



To: Mayor Evans and Members of Council

From: Steve Harvey, Chief Municipal Law Enforcement Officer
By-law Department

Prepared By: Jocelyn Belcourt, Municipal Law Enforcement Officer
By-law Department

Report Number: MLE-001-24

Meeting Date: 31 Jan 2024

Subject: **By-law 4th Quarter Activity Report (October 1 - December 31, 2023)**
Our File No:

Recommendation

THAT Municipal Law Enforcement Report MLE-001-24 regarding By-law 4th Quarter activity Report for 2023 be received;

Background/Analysis

By-law Occurrence for the 4th Quarter

Type of Occurrence	Number of Occurrences		
	2021	2022	2023
Sign	1	14	27
Clean Yards	10	15	19
Zoning	20	6	15
Short-Term Rental	-	39	15
Noise	13	16	9
Dog	1	2	9
Parking	17	8	8
Interim Control	-	-	8
Misc. By-Law	3	3	7
Fire	9	10	5
Roadside Debris	3	1	5
Parks	1	4	3
Encroachment	4	3	2
No By-Law	1	3	2
Littering	0	5	2
Property Standards	3	4	1
Dumping Snow	6	3	0
TOTAL for 4th Quarter	92	136	137

The year over year quarterly complaints increased compared to the past two years with some noteworthy differences within some of the complaint categories. Staff analyzed these differences and would draw the following conclusions and comments:

1. Interim Control By-Law: Over the course of the fourth quarter, the By-Law Department received 8 complaints related to the New Interim Control By-Law. Staff analyzed the complaints received and concluded that it is related to the implementation of the new By-Law that went into effect May 29, 2023.

2. Zoning By-law: The Zoning By-law occurrences increased by nine (9) when compared to 2022. Staff reviewed the complaints and did not note any correlation or trends to explain the increase.

3. Short Term Rentals: Over the course of the fourth quarter, the By-law Department received 15 complaints which is a significant decrease from the 39 complaints in 2022 when the Host Compliance complaints system was launched.

During the 4th Quarter the By-law Department asked our Township Lawyer to retain the services of a Private Investigator. Proceeding in this manner provides a number of benefits including a legal Privileged Client Confidentiality regarding a specific property. Additionally, a Private Investigator can rent a property, obtain receipts, document email communications regarding the rental, take interior pictures and copy the "manual" provided to renters at the property, etc.

Subsequently, Given the significant issues associated with a particular illegal Short Term Rental property, the retained Private Investigator rented a property and obtained significant new information. Based on the evidence, new charges were laid under the by-law, and the defendants first appearance court date was December 7th, 2023. These new charges and new evidence further support previous charges already before the court.

This type of enhance enforcement response will be considered for future enforcement initiatives.

The below table breaks down the complaints received between October 1 - December 31:

Type of Complaint	Number of Complaints Received	No Violation	Charges Issued/ Pending	Number of Work Orders Issued	Open for Investigation
Unlicensed Property	7 (47%)	5	1	0	1
Renting more than 92 days per calendar year	1 (7%)	0	0	1	0
Advertisement violations	2 (13%)	0	0	0	2
Noise and nuisance concerns	1 (7%)	1	0	0	0
Other/not STR By-law (Building, garbage, renting less than 6 days)	4 (27%)	4	0	0	0
TOTAL	15 (100%)	10 (67%)	1 (7%)	1 (7%)	3 (20%)

Charges

The following chart reflects the number of charges issued by the By-law Department over this period in comparison to previous years. This year, seven (7) charges were issued during this period.

Type of Occurrence	Number of Charges		
	2021	2022	2023
Interim Control By-law	-	-	3
Noise - permit a noise from a domestic pet or animal due to barking, calling, or whining	0	0	1
Noise - Cause or permit a noise from electronic device or sound producing equipment	0	0	2
Fire - Fail to Comply with terms and conditions of a class "A" burning permit	0	3	1
Fire - Fail to Obtain Class "A" burning	0	1	0
TOTAL:	0	4	7

Parking Tickets Issued

The following chart compares the number of Parking Tickets issued by the By-law Department over this period.

Month	2021	2022	2023
October	0	0	0
November	0	0	0
December	2	0	0
Total	2	0	0

Activities During This Period

Court Activity

October 5, 2023:

There were two (2) By-law matters on the court docket and the following was their disposition:

Short-Term Rental Violation - One (1) property

- First Appearance on 4 counts. No Justice of the Peace was available and the matter was adjourned to December 7, 2023. A legal representative appeared on behalf of the defendant.

Zoning Violation - Two (2) Defendants

- No Justice of the Peace was available and the matter was adjourned to November 2, 2023.

November 2, 2023:

There were two (2) By-law matters on the court docket and the following was their disposition:

Zoning Violation Two (2) Defendants

- The defendants appeared and entered a guilty plea. A fine of 400.00 was imposed with 15 days to pay. The property is now in compliance.

Noise Violation Two (2) Defendants

- The defendants appeared and requested disclosure. These matters were adjourned to February 28, 2024 to be spoken to.

December 7, 2023:

There were fifteen (15) By-law matters on the court docket and the following was their disposition:

Short-Term Rental Violations - Thirteen (13) property's - 107 counts

- A legal representative appeared on behalf of 23 defendants (9 property's - 75 counts) and these matters were adjourned to March 18, 2024 for judicial pre-trial.
- A legal representative appeared on behalf of the 4 defendants (2 properties - 26 counts) for these new charges and first appearance court date. These matters were adjourned to March 7, 2024 for disclosure.
- The defendant attended court for their first appearance date for this property regarding 3 counts and requested disclosure. These matters were adjourned to February 7, 2024 to be spoken too.
- No one appeared for this first appearance court date for one of the properties regarding 3 counts. These matters were adjourned to March 7, 2024, to set a date for an Exparte Trial.

Noise Violation One (1) property

- First Appearance on 2 counts. The defendants appeared and requested disclosure. These matters were adjourned to March 7, 2024 to merge with the Trial scheduled on a previous Noise Part I charge.

Clean Yards Violation One (1) property

- This matter was withdrawn.

Reviewed By Other Departments

N/A

Options/Alternatives

N/

Financial Implications

There are no financial implications associated with this item.

Relationship to Strategic Plan

N/A

Conclusion

The By-law Department is expecting to provide the 1st Quarter Report at the Committee of the Whole meeting on April 24, 2024.

Steve Harvey, Chief Municipal Law Enforcement Officer	Approved - 22 Jan 2024
Haley Leblond, Director of Corporate Services/Deputy CAO	Approved - 22 Jan 2024
Robert Lamb, Chief Administrative Officer	Approved - 22 Jan 2024