



Staff Report for Committee of the Whole Meeting

Date of Meeting: January 17, 2024

Report Number: SRCS.24.02

Department: Community Services
Division: Community Standards

Subject: **SRCS.24.02 Property Standards By-law Key Findings and Directions**

Purpose:

This report provides an update on the comprehensive review of Richmond Hill's Property Standards By-law No. 79-99, as amended (Municipal Code Chapter 1010).

Recommendation(s):

- a) That Staff Report SRCS.24.02 be received, and that all comments on the key directions and draft Property Standards By-law and Clean Neighbourhoods By-law be referred back to staff;
- b) That staff engage further community consultation on the draft Property Standards and Clean Neighbourhoods By-laws;
- c) That staff report back to Council with:
 - i. A new Property Standards By-law based on key directions outlined in Staff Report SRCS.24.02 and any comments received;
 - ii. A new Clean Neighbourhoods By-law based on key directions outlined in Staff Report SRCS.24.02 and any comments received;
 - iii. Amendments to the Administrative Penalty By-law No. 69-16 to incorporate designated Property Standards By-law and Clean Neighbourhoods By-law offences.

Contact Person:

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Report Approval:

Submitted by: Tracey Steele, Commissioner of Community Services

Approved by: Darlene Joslin, 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:

The Property Standards By-law No. 79-99, as amended (the “Property Standards By-law”; Municipal Code Chapter 1010) establishes minimum maintenance requirements for all properties, buildings and structures within the City. These maintenance requirements are intended to ensure that properties are safe, habitable, and free from hazards, as well as promoting overall cleanliness and appearance. The Property Standards By-law sets out regulations for heritage properties, abandoned properties, demolition and structural damage, as well as building elements such as, heating, plumbing, and electrical systems.

Since the enactment of the Property Standards By-law in 1999, the infrastructure and population of Richmond Hill has expanded, and housing density has increased. The Property Standards By-law required a fulsome review to consider new and emerging issues resulting from the broad diversity of neighbourhood housing types and increased density.

A comprehensive review and update of the Property Standards By-law will ensure the by-law addresses common issues identified in complaints, internal stakeholder and public consultation, while promoting time effective enforcement of these issues.

Research and Key Findings

Since enactment, the Property Standards By-law has not received a full review. In February 2022, consistent with the Council-approved prioritization of community standards by-law reviews (SRCS.23.13), staff commenced a comprehensive review of the Property Standards By-law including:

- review of statistics related to property standards complaints and enforcement
- municipal benchmarking and best practice research
- a web-based public survey to understand preferred community standards
- consultation with Council members and staff across various City Divisions to identify issues and potential improvements to the by-law, and
- engagement with stakeholders such as homeowners groups, including landlords and tenants.

By-law Case Statistics

The Community Standards Division received approximately 830 Property Standards By-law related service calls in 2022, and 974 service calls in 2023. Property Standards By-law service calls including inquiries, complaints, and concerns. The most common types of Property Standards By-law service calls averaged in 2022 and 2023 included:

- yards maintenance including inoperative vehicles, pests, overgrown vegetation, garbage and debris (60%)
- complaints about dead, decaying or hazardous trees (15%)
- drainage concerns including ponding, flooding, or drainage over property lines (6%)

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- concerns about the exterior maintenance of structures such as weathered paint, damaged eaves troughs, and broken windows (4%)
- general nuisance concerns such as odours or dust from construction (4%)
- wildlife feeding issues (2%)
- building interior and rental property concerns such as disconnected utilities and mold (1%)
- other complaints including those related to snow and ice removal, fences, cameras, vacant properties, and construction hazards (cumulative average 9%)

Municipal Benchmarking

A detailed review of property standards by-laws in select Greater Toronto Area (GTA) municipalities was undertaken. Overall, it was found that most of the property standards by-laws in comparator municipalities governed similar issues. A few reviewed municipal comparator by-laws have been updated to include contemporary issues.

In terms of best practices, Oakville is the GTA municipality reviewed that has most recently completed a comprehensive update of their Property Standards By-law (2023). The Town of Oakville's new property standards by-law provides a template for establishing the responsibilities for the Property Standards Committee, as well as more comprehensive regulations for heritage properties. The by-law also contains comprehensive enforcement provisions regarding property standards provisions as outlined in the Building Code Act and a format that is easy to understand.

