

NO: R011

COUNCIL DATE: February 1, 2016

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 1, 2016**

FROM: **Manager, By-law and Licensing Services** FILE: **4000-01**

SUBJECT: **By-law Enforcement Activities Report for 4th Quarter of 2015**

RECOMMENDATION

The By-law Enforcement and Licensing 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, 2015 to December 31, 2015.

Prosecutions & Civil Enforcement – New Files	No. of Files
Zoning By-law Violations	2
Building By-law Violations	2
Business License By-law Violations	4
Parks By-law Violations	9
Dog Responsibility By-law Violations	8
Tree Protection By-law Violations	4
Smoking	3
Fireworks By-law Violations	4
Conservation Violations (Soil, Erosion, Sediment Control)	2
Noise Control By-law Violations	2
TOTALS	40

Prosecutions – Action Completed	No. of Files
Parks By-law Violations	13
Dog Responsibility By-law Violations	1
Tree Protection By-law Violations	5
TOTALS	19

Enforcement Pending Files – Conviction or Other Order Not Yet Obtained or Order Not Yet Complied With	No. of Files
Zoning By-law Violations	15
Building By-law Violations	191
Noise Control By-law Violations	8
Tree Protection By-law Violations	44
Business License By-law Violations	10
Parks By-law Violations	54
Dog Responsibility By-law Violations	29
Property Maintenance and Unsightly By-law Violations	4
Smoking By-law Violations	9
Fireworks By-law Violations	6
Conservation Violations (Soil, Erosion, Sediment Control)	3
TOTALS	373

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.

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.

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.

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.).

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 October 1, 2015 to December 31, 2015.

Quarter 4 – 2015

Investigation Intake by Town Centre

Town Centre	Property Maintenance	Property Use	Secondary Suites	Business Licensing	Noise	Other	Total
City Centre	159	69	97	36	67	492	920
Guildford	34	43	20	35	37	104	273
Fleetwood	39	26	38	9	28	102	242
Newton	115	90	90	83	83	360	793
Cloverdale	52	44	44	27	56	158	381
South Surrey	54	31	31	40	45	235	433
Totals	453	272	320	230	316	1451	3042

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	187	66	89	28	90	508	968
Guildford	49	40	23	17	44	109	282
Fleetwood	56	26	36	8	40	123	289

Newton	179	93	69	53	137	393	924
Cloverdale	65	36	49	24	83	165	422
South Surrey	68	27	36	26	91	263	511
Totals	604	288	302	156	485	1561	3396

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 2015, 94% in the third quarter, 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	105	92	48	163	21	61	490
Guildford	21	41	8	133	14	15	232
Fleetwood	24	38	18	30	10	17	137
Newton	97	91	43	538	20	37	826
Cloverdale	45	41	38	139	14	36	313
South Surrey	49	38	14	117	18	48	284
Totals	341	341	169	1120	97	214	2282

Type	Tickets Issued	Paid	Disputed	Outstanding	Cancelled	Warnings
Parking Enforcement	14619	6973	583	5435	673	955
Commercial Vehicle Enforcement	522	198	51	261	12	0

The 5435 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 October 1, 2015 to December 31, 2015.

Date	October 1, 2015	December 31, 2015
Registered Secondary Suites	26153 (secondary suites)	26341 (secondary suites)
	1074 (coach houses)	1079 (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.



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JR/mm