

# City of Peterborough Enforcement Services Review



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# 1 Introduction: Study Purpose and Methodology

## 1.1 Study Mandate and Goals

According to the City of Peterborough's Enforcement By-law (By-law 20-076), the City's enforcement should be a "transparent, consistent, fair, unbiased, and effective process for the enforcement and prosecution of alleged contraventions of municipal standards."

These municipal standards cover a wide range of issues and concerns of the local community pertaining to environmental protection, public safety and health, property maintenance, public nuisance and other matters impacting the quality of life.

The broad scope of the City's by-laws combined with the growing and shifting needs in the community, have placed stress on the City's limited human and financial resources to provide enforcement services efficiently and effectively. Maclaren Municipal Consulting was contracted to complete a comprehensive review of the City's by-law enforcement and based on the review results, make recommendations on improving the efficiency and effectiveness of enforcement services related to service levels, processes, human resources including contracting services, technology, organizational structure and reporting, and partnering with bordering municipalities.

## 1.2 Study Approach

The following steps were completed in undertaking the review and preparing the final report.

- Relevant data and background reports were collected from the City and used as input into the other study tasks and analysis.
- Maclaren Municipal Consulting team members interviewed Council members and City staff and agencies including Police Service, Fire Prevention and Peterborough Public Health. The full list of persons and departments/divisions is provided in Appendix 1. The purpose of these interviews was to collect background information on responsibilities and operations and to discuss challenges and any emerging issues related to enforcement operations and processes. Interviews were both face-to-face and virtual.
- Workshops on key enforcement issues identified from the above interviews were organized with focus groups represented by City staff most impacted by each issue area.
- A comparative analysis was undertaken for 8 other Ontario municipalities with respect to their organizational and service delivery approach to by-law enforcement, service level measures and performance indicators, emerging issues and challenges and best practices / lessons learned. This analysis included a review of relevant documentation and interviews with selective municipal staff. The 8 municipalities included: Kingston, Guelph, Sault Ste. Marie, Oshawa, Mississauga, Brampton, Hamilton and Ottawa (only organizational issues were considered for the last 3 municipalities).

## 2 Background Situation

### 2.1 Overview of Demographic and Social Trends

The City of Peterborough is a single-tier municipality located north-east in the Greater Golden Horseshoe Growth Plan Area as designated by the Province of Ontario. The City is also commonly referred to as the “Gateway to the Kawarthas” functioning as the urban hub to the surrounding scenic cottage and recreational area and a key location on the Trent-Severn waterway. Peterborough has a strong institutional presence which includes Trent University, Fleming College and the Peterborough Regional Health Centre.

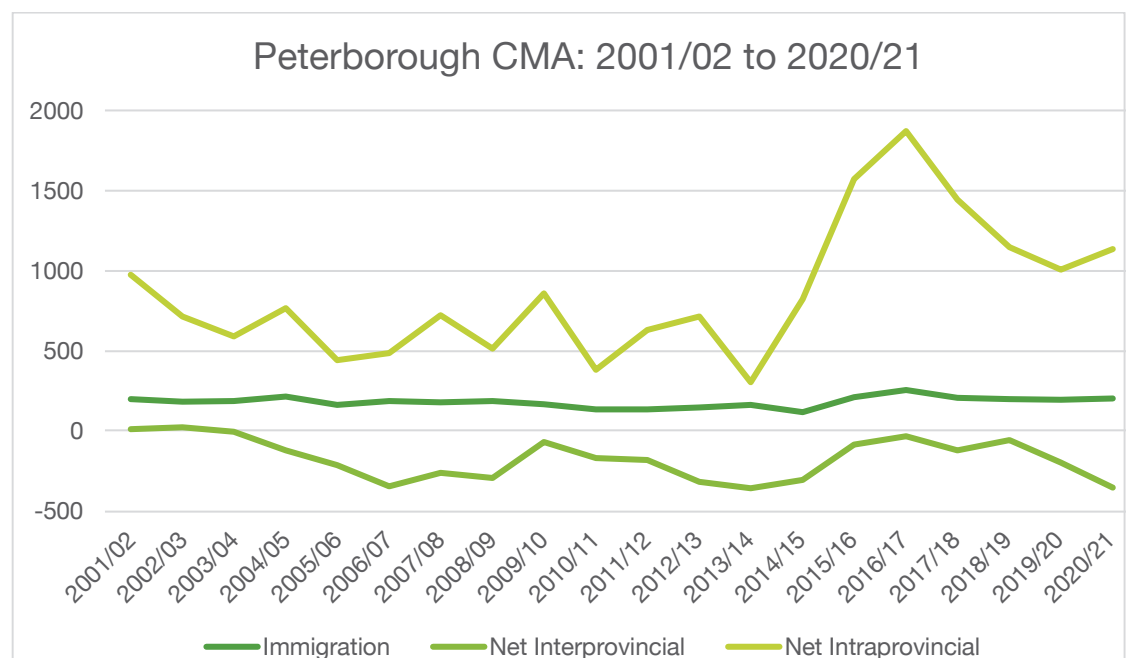
According to the 2021 Census, the population of the City of Peterborough was 83,651 while the population for the Peterborough Census Metropolitan Area (CMA) was 128,624. Besides the City, the CMA includes the Townships of Cavan Monaghan, Douro-Dummer, Otonabee-South Monaghan and Selwyn as well as the First Nations of Curve Lake and Hiawatha.

**Table 1 - Peterborough Population and % Growth, with Comparisons**

Urban Centre	2021 Population	2001-06	2006-11	2011-16	2016-21
<b>Peterborough CMA</b>	128,624	5.1	2.1	2.3	5.7
• City Peterborough	83,651	4.8	4.4	2.9	3.2
• Rest CMA	44,973	5.7	-2.3	1.2	10.5
- Selwyn Twp	18,653	6.1	-1.1	1.3	9.3
- Cavan Monaghan Twp	10,016	--	-2.6	2.7	13.4
<b>Kingston CMA</b>	172,546	3.8	4.7	1.0	7.1
<b>Belleville CMA</b>	111,184	4.7	1.1	1.8	7.5
<b>Brantford CMA</b>	144,162	5.5	8.7	-1.0	7.4
<b>Guelph CMA</b>	165,588	8.2	5.5	7.7	9.0
<b>Chatham-Kent CA</b>	104,316	0.8	-4.2	-2.0	2.2
<b>Kawartha Lakes CA</b>	79,247	7.8	-1.8	3.0	5.1
<b>Ontario Province</b>	14.2 million	6.6	5.7	4.6	5.8

Source: Statistics Canada, 2001-2021 Census

The following chart illustrates the growth components related to population changes for the Peterborough metropolitan region followed by a table showing the total inter- and intra-provincial population migration to and from Peterborough over the 2016-2020 periods.

**Chart 1 - Annual Population Change by Components**

Source: Statistics Canada, Table 17-10-0136-01

**Table 2 - Sources in In and Out Migration – 2016 to 2020**

	To Peterborough	From Peterborough	Net Total
<b>Toronto CMA</b>	5,106	2,917	2,189
<b>Oshawa CMA</b>	3,742	1,297	2,445
<b>Kawartha Lakes CA</b>	1,945	1,523	422
<b>Ottawa CMA</b>	474	761	-287
<b>Belleville CMA</b>	409	422	-13
<b>Rest Ontario</b>	9,195	8,783	412
<b>Maritimes</b>	324	592	-268
<b>Quebec</b>	153	134	19
<b>Manitoba</b>	56	90	-34
<b>Saskatchewan</b>	101	54	47
<b>Alberta</b>	448	421	67
<b>British Columbia</b>	384	573	-189

Source: Statistics Canada, Table 17-10-0141-01

The key observations from the above data are summarized as follows:

- Most significant population growth component for the Peterborough CMA between 2016/17 and 2019/20 was intra-provincial migration (migration of population within Ontario) and in particular from the GTA (Toronto and Oshawa CMAs) and to a lesser extent from the nearby Kawartha Lakes CA. Peterborough's attractiveness to people moving from Toronto, for example, may place more demands on Peterborough's staff because of their 'big city' expectations.
- Intra-provincial migration increased significantly after 2013/14 resulting in relatively moderate population growth between the Census years of 2016 and 2021 for the CMA compared to other similar urban centres in southern Ontario. The more suburban areas outside the City of Peterborough also experienced higher population growth rates. A growing population in adjacent jurisdictions still influences Peterborough enforcement services as more people travel to the City for employment, entertainment, and shopping. It also directly impacts on Peterborough Police Services who respond to calls from the townships of Cavan Monaghan and Selwyn.
- Annual population estimates from Statistics Canada do show strong population growth during the years of 2016, 2017 and 2018 followed by slower growth in the following 2 Covid years and then even declining very slightly in 2021.
- The population of the Peterborough CMA and the City of Peterborough show an older age distribution compared to the rest of Ontario. According to the 2021 Census, 24.5% and 24.2% of the total population at the CMA and City levels were aged 65 years and over compared to 19.8% for Ontario which in part reflects the attraction of the urban community as a retirement destination.
- The City of Peterborough is identified as an urban growth centre in the Province of Ontario's planning policy document "A Place to Grow: Growth Plan for the Greater Golden Horseshoe". The Provincial plan places greater emphasis on residential intensification. For the City, 50% of future residential development is to be targeted within the delineated built-up area. In addition, 150 residents and jobs combined per hectare is targeted for the downtown.

The Ontario Ministry of Finance recently released new population projections for census divisions produced during the summer of 2022. Under the "Reference Scenario", the population of Peterborough County is projected to increase from 147,700 in 2021 to 183,100 by 2046, a 24% increase over the 25-year period. The population aged 65 years and over is projected to account for 27.9% of the total population in 2046 reaching a peak percentage share in 2036 at 28.8%. The City of Peterborough's Official Plan forecasts a population growth of 42,000 from 83,000 in 2016 to 125,000 in 2051 – an increase of 50.6%. This forecast is based on a background report prepared for the Ministry of Finance in 2020.



## 2.2 Provincial Legislation and Municipal Authority Related to By-law Enforcement

Under the Ontario *Municipal Act, 2001*, municipalities have broad powers to pass by-laws on matters related to health, safety and well-being of persons; economic, social and environmental well-being of the municipality; protection of persons and property; animals; structures including fences; business licensing, and other internal administrative matters like public accountability and transparency. Municipalities can specify when a contravention of a by-law is an offence, establish fines for offences, establish administrative penalties and exercise other enforcement authorities such as powers of entry for purposes of inspection. By-law enforcement officers are allowed to enter properties for the purposes of investigating alleged infractions or determining compliance with orders but are not permitted to enter the inside of a building that is being used as a residential dwelling without a warrant unless accompanied by a fire inspector or is requested to enter by the landlord or tenant.

