

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

Report to: Chair and Members Economic Development and Planning Committee	Submitted by: Tim McCabe General Manager Planning and Economic Development Department
Date: June 18, 2008	Prepared by: Marty Hazell 905-546-2424, Ext. 4586

SUBJECT: Correspondence from the City of Ottawa respecting “Safer Communities and Neighbourhoods” Legislation (PED08152) (City Wide)

RECOMMENDATION:

- (a) That the City of Hamilton support the Ottawa City Council resolution approved on July 9, 2007, as outlined in Appendix ‘A’ to Report PED08152.
- (b) That the City of Hamilton’s support for “Safer Communities and Neighbourhoods Legislation” be circulated to the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police, the Association of Municipalities of Ontario, the Ontario Premier, the Attorney General and the Minister of Community Safety and Correctional Services.
- (c) That the “Safer Communities and Neighbourhoods Legislation” item be removed from the Economic Development and Planning Committee’s Outstanding Business List.

Tim McCabe
General Manager
Planning and Economic Development Department

SUBJECT: Correspondence from the City of Ottawa respecting “Safer Communities and Neighbourhoods” Legislation (PED08152) (City Wide) - Page 2 of 4

EXECUTIVE SUMMARY:

On May 12, 2007, City Council received correspondence from City of Ottawa respecting “Safer Communities and Neighbourhoods Legislation” and referred the matter to the General Manager of Planning and Economic Development for a report back to the Economic Development & Planning Committee and to the Hamilton Police Services Board and Hamilton Emergency Services, Fire Division for review.

A number of Provinces have passed Safer Communities and Neighbourhoods Acts. These Acts provide for the investigation by a Provincial body of public complaints about properties where criminal activity takes place which adversely affects the neighbourhood. The Provincial body may, on the basis of its investigation, apply to a Court for an order enjoining the activities and/or closing a property for a period of time.

BACKGROUND:

On May 12, 2007, City Council received correspondence from City of Ottawa respecting “Safer Communities and Neighbourhoods Legislation” and referred the matter to the General Manager of Planning and Economic Development for a report back to the Economic Development & Planning Committee and to the Hamilton Police Services Board and Hamilton Emergency Services, Fire Division for review.

City staff (Legal, Hamilton Emergency Services and Planning and Economic Development) have reviewed the matter and recommend that City Council support Ottawa City Council’s request to have the Province adopt a Safer Communities and Neighbourhoods Act. The Hamilton Police Service also supports the adoption of a Safer Communities and Neighbourhoods Act by the Province of Ontario.

ANALYSIS/RATIONALE:

Section 447.1 of Ontario's Municipal Act, 2001 is similar to the Safer Communities and Neighbourhoods Acts of other Provinces. It provides for a municipality to bring an application to Court to close a property for up to two years where activities or circumstances on the property constitute a public nuisance that has a detrimental impact on the neighbourhood.

While s. 447.1 of the Municipal Act, 2001 is a better a tool than the Safer Communities and Neighbourhoods Acts in that it does not require evidence that the impugned activities are criminal in nature, the Safer Communities and Neighbourhoods Acts are better in several other respects, such as:

- Under the Safer Communities and Neighbourhoods Acts the court order is more flexible, and may be made on an emergency basis
- The Acts prevail over rental property legislation and may terminate any tenancy agreement or lease.

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- There is authority in regard to dealing with personal information which supersedes access to information and protection of privacy legislation.
- And, most significantly, the considerable work-load of investigating complaints and bringing applications is carried out by a Provincial body rather than by the municipality.

It does not appear that a Safer Communities and Neighbourhoods Act would conflict with Ontario's Civil Remedies Act, 2001 which enables the Attorney General to ask a Court for an order forfeiting the proceeds of unlawful activity, including real property, to the Crown. Provinces which have Safer Communities and Neighbourhoods Acts also have Acts like the Civil Remedies Act, 2001.

ALTERNATIVES FOR CONSIDERATION:

In the alternative, the Provincial Government could be asked to amend s. 447.1 of the Municipal Act, 2001 to include those provisions of the Safer Communities and Neighbourhoods Acts, some of which are listed in the analysis section of this report, that make these Acts better tools for dealing with problem properties. This alternative, however, does nothing to ease the work-load of investigating complaints and bringing applications which would remain with municipalities.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

POLICIES AFFECTING PROPOSAL:

n/a

RELEVANT CONSULTATION:

The Hamilton Police Service, the Hamilton Emergency Services Department and Legal Services have all been consulted in the preparation of Report PED08152.

CITY STRATEGIC COMMITMENT:

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. Yes No

Supporting the enactment of Safer Communities and Neighbourhoods legislation is in the line with the City's strategic commitment to a healthy community.

