



Report Presented To:	Township of Southgate Council Meeting
Meeting Date:	2025-03-05
Report Number	BES2025-004
Title:	By-law Enforcement Policies – request for direction
Open/Closed Session:	Open Session
Prepared By:	Hannah Combs By-law Enforcement Officer
Approved By:	Phil Schram Chief Building Official
Approved By:	Kenneth Melanson, RPP, MCIP Director, Development & Community Services
Approved By:	Jim Ellis Interim Chief Administrative Officer

Executive Summary:

By-law Enforcement staff are seeking direction on several recent issues that have come up in recent enforcement complaints. Staff are seeking this direction to provide consistency in approach for interactions with residents on these issues. Staff seek support of Council in the suggested direction on issues contained in this report.

Recommendation:

Be it resolved that Staff Report BES2025-005 be received for information; and
That Council direct staff to implement the recommended options contained in this report.

Background:

Several By-law Enforcement process related matters have come up in recent days. Staff believe it prudent to seek Council direction on how best to proceed on these matters.

Analysis – Cost recovery policy:

Cost recovery related to enforcement matters in the Courts has been seen to be a matter that can be requested if the Township is successful in prosecution. Recent discussions with our legal counsel have revealed that there is no legal mechanism to make such a request and have advised the Township to seek these costs through cost recovery mechanisms available through the *Municipal Act*, such as through recovery on the tax roll.

Since receiving this advice, Staff have been debating an approach that would allow the Township to proceed with cost recovery as Council has expressed concern over these costs. Staff believe that the best approach would be to prepare a Cost Recovery Policy that would form part of the

public policies list on our website. This policy, if approved by Council, would provide direction to Staff to seek full cost recovery through invoicing and if needed property tax roll, for all legal costs regarding enforcement action (if successful in the courts). It may be necessary, if the Township is not successful, to simply absorb these costs.

By utilizing the existing means of cost recovery via the *Municipal Act*, then it would ensure that costs for successful enforcement would be billed back to a property owner and not paid for by all taxpayers in the Township.

Staff recommended approach:

Staff recommend Council direct the preparation of a policy that would direct cost recovery of all costs related to successful enforcement action to a property owner (if they are involved in the enforcement action) and recover via property taxes if necessary. If Council endorses this approach, a policy would be prepared for Council adoption.

Analysis – Complaint Intake – Barking Dogs/Fireworks:

Several complaints have been received related to barking dogs and fireworks. With any complaint, it takes time for a staff member to get to the scene and in the case of these issues – by the time an Enforcement Staff member is on site the principal issue is no longer occurring. The dog may have stopped barking, and the fireworks incident concluded – leaving no ability for the officer to collect evidence beyond statements of those on the scene. These situations make it difficult to act on a “your word against the other parties” basis.

Staff recommended approach:

Staff recommend that all complaint input points for office hours and after-hours complaints note that for barking dogs and fireworks, the complainants must provide direct evidence (photos, videos, property address, date and time stamped) of the incident occurring for the By-law Officer to review. Given the time it takes for an officer to get on scene, the incident has usually concluded. By requiring complainants to provide this evidence, this would increase the likelihood of potential enforcement action being successful.

The Township is not alone on the challenges for enforcing on this issue and the recommended approach is one being taken by several municipalities to help improve success on these issues.

Analysis – Repeat complaints:

Staff have recently received several By-law Enforcement complaints where an individual property owner is regularly lodging the same complaint against a neighbouring property. Upon visiting the site – no evidence is found of the activity at the source of the complaint.

Multiple complaints related to some By-law issues is not uncommon, as an activity may occur then stop and start again. In these instances, where it is clear an unlawful activity is found – Staff address the issue with the subject property owner and proceed with enforcement where needed.

Staff require direction on complaints where the same issue is investigated time and again and no evidence of the issue is found. This presents a significant drain on staff time and resources, particularly in situations where it may be the case that the complaints process is being used in a potential feud between neighbours.

Staff recommended approach:

Staff recommend Council direct the preparation of a policy that would give the Chief Building Official discretion, based on past complaint outcomes and a history of complaints from an individual, to deem continued complaints to be vexatious and the individual warned to cease complaints. If complaints continue to be received, the policy will provide Staff direction to begin billing to the complainant all staff costs for each continued vexatious complaint. Failure to pay would result in the costs being placed on the property tax roll of the complainant's property. This will avoid all taxpayers seeing reduced levels of service because enforcement resources are being used for improper complaints. If Council endorses this approach, a policy would be prepared for Council adoption.

Internal Policy and Legislated Requirements:

Various Township By-law provide for enforcement of activities in the Township or standards of property care. Direction on these issues will help ensure a fair and equitable process in relation to enforcement of these By-laws.

Municipal Act, R.S.O, 2001 Section 391(1) and Section 441(1)

[Municipal Act, 2001, S.O. 2001, c. 25 | ontario.ca](https://www.ontario.ca/laws/statutes/2001/m2001c25.html)

Financial and Resource Implications:

None expected at this time.

Strategic Priorities:

Priority: Operational Excellence

Goal: Goal 11: Provide Excellent Customer Service to Southgate Ratepayers and Community Members

Action Item: 11 b). Conduct and Implement an Operational and Service Delivery Review to Ensure the Township's Services will Meet the Growing Needs of the Community