In general, most by-law powers granted to municipalities by the *Municipal Act* are discretionary although there are some matters which are compulsory such as the requirement to have a procedure by-law (Section 238).

Section 434.1 of the Act permits a municipality to establish a system of Administrative Monetary Penalties (AMPs) in promoting compliance with any Municipal Act, 2001 by-law. Municipal AMP systems are an additional tool to encourage compliance more efficiently and effectively with municipal standards in circumstances where a quasi-criminal Provincial Offences Act (POA) prosecution may be more than what is required. POA prosecutions remain an enforcement tool, but AMP systems are efficient and effective in contrast to POA prosecutions. A relatively new provision, the City is currently implementing AMPs for the first time.

The Fire Protection and Prevention Act, 1997, SO 1997, c4 allows fire officials including inspectors and firefighters to enter and inspect properties or buildings. Inspectors are authorized to order the owner or occupant of land or premises to take any measure necessary to ensure fire safety. Municipalities are also authorized under the Act to regulate fire prevention and the setting of open-air fires through their Fire Departments.

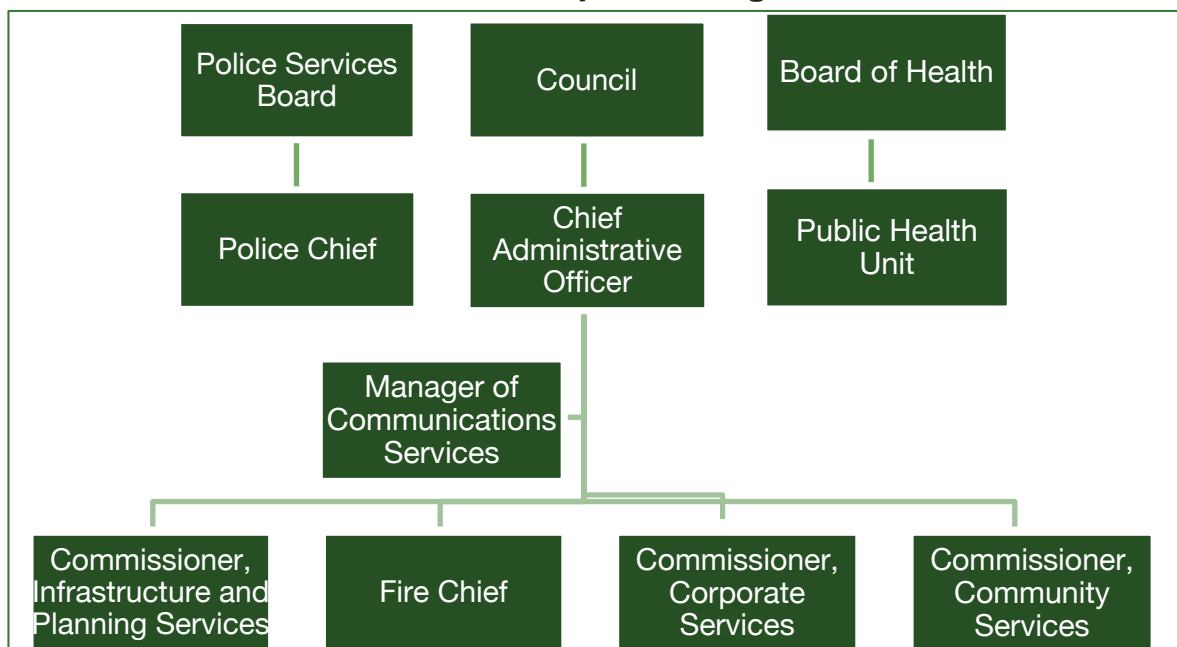
The *Building Code Act, 1992*, provides authority for a municipality to pass property standards by-laws covering the maintenance of buildings and properties. The *Building Code Act* was amended in 2017 to allow a municipality to establish AMP systems for the enforcement of property standards by-laws and property standards orders.

Municipal Law Enforcement Officers are Provincial Offences Officers, and in addition to their role enforcing City by-laws, were called upon to assist in enforcing measures put into place under the Emergency Management and Civil Protection Act and the Reopening Ontario Act

### 3.0 Analysis of Peterborough's By-law Enforcement: Roles and Issues by Department and Corporate Wide

The chart below shows the over-all structure of the City. There are four key departments, plus the Communications function. The Police Services Board is partly appointed by Council (and partly by the Province) and it provides direction to the Police Service. Similarly, the Board of Health oversees the Public Health Unit.

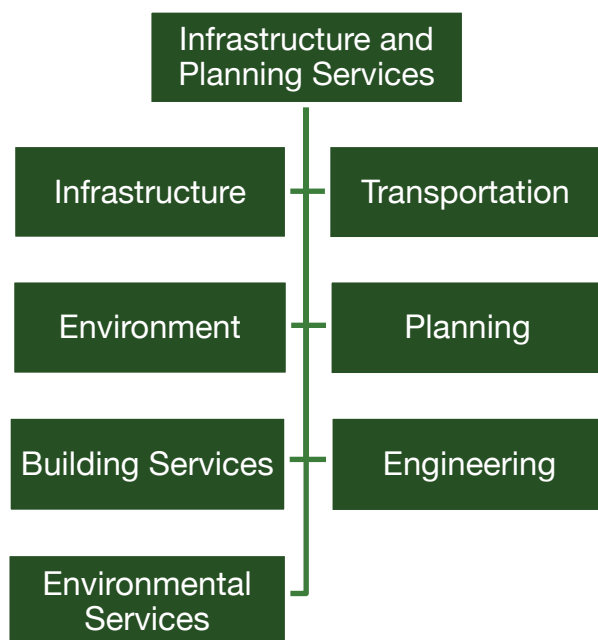
**Chart 2 - Corporate Organization**



The Commissioner of Infrastructure and Planning Services has the key responsibilities for municipal by-law enforcement.

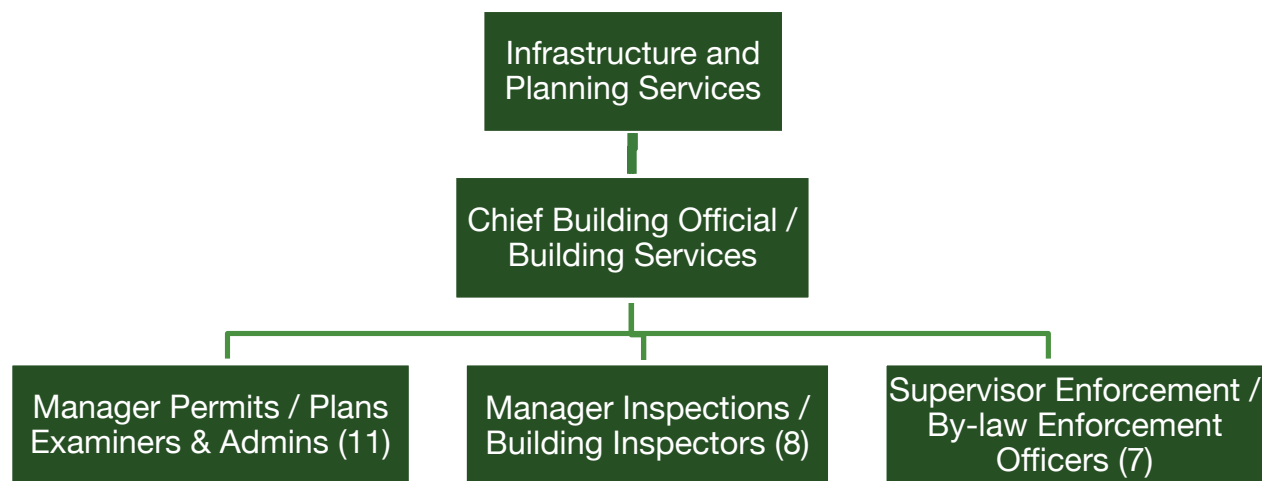
By-law enforcement services in the City of Peterborough, as shown in the chart below, are provided by various municipal government departments / divisions. The enforcement roles of each department or division are summarized below.



**Chart 3 - Infrastructure and Planning Services**

### 3.1 Infrastructure and Planning Services: Building and Enforcement Division

Enforcement Services are located in the Infrastructure and Planning Services department. The By-law Enforcement Officers (BEOs) are located within the Building and Enforcement Division which is headed by the Chief Building Official (CBO). This Division also has responsibility to issue building permits and conduct inspections during construction.

**Chart 4 - Infrastructure and Planning Services**

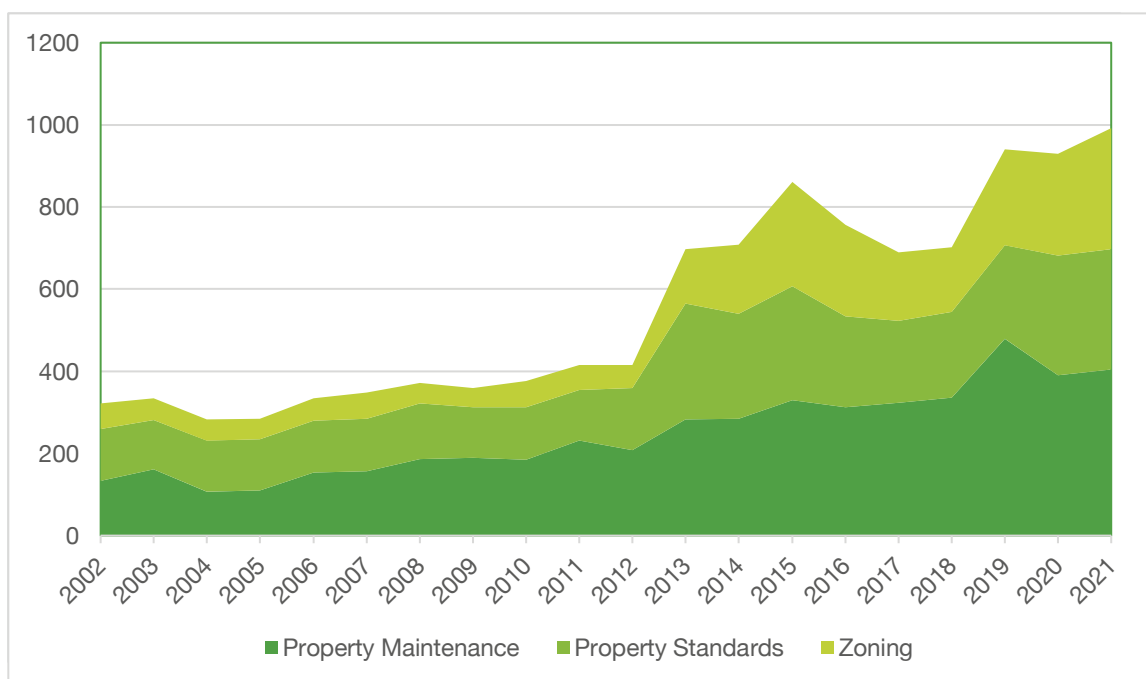
The bullets below show the staffing of the Building Services, Enforcement Division. Enforcement Services has a supervisor and 6 staff, as follows:

- 2 By-law Enforcement Officers (BEOs): One focuses on the Parks and Facilities By-law (tenting), with some work on Property Standards as time permits, the other focuses on inspection of applications for Rental Housing Licences and Boarding Houses, zoning complaints, illegal units added to structures and front yard parking
- 1 Temporary By-Law Enforcement Officer, who concentrates on enforcement of the Property Maintenance By-law
- 1 Sign Inspection and Enforcement Officer, assists with Rental Licensing
- 1 Property Standards By-law Officer
- 1 By-law Support & Complaints Officer, who also covers swimming pool inspections

The following data show the trends in the workload of Enforcement Services between 2002 and 2021. Following a more gradual increase between 2002 and 2012 the number of total complaints increased sharply afterwards. In 2011, the ratio of total complaints per 1,000 population was 5.3 which increased to 9.3 in 2016 and 11.8 in 2021.

## Chart 5 - Annual Total Complaints: Enforcement Services

2002-2021



Source: City of Peterborough enforcement statistics

The increase in complaints since 2012 reflects a growing population both within the City of Peterborough and in its suburbs. But population growth is only a partial factor contributing to the increase in cases. For example, complaints continued to increase from 2019 even though population growth rates levelled off. Communities like Peterborough have experienced an intensification of issues which have been accentuated during the recent pandemic years – lack of housing supply, affordability, climate change and devastating weather events, increasing public unrest in the form of protests and so on. Encampments, for example, have become widespread in urban centres. As a result, there are now twice as many complaints per person in the City as there were in 2011.

Climate change has brought greater emphasis on matters like canopy coverage and reducing unnecessary vehicle idling. Local merchants have expressed concerns over the growing number of parking tickets issued as customers began to support buy local efforts during the pandemic. There was also the enforcement of Provincial Orders like masking, social distancing and closure of non-essential businesses. With limited budgets to hire more staff, By-law Enforcement Officers experience increasing work overload and stress.

By-law enforcement at the City of Peterborough is based largely on a reactive as opposed to a proactive approach. The enforcement officer responds to complaints and takes the necessary action to enforce compliance as needed. The focus is on reaching

compliance through voluntary efforts. The major exception is the enforcement of the parking by-law, which is largely based on officers travelling “beats” and issuing tickets when violators are found.

One By-law Enforcement Officer and the By-law Support & Complaints Officer were added to the Division in 2020 due to increased workload.

The Division is responsible for the enforcement of two by-laws that deal with the condition of private properties. The **Property Standards By-law** identifies conditions within a building that require correction to ensure minimum living conditions for tenants as well as the appearance of a neighbourhood and the health, safety and well-being of residents. The exteriors of private properties are covered by the **Property Maintenance By-law**.

Properties are generally inspected based on complaints, which usually come from tenants but may also come from neighbours and other inspectors such as Fire. They may also result from (or lead to) applications for Rental Housing Unit licences, which requires compliance with the Property Standards by-law. The Rental Housing Unit License came from the challenges enforcing the Boarding House By-law. The Boarding House By-Law requires a license if rooms are rented other than to people within a “household”. The term household has come to mean many possible arrangements of people. Rather than collect evidence on the nature of the relationships within a dwelling unit, the Rental Housing Unit License simply required that any unit that is rented or with more than four bedrooms be licensed. This requires most rental arrangements to be licensed, and licensing requires a property standards (and zoning) inspection.

The table below identifies the range of inspections conducted and licences issued, generally by the Property Standards Inspector and one of the BEOs.

Table 3 - Property Standards Enforcement

	2018	2019	2020	2021	2022
<b>Property Standards</b>					
File Carryover	734	825	927	1060	1229
Files Opened	208	228	291	293	324
Closed	117	126	159	121	224
Closed same year	58	49	79	35	97
Closed previous year	31	77	80	86	127
Property Standards Orders	9	8	2	0	14
<b>Rental Dwelling Unit Licences</b>					
Applications	67	42	47	50	39
Renewals	0	0	0	0	78
Closed	25	29	37	25	20
Closed same year	25	20	18	18	6
Closed previous year	-	9	19	7	14

Source: City of Peterborough enforcement statistics

The annual number of Property Standards complaints has averaged 250 since 2013 reaching a peak of 293 cases in 2021. 2022 complaints have maintained the high level with 324 cases. Each case is entered in AMANDA (AMANDA Case Management and Compliance System) allowing a tracking of property histories. The officer reports that properties are inspected, and work orders are issued, but the volume is such that properties are generally not re-inspected at the “deadline” indicated in the order and there is a substantial backlog, as indicated in the table, which shows fewer than a quarter of cases are closed within the same year they are started. The volume of Property Standards Orders is also low, especially in the last three years. In part this relates to COVID conditions and the challenges of conducting inspections during the pandemic, but it also relates to the difficulties following-up with properties given the volumes. The table shows over 700 files remaining outstanding at the start of 2018, with that growing to over 1200 as the available resources struggle to keep up with the complaints and the number of new files opened, let alone tackling the backlog.

The same issue applies to Rental Dwelling Unit Licences. It is taking time to process the applications, with the number closed far less than the number of applications most years, and the number closed in the same year as the application is made quite low. The exteriors of private properties are covered by the **Property Maintenance By-law**, which is generally enforced by the temporary By-law Enforcement Officer. Enforcement is generally by following up with complaints (usually by neighbours) although the BEO

may identify problems when conducting other inspections. The BEO is generally able to conduct follow-up inspections and either achieve compliance or engage a contractor to carry out the work (with the costs charged back to the property owner). There is no requirement to enter a locked area or a dwelling unit.

Table 4 - Property Maintenance By-law

Items	2018	2019	2020	2021	2022
File Carryover	92	152	276	239	294
Files Opened	336	479	391	404	415
Closed	276	355	428	349	331
Closed same year	246	322	297	333	301
Contractor Hired	30	24	37	20	26
\$ value of contractor work (\$K)	14.3	14.3	33.1	16.6	20.1

Source: City of Peterborough enforcement statistics

The number of complaints involving the Property Maintenance By-law have increased significantly over recent years averaging 349 annually since 2013 with a peak of 479 in 2019 (see the table above). The number of cases has remained high reaching over 400 again in 2021 and 415 in 2022.

Zoning complaint cases have also increased significantly recently, averaging 209 complaints on a yearly basis since 2013 hitting a peak of 295 cases in 2021. There were 272 complaints in 2022.

Table 5 - Other Issues

Zoning Complaints	2018	2019	2020	2021	2022
File Carryover	339	421	559	604	701
Files Opened	158	234	247	295	272
Other Applications	2018	2019	2020	2021	2022
Signs Permit Applications	250	250	250	250	226
Pool Permit Applications	35	23	45	45	45

Source: City of Peterborough enforcement statistics

Many problematic properties are essentially rooming houses. The City did license Lodging Houses. However, it became difficult to identify a lodging house when it required the involvement of more than one “family”, a term which has come to mean many types of households. The number of licensed lodging houses has reduced to 4 as a consequence. As a result, the City adopted the Rental Dwelling Unit category, which



indicates a property must be licensed when a dwelling unit has 3 or more bedrooms and any part of it is rented. To be licensed, a rental unit must be inspected by the PSO, the Fire Inspector and the Public Health Inspector. As a consequence, much of the PSO's time is devoted to inspections related to licence applications. There are currently about 50 properties licensed Rental Dwelling Units with another 20 in the application process.

The **Parks & Facilities By-law** is another important By-law administered in the Enforcement Services division. This By-law has become particularly important over the last couple of years as a result of the increased presence of encampments. In 2020, the City received 184 complaints for tenting. The number increased substantially to 383 complaints in 2021 and has continued to expand in 2022 when there were 786 complaints.

The City has taken a strong position regarding tenting in the parks such as the substantial "tent city" that developed in Victoria Park in 2019 and was finally removed by giving trespass orders to those involved and requiring them to leave. The Parks By-law specifically prohibits tenting without permission and the City has enforced the By-law on a regular basis to prevent the development of substantial encampments over time.

The approach to enforcement has evolved over time and has built some "best practices" that seem to generally work. Enforcement is generally led by the Municipal Law Enforcement Officers (MLEOs) but relies upon support from many other groups throughout the city. The process includes the MLEOs appearing early in the morning to provide notice to the campers that they must leave and giving them a deadline (usually 3 hours) for their departure. A representative of Social Services also attends and stays to work with the campers to see if they qualify for some other assistance, would like to move to a shelter, or can have their needs addressed otherwise. The MLEO returns as the deadline approaches, usually with a police officer, and representatives of Public Works. If the camper remains at the site, they are required to leave and may be assisted to load any goods they wish to remove. Once they have left, Public Works removes any items that may remain.

The process may occur more than once a week if particular complaints are received. In general, the process works. People and tents are moved from the parks. The challenge is that they are likely to simply move to another park, where the process is repeated some days later.

Those individuals involved in the process find it difficult and are very clear that there is a limit to how long they can continue to carry out the enforcement activities. It is made more difficult by the need to use personal cars (all BEOs use their personal cars and charge mileage to the City) and to appear in their "civies" (personal clothing), all of which invites those against whom enforcement action is taken to identify and threaten the BEOs involved. The BEOs do report that they were threatened frequently and had their cars photographed, and license numbers taken, although there is no evidence that any of the threats were carried out. In order to lessen the impact on the BEO, a contracted resource has been engaged to assist with the tenting issue through 2023.