Environmental Well-Being is enhanced. Yes No

n/a

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Economic Well-Being is enhanced. Yes No

n/a

Does the option you are recommending create value across all three bottom lines?

n/a

Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

n/a

Yes No

MH:jcs

Attach. (1)



File N° : ACS2007-CCS-CPS-C

20 July 2007

The Honourable Dalton McGuinty, MPP
Ottawa South
Premier and Minister of Intergovernmental Affairs
900 Bay Street
6th Floor, Mowat Block
Toronto, ON M7A 1C2

Dear Premier:

Re: Safer Communities and Neighbourhoods Legislation

On 9 July 2007, Ottawa City Council approved a recommendation of the Community and Protective Services Committee proposing new and effective legislation to deal with the significant problems caused in neighbourhoods by crack houses and other problem properties. The recommendation is:

That Council request the Provincial government to adopt "Safer Communities and Neighbourhoods" legislation in order to address the public disorder and neighbourhood deterioration caused by problem addresses; and urge other Ontario municipalities, the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police and the Association of Municipalities of Ontario to do the same.

A copy of the item, as approved by Council is attached.

*Shaping our future together
Ensemble, formons notre avenir*

Deputy City Clerk
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Should you require additional information with regards to this particular item, please contact Nancy Worsfold, Executive Director, Crime Prevention Ottawa at (613) 580-2424 ext. 28518 or at Nancy.Worsfold@ottawa.ca.

Yours sincerely,

Leslie Donnelly
Deputy City Clerk

cc: City Council
Steve Kanellakos, Deputy City Manager, Community and Protective Services
Ontario Municipalities
The Ontario Association of Police Service Boards
The Ontario Association of Chiefs of Police
Association of Municipalities of Ontario (AMO)
Association Française des municipalité de l'Ontario (AFMO)
The Hon. Monte Kwinter, Minister of Community Safety and Correctional Services
The Hon. Michael Bryant, Attorney General
John Fraser, Executive Assistant, Office of the Premier

Attach. (1)

3. SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

LEGISLATION VISANT A ACCROITRE LA SECURITE DES COLLECTIVITES ET DES
QUARTIERS

COMMITTEE RECOMMENDATION AS AMENDED

That Council request the Provincial government to adopt "Safer Communities and Neighbourhoods" legislation in order to address the public disorder and neighbourhood deterioration caused by problem addresses; and urge other Ontario municipalities, the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police and the Association of Municipalities of Ontario to do the same.

RECOMMANDATIONS MODIFIÉES DU COMITE

Que le Conseil demande au gouvernement provincial d'adopter une loi visant à accroître « la sécurité des collectivités et des quartiers », dans le but de faire face au désordre public et à la détérioration des quartiers causés par les adresses à problème, et encourage vivement les autres municipalités de l'Ontario, l'Ontario Association of Police Service Boards, l'Association des chefs de police de l'Ontario et l'Association des municipalités de l'Ontario d'en faire autant.

DOCUMENTATION

1. Coordinator, Community and Protective Services Committee report dated 28 June 2007 (ACS2007-CCS-CPS-0015).
2. Extract of Draft Minute, 05 July 2007

Report to / Rapport au:

**Community and Protective Services Committee /
Comité des services communautaires et de protection**

and Council / et au Conseil

28 June 2007 / 28 juin 2007

**Submitted by/Soumis par : Jacques Legendre, Chair / Président,
Crime Prevention Ottawa / Prévention du Crime Ottawa**

*Contact Person / Personne ressource : Nancy Worsfold, Executive Director / Directrice
Directrice générale
(613) 580-2424 x28518, nancy.worsfold@ottawa.ca*

Citywide/ À L'échelle De La Ville

Ref N°: ACS2007-CCS-CPS-0015

SUBJECT: SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION

**OBJET: LEGISLATION VISANT A ACCROITRE LA SECURITE DES
COLLECTIVITES ET DES QUARTIERS**

REPORT RECOMMENDATION

That the Community and Protective Services Committee recommend that Council request that the Provincial government to adopt "Safer Communities and Neighbourhoods" legislation in order to address the public disorder and neighbourhood deterioration caused by problem addresses; and urge other Ontario municipalities to do the same.

RECOMMANDATION DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil de demander au gouvernement provincial d'adopter une loi visant à accroître « la sécurité des collectivités et des quartiers », dans le but de faire face au désordre public et à la détérioration des quartiers causés par les adresses à problème; et de demander avec insistance aux autres municipalités de l'Ontario d'en faire autant.

BACKGROUND

Crack houses and bawdy houses and the problems associated with them are increasingly becoming an issue facing Ottawa neighbourhoods. For the past six years the Manitoba Justice department has been using an innovative legal tool, the Safer Communities and Neighbourhoods Act (SCAN), to close problem properties and revitalize neighbourhoods. The Act uses civil remedies to address the damage done to communities by habitual criminal activity.

The Board of Crime Prevention Ottawa has reviewed this issue and on June 18 passed a resolution requesting Council's support for similar legislation for Ontario.

