

NO: R204

COUNCIL DATE: October 20, 2015

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 9, 2015**

FROM: **City Solicitor**

FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 3rd 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 July 1, 2015 to September 30, 2015.

Prosecutions & Civil Enforcement – New Files	No. of Files
Zoning By-law Violations	1
Building By-law Violations	2
Property Maintenance and Unsightly By-law Violations	1
Parks By-law Violations	34
Dog Responsibility By-law Violations	7
Tree Protection By-law Violations	8
Smoking	3
Business License By-law Violations	2
Noise Control Violations	2
TOTALS	60

Prosecutions – Action Completed	No. of Files
Parks By-law Violations	12
Dog Responsibility By-law Violations	1
Tree Protection By-law Violations	1
TOTALS	14

Enforcement Pending Files – Conviction or Other Order Not Yet Obtained or Order Not Yet Complied With	No. of Files
Zoning By-law Violations	10
Building By-law Violations	189
Noise Control By-law Violations	7
Tree Protection By-law Violations	10
Business License By-law Violations	2
Parks By-law Violations	49
Dog Responsibility By-law Violations	10
Property Maintenance and Unsightly By-law Violations	4
Smoking By-law Violations	6
TOTALS	287

The above tables indicate that 5% 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.

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 July 1, 2015 to September 30, 2015.

Quarter 3- 2015

Investigation Intake by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	266	88	70	25	115	751	1315
Guildford	64	42	25	13	54	161	359
Fleetwood	81	33	40	11	47	212	424
Newton	205	107	75	61	124	579	1151
Cloverdale	70	30	48	24	83	257	512
South Surrey	88	28	10	39	98	410	673
Totals	774	328	268	173	521	2370	4434

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	314	102	79	28	110	724	1357
Guildford	61	41	29	23	41	155	350
Fleetwood	66	23	49	11	41	192	382
Newton	165	57	90	65	86	564	1027
Cloverdale	60	24	54	22	75	236	471
South Surrey	64	15	11	27	80	371	568
Totals	730	262	312	176	43	2242	4155

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 94% in the third quarter of 2015, 99% in the second quarter and 100% 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	127	88	39	153	49	81	537
Guildford	41	40	10	114	25	25	255
Fleetwood	40	39	14	25	21	35	174
Newton	165	122	26	505	76	79	973
Cloverdale	58	34	44	130	40	43	349
South Surrey	60	41	20	104	64	74	363
Totals	491	364	153	1031	275	337	2651

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	14152	6070	635	5148	611	1688
Commercial Vehicle Enforcement	608	165	54	365	24	0

The 5148 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 July 1, 2015 to September 30, 2015.

Date	July 1, 2015	September 30, 2015
Registered Secondary Suites	26,060 (secondary suites)	26,153 (secondary suites)
	1074 (coach houses)	1074 (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 September 2015.

**CITY OF SURREY
Item Summary by Month**

Year - Month	Penalty Fee Payment Amounts	Number of Penalty Suites
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
2015 - 07	\$23,000.00	22
2015 - 08	\$27,000.00	25
2015 - 09	\$22,000.00	22
TOTAL	\$303,000.00	266

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