



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include the Property Standards By-Law 10-221 (PED18205) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Property Standards By-law 10-221 as shown in Appendix "A" to Report PED18205 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement the Administrative Penalty System (APS) to Municipal By-laws. Building on the successful transitioning and implementation of several other by-laws to APS, staff is now ready to include the Property Standards By-law as Table 14 to the Administrative Penalties By-law 17-225.

The enforcement of Property Standards violations has been addressed through Property Standards Orders issued by Officers compelling the property owner to comply with the remedial action identified within the Order. The addition of issuing Administrative Penalty Notice (APN) for contraventions of the Property Standards By-law for minor contraventions and for repeat offenders will assist in gaining compliance to the Property Standards By-law.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

This enforcement approach encourages compliance and continuance adherence to minimum standards prescribed within the By-law, as well as providing a more local, accessible and a less adversarial dispute resolution process for our residents.

Staff is seeking Council's approval to include the Property Standards By-law to the APS By-law.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As there were no previous set fines excluded for the violation of failing to comply with an Order, the proposed current set fines attached to this Report as Appendix "A" have been determined to achieve and adhere to the guiding principles of the Administrative Penalty System which is not meant to be punitive, in nature, but rather encourage compliance and cost recovery.

As indicated in the Analysis Section of this Report, the introduction of APS does not negate the option of issuing a Part I Provincial Offences Notice (PON) or Part III Summons for contraventions of the By-law but add an option for Enforcement staff.

Staffing/Legal: N/A

HISTORICAL BACKGROUND

On May 30, 2017, Bill 68 was passed which broadened the application of APS to all by-laws enacted under the *Municipal Act, 2001*.

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include By-law 09-067 as Table 14 in Schedule A.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

APS has been adopted by numerous municipalities across Ontario. The benefits of this system include: improving service excellence, enhancing staff efficiencies and effectiveness, supporting operational cost recovery and autonomy over infraction penalty amounts as contained in s. 434.1(3) of the *Municipal Act, 2001*.

The inclusion of the Property Standards By-law within APS will allow Officers to issue an APN for minor contraventions and encourage the desired response and compliance to the regulation contained within the prescribed By-law without losing the option of laying charges under the *Provincial Offences Act* in the form of a Part I PON and/or a Part III Summon.

Since January 2018, approximately 1,247 APNs have been issued under various by-laws for a total revenue collected of \$52,700. The APS office has also conducted 312 screenings and five hearings.

APS provides a better customer experience with regards to the dispute resolution process through a quasi-judicial process with Hearing Officers having final and binding authority over the matter.

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton APS By-law has been written to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the Property Standards By-law as Table 14 to the APS By-law.

This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001*.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

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Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Amending By-law adding Table 14 – Property Standards By-law

KL:LF:st