DISCUSSION

Safer Communities and Neighbourhoods Acts are currently in force in Manitoba, Saskatchewan, Nova Scotia and the Yukon. These acts are intended to allow for enhanced neighbourhood safety and harmony by targeting the owners and landlords of consistent problem addresses. Property owners and businesses are held accountable for activities occurring on their properties. These acts apply civil law to counter the impact on neighbourhoods of entrenched drug and prostitution operations based out of homes and businesses.

In Manitoba the community identified a serious problem with specific addresses, which was not being dealt with satisfactorily through traditional criminal law enforcement. Community associations in Ottawa are actively promoting this type of legislation.

In Manitoba the province created a public safety investigation unit (PSIU) in the Department of Justice to enforce the Safer Communities and Neighbourhoods Act. The PSIU, in 2006-07, had a budget of \$820,000. The public is invited to make anonymous complaints about problem properties including situations such as: use or sale of liquor contravening the law; use or consumption of drugs; production or sale of drugs; or prostitution. The act targets *properties* used for alcohol, drugs and or prostitution, *not* individuals. After the property is investigated the PSIU must establish that there is habitual activity that has an adverse affect on a neighbourhood. If there is sufficient evidence, based on a balance of probabilities, they can issue orders to stop the activity, close the property or bar individuals from a property. Although court proceedings are possible almost all cases are resolved informally. At the same time, the investigations unit works in close partnership with the police, By Law officers and other officials.

In Manitoba since 2002 this has resulted in:

- ❖ Activities ceased at 219 drug, prostitution, and solvent abuse operations involving 304 complaints (Only 1 operation required a Court Order)
- ❖ \$2 million+ in drugs seized due to investigations
- ❖ 93 Police arrests of adults and youth for Criminal Code offences, drug offences and outstanding Warrants based on these cases
- ❖ Several Marijuana Grow Operations shut down

- ❖ No false or malicious complaints
- ❖ Only five individuals have re-appeared in new investigations after the closing of a problem property. No problem addresses have recurred.

Several communities in Ottawa are facing issues caused by properties associated with the sale and use of illegal drugs, commonly called crack houses. Although the combined efforts of the Police, By-Law and Public Health have resulted in the closure of many such properties, the process is slow and cumbersome. The advantage of having Safer Communities and Neighbourhoods legislation would be the increased powers to act on problem properties and quicker resolution of problem addresses.

CONSULTATION

A Public Forum, organized by Crime Prevention Ottawa, took place on May 8 featuring Al Cameron, the head of the Public Safety Investigation Unit of Manitoba Justice, which enforces the Safer Communities and Neighbourhoods Act. Approximately 150 people attended this event.

Crime Prevention Ottawa also hosted a stakeholder meeting to explore Safer Communities and Neighbourhoods legislation in greater depth. In attendance at this meeting were representatives from Police, By-Law, Legal, Councillors and their staff from affected areas, United Way, Ottawa Community Housing Corporation, Neighbourhood Watch, and the Eastern Ontario Landlord Association. There was strong agreement that this legislation was needed and would be very useful in addressing the problems caused in communities by a relatively few addresses. It was also agreed that it would be very helpful if in implementing this initiative the province would do an appropriate impact evaluation.

FINANCIAL IMPLICATIONS

The community mobilization campaign with regards to this issue will take place within current budget.

Should the province enact Safer Communities and Neighbourhoods legislation there potentially could be savings for the City as the legislation offers a more efficient legal tool for the kind of problems currently addressed by By-Law, Fire, Public Health and Police services through current problem address task forces.

SUPPORTING DOCUMENTATION

- Document 1: Manitoba fact sheet (Safer Communities and Neighbourhoods Act)
- Document 2: Provincial comparison sheet

DISPOSITION

The recommendation of the Committee will be transmitted to Council on July 11, 2007.

EXTRACT OF DRAFT MINUTES 13
05 JULY 2007

EXTRAIT DE L'ÉBAUCHE DU PROCÈS
VERBAL 13 - LE 5 JUILLET 2007

SAFER COMMUNITIES AND NEIGHBOURHOODS LEGISLATION
LEGISLATION VISANT A ACCROITRE LA SECURITE DES COLLECTIVITES ET
DES QUARTIERS
ACS2007-CCS-CPS-0015 CITY WIDE / À L'ÉCHELLE DE LA VILLE

The Committee received the following submissions in support of the report recommendation, copies of which are held on file:

- a. Hintonburg Community Association Security Committee submission dated 3 July 2007.
- b. Eastern Ontario Landlord Organization e-mail dated 4 July 2007.

Moved by G. Bédard

That the report recommendation be amended to add the following after "urge other Ontario municipalities": "the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police and the Association of Municipalities of Ontario".

CARRIED

That the Community and Protective Services Committee recommend that Council request the Provincial government to adopt "Safer Communities and Neighbourhoods" legislation in order to address the public disorder and neighbourhood deterioration caused by problem addresses; and urge other Ontario municipalities, the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police and the Association of Municipalities of Ontario to do the same.

CARRIED, as amended