The BEOs are not the only group involved that express concern. The police indicate they find the process less than productive as it does not lead to a permanent solution, and it requires considerable officer time to provide support. Their position is somewhat challenging, however. They would need to respond if there were violence, and violence would likely result if they were not there.

### Summary of Issues and Challenges: Building and Enforcement Division

- The Enforcement Services group has a Supervisor, but the Supervisor is within the union of the positions supervised.
- The Property Standards By-law is considered to be generally out of date.
- No formal follow-up process to check if property standards violations have been corrected. The follow-up at the end of the 30 days' notice to correct deficiencies is inconsistent; no orders have been issued over the past three years. Fines are rarely executed; downtown patio permit applications are not enforced
- Pro-active enforcement is not possible because of limited resources when dealing with potential safety related difficult properties. Few Property Standards By-law orders to comply have been issued in the last 3 years; there is a backlog in existing notices and the ability to register complaints on-line has increased volumes; 23 new rental licensing applications this year (only 3 completed up to June) + at least 25 outstanding from the previous year, and 43 renewal applications have been received.
- Officer safety – double teaming when visiting known difficult properties, encampments; by-law officer identification (badge, uniform); use of City car vs. personal car; body cameras.
- By-laws need updating property standards, signs, fences. Provisions for enforcing site plan requirements (e.g., outdoor storage front yard parking) are inadequate.
- Encampments: use trespass provisions for presence in the park (broadly defined to include City property except for highways) between 2:00 AM and 5:00 AM.; need for more training in de-escalation; social services availability; lack of co-ordination with Police.
- Student rental housing is a problem: overcrowding, insufficient staff to follow up on complaints.
- There is no surplus capacity within the group to provide support to other technical groups, such as the sanitation, the arborists and planners trying to enforce the Trees By-laws, or to handle the noise and light issues.

### 3.2 Infrastructure and Planning Services: Transportation Services Division

Transportation Services has two major activities both of which have an important role in by-law enforcement: Parking Operations and Peterborough Transit.

#### **Parking Operations**

Parking Operations staff examines requests for changes to the parking regulations, which may lead to changes in the actual by-laws and resulting on-street signage. They also oversee the contract for MLEOs who handle parking enforcement, which is entirely handled by a security guard company contracted to provide resources. Staff noted this has the advantage that poor performers can be removed quickly, which would be difficult if enforcement were in-house.

Parking by-law enforcement is based on a schedule. There are generally 3 security guards working a day shift in the central core, and a fourth in vehicle handling issues in the residential areas. There is a fifth guard, a lead hand, responsible for collection from the parking payment machines. There is also a supervisor at the King Street garage, a guard in the payment kiosk (which will be automated to eliminate the need for a guard) and a rover who is assigned as required. There is also an evening patrol, 5pm to 2 am Monday to Friday, but nothing on weekends unless a guard is brought in on overtime to handle something.

There is an answering machine to handle complaints in each garage, and guards check them periodically. Enforcement by complaint does occur, generally by directing one of the otherwise scheduled staff to investigate

The Parking By-law regulates parking on highways, in parking lots and parkades, on municipal property of the City and on private property where signs prohibit parking or specify parking should only occur under particular conditions. If there are no signs, parking is permitted for a maximum of 3 hours on any city street. Overnight parking is also not permitted on any street from December 1 to April 1 between 2 a.m. and 6 a.m. New parking restrictions were added to address school-related traffic congestion. The overnight winter restrictions also assist with snow plowing.

Other issues related to parking on private property are covered in the Zoning By-law with requirements that at least a certain number of spaces be included, the types of vehicles that can be parked in residential areas and the acceptable locations for parking (e.g., limits on front yard parking). The zoning by-law can be difficult to enforce for issues like front-yard parking and is subject to non-confirming rights. A by-law enacted under the Municipal Act would be easier to enforce for front-yard parking, however it may require some distinction between neighbourhoods within the City, as does the zoning by-law.

Moving violation (speeding, failure to stop) enforcement is a police issue, not handled by the security guards.

There is a feeling that enforcement is insufficient in school zones, both for parking and speeding infractions. The one mobile parking enforcement unit cannot handle all 45 school zones. Cameras are now being used to enforce speeding regulations, particularly in school zones, and this process could be expanded. Some extra resources have been sent out from the core to assist enforcing stopping and parking regulations from time to time, with results, but the results fade when enforcement is not continued. This could be improved with the use of license plate reading technology as discussed below. There are a variety of problems at schools – handling school buses and pedestrian traffic from the buses, parent drop-offs and pedestrian traffic from these locations, students who walk to school and the need for crossing guards to get them to school safely, and the through traffic, which may not notice the school zone and heavy pedestrian traffic.

There is no on-street permit parking now, but there is pressure to implement a system. The use of AMPs will assist in the enforcement process. The By-law requires review as a car can move 6 inches and is considered to be a new parker. School zones vary in the regulations applied, the crossing guard sections require review, and the sight line provisions vary.

Some municipalities, like Cambridge, have also adopted the use of license plate reading technology to assist with parking enforcement. Initially developed in Calgary, the process was not adopted in Ontario as Ontario Provincial Offense tickets must be affixed to the offending vehicle. This is not the case with AMP penalty notices providing new opportunities to adopt the camera technology. The cameras could be used to identify offenders based on two photos taken some time apart (photos can show the time taken and the GPS co-ordinates of the location) or simply to identify vehicles parked at the wrong time or in the wrong location. The City could test options to have the camera identify offenders and facilitate printing offense notices immediately or sending the offense notices by mail at a later time as occurs with speeding and no stopping offenses currently.

### **Peterborough Transit Operations**

The prime function of this group is the operation of the transit services throughout the City. They are also responsible for enforcement of the by-laws which govern the system, including those that regulate behaviour on transit property, including buses and bus shelters, and those that require payment of fares to travel on the system. Transit has inspectors whose prime role is to monitor and adjust service and they do respond to traffic accidents or disruptions on the bus reported by passengers. However, there is virtually no enforcement of the transit fare payment process.

Transit Operations uses the same security guard company as the Parking Operations to monitor buildings over-night and respond (or call Police) as required. Transit indicated a preference for in-house services rather than contracted, including a focus on security on the buses. They also noted that transit shelters can become targets for overnight stays and that needs to be addressed.

### Summary of Issues and Challenges: Transportation Services Division

- Advantages of contracted services, in some areas.
- Weekend evenings enforcement – particularly in winter.
- Difficulties of enforcing zoning-based restrictions of parking on private properties.
- Need to improve school zone safety – may be both an issue of design and of enforcement.
- Potential to improve security response on the bus.
- Need to address overnight stays when it occurs in bus shelters.
- Potential to improve fare collection/fare payment.
- Potential to adopt license plate reading technology.

### 3.3 Infrastructure and Planning Services: Environmental Services Division

The City's waste management includes the collection, processing and disposal services for garbage, recyclables, green waste, hazardous waste, electronic waste and large articles. The Division also manages the Peterborough County / City Waste Management Facility, the Material Recycling Facility and the Hazardous Waste Depot. The curbside recycling materials collection and processing service is contracted out to Emterra Environmental.

Environmental services are offered to commercial businesses in the Downtown BIA based on a fee for service basis. The City is also implementing a city-wide organic waste collection and composting program named GROW (Green Resource Organics Works) Peterborough which is expected to start in 2023.

The enforcement of the City's Sewer Discharge and Land Drainage By-law is through the Environmental Services Division.

The City's Waste Management Master Plan approved in 2012 is currently under review and is targeted for completion by the end of this or early next year.

### Summary of Issues and Challenges: Environmental Services Division

- There are educational efforts to encourage compliance with the requirements for putting out waste for collection, but there is no enforcement of those regulations and there are no charges that result. This can be a problem in the downtown area where some businesses put out many more bags than are permitted, and it will be a significant problem if organics implementation leads to lower levels of service for garbage.

- There is no by-law requiring property owners to maintain the boulevards adjacent to their properties. Most municipalities have this requirement at least for 'soft surfaces' such as grass.

### 3.4 Infrastructure and Planning Services: Engineering Services Division

The Engineering Services Division is involved in several applications related to enforcement including Right-of-Way obstructions; Spills Response; Storm and Sanitary interference and inspection; Noxious Weed Act and Weed inspectors; damage or destruction of City property and encroachment; Tree By-law; winter parking / snow clearing impediments; and other activities. All staff in the Division performs back up during peak times but most of the enforcement falls on the Manager and one inspector (storm, sanitary and ROW).

The Division receives complaints in multiple ways (telephone, email, online, Police and Fire Services and contracted services (e.g., Securitas). Division also manages after-hours call answering services. Responses are based on risk management practices and confirm which by-laws apply.

There have been some improvements towards one repository for all complaints, compliance concerns etc. Generally, complaints are investigated, and the subject directed on the appropriate action, which may be to complete an application (roadway encroachment), to clean up a site, or to stop an action. If non-compliance continues the department may take further action, but this rarely results in a charge. The exception is interference with winter road maintenance activities. The department seeks the involvement of the contracted enforcement officers to issue tickets and sometimes, to initiate the towing of the vehicle.

The department also provides resources to assist in the removal of tents and other debris left after Parks By-law enforcement.

#### Summary of Issues and Challenges: Engineering Services Division

- limited resources and training
- no clear definition of roles and responsibilities
- threatening behaviours and staff assaults when responding to community issues like encampments; 24/7 response responsibilities add to staff stress
- staff limitations in other departments / divisions hinders responsiveness placing more stress on the Division to deal with issues
- No ability to fine or escalate enforcement since staff are not By-law Officers except for Manager; some by-laws have no teeth re: penalties
- Excluding Police and Fire Services, Division is the only department with 24/7 services



### 3.5 Infrastructure and Planning Services: Infrastructure Management

The Infrastructure Management division is responsible for the administration of the Tree Removal By-law and Woodland Conservation By-law. A Site Alteration By-law is also planned and will address the impacts resulting from grading changes on storm runoff.

#### Summary of Issues and Challenges: Infrastructure Management

- There are no by-laws that prohibit the diversion of water from one property to an adjacent property.

