



COMMITTEE OF THE WHOLE AGENDA REPORT

TO: Mayor Harding and Members of Committee of the Whole
MEETING DATE: April 11, 2019
SUBJECT: Bylaw Enforcement Coverage

RECOMMENDATION: That the Bylaw Enforcement Coverage report be received for information.

APPROVALS:

	Date	Signature
Submitted By: Sarah Lehman	<u>April 15, 2019</u>	<u>Original signed by S. Lehman</u>
Neil Donald	<u>April 15, 2019</u>	<u>Original signed by N. Donald</u>
Steve McDonald	<u>April 15, 2019</u>	<u>Original signed by S. McDonald</u>

ORIGIN:

Council has requested that staff provide information about options available to enhance customer service with regard to By-law enforcement.

BACKGROUND:

The 2016 Organizational Review recommended that the Township establish bylaw enforcement as a service area within Development Services to increase capacity to better meet the community’s bylaw enforcement and licensing needs; and introduce a new “Bylaw Enforcement Officer.”

A permanent full time bylaw enforcement officer was hired in March 2017.

Other municipalities in the District provide a similar model to Muskoka Lakes where after hours calls are responded to the next business day. A couple of municipalities have a by-law staff complement of more than one, or employ summer students which allows for some coverage outside of normal hours however, those that do provide after hours coverage have a hard cut-off of 9:00 pm. Saturday coverage is for the most part to monitor parking in downtown areas during the summer months.

COMPLAINT PROCESS:

It is important for Council and the public to understand the complaint process. By-law complaints are not the same as a call to the OPP to report a matter. Regardless of the time that the complaint is received, an immediate response, via attendance at the site of the complaint, will not result. One of the main risks of this position is with responding to complaints in person, on location. Health and Safety requirements dictate that we would not subject a staff member to a potentially dangerous situation and would therefore not expect that a by-law officer or any staff member would respond to an unknown situation/complaint on their own outside of normal hours. Not being a trained security or police officer, it would present a high-risk situation, especially where intoxication may be a factor.

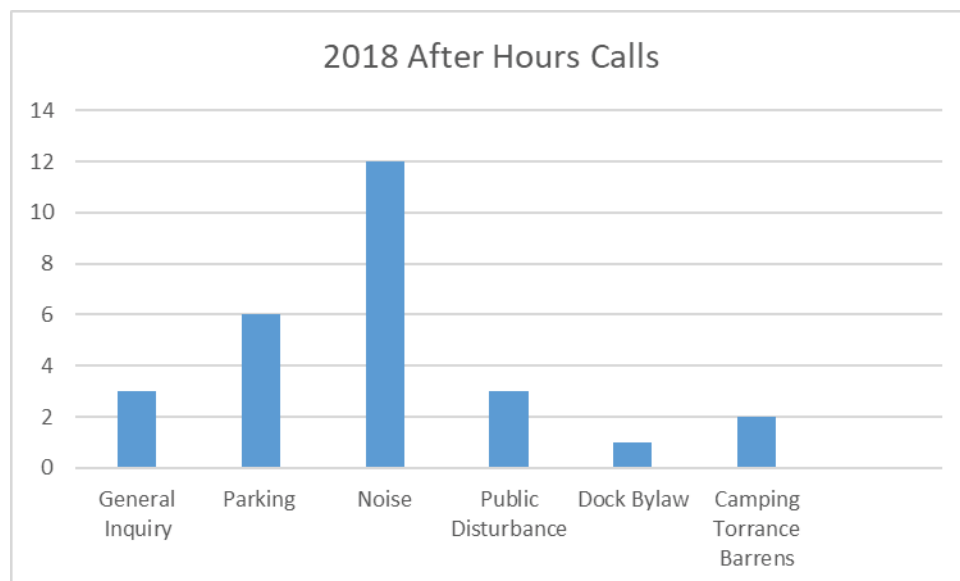
In the evening hours, members of the public can call the office and they will be connected to a live person at our answering service. Their complaint will be logged, and the bylaw officer will be notified at the start of the next business day. In emergency situations where health and safety may be a concern, the answering service will contact the staff on the after hours call list for a response. For example, in the case of an aggressive dog or where an attack has occurred and the complainant knows the location of the dog.