Community Consultation

An online public survey was conducted from September 25 to November 7, 2023 to obtain feedback from Richmond Hill residents in relation to property standards regulation. The survey was advertised on the City website, through social media, and email blasts which reached an estimated 3,500 households. Staff also attended the Landlord and Tenant Expo held at Centennial Pool to speak with the public about various by-law issues, as well as encourage citizens to complete the online survey. The survey received 503 responses, of which 95% were Richmond Hill residents almost equally distributed across all wards. Some of the specific feedback gathered through the survey is as follows:

- 93% of respondents identified as owning their own home in Richmond Hill
- 58% of respondents indicated they could be more aware of property standards rules
- 62% of respondents identified improved website and social media information would improve their awareness
- 51% of respondents had contacted the City regarding a property standard issue in their neighbourhood
- 17% of respondents were neutral when asked about how satisfied they were with the maintenance of property in their neighbourhood, with another 61% of respondents equally distributed between satisfied and not satisfied with the property maintenance in their neighbourhood

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- 69% of respondents cited they were concerned with undesirable materials (garbage and debris, broken/discarded materials)
- 34% of respondents were concerned with vacant property deficiencies, and of those responses, the majority were concerned or very concerned with vacant properties appearance and security
- 84% of respondents believe that more can be done when it comes to property standards including increased enforcement, shorter compliance times, and better communication of the prescribed standards.

Enforcement Officer consultation was also conducted. Most notable was the issue of long wait times for compliance when an order is issued pursuant to the Property Standards By-law. Property Standards By-laws are governed pursuant to section 15 of the Building Code Act, which requires a statutory minimum 14-day appeal period when a compliance order is issued days (19 days if the order is served by mail). This period delays any enforcement action until the order appeal time limitation has expired, and results in lengthy periods of “non-action” while officers wait for an order to be considered final and binding. The appeal limitation period frustrates enforcement action for property standards related issues that could otherwise be rectified quickly (such as removing garbage and debris).

Key Directions for New Property Standards By-law

Based on the research summarized, the provisions contained in the Property Standards By-law were reviewed and categorized into either Property Standards issues that should fall within the jurisdiction of section 15 of the Building Code Act and involve an order (i.e., building and structural issues that would typically require trade, technical or contractor expertise to resolve), versus simple property maintenance issues for which it would be reasonable to have shorter compliance times (i.e., general yard issues that a typical property owner could address directly).

It is recommended that the Property Standards By-law be replaced with updated provisions that continue to prescribe minimum requirements for the condition and maintenance of buildings, outdoor lighting for security, air quality, mold identification and removal, doors, windows, walls, heating and ventilation, heritage preservation requirements, and property damage will remain within the jurisdiction of this by-law and will continue to be subject to compliance orders.

It is also recommended that a new Clean Neighbourhoods By-law pursuant to the Municipal Act be enacted to prescribe and enforce minimum standards of property upkeep to maintain a safe and clean community. Issues impacting overall cleanliness and appearance of the property may be subject to a work order requiring a reasonable, but much more realistic compliance time. Provisions of this by-law will also allow for Penalty Notices (tickets) to be issued pursuant to the City’s Administrative Penalty By-law for immediate compliance issues. 4 of 5 benchmarked municipalities use both a Property Standards By-law and a Clean Neighbourhoods By-law.

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In addition to the adoption of a two by-law approach, other significant amendments to the City's property standard regulation include:

1. **Modernize and simplify the overall by-law structure and format**

This includes updating definitions within the Property Standards By-law to harmonize with other relevant by-laws. The draft Clean Neighbourhoods By-law reflects contemporary terminology, eliminating schedules, organizing sections to consolidate key areas, state intent, provide examples, and simplify provisions where possible to make the by-law more straightforward and easy to understand.

2. **Consolidation of Property Standard Related By-laws**

Over the years, many by-laws have addressed property standards issues, the by-laws identified overlap with or regulate similar issues to the draft Property Standards By-law and draft Clean Neighbourhoods By-law. Consolidating these by-laws into two by-laws will create easier to navigate property regulations for the public. These by-laws include:

- Adequate Heat By-law No. 399-90, as amended (Municipal Code Chapter 982) has been included in the draft Property Standards By-law.
- Boarding By-law No. 92-92, as amended (Municipal Code Chapter 955) has been divided between the draft Property Standards By-law, which addresses vacant heritage properties, due to their cultural significance, and the draft Clean Neighbourhoods By-law, which addresses other vacant properties.
- Abandoned Appliances By-law No. 136-75, as amended (Municipal Code Chapter 1060) has been included in the draft Clean Neighbourhoods By-law.
- Anti-Graffiti By-law (No. 69-07) regulations have been included in the draft Clean Neighbourhoods By-law.

3. **Clarify Officer Authorities and Appeals**

The Building Code Act provides enforcement officers with powers of entry and powers of inspection, and the Property Standards Appeals Committee with the authority to hear appeals of orders. These authorities are not clearly described in the in force Property Standards By-law, but have been included and clarified in the Draft proposed Property Standards By-law.

4. **Shorten Enforcement Reaction Time**

The creation of a Clean Neighbourhoods By-law allows enforcement officers to deal with "simple" property related deficiencies, such as garbage and debris, overgrown vegetation, and graffiti, in a timelier manner. The draft Clean Neighbourhoods By-law provides for an enforcement approach similar to that of the Grass and Weed By-law, where a work order can be issued requiring a compliance period of a few days (service provisions will apply). Administrative Penalties can be issued if the required work is not completed, resulting in quicker enforcement periods. The Draft By-law also provides that if a work order is not complied with, the City may enter on to the property and perform the necessary work, placing the recovery of any costs incurred

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and administrative fees on the tax roll to be collected in the same manner as municipal taxes.