### 3.6 Corporate and Legislative Services

The Corporate and Legislative Service department provides enforcement activities through the City Clerk's Office and Legal Services. The **City Clerk's Office** handles business licensing and permits. Under the Business Licensing By-law, the Clerk has the authority to receive and process all applications for certain business licences and renewals and to issue such licences. Business licences are also required for certain rooming houses and rental apartments – homes with 4 or more bedrooms with at least one being rented. Violations under the By-law are complaint driven – there is no proactive patrolling for non-licensed businesses. Unlicensed rooming house or rental housing unit violations can also be identified by other agencies such as the Fire Department or Engineering Services staff involved in garbage collection for example.

There is an expectation Council will consider a report in Q1 2023 to move taxi licensing enforcement under the Taxi By-law from Police Services to the City Clerk's Office. This or a subsequent report may also consider adopting an approach that will improve the efficiency and effectiveness of the licensing process. Some municipalities have transferred responsibilities to brokers instead of City inspectors. For example, some municipalities require the broker to:

- Ensure vehicles meets age and size requirements, and have required signage
- Ensure operators/drivers receive a Vulnerable Sector Check pursuant to the Police Records Reform Act, 2015 (issued by the police)
- Ensure insurance meets requirements
- Meet any requirements related to accessibility or accessible service
- That meters or other means used to determine distance traveled and fare due are accurate, and consistent with by-law requirements
- Provide a dispute resolution process for handling customer issues (does not preclude a complaint to the City and the City pursuing an investigation and possible issuance of an AMP)
- Accept customer requests for rides, by app or phone for taxis or by app for TNCs.

It would also be possible to require apps be used, or that if they are used, they include specific features.

- Identifying the vehicle and driver that will respond, providing at least a first name of the driver, the colour, make/model and license plate number of the vehicle
- Give the customer an opportunity to reject a vehicle and driver proposed and be offered another
- Provide an opportunity for passengers to rate drivers (including their vehicle), and to see the results of previous driver ratings before accepting a driver
- Allow the passenger to identify the vehicle location prior to pick-up and provide an estimated time of arrival
- Record the route actually taken for use in the event of a complaint
- Allow payment by credit or debit card of the amount of the fare – plus any gratuity chosen by the customer automatically at the conclusion of the ride

Peterborough will need to assess the ability of taxi brokers to accept the new responsibilities, particularly the ability to implement use of an app before adopting the by-law. Alternatively, the City could adopt many of the provisions of the current Police Board By-law as the underlying approach, but also indicate that brokers that have process in place to handle the above requirements and apps that are deployed with the features identified above have an alternative approach, with increased responsibility.

Note that where brokers accept the responsibilities discussed above, it may not be necessary to license cars or drivers, although it may be necessary to allow individuals to operate without affiliating with a broker, even if they are required to adopt the roles of the broker.

The City Clerk's Office also maintains all City by-laws.

### Summary of Issues and Challenges: Corporate and Legal Services

- The transfer of taxi and rideshare licensing should be considered by Council and the potential to increase the role of brokers also considered.
- There are often long delays when a rental unit license application is referred to By-law Services for a property standards inspection.

## 3.7 Legal Services

Amongst a range of legal services, the Office of the City Solicitor (OCS) provides specialized expertise on by-law drafting and legislative interpretation. The OCS also oversees the management of the Provincial Offences Act Office (POA). The POA office is responsible for administration, courtroom support and municipal prosecution of the Act offences as well as municipal by-laws within the City and County of Peterborough. The Office also administers the Inter-municipal Agreement with the Ministry of the Attorney General for the City and County.

The Province adopted legislation in 2007 that permitted the use of Administrative Penalty Systems (AMPs) for licensing by-laws and parking enforcement, with some arguing that the words used allows the use of AMPs for all by-laws passed under the Municipal Act. In 2015 the Province removed the \$100 limit on AMPs for parking purposes and in 2016 the Province specifically permitted the use of AMPs for the enforcement of any municipal by-law. In 2017 the Province allowed the use of AMPs for enforcement of the Building Code.

The Legal Services Assistant Prosecutor has been appointed as the City's Screening Officer for the purposes of the City's AMP system. The Division will continue to provide legal advice and support to staff and Council respecting the evolution of the City's enforcement services including the City's AMP system.

### 3.8 Community Services: Arts and Heritage

The Heritage Preservation Office (HPO) administers Heritage designations under the Ontario Heritage Act including structures, landscapes and archaeological sites. The Act gives municipalities powers, by by-law, to identify and protect properties of cultural or historical heritage value or interest. Municipalities may also designate heritage conservation districts. The City's first Heritage Conservation District covering the Old West End was designated in 2016 through By-law 16-099 (The Avenues and Neighbourhood Heritage Conservation District). The City is also currently undertaking a Downtown Heritage Conservation District Study.

Under the Act, the City's approval is required in order to perform certain alterations, construction or demolition of individually designated property (or any property that is part of a Heritage Conservation District). Building Permits can only be issued after a Heritage Permit Application has been approved. An archeological study may be required if heritage designation potential is identified. This appears to have ensured most renovations comply with the heritage requirements, but there are no inspections to ensure other renovations, including those that do not require a building permit, are conducted sensitively.

#### Summary of Issues and Challenges: Arts and Heritage

- Without regular inspection of heritage conservation districts, there is no way to know if improper renovations are occurring.

### 3.9 Peterborough Police Services (PPS)

The PPS enforces several by-laws including the Public Nuisance By-law Taxi By-law, Limousine By-law and Noise By-law. The Police Services Board is responsible for licensing and regulating the taxicab and limousine industry as well as Transportation Network Company (TNC) or rideshare and towing firms. The licensing enforcement also

includes the Ward of Lakefield in the adjacent Township of Selwyn. A report will go to Council in Q1 2023 concerning possible transfer of the responsibility for licensing of taxis to the City Clerk's Office, with PPS retaining responsibility to issue criminal record checks when requested. There are now 2 full time staff assigned to criminal checks for all licensing requirements.

The Police also provide support to the enforcement of the Parks By-law, in particular to the removal of tents. Their role is related to keeping the peace, with some concern that there could be breaches of the peace during the enforcement process.

There is also consideration of moving enforcement of the Noise By-law to the City. The City currently provides about \$25,000 to PPS to offset the cost of enforcement.

The Peterborough Police Communications Centre is the Public Safety Answering Point for residents of Peterborough as well as the Townships of Selwyn and Cavan Monaghan. The Unit is responsible for the answering 9-1-1 calls, prioritizing emergency calls, dispatching and down streaming emergency medical and fire calls. The Centre received 34,781 9-1-1 calls in 2020, a 3.7% increase from 2019, including 2,772 from Cavan Monaghan and 946 from Selwyn.

#### Summary of Issues and Challenges: Peterborough Police Services

- The Taxi and Limousine Licensing By-law may be transferred soon, removing that issue.
- Enforcement of the Noise By-law remains a concern.

### 3.10 Peterborough Fire Services

Fire Services does not depend on any City by-law in terms of enforcement but does play an important support role to other municipal departments or divisions particularly with Buildings and Enforcement and PPS. The department is the authority for fire safety matters including matters related to Ontario Fire Code enforcement under the Fire Protection and Prevention Act, 1997 (FPPA)

Fire Services has the authority to enter rental units and to issue inspection orders to occupied and vacant buildings. 95% of the activity comes from complaints and requests for inspections largely from rental tenants. Every new business licence also requires a fire inspection first.

The Fire Department did not indicate that an AMP process is required to assist with enforcement of the fire code. Current authorities are adequate for current programs. However, the provincial association has asked the Province to permit use of AMPs.

The Fire Department does express concern that there is no by-law preventing or requiring a permit for open burning, which can result in fire hazards, or force responses

to situations that are not hazardous. The Fire Code prohibits open air burning except in an approved "appliance" or otherwise approved by the Fire Chief. However, the FPPA also permits a municipal by-law to regulate open fires, which is an approach to setting broader rules, rather than considering specific applications.

#### Summary of Issues and Challenges: Peterborough Fire Services

- The need for a by-law regulating open fires.

### 3.11 Peterborough Public Health (PPH)

PPH serves residents in both the City and the County of Peterborough as well as the Curve Lake and Hiawatha First Nations. Under the City's Licensing By-law (14-080), the Medical Officer of Health or designate may inspect any licensed premises. PPH is responsible for the enforcement of the Stagnant Watery By-law (03-107) and Mandatory Food Handler Certification By-law (13-029). PPH is also part of the enforcement of the Lodging Houses and Rental Dwelling Units Business License By-law (17-067), Smoking By-law (18-114) and Water Pipe (Hookah) By-law (12-169) and the Parks and Facilities By-law (19-074). With respect to By-law 17-067, licensing approval does require PPH sign off for lodging houses licensing but not for rental dwellings. PPH also has the authority to inspect lodging houses (required annually) and rental dwellings.

#### Summary of Issues and Challenges: Peterborough Public Health

- No issues were identified.

### 3.12 Corporate Wide Issues

In addition to the individual departmental challenges, a number of issues can also be identified as being corporate wide in terms of impacting on two or more departments. These corporate wide issues are summarized below.

- Limited enforcement capacity and inconsistent approach during evenings
  - dedicated shift work staff resources do not exist. With contracted forces dedicated to parking enforcement, they are not used for Noise By-law enforcement, even when available. This results in a heavy reliance on Police Services.
  - no 311 or consistent 24/7 complaint line but there are multiple answering services; dispatch service is available in Public Works and Police Services.
- Technical Resources vs. Enforcement Resources
  - Several technical groups are responsible for their own enforcement.
  - They rarely "charge" offenders and generally do not have the skills in evidence collection and court appearances.
  - examples from other municipalities are varied.

- unclear how to handle transit and City Hall security.
- Contract versus Staff
  - parking enforcement is contracted; by-law enforcement officers are City staff.
  - retaining mix has advantages. Contracting is lower cost and offers flexibility in scheduling and managing, but staff tend to stay longer and develop higher levels of skills and commitment.
  - can 311 / dispatch services be contracted out? A new in-house system could be too costly.
- AMPs
  - viewed as a potential solution for efficient, consistent enforcement of variety of by-laws (e.g. illegal secondary units, rental housing) and for improving recoveries
  - examples from other municipalities are varied
- Encampments
  - issue was reviewed under the Enforcements Services division (Parks & Facilities By-law) and is listed here because it involves several departments / divisions including Police Services and community based support services.
  - challenge is that encampment is more than a by-law enforcement issue encompassing many social challenges also.

