

RE: One Year Pilot Program for Yard Maintenance Related Bylaws in the McMaster Neighbourhoods  
To the Planning Committee

Good day most honorable Councilor;

We are writing this letter as a follow up to our delegation to the GIC and in regards to the report on the pilot program of proactive by-law enforcement in the McMaster neighbourhoods. This report confirms the concerns McMaster students have about this program, and it raises significant concerns both to the ethics, and sustainability of the program going forward. We thank Kelly Barnett for her time, and diligence in creating the report. We are concerned for the list of unanswered questions, and critical information that is not provided.

As it stands, this report does not provide an adequate amount of information to inform council and the community about the functioning of this program that has cost residents \$62,943 in non-compliance fees. We are asking council direct city staff to provide additional information before the report is received.

While the report provides a detailed breakdown orders issued by violation, there is no information the breakdown what orders were non-compliant by violation. For instances, of the 226 Long Grass / Weeds orders issued, how many of those were non-compliant and what is the amount of fees charged to these households? This information is vital in order to determine why these households are not complying, to understand the cost of fee for inspection by violation, and to increase education initiatives around the violations with the highest non-compliance rate.

The MSU has also been informed by Kelly Barnett that some of these orders issued do not receive a fee for inspection charge even if not compliant. An example of this would be "Improper Storage of Waste Collection Containers." However, this has never been explicitly stated in any report. Council should agree that the utmost transparency is necessary for this project to be useful and to meet its intended need.

We also believes there should be a breakdown of the orders issued by neighbourhood. This information will allow for more targeted educational efforts in neighbourhoods with a higher non-compliance rate. It will also reveal which households are more likely to be receiving these charges. For instance, it is common knowledge that Westdale has more properties owned by permanent residents as compared to Ainslie Wood, which has a higher percentage of student renters. This information is vital for the MSU to ensure students in these areas are not having the charges unlawfully passed down onto them or that rent is not being increased in these areas as a result of increased likelihood of receiving a charge. While the City has assured us that this program is not targeting student houses, it is still important for us to know if the orders and charges are more commonly being distributed to student houses. Information by neighbourhood will help us to discern this information.



Currently, this program appears to have a \$14,335 surplus. The MSU questions where this surplus is going and if it could be dedicated to increasing education in the neighbourhoods. In our recent budget submission, the MSU requests funding for our Student Community Support Network; a student-run support service funded through McMaster Students Union that is mandated to serve all full-time McMaster students. It provides important content regarding City by-laws, tenant rights, and student housing information through informational and promotional materials. It is currently limited in its outreach due to its small budget funded entirely by student dollars. An investment in this program would work to achieve the same goals of this Student By-Law Enforcement Program at a reduced cost to the City of Hamilton and the community.

Compliance with orders issued has been decreasing over the three terms. We suggest council raise this concern with city staff, who have said the goal of the program is to increase compliance. What are the possibilities for this decrease and are they doing any more proactive education to inform property owners?

We ask council to reflect on if they believe the fees for inspection charges for non-compliant properties are fair. The average fee for inspection charge was up to \$462 with an average of \$262 (See Table 1). While the goal of the program may be to create clean and healthy communities, we ask if it must come with such a heavy burden to those who let their grass grow an inch too long or leave a bulk item at the curb. The fact that 100% of the program is funded by 26% of complaints is deeply troubling and a blueprint for an unsustainable program. This is coupled with the exuberant fee for punishment model that is currently used. Council should consider if this fee is appropriate for the punishment to residents.



Table 1: Alternative presentation of bylaw violations and the enforcement results

<b>Violation</b>	<b>Orders Term 1</b>	<b>Issued</b>	<b>Orders Term 2</b>	<b>Issued</b>	<b>Orders Term 3</b>	<b>Issued</b>	<b>Total</b>
Total Orders Issued	219		435		280		934
Non-compliance rate	33 (15%)		103 (24%)		104 (37%)		240 (26%)
Total Fee for Inspection Charges	\$15,230		\$34,664		\$13,049		\$62,943
Average Fee for Inspection Charge (Non-compliance rate / Total Fee for Inspection Charges)	\$462		\$337		\$125		\$262

A member of council informed us that this increase in by-law enforcement in the neighbourhoods students predominantly live in is a problem that MSU must handle as representatives of students. However, the information presented in this report does not provide us with enough information to adequately move forward in our educational efforts to increase compliance with lawn and yard maintenance by-laws and to decrease the hygiene problem in the community.

Furthermore, we have made recommendations to how this program can protect students. One of such recommendations is that when notices are shared to students, they should be informed of their rights as tenants and should be informed of appropriate channels for arbitration. We ask Barnett to give critical thought to this recommendation through this report. This report does not provide enough direction as to how to improve this program beyond financial concerns.

We thank council for their continual collaboration with the MSU and look forward to hearing the discussion on this issue during the Planning Committee meeting.

Sincerely,

Chukky Ibe  
President

Ryan Deshpande  
Vice-President Education

Stephanie Bertolo  
Associate Vice-President Municipal Affairs