



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 29, 2024

Report Number: SRCS.24.09

Department: Community Services
Division: Community Standards

Subject: SRCS.24.09 - Property Standards By-law and Clean Neighbourhoods By-law Enactment

Purpose:

To enact a new Property Standards By-law and a Clean Neighbourhoods By-law and provide for Administrative Monetary Penalty enforcement and adjudication of both.

Recommendation(s):

- a) That Staff Report SRCS.24.09 regarding the new Property Standards and Clean Neighbourhoods By-laws be received;
- b) That Property Standards By-law 62-24 (Attachment 1; Municipal Code Chapter 1010) be enacted;
- c) That the Clean Neighbourhoods By-law 63-24 (Attachment 2) be enacted;
- d) That By-law 64-24 (Attachment 3) be enacted to include designated Property Standards By-law offences as Schedule 'C' of the Administrative Penalties By-law 69-16, as amended; and
- e) That By-law 65-24 (Attachment 4) be enacted to include designated Clean Neighbourhoods By-law offences in Schedule 'A' of the Administrative Penalties By-law 69-16, as amended.
- f) That the following by-laws be repealed:
 - Property Standards By-law 79-99 as amended
 - Adequate Heat By-law 399-90, as amended (Municipal Code Chapter 982)
 - Boarding By-law 92-92, as amended (Municipal Code Chapter 955)
 - Abandoned Appliances By-law 136-75, as amended
 - Anti-Graffiti By-law 69-07

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Contact Person:

Melinda Fartsalas, Manager of Adjudications, Manager of Adjudication and Policy Governance, Extension 5480

Don Guy, Director of Community Standards Division, Extension 2427

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:

On January 24, 2024, Council received SRCS.24.02, which provided an update on the comprehensive review of Richmond Hill's Property Standards By-law. SRCS.24.02 presented draft Property Standards and Clean Neighbourhoods By-laws for comment and recommended that, following further stakeholder consultation and community engagement, staff report back to Council with final proposed by-laws for approval.

The key directions of the Property Standards By-law review as outlined in SRCS.24.02, and generally supported by Council in the January 17, 2024 Committee of the Whole discussion associated with the report, were as follows:

1. Move to a two By-law format with more complicated minimum maintenance standards for buildings and structures being contained within a Property Standards By-law; and simple property maintenance issues, for which it would be reasonable to have shorter compliance times contained within a Clean Neighbourhoods By-law;
2. Modernize and simplify the overall Property Standards By-law structure and format;
3. Repeal the following by-laws and preserve their intent through consolidation into the new two by-law structure:
 - Adequate Heat By-law No. 399-90, as amended (Municipal Code Chapter 982)
 - Boarding By-law No. 92-92, as amended (Municipal Code Chapter 955)
 - Abandoned Appliances By-law No. 136-75, as amended
 - Anti-Graffiti By-law No. 69-07
4. Clarify Officer authorities and appeal processes for Property Standards;
5. Shorten enforcement reaction times;
6. Improve regulations and requirements associated with specific complaint types that have been a challenge to address under existing by-laws including residential exterior lighting, vacant properties, heritage properties and wildlife feeding;
7. Incorporate Property Standards and Clean Neighbourhoods By-law offences into the Administrative Monetary Penalty System ("AMPS").

Discussion:

Since the January Council meeting staff have conducted additional benchmarking research and internal stakeholder consultation. Additionally, a second public survey (which received 320 responses) was conducted to determine community opinion related to specific aspects of the by-laws. As a result, the Property Standards and Clean Neighbourhoods By-laws have been refined as follows.

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Property Standards By-law

Staff conducted additional research and stakeholder consultation to address potential enforcement challenges and ensure provisions compiled with provincial legislation. Building and heritage stakeholders confirmed that existing provisions compiled with the Building Code Act and that heritage provisions were sufficient to protect the City's heritage buildings. Other internal and regional stakeholders were consulted to determine the authority for by-law infractions which may require an expert opinion such as tree removal, mold, and indoor air quality issues.

Clean Neighbourhoods By-law

Staff conducted benchmarking research and stakeholder and community consultation related to residential exterior lighting, vacant properties, and inoperable vehicles. Provisions in the draft Clean Neighbourhoods By-law have now been updated to address these issues and are as follows.

Residential Exterior Lighting

Staff Report SCRS.24.02 recommended strengthening residential exterior lighting requirements given that lighting complaints have been difficult to address under existing by-laws. Several new lighting provisions have been added which work together to limit artificial light at night and mitigate nuisance lighting. These provisions will also reduce artificial light at night which has been reported to negatively impact the circadian rhythms of nocturnal animals, migratory animals, and humans. Survey results showed 49% of respondents supported regulations to limit the use of exterior lighting on residential properties, whereas 35% were not supportive and 16% were unsure or had no opinion.

1. *Indirect and Direct Light* – The new Clean Neighbourhoods By-law now defines direct and indirect light, as well as light trespass, and prohibits any indirect or direct lighting from shining on to another property.
2. *Measuring Light using lux* - A provision was added to prohibit lighting levels on a residential property from exceeding an average of 16.14 lux. Quantitative thresholds have been a successful approach to regulation for the Noise By-law and therefore the use of a lux measurement is recommended to create a similar objective threshold for light. 16.14 lux was reviewed by the City's illumination specialist and is aligned with existing limits under the Light Pollution By-law.
3. *Permitted Hours for Outdoor Lighting* – A provision has been added which prohibits the use of outdoor residential lighting after 11:00 p.m. unless the yard is occupied, the light is being used for security purposes, or the light illuminates a point of entry or means of egress. Survey results showed 50% of respondents supported requiring exterior lighting to be turned off after 11:00 p.m., whereas 40% were not supportive and 10% had no opinion or were unsure.