## 4.0 Comparative Analysis – Selected Municipalities

Part of the work conducted for the operational review of By-law enforcement in the City of Peterborough was research on comparable municipalities and the approach taken to by-law enforcement. The comparator municipalities included Brampton, Guelph, Hamilton, Kingston, Mississauga, Oshawa, Ottawa and Sault Ste Marie. Table 4 identifies summary information for these comparators.



Table 6 - Comparison of By-law Enforcement for Selected Cities

Municipality	By-law Enforcement Department	By-law	Parking	Transit	Corp Security	Licensing	Animal
Brampton	Corporate Services	Yes	Yes	No	No	Yes	No
Guelph	Public Works	Yes	Yes	No	Yes	Yes	Contract
Hamilton	Planning	Yes	Somewhat	No	No	Yes	Yes
Kingston	Planning	Yes	Yes	No	No	Yes	Yes
Mississauga	Public Works	Yes	Yes	No	No	Yes	Yes
Oshawa	Corporate Services	Yes	-	No	Somewhat	Yes	No
Ottawa	Emergency & Protective	Yes	Yes	No	No	Yes	Yes
Sault Ste Marie	Public Works	Yes	No	No	No	No	Contract

Source: Maclaren Municipal Consulting

From this information we can see that the majority of comparators have consolidated the function of a generalist municipal enforcement officer, and parking enforcement operations with the function of licensing that is included in many by-laws such as taxi, limo and ride share services, short term rental housing, transient vendors, mobile food vendors and others. Of the comparators the only municipality that has not consolidated by-law enforcement, parking and licensing was Sault Ste Marie.

In addition, the majority of comparators also included animal control as part of the responsibilities of the consolidated unit. Within this consolidation there was some variety in whether the animal control function was an internalised service or whether it was contracted out and simply managed by the unit.

Less common in our research was the inclusion of corporate security in the consolidated unit even though there does appear to be similar aspects in corporate security and the consolidated unit's activities such as patrolling, 24/7 operations, dispatch functions or control room, some level of common training such as de-escalation training, dealing with difficult people, writing tickets, etc....

One last observation in our data was that no comparator municipality included transit security or transit fare enforcement as part of the consolidated unit's responsibility.

Three of the municipalities located the centralized by-law enforcement function within a department that included Public Works, while two had it located with the Planning/Building Inspection group, and two had it within a Corporate Services department. In Peterborough, the group is currently within a large Infrastructure and Planning Services Group. Within that group it is located in the Buildings/CBO group

which is also responsible for issuing building permits and inspecting the resulting construction.

The Parking enforcement group is located within the same department, but within the Transportation Division. Licencing is in a different department, Corporate and Legal Services.

It was also observed in our research of comparator municipalities that the respective municipal police force in a community was still the main enforcement division for complaints of noise after hours. In some instances, the public is directed to make their complaint directly to the municipal police force and in others the by-law enforcement unit will forward or pass the complaint to the municipal police force. In Guelph, Hamilton, Kingston, and Mississauga by-law enforcement will tackle noise complaints within core hours and then the municipal police force is the after-hours response. In Sault Ste Marie all noise complaints go to Police. The City of Brampton was the only municipality that reported by-law enforcement was the responding agency for all noise complaints. Brampton By-law enforcement will refer some complaints to police. They also send two By-law Enforcement Officers to each noise complaint. However, they do direct complaints to Brampton Police Services with regards to noise from fighting, screaming, shouting, swearing, or someone using insulting or obscene language or other disorderly conduct because these activities may be criminal offences.

Several municipalities also included as a best practice the creation of cross functional / department / agency “task forces” to address complex issues such as encampments, tenting on municipal property, etc. The cross functional / department / agency “task forces” would use standard operating practice documents to guide the response and the role of each contributing department/unit/agency. For example, the role and response of police, social services, public works, parks, and by-law enforcement. With regards to the Trespass to Property Act each municipality reported the limitation of by-law enforcement to lay charges and that police were required to address these issues.

The use of Standard Operating Practices (SOPs) was discussed in an Audit of the By-law and Regulatory Services division of the City of Ottawa. The Audit Review found that “Out of the 91 identified SOPs, 12 SOPs (13%) do not contain the applicable service standards for initial response, and none of 91 SOPs contain the service standard for resolving the request.” It has been noted that a best practice and recommendation in some of the service delivery reviews conducted in Oshawa and Ottawa noted the importance of specific service level performance standards for each type of complaint. Annual reports for activities in the City of Brampton also report based on service levels and the achievement of these service levels. An example of these service levels for the City of Oshawa and then for the City of Ottawa are illustrated below:

Table 7 - Oshawa 2021 Municipal Law Enforcement Service Levels

<b>Complaint Type</b>	<b>Complaint Sub-Type</b>	<b>2021 Service Level (business days)</b>
Adequate Heat	General	1 day
Animal	Bite/Aggressive	7 days
Animal	Dead Stock	2 days
Animal	Injured	2 days
Animal	Prohibited	7 days
Animal	Running at Large	7 days
Animal	Stoop and Scoop	7 days
Animal	Unlicensed	7 days
Boulevard	Debris	20 days
Boulevard	Grass and Weeds	20 days
Boulevard	Other	20 days
Boulevard	Sight Obstruction	20 days
Fence & Sight Triangle	Emergency, Unsafe	1 day
Fence & Sight Triangle	Height Restriction	80 days
Fence & Sight Triangle	Sight Obstruction	80 days
Licensing	Operate Contrary to Regulations	20 days
Licensing	Operate without a Licence	20 days
Lot Maintenance	Debris	20 days
Lot Maintenance	Grass and Weeds	20 days
Lot Maintenance	West Nile - Stagnant Water	10 days
Noise	General	60 days
Nuisance	General	60 days
Parking	General	1 day

Source: Report to City of Oshawa Council INFO-22-102, March 22, 2022, Municipal Law Enforcement and Licensing Services 2021 Annual Report

Table 8 - Call Priority Levels - Ottawa

Priority	Target response time	Examples
1	Within 24 hours (1 day)	Dog bites, needles/syringes, dangerous dead trees, pool fences
2	48 hours (2 days)	Car alarms, music noise, construction noise, taxi-adverse conduct
3	96 hours (4 days)	Information requests, long grass, dogs barking

BLRS target is to meet the standard response times for all priorities at least 80% of the time. In 2018, BLRS met the service standards for Priority 1 service requests 96% of the time, 87% of the time for Priority 2 and 71% of the time for Priority 3. Our audit did not include an analysis of the priority levels or an assessment of the target response times.

Source: City of Ottawa, Office of the Auditor General Audit of By-law and Regulatory Services – By-law Enforcement Tabled at Audit Committee November 24, 2020.

Only the City of Guelph reported the use of body cameras. Included with the use of body cameras are policies around use of the evidence and how an individual can request access to video evidence.

One focus area for our research was the wearing of uniforms and use of common by-law enforcement or corporate vehicle with logo. For the most part it was reported that by-law enforcement, animal control, and parking officers would wear a common uniform that often resembles a police uniform with specific patches or badges. The wearing of a vest Level II was also common. Corporate vehicles that included light bars were used for most enforcement activities.

It was noted in the larger municipalities that had subdivided their enforcement officers into groups that had specific focuses such as mobile enforcement, licensing or investigative roles would use private vehicles with mileage paid and not wear uniforms. These tasks were noted in Mississauga and Ottawa. (For examples of types of vehicles and uniforms see Appendix 2).

The training and basic requirements varied across the municipalities that provided this information. Most provided in-house training on enforcement practices, knowledge specific to the respective municipalities by-laws as well as corporate generic training such as use of municipal vehicles, refueling, code of conduct, etc. There was also an entry level enforcement role such as parking that would lead to more complex enforcement. For example, Ottawa's general requirements and career path would develop along these lines - Parking Control Officer requires grade 12, Generalists By-law Enforcement Officer - requires 1 year enforcement experience and some post-

secondary education, whereas a Property Standard and Zoning Enforcement Officer would require a minimum of 3 years enforcement experience and 2-year post-secondary education. Some By-law Enforcement Officers have received specific training such as Use of Force (baton/protective vest), communications, and First Aid/CPR.

The rationale for the centralization of by-law enforcement and licensing is described in a 2016 report to the City of Oshawa as a desire to “create a generalist officer approach whereby all Officers are trained on all by-laws, as opposed to limiting Officer’s exposure to only specific by-laws.” This report was a follow up review of the 2006 consolidated model implementation to combine the responsibility of three different departments – Parks, Clerks and Building Services into the Municipal Law Enforcement and Licensing Services. The Branch is comprised of three (3) divisions: Municipal Law Enforcement, Licensing and Support Services, and Policy and Research. This seems to be a similar consolidation model and rationale has been implemented in Brampton, Hamilton, Mississauga and Ottawa.

Oshawa enforces 35 by-laws and Ottawa enforces 40 by-laws and 6 Provincial Acts. Except for parking these are largely on a reactive / complaint driven basis. Guelph By-law Enforcement/Compliance enforces 23 by-laws. The model of consolidation can be seen in the table below which illustrates the unit responsible for enforcement of key common by-laws.



