



Staff Report for Council Meeting

Date of Meeting: March 24, 2021

Report Number: SRCS.21.07

Department: Community Services
Division: Community Standards

Subject: **SRCS.21.07 – Real Estate Open House Signs**

Purpose:

To provide an evaluation of the real estate open house sign by-law amendments that have been in effect over the last two years, and recommend a regulatory approach to address real estate open house signs moving forward.

Recommendations:

- a) That staff report SRCS.21.07 regarding real estate open house signs be received.
- b) That By-law No. 37-21 (Attachment 1 to staff report SRCS.21.07) be enacted to amend the Sign By-law No. 52-09 to allow erection of one real estate open house sign and one open house insert (on the real estate for sale sign) to advertise a real estate open house event.
- c) That By-law No. 4-21 (Attachment 2 to SRCS.21.07) be enacted to amend Schedule 'A' of the Administrative Penalties By-law No. 69-16, as amended, to include designated Sign By-law offences.

Contact Person:

Tracey Steele, Director of Community Standards, Extension 2476

Report Approval:

Submitted by: Darlene Joslin, Commissioner of Community Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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Background:

Prior to July 9, 2019 the use of real estate open house signs was not permitted in Richmond Hill pursuant to the City's Sign By-law No. 52-09 (the "Sign By-law"). One "For Sale" sign was permitted on any property on the real estate market, and this was interpreted to allow for an "open house" insert to be affixed to the For Sale sign.

From July 9, 2019 to November 20, 2019 a temporary amendment to the Sign By-law was in effect allowing for the use of 5 real estate open house signs per open house event, subject to size, timing and locational requirements. The amendment allowed the open house sign to include: the municipal address of the open house, the words "Open House" and the date and time of the open house.

On November 20, 2019, in response to a memorandum from the Commissioner of Community Services, Council amended the Sign By-law (via confirmatory by-law) to allow for 3 signs per open house, with similar size, timing and location requirements as in the previous amendment, but no specific direction regarding sign content. At the same time, Council directed "That staff report back by no later than March 30, 2020 with an evaluation of the temporary amendments to the Sign By-law in respect to real estate open house signs."

The global Covid-19 pandemic was declared in March of 2020. As a result of the pandemic, real estate open houses have been prohibited for most of the last year and continue to be prohibited in York Region at the time of writing this report. Within the Ontario government's current colour-based Covid-19 Response Framework, real estate open houses may take place when a health unit is in the orange, yellow, or green phases of re-opening.

Compliance Monitoring Statistics

Temporary by-law permitting 5 content-specific signs per open house

Between July 9, 2019 and October 13, 2019, staff carried out weekend patrols to pick up open house signs not compliant with the July 9, 2019 temporary by-law amendment. During these patrols, crews picked up and impounded 870 non-compliant real estate open house signs owned by 226 different agents. The vast majority of these signs were collected because they contained excess content (for example, they included agent and/or brokerage information), although a limited number were picked up because they were posted in unpermitted locations. During the first weekend of patrols, crews picked up 245 signs. Subsequent patrols resulted in the pickup of approximately 30 signs per day with an average of three signs per agent. A relatively small proportion of agents (12 percent) contravened the by-law on more than one weekend.

Ward-based patrols were also conducted during the October 12th and October 19th, 2019 weekends to compare the number of compliant signs with the number of non-compliant signs. In total, 43 compliant and 296 non-compliant open house signs were

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observed. All of the non-compliant signs were in contravention of the content requirements.

Confirmatory by-law permitting 3 signs per open house, no content requirements

Due to the seasonality of open houses and 2020 Covid-19 restrictions, it was not possible to monitor compliance with the November 20, 2109 by-law amendment until July 24, 2020 when real estate open houses were permitted. During ward-based patrols conducted over 8 weekends between August 1 and September 30, 2020, 480 signs posted by 70 different agents were observed. Only 7 of these signs were compliant with the confirmatory by-law requirements in effect. The most significant non-compliance issue was a failure to indicate the address of the open house; however, there were also exceedances of the 3 sign maximum, issues with locational placement of signs (e.g., too close to the curb), and issues with signs being larger than permitted.

Discussion

Monitoring documented significant levels of non-compliance, regardless of the regulatory framework established for real estate open house signs. Low levels of compliance may be the result of one or more factors, including:

- By-law variations across municipal jurisdictions which are difficult for agents to track and respond to;
- Agents working infrequently in Richmond Hill not being aware of the specific requirements here (monitoring data indicated a significant number of new agents working in the City each week);
- Intent to advertise agents and/or brokerages rather than open house events (evidenced by the number of signs observed that did not indicate an open house address);
- Agents being aware of the rules but not following them, potentially as a result of known enforcement challenges and insufficient consequences for non-compliance.

