy of this model will be evaluated based on predetermined indicators and measures of success, which may include:

- Volume of proactive inspections per reactive inspections;
- Percentage of enforcement action per proactive inspection;
- Frequency of repeat/duplicate service requests;
- Average time to resolve service requests; and,
- Public education and communication feedback.

These and any defined expectations for performance monitoring will be continually evaluated and updated to ensure effective and satisfactory delivery. Enforcement and By-law Services will continue to create actionable data intelligence to guide future initiatives and changes to this model. The limitation associated with project monitoring will be the inability to track correlations between rental housing and property standards contraventions as the City currently only maintains a directory of registered two-unit properties.

Corporate Implications:

Financial Implications:

The information provided in this report and implementing any described actions are accommodated within the approved budget. There are no financial implications.

Term of Council Priorities:

This report and proposed model directly align with the strategic direction and priority to continuously improve the day-to-day operations of the corporation by enhancing service delivery (Well Run City) and focusing on public safety and community standards (Healthy & Safe City).

Conclusion:

With the updated Provincial “additional residential unit” framework, Enforcement and By-law Services is preparing for greater densities and their impact by proactively addressing exterior maintenance-related violations.

To address a wider range of concerns, incorporate best practices from other municipalities, and lessen the administrative burden of enhanced enforcement practices, the proposed model can be tested and monitored for a 12-month period. Shifting from a reactive approach to enforcement to a comprehensive proactive approach will aid in creating a climate of compliance and growing public confidence in the efficacy of enforcement. Staff request direction from Council on how they want a proactive enforcement model implemented.

Authored by:

Reviewed by:

Shane Keyes, Acting Manager,
Enforcement and By-law Services

Jean-Pierre Maurice, Acting Director,
Enforcement and By-law Services

Submitted by:

Approved by:

Paul Morrison, Commissioner,
Legislative Services

Marlon Kallideen, Chief Administrative
Officer, Office of the CAO

Attachments:

- Attachment 1 – Proactive Enforcement Authority
- Attachment 2 – Administrative Monetary Penalty System
- Attachment 3 – Supportive Statistical Graphs
- Attachment 4 – Benchmarking Analysis