

Committee of the Whole (2) Report

DATE: Tuesday, April 16, 2024

WARD(S): ALL

**TITLE: ENFORCEMENT UPDATES FOR UNLAWFUL USES OF
AGRICULTURAL LANDS**

FROM:

Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To provide an update on enforcement matters related to certain Illegal Land Uses, and for Council to consider directing that a letter be sent to the Province requesting enhanced municipal enforcement powers.

Report Highlights

- In June 2023, Council authorized staff to proceed with statutory injunctions against property owners to address illegal land use within the City of Vaughan.
- Since that time, staff have worked collaboratively with internal and external stakeholders. Key outcomes include 2 prohibition orders issued by the courts, over \$20,000 in fines being issued against illegal operators, 11 cease and desist letters being sent, and 3 sites agreeing to decommission operations.
- Materials are drafted to proceed with additional statutory injunctions, and further cease and desist letters will be sent. BCLPS staff will continue to inspect properties and lay charges for non-compliance.
- Advocacy with the Ministry of Municipal Affairs and Housing to secure additional enforcement powers is needed to provide more effective enforcement.

Recommendation

1. THAT a letter be sent to the Province requesting enhanced municipal enforcement powers, as described in this report.

Background

At the Committee of the Whole meeting on June 6, 2023, Council directed staff to proceed with statutory injunctions against two properties in Vaughan which are being used for outside storage of shipping containers, trailer trucks and other heavy equipment in contravention of the City's zoning and other by-laws.

Since June, Legal Services and By-law, Compliance, Licensing and Permit Services (BCLPS) have been working closely with external counsel and the prosecutors at York Region in an attempt to bring properties into compliance. A more detailed report of key outcomes is included below.

In addition to these enforcement efforts, staff have put together a [webpage relating to commercial trucking in Vaughan](#) to provide additional information to commercial trucking operations as well as citizens. Staff have also been reviewing and updating by-laws, including the Site Alteration By-law, to enhance and expand enforcement tools to address illegal use of agricultural land within the City of Vaughan.

Previous Reports/Authority

[Item 24, Report No. 32, of the Committee of the Whole](#), which was adopted without amendment by the Council of the City of Vaughan on September 28, 2022.

[Item 3, Report No. 43, of the Committee of the Whole](#), which was adopted, as amended, by the Council of the City of Vaughan on December 13, 2022.

[Item 4, Report No. 29, of the Committee of the Whole \(Closed Session\)](#), as amended, by the Council of the City of Vaughan on June 20, 2023.

Analysis and Options

Enforcement Key Outcomes

Since the June 6, 2023, Committee meeting, the following key outcomes have been achieved:

- Prohibition Order and \$15,000 fine issued against a company operating illegally on Nashville Road. Similar to an injunction, a Prohibition Order is an Order issued by the Provincial Offences Court prohibiting the company from continuing to violate the City of Vaughan's Zoning By-law.
- Prohibition Order and \$7,000 fine issued against a company operating illegally on Highway 50.

- \$1,000 fine issued against a company operating illegally on King-Vaughan Road. The owners agreed to decommission the site, and an inspection conducted on January 18, 2024, indicated that the site is no longer being put to an illegal use.
- The owners of a property on Huntington Road have agreed to decommission the site. An inspection conducted on January 18, 2024, by BCLPS staff found that there is compliance and trucks are no longer being stored on the property.
- The owners of a property along Highway 50 have re-configured the storage so the shipping containers are no longer stacked on top of each other. An inspection conducted on February 26, 2024, found that the containers are less visible from Highway 50.
- The owners of a property on Nashville Road have agreed to remove the tractor trailers and heavy equipment from the property.

Staff have materials prepared to proceed with statutory injunctions on two key properties and expect to file materials in the coming weeks. BCLPS staff continue to work diligently to inspect properties, gather evidence, and lay charges against offending landowners.

Staff continue to liaise with external stakeholders to discuss the best and most effective methods of obtaining compliance in dealing with the illegal use of agricultural land in Vaughan. A confidential communication will be brought forward to Committee of the Whole relating to tools that can be leveraged to address land use impacts of truck yards/shipping storage containers within Vaughan.

Correspondence Requesting Further Enforcement Powers from the Province

Municipalities across the province are dealing with similar enforcement issues against illegal truck yard operators. Staff will continue to work with our municipal partners on a comprehensive enforcement strategy.

Other municipalities including Caledon, Cobourg, and Puslinch, have passed resolutions regarding illegal land use enforcement, with the aim of asking the provincial government to strengthen municipal enforcement powers, including:

- Amending the *Municipal Act* to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations;
- Increasing the maximum penalty amounts in the *Planning Act* to \$50,000 for an individual upon conviction and on a subsequent conviction, and not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted; and
- Provisions in legislation to ensure a corporation is liable to fines of not more than \$100,000 upon first conviction and not more than \$50,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

Staff recommend that a letter be sent to the province requesting similar legislative changes as noted above.

Financial Impact

The legal fees from the City's external counsel will be absorbed through the 2024 operating budget.

Operational Impact

Legal Services and BCLPS continue to work very closely to implement the City's enforcement strategy. Staff continue to explore ways to better facilitate collaboration and information sharing between departments, including Planning and Growth Management, to better improve enforcement and planning outcomes.

Broader Regional Impacts/Considerations

Legal Services and BCLPS continue to collaborate with other municipalities in Ontario to share strategies on addressing illegal use of agricultural lands. Staff continue to work with York Regional Prosecutors, as well as external agencies such as the Ministry of Environment, Conservation and Parks, Toronto and Region Conservation Authority, and the Technical Standards and Safety Authority to ensure properties are in compliance with all applicable laws.

Conclusion

Staff continue to work closely with our internal and external partners on the comprehensive enforcement strategy related to illegal use of agricultural lands in the City of Vaughan. Since the June 2023 Committee meeting, two prohibition orders have been obtained, over \$20,000 in fines have been laid, 11 cease and desist letters have been sent, and 3 properties have agreed to decommission/scale down operations. Staff have materials prepared to proceed with statutory injunctions, and further cease and desist letters will be sent from the City's external counsel. BCLPS staff will continue to investigate properties and lay charges, as needed. Additionally, staff have identified an opportunity to advocate to the province for expanded enforcement powers and are recommending that a letter be sent to the province requesting legislative changes.

For more information, please contact: Rebecca Hall-McGuire, Legal Counsel – Municipal & Environmental (x. 8475).

Attachments

Confidential Attachment 1

Prepared by

Rebecca Hall-McGuire, Legal Counsel (x. 8475).
Kristen Stevenson, Legal Counsel (x. 8914).

Approved by



Effie Lidakis, Acting DCM on behalf of
Wendy Law, Deputy City Manager,
Legal and Administrative Services &
City Solicitor

Reviewed by



Nick Spensieri, City Manager

Approved by



Gus Michaels, Deputy City Manager,
Community Services