Table 9 - Enforcement Agency by By-law by Municipality

By-law	Guelph	Mississauga	Hamilton	SSM	Brampton	Kingston	Oshawa	Ottawa	Peterborough
<b>Animal Control</b>	Humane Society	Animal Services	Licensing & By-law	SPCA	Enforcement & By-law Services (EBS)	Licensing and Enforcement (L&E)	MLE & Licensing	BLS	Humane Society
<b>Building permits and inspections</b>	Building Services (BC) By-law Compliance			Building		CBO	CBO	CBO	Building and Enforcement
<b>Business Licensing</b>		Compliance & Licensing (C&L)	Licensing & By-law	City Clerk	EBS	L&E	MLE & Licensing	BLS	City Clerk
<b>Idling</b>	BC	Parking Enforcement				L&E	MLE & Licensing	BLS	Police
<b>Drainage/ Subdivision</b>	By-law Enforcement			Building					Building and Enforcement
<b>Noise Control</b>	Police	C&L	Licensing & By-law	Police	EBS	L&E / Police	MLE & Licensing	BLS	Police
<b>Nuisance Parties</b>	Police	C&L	Licensing & By-law		EBS	L&E / Police	MLE & Licensing		Police
<b>Parking</b>	Parking Services	Parking Enforcement	Transp. Planning & Parking	By-law Enforcement	EBS	L&E	MLE & Licensing	BLS	Police / Transportation
<b>Parks/Trespass</b>			Licensing & By-law		EBS	L&E	MLE & Licensing	BLS	Building and Enforcement
<b>Property standards</b>	BC	C&L	Licensing & By-law	By-law Enforcement	EBS		MLE & Licensing	BLS	Building and Enforcement
<b>Signs</b>	Building Services		Licensing & By-law	Building	EBS	L&E	MLE & Licensing	BLS	Building and Enforcement
<b>Site Alteration</b>	Engineering Services		Licensing & By-law		EBS		MLE & Licensing	Public Works or Planning	
<b>Site Plan Control</b>	Planning Division					Engineering		Planning	Planning
<b>Solid Waste</b>	BC	C&L		By-law Enforcement	EBS	L&E	MLE & Licensing	BLS	Environmental Services Division



By-law	Guelph	Mississauga	Hamilton	SSM	Brampton	Kingston	Oshawa	Ottawa	Peter-borough
Taxi / Limo / Broker / Rideshare		Mobile Licensing Enforcement	Licensing & By-law		Mobile Licensing		MLE & Licensing	BLS	Police
Transit Revenue / Fare Enforcement		Mobile Licensing Enforcement		Transit Services	EBS			OC Transpo	Police
Trees	BC		Licensing & By-law		EBS	Planning	MLE & Licensing	Public Works or Planning	Infrastructure Management
Zoning By-law - Official Plan	Building Services		Licensing & By-law	Building	EBS		MLE & Licensing	BLS	Building and Enforcement
Yard Maintenance	BC	C&L/ Mobile Licensing Enforcement	Licensing & By-law		EBS		MLE & Licensing	BLS	Building and Enforcement

We can see in the detailed table that the consolidated models have brought together a diverse number of by-laws that are enforced by a generalist enforcement officer. Generally, education, initial intervention and identification of violations, remains with the technical department. The generalist enforcement officer is called in when the technical department cannot achieve compliance and the enforcement officer is called to issue ticket, penalty or other violation notice. The enforcement officers are generally skilled in evidence gathering, de-escalation, giving notices, and applying Administrative Monetary Penalties or Provincial Offences Act tickets where warranted. Those municipalities that do not have the centralized model such as Sault Ste Marie, Peterborough and to a lesser extent Guelph, have to duplicate these skills on top of the specialized unit skills, and often do not issue penalties or tickets often, or at all.

## 5.0 Recommendations

The recommendations listed below are preceded with a summary highlighting the supporting rationale. The recommendations themselves are numbered and shown in bold.

### 5.1 Corporate Wide Recommendations

#### Organizational Location of By-law Enforcement

Consolidating the by-law enforcement group, as most municipalities have, would require the By-Law Enforcement Division and the Parking group move together. This would provide the advantage of having both staff and contracted forces together that could be deployed as required to address the current needs. As an example, the City is now using contracted services to assist with enforcement of the Parks By-law, easing the strain on staff members. The same approach may be a useful response to noise complaints, supplementing or replacing police at least during the periods when complaints are most frequent. The licensing group relies to a great extent on the property standards inspection and zoning review of applicants. Fire and sometimes Public Health inspections are also required for some licences, but the property standards inspection has been a major cause of delay. The transfer of Taxi licensing requirements from Police to the City will require some resource to check applicants taxi meters – and By-law services would appear the appropriate group to manage this function.

A location within Public Works is preferred by municipalities that lack a 24-hour 311 answering system but have a Public Works capacity to respond to weather or other events on a 24-hour basis. In Peterborough, that capacity exists, but it is a contracted answering service. The same situation occurs within the Transportation Department where there is an answering system that handles parking and transit requirements on a 24-hour basis, including building security when there is no shift in the building.

Creating a unified answering service contract to handle all requirements within the City should be able to reduce costs, while providing some of the benefits of a 311 system. It would handle calls related to road and water system issues, parking issues, transit security and those related to by-law enforcement, some of which could wait until the next day for resolution, but some issues, such as noise complaints would require a quicker response to at least stop the source of the noise, either by a staff or contractor on duty, or by the police if none are on duty. Note that laying charges under the Noise By-law can require considerable effort, but this should be reduced by implementing the AMPs.

Having the Enforcement group within Corporate Services would provide one home for the “support services” that provide support to the front-line technical services in each

department. It would also provide a corporate home for the night-time answering service, which would almost certainly be a precursor to a proper 311 service that would develop over time. Those municipalities that have built a one-stop customer service facility have generally located it in Corporate Services as well, and often found that building permit applications (which would still be handled by the CBO organization) does not fit well with the “one-stop” customer service units because of the complexity. But the licensing function would be a good fit, whether handled in person or on-line, and the property standards inspection is a key part of license processing and, at present, is a major bottleneck to the rental unit license processing. Corporate services would also provide an easy link to Legal Services, a key support for policy development and prosecutions.

Therefore, the recommendations are:

- 1) That By-Law Enforcement, Parking Enforcement and Animal Enforcement (managing the contracted service) be combined. The responsibility for parking rules should remain within Transportation Services.**
- 2) That the combined unit be located within Corporate Services, which could be renamed “Municipal Law Enforcement”.**
- 3) That the combined unit be led by a new management position to provide strategic direction and oversight.**
- 4) That the combined unit seek to negotiate a contract for a single after-hours answering service that can take calls for all aspects of the City operations that require after-hours service.**

#### Role of Technical Agencies and By-Law Enforcement

There are a number of technical groups that are responsible for enforcing their by-laws, but that rarely lay charges, and do not have the experience required – but they do know their area of expertise, whether that is forestry, sanitation, heritage, recreation or other areas.

- 5) That technical expert divisions remain responsible for education and encouraging compliance with City By-laws, but the combined “Municipal Law Enforcement” group be tasked with the lead for enforcement activities in consultation as required with the technical expert divisions.**

#### Administrative Monetary Penalties (AMPs)

Municipal AMP systems are an additional tool to more efficiently and effectively encourage compliance with municipal standards in circumstances where a quasi-criminal POA prosecution may be more than what is required. AMP systems are particularly efficient and effective in contrast to POA prosecutions, but POA prosecutions remain as an enforcement tool in appropriate circumstances. Several City by-laws now includes AMPs as an enforcement tool and staff should continue the work

of updating by-laws including recommendations to Council establishing AMPs as an enforcement tool.

The parking enforcement activity has long been a cost recovery program for many municipalities. The AMPs process should improve the recoveries from enforcement of many by-laws as its use expands, and licensing rates can be set to cover costs.

- 6) That the AMPs concept be extended to the Property Standards By-law, the Property Maintenance By-law, the Disposal of Waste By-law and the Noise By-law (understanding that additional volume of AMPs activity may impact the Clerk's Office resource-wise in its AMPs support role).**
- 7) That the Municipal Law Enforcement unit seek to recover its costs from penalties, fines and chargebacks to other departments when they are tasked with uneconomic support activities.**

## 5.2 Department Specific Recommendations

### Staff or Contracted Resources

Enforcement activities are currently carried out by 7 staff members in the By-law Services unit and a number of contract resources in the Parking unit, and very recently, carrying out the tenting in parks enforcement. This provides the ability to assign a contractor to the Parks By-law enforcement, and to assign contractors to various hours of service as required on weekends or in the evening. Staff have capacity in the more complex assignments. They tend to stay longer and can be trained more extensively.

- 8) That the Municipal Law Enforcement Unit continue to use both contracted and staff Enforcement Officers.**

### Expanding the By-law Enforcement Team

The taxi enforcement responsibility should not add substantially to the workload, but there are inadequate resources available for the Property Standards role, which in turn is resulting in very slow issuance of Rental Housing Unit licenses. It may be that some of the rental housing licenses should not be issued, but there is inadequate follow-up on the property standards files – hence no issuance of orders. Implementing AMPs will help, but there needs to be additional resources to ensure property standards are properly enforced and student housing in particular is safe and meets standards. The Property Maintenance inspector is on a one-year contract. This position is required.

- 9) That one additional Property Standards Officer be hired, and the Property Maintenance position be made permanent. The current Supervisor position should focus on the new roles of supporting the Technical Agencies and developing approaches for the enforcement of the new and revised by-laws, and assist other Officers as required.**

### Changing Enforcement Approach

Most by-laws are enforced on a complaint basis, although inspectors will attend to violations they notice while enroute to other appointments. The major exception is the Parking By-law, which is enforced on a pro-active basis by the contracted enforcement officers. The Anti-Idling By-law is generally not enforced at the present time as enforcement is difficult. Generally, if responding to a complaint, the offence will have terminated before an officer can respond. However, it is not consistent with the concern for global warming to repeal or ignore the By-law. There are some opportunities to enforce the By-law on a pro-active basis – first by education, then by issuing tickets. For example, it could be part of the enforcement in school zones. there should be some similar enforcement of fare payment on the bus. However, there is not a scale that warrants establishing a security service within transit. The most appropriate approach would be to use some of the parking security guards to carry out enforcement blitzes; the first one oriented to education rather than enforcement.

There is also the opportunity to adopt license plate reading technology, cameras that take pictures of the license plates, with time and location noted. The cameras are linked to systems that can identify violations, either related to timing or location, which can assist in preparing and/or delivering penalty notices, including connecting with the provincial license plate database to gather car owner data. They can also assist in providing evidence related to officer identified offences. The technology should allow the officers to cover more territory within their day and could assist in the enforcement of school zone parking or stopping offences.

- 10) That the Municipal Law Enforcement unit conduct some pro-active enforcement of the Anti-Idling By-law.**
- 11) That the Municipal Law Enforcement unit conduct some pro-active enforcement of transit fare payment, using the contracted Parking Enforcement Officers.**
- 12) That the City Identify potential suppliers of license plate reading technology and determine if the technology can be trialed before adoption.**

### Role of the Police Service

The possible transfer of taxi and rideshare licensing to the City will proceed if approved by Council. This is primarily a day-time activity, and license applications should be moving on-line. The need for a police background check and a mechanic's certification of the vehicle will continue. There is the potential to reallocate some responsibilities to the taxi brokers as discussed earlier, which can be considered. If so, there is a second concern that all brokers may not be ready for the new responsibilities immediately. However, enforcement of the Noise By-law will remain with the Police Service at least part of the time. Municipal Law Enforcement can handle day-time complaints, and the evening shift of contracted Enforcement Officers should handle evening shifts during the week. There may be a need to schedule weekend shifts at least during the times when complaints are frequent (post-secondary orientation periods?). There could also be

more weekend shifts when snow events are expected, or snow removal will occur – with the focus on parking, but with response to noise complaints as required. The contracted officers will need to have appropriate training for Noise By-law enforcement.

