

<b>TO:</b>	<b>CHAIR AND MEMBERS STRATEGIC PRIORITIES &amp; POLICY COMMITTEE MEETING ON FEBRUARY 24, 2016</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>ENHANCED BY-LAW ENFORCEMENT PROTOCOL</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official

- a) the report of the Managing Director of Development & Compliance Services and Chief Building Official, entitled “Enhanced By-law Enforcement Protocol”, dated February 24, 2016, **BE RECEIVED**;
- b) the Civic Administration **BE DIRECTED** to undertake the necessary actions to increase by-law enforcement resources that would provide for an enhanced service with respect to Noise By-law complaints, proactive enforcement in near campus neighbourhoods and proactive enforcement blitzes; and
- c) the costs of \$1,524,000 for the enhanced service **BE APPROVED** in the 2016-2019 multi-year budget.

<b>BACKGROUND</b>
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On February 18, SPPC reported that “The Civic Administration **BE DIRECTED** to bring forward a report prior to the conclusion of the budget process, with respect to a proposed phasing-in of increased by-law enforcement, over the term of the four year budget – 2016-2019.”

**What is the Current By-law Enforcement Process?**

It is based on a generalist/specialized model. There are:

- 11 full-time Municipal Law Enforcement Officers (MLEOs) responsible for enforcing City by-laws - all complaints are investigated.
- 4 Building Inspectors who assist with Building Code related property standard matters.
- 2 full-time Licensing Enforcement Officers who are responsible for enforcing the Taxi Cab and Limousine By-law and the Business Licensing By-law.

A summary of all by-law complaints received between 2012 and 2015 is included in Appendix A of this report.

The MLEOs work in teams in dedicated zones in the City. They are responsible for responding to a variety of property-related complaints in their zone. However, some MLEOs also specialize in enforcing specific complaints on a City-wide basis. One example of this is the Sign By-law which is enforced City-wide by two MLEOs. These officers are also responsible for all complaints within their dedicated zone.

Complaints are generated from three specific categories:

1. The Public - including neighbours, tenants, referrals from partner agencies, and the general public. The vast majority of complaints are generated from this category.

2. MLEOs in proactive enforcement areas within the City - there are two areas of proactive enforcement in neighbourhoods near Western University and Fanshawe College where MLEOs proactively enforce property related by-laws.
3. Proactive neighbourhood blitzes – a one-time enforcement blitz where neighbourhoods are chosen for proactive enforcement due to recent high activity of complaints and violations.

There are three general stages to the By-law Enforcement process: 1) Education; 2) Voluntary compliance; and 3) enforcement actions.

The vast majority of property-related complaints involve an inspection to verify the validity of the complaint, an Order issued by the City indicating the by-law infraction, and a suggested remedy. The Order provides for voluntary compliance within a specified time period. Should compliance not be achieved, the MLEO has a toolkit of enforcement options including undertaking actions to resolve and remedy the violation, charges in the form of tickets, and/or legal action.

The most recent survey of MLEO complement in Ontario municipalities was reported in 2015.

<b>Municipality</b>	<b>Population</b>	<b>Dwellings</b>	<b>Area – km<sup>2</sup></b>	<b>MLEOS</b>
Barrie	135,711	52,185	77	26
Guelph	121,688	52,409	87	19
Hamilton	519,949	214,542	1,117	69
London	366,151	168,175	420	13
Oakville	182,520	63,894	139	18
Oshawa	149,607	61,306	145	23
Pickering	88,721	29,875	231	4
Vaughan	288,301	88,282	273	46

### **What Are the Key Performance Indicators?**

Processes and protocol or continuously monitored to ensure the efficient delivery of services. There are three specific key performance indicators for which data is collected on a daily basis and monitored for customer service purposes.

