

NO: R143

COUNCIL DATE: **JULY 21, 2014**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 15, 2014**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 2nd Quarter of 2014**

RECOMMENDATION

The Legal Services Division recommends that Council receive this report as information.

BACKGROUND

Council has requested that staff forward to Council on a regular basis a report on the activities of the By-law Enforcement Section. Going forward staff will be providing such a report to Council quarterly.

DISCUSSION

The following tables summarize the By-law prosecution and civil enforcement work associated with the By-law Enforcement Section and Legal Services Division for the period from April 1, 2014 to June 30, 2014.

Prosecutions & Civil Enforcement – New Files	No. of Files
Zoning By-law Violations	2
Property Maintenance and Unsightly By-law Violations	4
Building By-law Violations	3
Business License By-law Violations	1
Parks By-law Violations	1
Highway and Traffic By-law Violations	2
Tree Protection By-law Violations	3
Smoking	3
TOTALS	19

Prosecutions – Action Completed	No. of Files
Zoning By-law Violations	7
Parks By-law Violations	40
Dog Responsibility By-law Violations	3
Noise Control By-law Violations	2
Business License By-law Violations	5
Tree Protection By-law Violations	2
Property Maintenance and Unsightly By-law Violations	2
TOTALS	61

Enforcement Pending Files – Conviction or Other Order Not Yet Obtained or Order Not Yet Complied With	No. of Files
Zoning By-law Violations	15
Building By-law Violations	171
Noise Control By-law Violations	4
Tree Protection By-law Violations	6
Business License By-law Violations	5
Parks By-law Violations	64
Dog Responsibility By-law Violations	2
Property Maintenance and Unsightly By-law Violations	10
TOTALS	277

The above tables indicate that 22% of new and existing files were completed during the quarter.

Summary Explanation of By-law Infractions by Category:

Zoning By-law Investigations – Investigations relating to the use of property as regulated by the Zoning By-law. Typical investigations include such things as the parking of overweight vehicles on residential property, truck parking in agricultural areas, storage of wrecked vehicles, the unauthorized keeping of animals (chickens, horses, cows), etc.

Building By-law Investigations – Investigations relating to construction that has taken place without a building permit as required by the Building By-law. Typical investigations include the unlawful enclosure of decks and open carports and patios to create additional living space. Often this unauthorized construction results in zoning violations for exceeding maximum density or encroachment into required setbacks. Please note, that these files are listed under the Building By-law Violations category and not the Zoning By-law Violations category, even when there are zoning issues so that files are not counted twice.

Business License By-law Investigations – Investigations relating to businesses located in the City. These investigations include such things as following up on safety inspections performed as part of the business license application process, ensuring that businesses are following Zoning, Building and Business License regulations in the operation of their business, etc.

Tree Protection Investigations – By-law Enforcement staff assists the Trees and Landscaping Section staff in the administration of the Tree Preservation By-law, by gathering evidence and drafting charges against those who contravene the By-law.

Noise Control Investigations – Investigations related to various types of nuisance noise in the City (e.g., construction when not permitted, barking dogs, loud music, etc.).

Dog Responsibility By-law Investigations – Investigations into animal control files related to dogs at large, dangerous dogs, dog bites/attacks, collecting stray animals, etc.

Highway and Traffic Investigations – By-law Officers assist with parking issues that require immediate attendance (blocked driveways or roadways) or extended contact with vehicle owners or RCMP (e.g., abandoned vehicles).

Public Health (Smoking) Investigations – Investigations related to complaints of smoking in public places where smoking is prohibited by By-law.

Graffiti, Property Maintenance and Unsightly Premises Investigations – Investigations related to the Property Maintenance and Unsightly Property By-law. By-law Enforcement Officers work with owners to have problem properties cleaned up; if no voluntary compliance is gained, the City may enter onto the property to effect the clean up and invoice the property owner.

Parks By-law Violations – Investigations related to unauthorized use of parks as regulated by the Parks Regulation By-law.

The following tables summarize the new investigation files and the files for which voluntary compliance related to by-law infractions has been achieved for the period from April 1, 2014 to June 30, 2014.

Quarter 2 – 2014

Investigation Intake by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	277	97	55	17	61	251	758
Guildford	98	46	16	11	36	88	295
Fleetwood	89	30	30	24	37	140	350
Newton	202	64	77	150	82	270	845
Cloverdale	83	34	27	32	71	170	417
South Surrey	150	30	15	26	53	171	445
Totals	899	301	220	260	340	1090	3110

Investigations Concluded by Voluntarily Compliance by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	239	94	50	15	68	245	711
Guildford	87	30	21	16	29	75	258
Fleetwood	129	30	32	25	30	138	384
Newton	191	80	72	125	56	268	792
Cloverdale	70	32	36	31	63	160	392
South Surrey	118	42	18	31	43	164	416
Totals	834	308	229	243	289	1050	2953

The Investigative Tables demonstrate a high degree of voluntarily compliance with By-law Enforcement staff direction. The percentage of voluntary compliance versus new investigative file intake was 95% in the second quarter of 2014 and 90% in the first quarter.

The Table below provides the inventory of continuing investigations in progress.

Investigations In Progress by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	134	49	132	149	14	89	567
Guildford	48	45	29	119	13	24	278
Fleetwood	15	13	52	35	9	19	143
Newton	74	59	157	484	31	83	888
Cloverdale	39	27	68	121	28	26	309
South Surrey	44	26	16	89	25	42	242
Totals	354	219	454	997	120	283	2427

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	15370	7003	617	5972	714	1064
Commercial Vehicle Enforcement	671	233	16	408	14	0

Only 4% of parking tickets issued were disputed.

The following table summarizes the number of secondary suites that are registered on the City's tax rolls for the period of April 1, 2014 to June 30, 2014.

Date	April 1, 2014	June 30, 2014
Registered Secondary Suites	25,286 (secondary suites)	25,406 (secondary suites)
	1,033 (coach houses)	1,060 (coach houses)

It is noted that there has been a noticeable increase in the rate of suite registrations since the introduction by the City of a penalty fee associated with the City locating secondary suites that are not registered with the City. This penalty fee of \$1,000 was introduced by By-law in October to take effect in February 2014. Property owners are coming forward to register their suites with a view to avoiding the penalty.

CONCLUSION

The By-law Enforcement Section continues to receive a significant number of new investigation files with a diverse range in subject matter. Staff continue to work with its residents and business owners to effectively resolve many complaints and, where necessary, forward matters to the Legal Services Division to address by way of prosecution or civil enforcement.

CRAIG MacFARLANE
City Solicitor

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