As a result of enforcement challenges, lack of compliance regardless of regulatory approach, and increased use of online advertising and virtual open houses, it is recommended that real estate open house signs be permitted only on, or directly adjacent to, the open house property, and only for the duration of the open house. This limited permissive framework outlined in the recommended Sign By-law amendment No. 37-21 (Attachment 1) will provide for clear identification of the open house event, while preventing a proliferation of signs throughout neighbourhoods in an easily enforceable manner.

It should be noted that real estate agents are able to obtain permits from the Regional Municipality of York to facilitate installation of up to 12 signs on regional roads on weekends and holidays. Signs on regional roads may advertise open house events, real estate agents and/or real estate brokers.

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Enforcement

The City does not currently have the ability to ticket or issue direct fines in association with the Sign By-law. This is a result of the fact that the Sign By-law does not contain enforcement provisions under the *Provincial Offences Act, R.S.O. 1990* (“POA”), and the by-law was enacted previous to the City implementing its Administrative Monetary Penalty System (AMPS). The inability to issue tickets for Sign By-law offences significantly reduces the enforcement tools available to the City in association with this by-law.

To provide an AMPS ticketing ability for Sign By-law offences, the Sign By-law must be amended to provide for the issuance of AMPS penalty notices as indicated in By-law No. 37-21 (Attachment 1). Additionally, Schedule A of the Administrative Penalty By-law No. 69-16 must be amended to designate Sign By-law offences in AMPS (Attachment 2).

Moving forward, the Community Standards Division will implement sign enforcement patrols one day per week, during which a By-law Enforcement Officer will patrol a designated area for illegally erected ground and portable signs within municipal boulevards. Any illegal signs observed will be collected, and the owner will be contacted and issued a warning for a first offence. Subsequent instances of the same offence by a previously warned owner will be ticketed. Complaints will be investigated as they are received and enforcement will take a similar approach.

Financial/Staffing/Other Implications:

The proposed inclusion of Sign By-law offences in AMPS will provide an additional enforcement tool and improve the enforcement response associated with sign complaints. It is estimated that the incorporation of sign offences into AMPS will result in the generation of \$3,000 to \$5,000 annually.

Relationship to Council’s Strategic Priorities 2020-2022:

Ensuring that real estate open house signs are regulated to an acceptable community standard is consistent with the Strategic Priority of “Strong Sense of Belonging” as sign regulation helps protect neighborhood aesthetics.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report

Conclusion:

On July 9, 2020, Council amended the Sign By-law No. 52-09 to permit 5 real estate open house signs, which contained only the words “Open House, and the address of the property.” On November 20, 2020 Council amended the Sign By-law to permit 3 real estate open house signs per open house event. Staff conducted monitoring patrols to determine compliance with both of these amendments.

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Monitoring documented significant levels of non-compliance, regardless of the regulatory framework established for real estate open house signs. As a result of enforcement challenges, lack of compliance pursuant to all regulatory approaches, and increased use of online advertising and virtual open houses, it is recommended that signs advertising real estate open house events be permitted only on/adjacent to the open house property and only for the duration of the open house.

To provide a ticketing ability for Sign By-law offences, it is recommended that the Sign By-law and the Administrative Penalty By-law be amended to provide for the issuance of AMPS penalty notices and to designate Sign By-law offences in AMPS. Proactive enforcement patrols for illegal ground and portable signs within City boulevards will be initiated one day per week with patrol areas rotated through the City. Complaints will also continue to be investigated. Illegal signs observed during patrols, and in response to complaint investigations, will be removed. Owners of illegal signs will receive one warning and repeat offences will be ticketed.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 – Draft By-law 37-21 to amend the Sign By-law 52-09
- Attachment 2 – Draft By-law 4-21 to amend the Administrative Penalties By-law 69-16

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Report Approval Details

Document Title:	SRCS.21.07 - Real Estate Open House Signs.docx
Attachments:	- AMPS By-law No. 4-21 - AMPS.docx - By-law No 37-21 - Open House Real Estate Sign Amendment.docx
Final Approval Date:	Mar 10, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele - Mar 9, 2021 - 9:33 AM

Darlene Joslin - Mar 9, 2021 - 9:39 AM

MaryAnne Dempster - Mar 10, 2021 - 11:56 AM