

**C3**  
**COMMUNICATION**  
**SPECIAL COUNCIL (BUDGET) – FEBRUARY 8, 2023**  
**SP CW (Budget) - Report No. 6, Item 1**



**DATE:** February 8, 2023

**TO:** Mayor and Members of Council

**FROM:** Gus Michaels, Deputy City Manager, Community Services

**RE:** **COMMUNICATION – Special Committee of the Whole (Budget) January 24, 2023 (as it relates to additional by-law officers to respond to rural area land use issues).**

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**Purpose** The purpose of this staff Communication is to provide the Mayor and Members of Council a written response to submissions made through Communications received, namely C2, C4, and C5, at the January 24, 2023 Special Committee of the Whole (Budget) Meeting; regarding the consideration of hiring three additional enforcement officers.

**Recommendation**

That this communication be received for information only.

**Background**

The City's By-law & Compliance, Licensing & Permit Services ("BCLPS"), a department of Community Services, is responsible for the administration and enforcement of the City's regulatory by-laws, including but not limited to the Zoning By-law. The enforcement of municipal law and related governing legislation requires skilled, experienced, and professional personnel, trained and certified in the professional disciplines within municipal law enforcement.

Enforcement of illegal land use matters, specifically prohibited uses that include non-permitted outdoor storage/parking of large commercial trucks, large volumes of overseas shipping containers, aggregate operations and related activities, are not permitted on lands zoned for agricultural purposes, pursuant to the City's Zoning By-law.

Enforcement Services is currently dealing with and actively investigating 34 agricultural properties being actively used for storage of vehicles, aggregate, shipping containers, and/or equipment, in contravention of the City's Zoning By-law. Most of these properties have already been subject to charges, with some matters failing to proceed through court while other more recent charges remain pending before the courts and final disposition. In an effort to incentivize compliance, the Enforcement Services Division has been coordinating efforts with other City departments and other agencies such as York Regional Police (YRP), Region of York Transportation Services, and the Ministry of the Environment Conservation and

Parks (MECP). In addition, a dedicated By-law Enforcement Officer has been temporarily reassigned on a fulltime basis to coordinate enforcement efforts and focus exclusively on this matter. BCLPS continues to work closely with an interest to leverage legal avenues available that will, through appropriate imposed penalties, lead to compliance and cessation of the related continued violations. This includes working closely with York Region Prosecutions Legal Services and internally with the City of Vaughan Legal Services, who continue to progress the process of injunctive action.

While the City's course of action has been previously constrained by the impacts of COVID-19 and process timelines (e.g., ability to successfully advance charges due to court backlogs, building a case to seek injunctive relief) over the past 24+ months, the City remains committed to swifter resolution of these outstanding matters, accordingly. Of significance is that it has been these constraints, more than a lack of enforcement resources and attention, that have hindered efforts to achieve compliance in an expeditious manner.

## **Analysis**

**Hiring of 3 additional Enforcement Officers, dedicated exclusively to urban areas to manage illegal land use operations; namely truck and storage yards.**

The request to consider the hiring of three additional By-law Enforcement Officers exclusively for enforcement of land use matters would require an adjustment to the Department's 2023 operating budget, amounting to \$399,678 (for salaries, benefits, uniforms and basic equipment) and an additional \$165,000 for the Department's capital budget (for trucks and corresponding equipment).

Although additional resources may facilitate a more timely enforcement response at certain times, the addition of resources does not improve the chance of conviction or create a higher likelihood of success, and will not accelerate the rate of convictions or of other legal action that must proceed through the courts. Matters of this nature can and are being addressed as a recognized continued offence that will carry the same significance and support for greater likelihood of successful prosecutions and related higher fine amounts. Further, increasing staff resources will also not greatly affect enforcement in areas where the City has no or very limited jurisdiction, such as moving violations and traffic; a responsibility that falls to York Regional Police.

Additionally, along with the dedication of one fulltime officer to have carriage of the 34 active investigation case files and/or any additional files should they be identified, Enforcement Services will continue to leverage its existing resources, including the oversight of the unit supervisor to ensure that necessary support and attention is provided to reflect the City's interest to pursue all avenues that will achieve desired outcomes. It is important to note that a fulltime enforcement officer effectively manages 100+ case files (on average) at any given time, including zoning files. Staff are confident that the dedication of 1 fulltime officer will be sufficient to effectively progress the subject files without delay.

## **Conclusion**

Staff recognize the importance of demonstrating progression of enforcement matters and public expectations in this regard, further recognizing the continued impact that such unlawful land uses and related illegal operations have on the surrounding communities.

However, BCLPS has a number of public obligations and priority areas of enforcement that are and continue to be balanced within the department's sphere of jurisdiction and public responsibilities.

Determination of resources is a matter that must be assessed and determined within the framework of demands, service delivery and responsible allocation of tax dollars; not through the interest of a particular interest over another. Competing interests for service are common and are addressed through allocation of resources from within the existing staffing complement with consideration of additional resources proceeding through the appropriate established business cases and responsible budget processes, balanced against all other tax pressures and broader public interests; not in isolation.

At a time when the majority of enforcement personnel and resources province-wide were committed to enforcement of new legislation intended to combat the spread of COVID-19, BCLPS recognized the importance of simultaneously diverting as much attention as possible to illegal truck and container storage yards, predominantly along King Vaughan Road. Although the pandemic caused unexpected outcomes and delays, staff have spent the majority of 2022 addressing case file backlog and obligations to resident service request across all areas of responsibility, to a point where dedication of one fulltime enforcement officer exclusively for the identified illegal truck and container storage operations can receive the necessary attention.

While resourcing and resource allocation can and remains a tactical consideration for all areas of importance, in the context of this communication, staff do not believe or support the hiring of three additional officers for the exclusive dedication of investigating illegal use of agricultural lands. However, staff are confident that the continued collaboration and progression of enforcement attention, secured commitment from Regional Prosecutions to ensure progression of related charges and the progression of injunctive relief will provide the desired outcomes, accordingly.

For more information, contact Susan Kelly, Director and Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services, ext. 8952.

Respectfully submitted by,



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Professional, GDPA  
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