Complaints must be submitted in writing. When individuals call the office or leave a voice mail they are directed to file a complaint using the online form, via email or in person at the building department using the handwritten form. Complaints are tracked in a database for follow up and review. In most cases, response happens the same day or next working day.

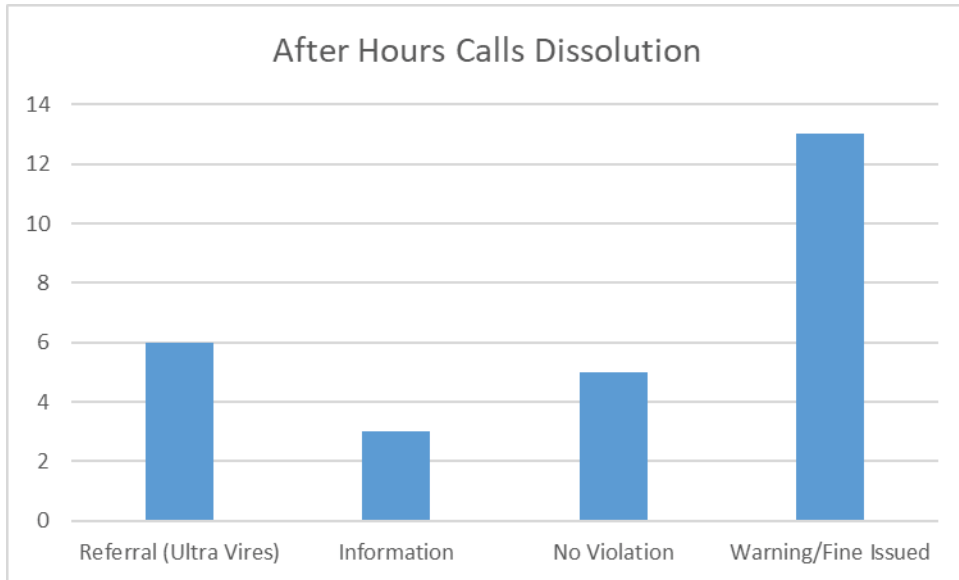
The bylaw enforcement officer has the right to investigate when there are reasonable grounds to do so. Reasonable grounds generally are the report of a violation of a Municipal or District bylaw. In instances where there is a violation of provincial law, an OPP officer can and should be called. As part of this process, we have proactively engaged our local OPP liaison, who has committed support to the municipality during the busy summer months however; we have found that our by-law issues are prioritized as appropriate given other police matters.

In the seven month period from May 1st, to December 31st, 2017, the Township received eight by-law related calls after hours; six had no bylaw violation (three were for the same property), and the remaining two did not require immediate response (they were easily addressed the next day).

In 2018, the answering service recorded twenty-seven (27) after hours calls that were directed to the By-law Enforcement Officer for follow-up. The calls breakdown as follows:



The after hours calls summarized above were resolved as outlined below.



Based on the above information all calls that required follow-up or investigation the next business day resulted in compliance or charges being filed with successful convictions as the outcome.

