

NO: **R183**

COUNCIL DATE: **OCTOBER 20, 2014**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 15, 2014**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 3rd 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 July 1, 2014 to September 30, 2014.

Prosecutions & Civil Enforcement – New Files	No. of Files
Zoning By-law Violations	1
Building By-law Violations	1
Nuisance By-law Violations	17
Parks By-law Violations	20
Dog Responsibility By-law Violations	1
Tree Protection By-law Violations	1
Smoking	3
TOTALS	44

Prosecutions – Action Completed	No. of Files
Zoning By-law Violations	5
Parks By-law Violations	15
Dog Responsibility By-law Violations	2
Fireworks By-law Violations	1
Tree Protection By-law Violations	3
Property Maintenance and Unsightly By-law Violations	3
TOTALS	29

Enforcement Pending Files – Conviction or Other Order Not Yet Obtained or Order Not Yet Complied With	No. of Files
Zoning By-law Violations	11
Building By-law Violations	175
Noise Control By-law Violations	6
Tree Protection By-law Violations	8
Business License By-law Violations	2
Parks By-law Violations	64
Dog Responsibility By-law Violations	5
Property Maintenance and Unsightly By-law Violations	15
Smoking By-law Violations	2
TOTALS	288

The above tables indicate that 9% 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.

Fireworks By-law Investigations – Investigations related to sale and use of fireworks prohibited by the Fireworks By-law.

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.

Nuisance By-law Violations – Investigations related to properties where the activities on the property have become a nuisance at law, such as excessive odors and excessive calls for police and other municipal services at the property contrary to the Nuisance 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 July 1, 2014 to September 30, 2014.

Quarter 3 – 2014

Investigation Intake by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	276	94	114	55	127	305	971
Guildford	66	29	32	27	45	74	273
Fleetwood	33	14	95	19	64	65	290
Newton	172	91	119	179	104	234	899
Cloverdale	73	36	123	38	79	134	483
South Surrey	97	22	49	41	69	173	451
Totals	717	286	532	359	488	985	3,367

Investigations Concluded by Voluntarily Compliance by Town Centre

The investigations include a carry over from the last quarter that were not concluded during that time period.

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	267	74	147	45	94	282	909
Guildford	75	42	29	28	32	71	277
Fleetwood	40	15	58	19	42	64	238
Newton	179	76	160	158	102	201	876
Cloverdale	78	25	67	30	68	126	394
South Surrey	120	25	39	30	61	166	441
Totals	759	257	500	310	399	910	3,135

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 93% in the third quarter of 2014, 95% in the second quarter 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	113	63	95	181	38	86	576
Guildford	44	37	31	129	27	19	287
Fleetwood	14	14	84	41	28	13	194
Newton	83	62	109	509	38	78	879
Cloverdale	38	37	114	152	34	29	404
South Surrey	28	22	23	109	26	34	242
Totals	320	235	456	1121	191	259	2,582

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	14,853	6,901	486	5,631	872	963
Commercial Vehicle Enforcement	829	287	66	473	13	0

The 5,631 parking tickets that are in outstanding status are tickets where no payment or dispute has been received as of the date of this report. Tickets that are unpaid after 150 days are sent to a collection agency.

Only 3% 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 July 1, 2014 to September 30, 2014.

Date	July 1, 2014	September 30, 2014
Registered Secondary Suites	25,406 (secondary suites)	25,551 (secondary suites)
	1,060 (coach houses)	1,063 (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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c.c. **Manager, By-law Enforcement & Licensing Services**