

NO: R036

COUNCIL DATE: FEBRUARY 23, 2015

**REGULAR COUNCIL**

TO: **Mayor & Council**

DATE: **February 12, 2015**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 4<sup>th</sup> 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 October 1, 2014 to December 31 2014.

<b>Prosecutions &amp; Civil Enforcement – New Files</b>	<b>No. of Files</b>
Zoning By-law Violations	13
Building By-law Violations	6
Nuisance By-law Violations	6
Parks By-law Violations	55
Dog Responsibility By-law Violations	2
Tree Protection By-law Violations	3
Business License By-law Violations	2
Noise By-law Violations	4
Fireworks By-law Violations	3
Sign By-law Violations	1
<b>TOTALS</b>	<b>95</b>

<b>Prosecutions – Action Completed</b>	<b>No. of Files</b>
Zoning By-law Violations	11
Parks By-law Violations	40
Dog Responsibility By-law Violations	3
Fireworks By-law Violations	1
Tree Protection By-law Violations	11
Property Maintenance and Unsightly By-law Violations	4
Smoking By-law Violations	3
Noise By-law Violations	6
Business By-law Violations	2
<b>TOTALS</b>	<b>81</b>

<b>Enforcement Pending Files – Conviction or Other Order Not Yet Obtained or Order Not Yet Complied With</b>	<b>No. of Files</b>
Zoning By-law Violations	18
Building By-law Violations	176
Noise Control By-law Violations	2
Parks By-law Violations	21
Property Maintenance and Unsightly By-law Violations	4
<b>TOTALS</b>	<b>221</b>

The above tables indicate that 26% 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 October 1, 2014 to December 31, 2014.

**Quarter 4 – 2014**

***Investigation Intake by Town Centre***

<b>Town Centre</b>	<b>Property Maintenance</b>	<b>Property Use</b>	<b>Secondary Suites</b>	<b>Business Licensing</b>	<b>Noise</b>	<b>Other</b>	<b>Total</b>
<b>City Centre</b>	250	87	95	38	69	283	822
<b>Guildford</b>	46	27	39	24	23	62	221
<b>Fleetwood</b>	36	36	78	8	30	54	242
<b>Newton</b>	102	45	122	122	52	233	676
<b>Cloverdale</b>	58	48	109	30	46	136	427
<b>South Surrey</b>	46	42	23	28	64	170	373
<b>Totals</b>	538	285	466	250	284	938	2,761

***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	255	69	90	46	79	299	838
Guildford	66	20	32	29	36	61	244
Fleetwood	36	27	96	16	46	52	273
Newton	113	55	146	89	74	253	730
Cloverdale	70	40	114	40	67	139	470
South Surrey	52	20	23	40	53	129	317
<b>Totals</b>	<b>592</b>	<b>231</b>	<b>501</b>	<b>260</b>	<b>355</b>	<b>933</b>	<b>2,872</b>

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 100% in the fourth quarter of 2014, when the carry over from the last quarter are included. It 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	110	71	81	176	35	84	557
Guildford	21	39	30	125	16	23	254
Fleetwood	14	24	47	32	12	17	146
Newton	94	62	72	551	17	75	871
Cloverdale	28	25	82	146	18	23	322
South Surrey	35	28	32	106	23	36	260
<b>Totals</b>	<b>302</b>	<b>249</b>	<b>344</b>	<b>1,136</b>	<b>121</b>	<b>258</b>	<b>2,410</b>

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	13,389	6,179	445	4,744	918	1,103
Commercial Vehicle Enforcement	914	267	61	549	37	0

The 4,744 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 October 1, 2014 to December 31, 2014.

Date	October 1, 2014	December 31, 2014
<b>Registered Secondary Suites</b>	25,551 (secondary suites)	25,772 (secondary suites)
	1,063 (coach houses)	1,074 (coach houses)

It is noted that there has been an 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 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

CM:nj

u:\legalsrv\legal\corp\_rep\2015\oct 1 - dec 31 14 by-law activity report.docx  
LB1 2/12/15 1:33 PM

c.c. Manager, By-law Enforcement & Licensing Services