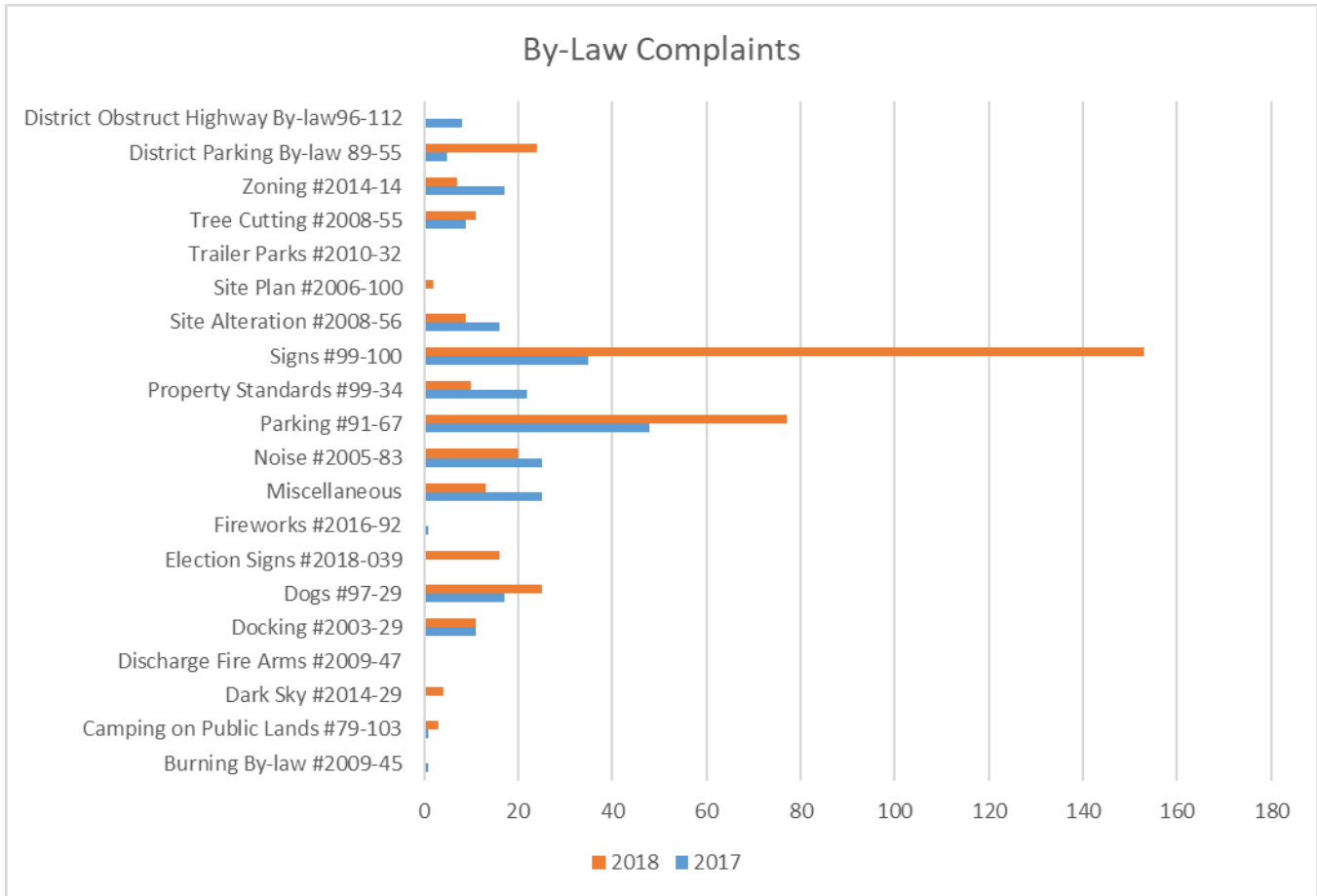
To date in 2019, we have received one-(1) call afterhours:

- Dog at large (unknown location) – Contacted the complainant the next business day, warning issued to dog owner, no further complaints

CURRENT SERVICE MODEL:

The bylaw officer currently works a full time, flexible schedule. When needed for public education events or to meet with a member of the public, weekend work is currently happening. Drastic scheduling changes (i.e. a move to straight nights from straight days, or a change to working every weekend year round) could represent a significant change in working conditions possibly resulting in a claim of constructive dismissal.

Based on the total number of complaints received for both 2017 and 2018, as well as other duties of the position, it is obvious that the volume requires a full-time By-law Enforcement Officer to work a normal work week.



SERVICE IMPROVEMENTS:

While staff believe that the current model is sufficient, enhancement options that may warrant further investigation include,

- Undertake a public education program about the by-law enforcement process.
- Submitting a complaint through the Township web site is quite easy however; staff will insure that the new web site will continue the facilitation of submitting complaints.

RECOMMENDATION:

Based on data from 2017 and 2018, it is recommended that no further action be taken at this time but that complaints continue to be monitored and any trends be reported to Council for further action.