5. Consideration for specific complaint-types that have been a challenge to address under existing by-laws

- Security Cameras – Based on municipal benchmarking and consultation with police, it is recommended that use of security cameras not be regulated in the new by-laws. Camera view (restriction to the owner's property and public property) and recording regulation and enforcement fall within the jurisdiction of police pursuant to the Criminal Code. Further, the majority of municipalities benchmarked do not regulate use of cameras due to police jurisdiction. Additionally, 64% of public survey respondents indicated they had no concerns with how security cameras are being used.
- Residential Exterior Lighting - It is recommended that requirements around exterior residential lighting be improved in the new by-law. Benchmarking and consultation suggest that the difference between acceptable and unacceptable exterior lighting is the extent to which it illuminates adjacent property. It is difficult to establish an enforceable standard in this regard, but it is suggested that, at minimum, the Property Standards By-law should prevent a direct beam of light from illuminating a neighbouring dwelling. Consistently, 4 out of 5 municipalities benchmarked regulate exterior lighting that directly illuminates a neighbouring dwelling.
- Heritage Properties – The policies protecting Heritage Properties have been significantly enhanced and strengthened in response to comments from City Heritage Planners and Heritage Richmond Hill.
- Additional regulations – In the past, it has been noted that standards related to wildlife feeding, stagnant water, portable toilets and composting need to be clarified as specific restrictions around these items are unclear in existing by-laws. Therefore, provisions are included in the draft Clean Neighbourhood By-law to establish minimum requirements (for example the draft by-law requires that bird feeders be maintained to prevent attraction of rodents and composters must be maintained so as to not cause excessive odours or attract pests).

6. Incorporate Property Standards and Clean Neighbourhood By-law offences into the Administrative Monetary Penalty System (AMPS)

Consistent with February 11, 2019 Council direction to continue expansion of Administrative Penalty enforcement to community standards by-laws, it is recommended that both the new Property Standards By-law and Clean Neighbourhoods By-law violations be incorporated into AMPS. In this regard it is necessary to include appropriate clauses in the new by-laws and add offences to Schedule A of the Administrative Penalty By-law No. 69-16. Defaulted fines may also be recovered by adding the administrative penalty to the assessment roll recoverable in the same manner as municipal taxes. Incorporation of property standards and clean neighbourhood offences into AMPS will provide for better enforcement tools and a more efficient and accessible resolution system.

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Based on the key findings and directions outlined above, Draft Property Standards and Clean Neighbourhoods By-laws (Attachments 1 and 2) are presented for review and consideration. Council, internal and public comments and feedback on the attached draft by-laws will be used to determine finalized by-laws that will be presented to Council for approval in spring of 2024.

Financial/Staffing/Other Implications:

There are no staffing or financial implications associated with this report.

Relationship to Council's Strategic Priorities 2020-2022:

Sense of Belonging

Setting easy to understand maintenance standards that address contemporary property standard issues provides citizens with a set of expectations for one another, and contributes to clean and safe properties within Richmond Hill neighbourhoods.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

The current Property Standards By-law No. 79-99, as amended (Municipal Code Chapter 1010) was enacted in 1999 and has not received a comprehensive review since that time. As a result of research done to date, it is recommended that the existing Property Standards By-law (along with related Municipal Act By-laws including Abandoned Appliances and Adequate Heat) be repealed and replaced with new Property Standards and Clean Neighbourhoods By-laws. These new by-laws will incorporate modern definitions, clarify existing authority, improve consistency with other by-laws, and establish a strong and efficient enforcement framework for property maintenance issues. It is proposed that the new Property Standards and Clean Neighbourhoods By-laws be accompanied by amendments to the Administrative Penalties By-law to incorporate offences into the City's AMPS. Any comments on the proposed key directions contained herein and draft by-laws should be referred to staff for consideration in finalizing the new by-laws.

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 Property Standards By-law (Municipal Code Chapter 1010)
- Attachment 2 – Draft Clean Neighbourhoods By-law

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Report Approval Details

Document Title:	SRCS.24.02 Property Standards Key Finding and Directions.docx
Attachments:	- Attachment 1 - SRCS.24.02 - Draft Property Standards By-law.docx - Attachment 2 - SRCS.24.02 - Draft Clean Neighbourhoods By-law.docx
Final Approval Date:	Jan 4, 2024

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

Don Guy - Jan 3, 2024 - 3:48 PM

Tracey Steele - Jan 3, 2024 - 4:39 PM

Darlene Joslin - Jan 4, 2024 - 1:05 PM