

NO: R071

COUNCIL DATE: **MAY 11, 2015**

## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 5, 2015**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 1<sup>st</sup> Quarter of 2015**

## 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 January 1, 2015 to March 31, 2015.

<b>Prosecutions &amp; Civil Enforcement – New Files</b>	<b>No. of Files</b>
Zoning By-law Violations	5
Building By-law Violations	7
Business License By-law Violations	1
Tree Protection By-law Violations	6
Smoking By-law Violations	1
Fireworks By-law Violations	1
Noise Control By-law Violations	3
Conservation Violations (Soil, Erosion, Sediment Control)	1
<b>TOTALS</b>	<b>25</b>

<b>Prosecutions – Action Completed</b>	<b>No. of Files</b>
Parks By-law Violations	29
Building By-law Violations	1
Dog Responsibility By-law Violations	1
Smoking By-law Violations	6
<b>TOTALS</b>	<b>37</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	181
Noise Control By-law Violations	3
Tree Protection By-law Violations	2
Parks By-law Violations	25
Dog Responsibility By-law Violations	1
Property Maintenance and Unsightly By-law Violations	4
Smoking By-law Violations	3
TOTALS	237

The above tables indicate that 14% 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.

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

**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.

**Conservation Investigations** – Investigations related to construction sites and agricultural properties to ensure regulations for soil deposit or removal, erosion and sediment control and water protection are being followed.

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 January 1, 2015 to March 31, 2015.

**Quarter 1 – 2015**

***Investigation Intake by Town Centre***

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	208	78	132	50	57	373	898
Guildford	42	21	42	35	35	78	253
Fleetwood	64	24	54	12	23	77	254
Newton	181	80	134	106	53	278	832
Cloverdale	57	34	87	33	58	232	501
South Surrey	58	42	41	36	51	211	439
<b>Totals</b>	610	279	490	272	277	1249	3177

***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	202	76	140	43	59	373	893
Guildford	42	25	46	31	27	84	255
Fleetwood	46	30	63	14	25	76	254
Newton	150	72	143	85	42	271	763
Cloverdale	58	49	109	35	54	232	537
South Surrey	63	54	42	31	62	258	510
<b>Totals</b>	561	306	543	239	269	1294	3212

The above 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 first quarter. The intake of new files was 3,177. The files concluded by voluntary compliance in the quarter was 3,212 including 35 files carried over from the previous 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	104	75	67	184	25	86	541
Guildford	23	37	22	128	21	18	249
Fleetwood	26	16	35	31	13	19	140
Newton	88	61	52	559	29	72	861
Cloverdale	26	29	50	141	19	17	282
South Surrey	19	29	16	102	25	33	224
<b>Totals</b>	<b>286</b>	<b>247</b>	<b>242</b>	<b>1145</b>	<b>132</b>	<b>245</b>	<b>2297</b>

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	13579	5572	660	4800	874	1673
Commercial Vehicle Enforcement	978	314	114	494	56	0

The 4,800 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 5% 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 January 1, 2015 to March 31, 2015.

Date	January 1, 2015	March 31, 2015
<b>Registered Secondary Suites</b>	25,772 (secondary suites)	25,890 (secondary suites)
	1,074 (coach houses)	1,074 (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 No. 18073 on October 7, 2013 and took effect on February 1, 2014. Property owners are coming forward to register their suites with a view to avoiding the penalty.

The following table shows the penalty fee invoices issued to the end of April 2015.

**CITY OF SURREY  
Item Summary by Month**

<b>Year - Month</b>	<b>Penalty Fee Payment Amounts</b>	<b>Number of Penalty Suites</b>
2015 - 01	\$61,000.00	51
2015 - 02	\$40,000.00	34
2015 - 03	\$30,000.00	25
2014 - 04	\$52,000.00	45
<b>Total for 2015</b>	<b>\$183,000.00</b>	<b>155</b>

**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