1. Average Daily Inspections - there is an expectation that each MLEO undertake on average 8 daily inspections. No one inspection is similar to another and due to densities of land uses, some inspections take longer due to driving distances. Appendix B indicates the average daily inspections for MLEOs over several years. This average is in keeping with key performance indicators of other similarly-sized municipalities in Ontario. A key factor in increasing the average daily inspections is the use of mobile technologies and, specifically, up-to-date AMANDA software which is used to monitor property-related matters.
2. Initial Response Time For Complaints - Appendix C indicates enforcement response times. The goal is to respond to complaints within two business days 80% of the time. Currently, on average, complaints are responded to within two business days 60% of the time. Improvements in mobile technologies and investments in web-based software will improve the response time in future.
3. Increased Compliance to Property Related By-law Violations - is always a goal of any enforcement-based regulatory body. Generally, although complaints related to yard and property upkeep remain stable, the number of times actions need to be taken by the City to undertake cleanups is decreasing. This indicates a higher compliance rate with respect to property upkeep. This is a result of past actions taken on non-compliant properties and media attention given to by-law enforcement actions.

### **What is the Recommended Enhanced Enforcement Model?**

The enhanced enforcement model focuses on three specific areas:

1. noise enforcement;
2. proactive enforcement in near campus neighbourhoods; and
3. proactive blitzes.

Municipal Law Enforcement Management and London Police Service Administration have discussed an enhanced partnership to undertake noise enforcement. The vast majority of noise complaints related to residential gatherings occur on Friday and Saturday evenings. Noise complaints received by London Police at this time will be referred to MLEOs in the field (between the hours of 7:00 pm and 3:00 am). Using mobile technologies, the complainants will be able to speak to MLEOs while in the field to discuss noise concerns. This protocol will allow Police officers to attend to higher priority calls at these times.

As noted above, proactive enforcement occurs in selected areas of near campus neighbourhoods. The enhanced enforcement model will expand the proactive areas within the near campus neighbourhoods and allow for proactive enforcement of property-related violations.

By-law Enforcement complaints are mapped and hotspots are identified for future enforcement blitzes. For 2016, one enforcement blitz has been initially identified for the John Street area. An enhanced model of enforcement will increase the propensity of enforcement blitzes throughout the municipality. Undertaking enforcement blitzes has proven to be a proactive approach to addressing quality-of-life issues in neighbourhoods without having to wait for complaints to be made by citizens.

<b>CONCLUSION</b>
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In order to implement an enhanced enforcement model including enhanced noise enforcement, greater proactive enforcement in near campus neighbourhoods, and more proactive By-law Enforcement blitzes, an additional two full-time officers and three part-time/full-year officers (up to 21 hours per week) are required in 2016. Cost to be \$300,000 plus \$45,000 (one time) for communications and furniture.


No additional staffing increase are anticipated for 2017. For 2018 and 2019, one additional MLEO will be required per year to assist with the enforcement of new categories anticipated to be licensed under the revised Business Licensing By-law and the enforcement of Transportation Network Companies (if approved by Council). A report will be released in mid-2016 to outline new businesses to be regulated and licensed including: adult entertainers; body rub attendants; group homes; donation boxes; door-to-door sales; pet shops; tobacco vendors; tow trucks; fast cash banks; and contractors. Also at this time, it is expected Council will make a decision on regulating Transportation Network Companies. It is expected that a portion of the costs of two additional MLEOs will be offset by the fees from these new business categories and Transportation Network Company licences. Should these additional revenues be realized, they will be included in future year budgets.


<b>Enhanced Enforcement Budget</b>					
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
Staffing	\$ 300,000	\$ 300,000	\$ 375,000	\$ 450,000	\$1,425,000
Equipment	\$ 45,000	-	\$ 6,000	\$ 6,000	\$ 57,000
Vehicles	-	-	\$ 36,000	\$ 6,000	\$ 42,000
					<b>\$1,524,000</b>