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4. *Shield Requirement for Direct Lighting* – The new Clean Neighbourhoods By-law now provides an enforcement option to issue a work order directing owners to install a barrier if there is no other mitigating or remedial option in replacement or maintenance of the outdoor light fixture. Of eleven municipalities benchmarked, six had requirements for either shielding the light fixture or erecting a barrier to block light from shining on to other properties.

Feeding of Wildlife – Bird Classifications

Bird feeding provisions were expanded to allow the feeding of any local birds as opposed to only songbirds and hummingbirds. Expanding this provision to all local wild birds was suggested and staff agree with the recommendation given the potential enforcement challenges in verifying each type of bird being fed.

New provisions have been added requiring bird feeding devices to be kept in good working order and cleaned properly to prevent bird related diseases in accordance with best public health practices. Bird feeding devices are also required to be emptied and cleaned when York Region Public Health has declared an outbreak or issued warnings regarding bird related diseases in order to mitigate the spread of disease.

Inoperable Vehicle Allowance

Survey results showed 50% of respondents supported temporary storage of an inoperable vehicle undergoing maintenance on a driveway, whereas 41% did not support this exemption and 9% were unsure or had no opinion. The proposed Clean Neighbourhoods By-law contains a provision permitting one inoperable vehicle on a property for the purpose of maintenance or restoration, provided it is not unsightly, pose a health or safety risk, and the vehicle is not in a dismantled state.

Vacant Buildings and Properties

Vacant buildings and property concerns have generally increased over the last few years. Further investigation was conducted to include provisions to mitigate issues associated with vacant buildings. Survey respondents supported the idea of requiring deterrents on vacant property to prevent trespassing such as security cameras, fencing, lighting, and covering openings with boards. Results showed 73% of respondents were supportive, whereas 15% were not supportive and 12% were unsure or had no opinion. The new Clean Neighbourhoods By-law requires vacant properties to implement deterrents to prevent the attraction of pests, unauthorized persons, or accumulation of garbage.

Communications Strategy

Upon enactment, staff will work to implement a comprehensive communication and education strategy for the new Property Standards and Clean Neighbourhoods By-laws. Communication approaches such as public service announcements, website updates,

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use of social media, and articles in City publications will be used as part of the communication strategy to increase public awareness.

Financial/Staffing/Other Implications:

Enacting the new Property Standards and Clean Neighbourhoods By-laws will lead to new efficiencies, better use of staffing resources, and improved service levels and customer satisfaction. Incorporating AMPS enforcement into both by-laws will generate additional revenue for the City and provide by-law officers with more enforcement tools to achieve compliance. AMPS penalties can also be linked to property taxes which increases the likelihood of fines being paid as opposed to Provincial Offense Act fines.

Relationship to Council's Strategic Priorities 2024-2027:

Enacting the new Property Standards and Clean Neighbourhoods By-laws relates to Pillar 1, Growing a livable, sustainable community, specifically, Priority 2, implementing environmental sustainability practices, and ensuring that the City's natural and environment assets are protected.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

On January 24, 2024, Council considered recommendations of staff report SRCS.24.02 which identified key directions for new Property Standards and Clean Neighborhoods By-laws. Additional research was performed including stakeholder consultation, public survey as well as evaluating concerns raised to further refine provisions of the by-laws.

The recommended new Property Standards By-law No. 62-24 and new Clean Neighbourhoods By-law No. 63-24 include updated definitions and regulations that lay the groundwork for an impactful enforcement strategy to address both complex and simple property related issues in a time efficient manner. The addition of Administrative Penalties further streamlines this enforcement process with quicker resolution to disputed matters.

Following the enactment of both by-laws, a Communication Strategy will be implemented to promote public awareness of property maintenance related matters.

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 – Property Standards By-law 62-24
- Attachment 2 – Clean Neighbourhoods By-law 63-24

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- Attachment 3 – By-law 64-24 to add a new Schedule 'C' to the Administrative Penalty By-law No. 69-16 to include designated Property Standards By-law 62-24 offences
- Attachment 4 – By-law 65-24 to amend Schedule 'A' of the Administrative Penalty By-law 69-16, to include designated Clean Neighbourhoods By-law 63-24 offences

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Report Approval Details

Document Title:	SRCS.24.09 - Property Standards By-law and Clean Neighbourhoods By-law Enactment.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Property Standards By-law No. 62-24.docx- Attachment 2 - Clean Neighbourhoods By-law No. 63-24.docx- Attachment 3 - By-law No. 64-24 Administrative Penalty By-law Amending By-law for Property Standards By-law Offences.docx- Attachment 4 - By-law No. 65-24 Administrative Penalty By-law Amending By-law for Clean Neighbourhoods By-law Offences.docx
Final Approval Date:	May 22, 2024

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

Don Guy - May 22, 2024 - 12:12 PM

Tracey Steele - May 22, 2024 - 1:37 PM

Darlene Joslin - May 22, 2024 - 3:47 PM