



# Staff Report

## Enforcement Services

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**Report To:** Special Committee of the Whole  
**Meeting Date:** May 6, 2019  
**Report Number:** FAF.19.072  
**Subject:** Proposed Enhancement of Administrative Penalties  
**Prepared by:** Wayne Dewitt, Supervisor By-law Services

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### A. Recommendations

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THAT Council receive Staff Report FAF.19.072, entitled "Proposed Enhancement of Administrative Penalties";

AND THAT Council direct staff to develop a Request for Proposal for providing Independent Hearing Officer Services to establish a roster of Independent Hearing Officers for an Administrative Penalty Tribunal.

### B. Overview

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The purpose of this report is to provide Council, the Public and the Short Term Rental Property Industry with the reasons and goals for implementing Administrative Penalties. This is referred to in Staff Report FAF.19.35 (Page 11 of 18).

### C. Background

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The Municipal Act, 2001 under Regulation 333-07 gives Municipalities the authority to impose Administrative Monetary Penalties (AMP) for contraventions of any By-law passed by a Municipality.

Prior to that any enforcement could only be taken through the Provincial Offences Act (POA). Over the years, the Courts have continued to get busier and more complicated and more difficult to get matters resolved in a timely manner.

### D. Analysis

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The enhancement of the Administrative Monetary Penalties system will allow many benefits to the Municipality and to the Public. All matters can be decided at the Municipal Level without the need of attending Court. Administrative Penalties can be paid at the Municipal Office, in person, or by mail. Disputes are also handled at the local level, and decisions are made at the local level. There is the option to Appeal the "final" decision to Divisional Court if warranted.

With the implementation of an enhanced Administrative Penalty program, those properties that are found to be in violation of a By-law can be made more accountable, and any penalties not paid within the time frame allowed, can be added to the property taxes on the Property and eliminating costly collection procedures.

### Proposed Process

Staff is proposing that with direction of Council, a Request for Proposal be developed for the purposes of creating a roster of Hearing Officers to provide services to the town and to act as the “Independent Hearing Officer” for challenges to Administrative Penalties being assessed to property owners in violation of a specific Municipal By-law. The Hearing Officer essentially removes the existing Short Term Accommodation Appeal Committee.

Moving forward and once a revised By-law is established and enacted the appeal process is proposed as follows;

- Violation is found in relation to a specified Municipal By-law identified within the Administrative Penalty program
- Administrative Monetary Penalty is assessed to the property owner, along with Demerit points;
- If the property wishes to appeal, the initial appeal is heard by the “Town Screening Officer” that is a identified staff person from the Town’s Enforcement Services Division;
- If the appeal is not successful, and the property owner wishes to continue the appeal. It is suggested that the town would provide for an Administrative Penalty Tribunal. The Tribunal would have an “Independent Hearing Officer” preside on appeals to be heard. It is also being proposed that the Tribunal would be held at Town Hall in the Council Chambers. Staff is suggesting that the Tribunal could be held once every two weeks if required and at least one Saturday per month.
- If the appeal is not successful for the property owner through the Tribunal process, the property owner still has the ability to appeal to Divisional Court.

## **E. The Blue Mountains Strategic Plan**

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Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #2 Attract New Business

Objective #3 Promote a Diversified Economy

Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #2 Use Technology to Advance Engagement

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

- Objective #2 Increase the Range of Housing Choices and Promote Housing Affordability
- Objective #3 Manage Growth and Promote Smart Growth
- Objective #4 Commit to Sustainability

- Goal #4: Promote a Culture of Organizational & Operational Excellence
- Objective #2 Improve Internal Communications Across our Organization
- Objective #3 To Consistently Deliver Excellent Customer Service
- Objective #4 To Be a Financially Responsible Organization
- Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

- Goal #5: Ensure Our Infrastructure is Sustainable
- Objective #3 Implement Best Practices in Sustainable Infrastructure
- Objective #4 Ensure that Infrastructure is Available to Support Development

## **F. Environmental Impacts**

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None at this time

## **G. Financial Impact**

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The information outlined in Staff Report FAF.19.35 provides for increased fines through Administrative Municipal Penalties to both licensed and properties providing Short Term Accommodations without a licence.

## **H. In Consultation With**

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Interim CAO

Financial Services

## **I. Public Engagement**

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The topic of this Staff Report has been subject to a Public Meeting and/or a Public Information Center which took place on December 17, 2018. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

May 6 <sup>th</sup> , 2019	Special Committee of the Whole	Staff Report FAF.19.35
May 13 <sup>th</sup> , 2019	Council	“adoption of FAF.19.35”
June 10 <sup>th</sup> , 2019	Council (Public Meeting)	For Draft Short Term Rental Property By-law
July 15 <sup>th</sup> , 2019	Committee of the Whole	Staff Report to follow up on comments received at Public Meeting “adoption”

		and consideration of the Short Term Rental Property By-Law and Property Standards By-law
August 26 <sup>th</sup> , 2019	Committee of the Whole	Staff Report to bring forward the Short Term Rental Property By-law and Property Standards By-law for Enactment
September 9 <sup>th</sup> , 2019	Council	Enactment of Short Term Rental Property By-Law and Property Standards By-law

## J. Attached

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No attachments

Respectfully submitted,

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Wayne Dewitt  
Supervisor, By-Law Enforcement Services

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Rob Collins  
Fire Chief

For more information, please contact:  
Wayne Dewitt  
[bylawinfo@thebluemountains.ca](mailto:bylawinfo@thebluemountains.ca)  
519-599-3131 extension 243