

NO: R163

COUNCIL DATE: July 27, 2015

## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 22, 2015**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 2<sup>nd</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 April 1, 2015 to June 30, 2015.

<b>Prosecutions &amp; Civil Enforcement – New Files</b>	<b>No. of Files</b>
Zoning By-law Violations	1
Building By-law Violations	5
Noise By-law Violations	2
Parks By-law Violations	11
Dog Responsibility By-law Violations	3
Tree Protection By-law Violations	4
<b>TOTALS</b>	<b>26</b>

<b>Prosecutions &amp; Civil Enforcement– Action Completed</b>	<b>No. of Files</b>
Zoning By-law Violations	10
Building By-law Violations	4
Parks By-law Violations	9
Tree Protection By-law Violations	2
Property Maintenance and Unsightly By-law Violations	1
<b>TOTALS</b>	<b>26</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	9
Building By-law Violations	184
Noise Control By-law Violations	5
Tree Protection By-law Violations	3
Parks By-law Violations	27
Dog Responsibility By-law Violations	4
Property Maintenance and Unsightly By-law Violations	3
Smoking By-law Violations	2
<b>TOTALS</b>	<b>237</b>

The above tables indicate that 11% 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.

**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.

**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.

During this quarter, By-law Enforcement staff and RCMP members have begun their annual summer patrols of City parks to enforce and increase public awareness of the Parks Regulation By-law. Parks are used a greater degree during the summer and deploying additional resources to educate the public on permitted activity assists to protect the safety of park patrons and City property. Typical violations include being in a park after dark, smoking in a park and possessing liquor within a park.

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, 2015 to June 30, 2015.

**Quarter 2 – 2015**

***Investigation Intake by Town Centre***

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	316	104	101	31	102	474	1128
Guildford	68	29	28	21	23	132	301
Fleetwood	65	47	48	10	47	121	338
Newton	181	84	111	73	84	290	823
Cloverdale	92	33	67	26	73	181	472
South Surrey	85	44	52	28	97	221	527
<b>Totals</b>	<b>807</b>	<b>341</b>	<b>407</b>	<b>189</b>	<b>426</b>	<b>1419</b>	<b>3589</b>

***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	247	83	123	53	84	509	1099
Guildford	55	27	36	23	34	130	305
Fleetwood	70	36	62	12	42	123	345
Newton	160	73	128	120	73	308	862
Cloverdale	69	36	71	32	61	181	450
South Surrey	67	50	49	37	79	220	502
<b>Totals</b>	<b>668</b>	<b>305</b>	<b>469</b>	<b>277</b>	<b>373</b>	<b>1471</b>	<b>3563</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 99% in the second quarter of 2015 and 100% in the first quarter of 2015.

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	185	97	48	158	44	58	590
Guildford	34	37	14	126	14	17	242
Fleetwood	37	27	24	29	15	24	156
Newton	140	74	39	511	40	70	874
Cloverdale	48	27	50	134	36	29	324
South Surrey	42	27	18	94	45	33	259
<b>Totals</b>	<b>486</b>	<b>289</b>	<b>193</b>	<b>1052</b>	<b>194</b>	<b>231</b>	<b>2445</b>

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	13984	6216	582	4756	568	1862
Commercial Vehicle Enforcement	630	226	49	326	29	0

The 4,756 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 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, 2015 to June 30, 2015.

Date	April 1, 2015	June 30, 2015
<b>Registered Secondary Suites</b>	25,890 (secondary suites) 1,074 (coach houses)	26,060 (secondary suites) 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 in October to take effect in February 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 June 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
2015 - 04	\$52,000.00	45
2015 - 05	\$18,000.00	15
2015 - 06	\$30,000.00	27
<b>Total for 2015</b>	<b>\$231,000.00</b>	<b>197</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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cc      Manager, By-law Enforcement & Licensing Services