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
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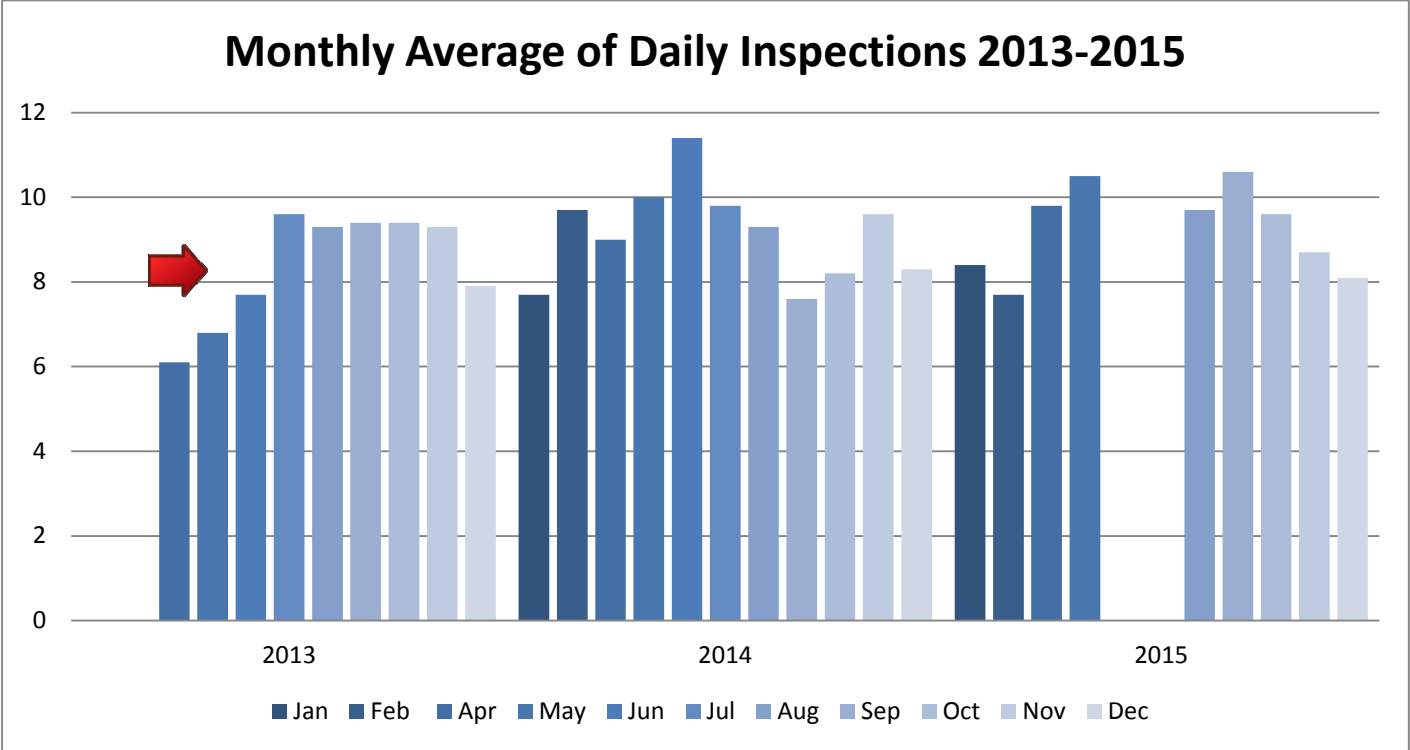
Attach: Appendix A, B, C

**APPENDIX A**

<b>Table 1 City of London - Municipal Law Enforcement Services Complaints</b>					
<b>Type/Complaint</b>		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1	Property Standards	733	516	741	744
2	Fence By-law	131	130	77	75
3	Graffiti	N/A	15	90	70
4	Licencing	N/A	796	920	728
5	Noise	389	400	484	464
6	Pool Fence	125	95	109	100
7	Sign	617	488	433	417
8	Street Numbering	62	25	320	28
9	Trees	N/A	102	130	173
10	Yard/Lot	2732	2266	2501	2491
11	Vacant Buildings	N/A	N/A	106	109
12	Vital Services	N/A	80	151	99
13	Zoning	636	525	449	439

<b>Table 2 City of London - Municipal Law Enforcement Services Noise By-Law Complaints</b>					
<b>Enforcement</b>		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Municipal Law Enforcement		389	400	484	464
London Police Services		4824	4687	4158	4529

APPENDIX B



APPENDIX C