**13) That Licensing should take responsibility to process taxi and rideshare licenses and staff consider possible improvements to the Taxi By-law concerning the roles of various parties. These provisions could eliminate the need for driver licenses when the driver is working with a broker who has adopted the increased responsibility described in the By-law.**

**14) That the Municipal Law Enforcement unit train parking officers to handle noise complaints and refer noise complaints to the evening officers. Weekend evening shifts should be scheduled when required. The PPS will retain responsibility to handle noise complaints when there is no By-law officer, including contracted officers, on duty.**

### By-law Revisions

There are some specific issues with existing by-laws that need to be resolved:

- There does not appear to be a by-law that makes landowners responsible for boulevard maintenance, at least as it relates to soft surfaces (grass and other plantings), although most residents do in fact maintain the road allowance part of their property. Such a by-law may not require property-owners to be responsible for rear yard boulevards, particularly where a fence or hedge prevents easy access. This occurs particularly in areas where planning has left back yards facing collectors or arterials, and Transportation could maintain these areas as they are generally contiguous.
- The current Parking By-law is interpreted to allow even a short move of a car to restart the permitted parking time. The By-law could establish a minimum distance that a vehicle must move to qualify
- Parking restrictions related to private property, particularly limits on the use of front yards for parking and limits on the type of vehicles that can be parked on certain properties would be easier to enforce if they were included in a by-law adopted under the Municipal Act, rather than solely in the Zoning By-law. Adopting such a by-law would require extensive public consultation especially if they tightened restrictions, and may result in different restrictions in different areas, like the Parking By-law.
- Prohibit the use of bus shelters as accommodation or for other purposes that are inconsistent with the operation of a transit system.
- Establish a by-law to handle light pollution between properties. Several municipalities have adopted by-laws, and this appears to represent a significant nuisance for a small number of residents.
- A by-law to regulate open air fires.



Some of these issues are relatively small but would be caught in a regular update process. The key By-laws (Property Standards, Property Maintenance, Noise By-Law, Licensing By-law, Taxi Licensing By-law, etc.) should be updated on a regular basis – at least every 10 years. This process is underway or has been completed with respect to some by-laws and should be completed for others.

A consultation process will be required with respect to the adoption of new by-laws, or the amendment of existing by-laws.

**15) That the City adopt a Light Pollution By-law.**

**16) That the City adopt a by-law to regulate open fires under the FPPA.**

**17) That the City adopt requirements related to boulevards, parking, and bus shelters as outlined above.**

**18) That the City continue a process to review the major By-laws and update them as required.**

### School Zones

A number of issues were raised related to safety in school zones including speeding, illegal parking (largely related to student drop off and pick-ups) and a lack of consistent school zone signage and road markings. The PPS has also pursued a "Back-to-School Traffic Safety Initiative" in September 2022 with Peterborough County and the Township of Cavan Monaghan. Enforcement of parking and speeding infractions is also limited by the large number of school zones relative to available staff resources in both PPS (Ontario's Safer School Zones Act falls within the Highway Traffic Act) and Transportation Services. The City is also considering enhanced safety measures in school zones as part of a broader road safety plan to be incorporated into the Transportation Master Plan. A School Safety Zone study may be included in the 2023 Budget to conduct this review. Where speed limits are reduced upon entrance to a school zone or vary by time of day in the school zone, flashing lights or something similar should be deployed to warn motorists.

**19) That the City undertake the School Zone Safety Zone study proposal to include: the use of automated speed enforcement systems (e.g., photo radar, speed cameras); setting consistent rules for all school zones; designating specific areas for drop-off and pick-up locations; introducing educational tools and increasing parking / traffic enforcement.**

### Encampments

The issue of encampments in City parks and other City-owned properties like libraries and bus shelters was widely discussed during interviews with most departments. The Covid-19 pandemic has exacerbated the underlying challenges and barriers in terms of homelessness. The enforcement of existing regulations like trespassing or by-laws prohibiting camping can be effective to remove particular encampments but often simply

lead to the encampment moving to a new open area. The increased encampments and the need to consistently enforce encampment removal have also led to heightened concerns about the safety and well-being of the campers as well as to City staff involved. Recent changes including the use of contracted staff to handle some of the encampment removal helps expand the number of individuals that can be involved, an important aspect when enforcement can have serious impact on personal mental health. But the shift should not be seen as an opportunity to pass the problem beyond staff, and the approach taken by the contractors needs to be monitored and adequate training is required.

Moreover, addressing encampments and homelessness in general requires a co-ordinated, cross-departmental and multi-stakeholder, community-based approach. There is currently an inter-departmental working group that meets to address the encampment issue. It needs to establish Standard Operating Procedures (SOPs) for a co-ordinated response process with respect to encampments. The SOP should consider the following: roles and responsibilities of City team members related to response processes, including outreach with community support agencies, encampment clearing, cleaning and enforcement, and training related to medical emergencies such as on the use of a naloxone kit and dealing with mental health problems and non-violent crisis intervention. This will require some additional training to ensure consistent application of the SOPs.

**20) That the Standard Operating Procedures related to encampment removal be reviewed and amended from time to time, ensuring adequate and appropriate resources remain involved.**

**21) That Municipal Law Enforcement unit staff receive adequate training and staff rotation options for continuous, high stress outreach situations such as encampments.**

#### Improving Protection for By-law Enforcement Officers

The job of a By-law Enforcement Officer can be very stressful and at times dangerous. They often encounter difficult situations and abusive people ranging from drivers complaining about parking violations to a homeless individual facing a life-or-death situation due to opioid poisoning. Enforcement officers may be also required to work shifts or be on call in case of emergencies. The use of personal cars when out in the community was another issue related to personal safety. The use of MLEOs (contracted security guards) using uniforms and corporate vehicles has demonstrated the value of the concept. Uniforms were also seen as giving officers strong public recognition as City staff, removing some of the potential for personal recognition and reaction.

**22) That the Municipal Law Enforcement unit provide uniforms and City vehicles to all By-law Enforcement Officers.**

### By-law pamphlets

Some municipalities produce a handbook or pamphlet that summarizes their key by-law requirements once every few years. This provides an opportunity to introduce general requirements to new members of the community and provides an aid for their research on local requirements – although it cannot eliminate the need for community members to remain up to date on the requirements. The handbook could be produced on a regular basis – e.g., every four years, or when there is a major change in the By-laws covered. Such an approach would not remove the need to educate the population when specific new requirements are established but would help residents know what the City is doing for them.

- 23) That the Municipal Law Enforcement unit prepare a pamphlet periodically that summarizes key By-law requirements and distribute it widely.**

### Service Levels

Service levels are most obviously a problem in the enforcement of Property Standards and the related Rental Housing Unit Licensing area. The areas are related in the sense that property standards complaints often identify the need for a property owner to apply for a Rental Housing Unit License, and any application for a Rental Housing Unit License requires a property standards inspection and clearance. Unfortunately, there are insufficient resources to conduct inspections and follow up in a timely manner with re-inspections to ensure ordered improvements have been carried out. Most Rental Housing Unit Applications take over a year to process, largely because of delayed property standards re-inspections and/or owner reluctance to carry out the required repairs. Without re-inspection, the owner does not receive an order requiring the repairs or resulting in punishment if they are not carried out.

The addition of a second Property Standards Officer is likely – but not guaranteed – to resolve this problem. There may be other by-laws where response to complaints and follow-up after initial actions is inadequate, although they have not been identified at this time. The establishment of clear, reasonable service standards for the major activities involved in by-law enforcement would allow effective tracking of known problems and help identify any other problems that might exist.

- 24) That the Municipal Law Enforcement unit establish reasonable service levels for each enforcement activity required and start tracking these through AMANDA.**

## Appendix 1 – Departments, Divisions and Staff Interviewed During the Study

### Councillors

- Keith Riel
- Henry Clarke
- Steven Wright
- Dean Papas
- Kim Zippel

### CAO

- Sandra Clancy

### Corporate and Legislative Services

- Richard Freymond –

### City Clerk

- John Kennedy
- Natalie Garnett
- Kelly Russell

### Legal Services

- David Potts

### Infrastructure and Planning Services

- Jasbir Raina

### Buildings / CBO

- Dean Findlay

### Building Services

- Jody Drumm
- Jordan Stockdale
- Mike MacFarlane
- Kim Zevenhoven

### By-Law Enforcement

- Dylan Middleton
- Carmen Rudler
- Kristen York
- Indi Miskolczi
- Brea Clarke-Oaks
- Jason Paschkowiak
- Maeve Baayen

### Infrastructure and Urban Forestry

- Michael Papadacos
- Leighanne Howard

### Planning

- Ken Hetherington
- Brad Appleby
- Zach Staples
- Nicole Huculiak

### Heritage Group

- Eric Hanson
- Jennifer Guerin

### Transit/Traffic and Parking

- Kevin Jones
- Peter Malin
- Laurie Stratton
- Lynn Todd

### Engineering and Public Works

- Blair Nelson
- Cassey Babcock

### Waste Mgmt. and Environmental Services

- James Istenchenko
- Kent Keeling
- Dave Douglas
- Janelle Carey

### Finance and Tax

- Loren Drinkwalter

### City Hall and Facilities

- Mac MacGillivray

### Human Resources

- Jen McFarlane

### Library

- Jennifer Jones
- Celest Scopelites

### Community Services

- Brad Putnam – Arenas, Mrina
- Dorothy Olver – Social Services

### Police Services

- Tim Farquharson
- Jamie Hartnett

Fire Services

- Chris Snetsinger
- Mike Cavanaugh
- Cathy Robertson

Peterborough Public Health

- Julie Ingram

## Appendix 2 – Examples of Enforcement Cars and Uniforms

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## 2 OTTAWA



### 3 MISSISSAUGA



## 4 GUEPLH







## 5 HAMILTON



## 7 OSHAWA







## 8 KINGSTON



## **9 BRAMPTON**



10

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I've attached a photo of our Licence Plate Reader Vehicle (below). We now have introduced White Mitsubishi RVR's to our fleet, but still have a mix of white Equinox and Dark Blue Jeep Patriots. We use these for all enforcement teams.

