

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): ALL

TITLE: TECHNICAL AMENDMENTS TO THE AMPS, SITE ALTERATION, SHORT-TERM RENTAL, NOISE, FENCE AND WASTE COLLECTION BY-LAWS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This is a technical amendments report, delivered periodically with the intent of providing greater clarity to by-law provisions, including the Administrative Monetary Penalties, Site Alteration, Noise, Fence, and Short-Term Rental by-laws, as well as obtaining Council approval to standardize formatting and consolidate the Waste Collection By-law.

Report Highlights

- This report aims to bring greater clarity to various by-law provisions along with implementing some other minor amendments to the Administrative Monetary Penalties, Site Alteration, Noise, Fence and Short-Term Rental by-laws.
- The report also seeks permission to standardize formatting of the Waste Collection By-law, and to amend some outdated provisions and make minor technical corrections.

Recommendations

1. THAT Council authorize the by-law amendments proposed in this report, in a form satisfactory to Legal Services.

Background

In line with the Council-approved By-law Strategy, staff continually review the City's by-laws to ensure they are relevant and transparent. These reviews often result in

“technical amendments” being brought forward to improve clarity and keep provisions up-to-date.

In this latest review, Staff identified a number of issues, and are proposing the following by-law amendments to address them:

- **Administrative Monetary Penalties By-law 063-2019:** To extend dispute deadlines for individuals who require and request documents in an accessible format, in line with City’s Accessibility Policy.
- **Site Alteration By-law 031-2024:** To reference *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, in the Fines section, replacing notices with orders and defining orders in the by-law, and repealing an amendment to the previous version of this by-law.
- **Short-Term Rental By-law 158-2019:** To fix an omission by adding the word “order” to the Administrative Matters Section of the by-law.
- **Noise By-law 121-2021:** To delete reference to “construction vehicles”, as these are already covered under the term “construction equipment”;
- **Fence By-law 189-2020:** To provide greater clarity by adding a definition for “corner lots”, as defined in the City’s Comprehensive Zoning By-law;
- **Waste Collection By-law 135-2017:** To replace the existing Waste Collection By-law 135-2017 with a standardized version which is in line with current format and to make a few minor technical corrections within the By-law.

Recommendations, along with the intended impact, are listed in the Analysis and Options section.

Previous Reports/Authority

- [Council-approved By-law Strategy](#), Item 3, Report No. 3, adopted on June 24, 2014;
- [Administrative Monetary Penalties Adjudication Review](#), Item 26, Report No.28, adopted on June 20, 2023;
- [Waste Collection By-law 135-2017](#) (enacted by Council on October 24, 2017);
- [Short-Term Rental By-law 158-2019](#) (enacted by Council on November 19, 2019);
- [Site Alteration By-law 031-2024](#) (enacted by Council on February 21, 2024);
- [Administrative Monetary Penalties By-law 063-2019](#) (enacted by Council on May 1, 2019);
- [Noise By-law 121-2021](#) (enacted by Council on September 27, 2021);

- [Fence By-law 189-2020](#) (enacted by Council on December 15, 2020).

Analysis and Options

Staff propose the following amendments:

No	Current state	Recommendation	Intended impact
1	The Administrative Monetary Penalties By-law currently states that a person is given 15 days to request a review of a penalty or a decision of a Screening Officer, but does not provide any extension in case a person requests such documents in an accessible format.	To amend the Administrative Monetary Penalties By-law by providing a 5-day extension for persons that require and request documents in an accessible format for disputes or appeals of Screening Officer decisions.	This amendment will align adjudicative practices with the City's Accessibility Policy.
2	The Site Alteration By-law includes a by-law amendment which has already been incorporated into the new by-law but has not been repealed.	To amend the Site Alteration By-law by repealing By-law 164-2019.	This amendment will correct a technical omission.
3	The Site Alteration By-law currently states that officers provide notices instead of orders.	To replace references to "notices" with "orders" in the Site Alteration By-law; To define "order" in the Site Alteration By-law.	This amendment will align the by-law with current enforcement practices and will provide more clarity to the public.
4	The Site Alteration By-law currently does not reference <i>Provincial Offences Act</i> , R.S.O 1990, c. P.33, which prevents enforcement officers from issuing Part I charges.	To amend Site Alteration By-law by adding a reference to <i>Provincial Offences Act</i> , R.S.O 1990, c. P.33 in the Fines Section.	This amendment will provide Enforcement Officers with the ability to issue Part I charges under the Site Alteration By-law.
5	Over time, City by-laws have been written with different formatting, which staff have been working to standardize, for easier navigability. This includes Waste Collection By-law 135-2017. Also, the current Waste Collection By-law has a few outdated references that need to be amended.	To standardize and reformat Waste Collection By-law. Also, to correct a few outdated references, add few standard definitions and make minor corrections to the by-law, including adding reference to <i>Provincial Offences Act</i> , R.S.O 1990, c. P.33. and adding rener to the definition of "Owner" in line with other City's by-laws.	To help ensure City rules and regulations are consistent and user friendly and to provide more clarity to the public.

No	Current state	Recommendation	Intended impact
6	The Short-Term Rental By-law does not make reference to orders, only notices and other documentation, in Administrative Matters Section.	To amend the Short-Term Rental By-law by adding orders to the Administrative Matters Section, which pertains to the delivery methods of communication from the City.	This amendment will provide more clarity to the public.
7	The Noise By-law currently references construction vehicles which is not a defined term in the by-law.	To amend Noise By-law by repealing references to “construction vehicles” and referencing “construction equipment” instead, which is a defined term and includes construction vehicles.	This amendment will provide more clarity to the public.
8	The Fence By-law does not have a definition for “corner lot”, while the current Zoning By-law defines it.	To amend the Fence By-law by adding a definition of “Corner Lot”, as defined in the City’s Comprehensive Zoning By-law.	This amendment will provide greater clarity to the public.

Financial Impact

There is no anticipated financial impact as a result of the recommendations of this report.

Operational Impact

Legal Services along with Enforcement Services were consulted in the preparation of this report.

Broader Regional Impacts/Considerations

No broader regional impacts are anticipated as a result of the recommendations of this report.

Conclusion

The recommendations of this report are in line with the Term of Council priority of Service Excellence and Accountability by ensuring that by-law remain relevant, clear and transparent for residents and businesses.

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

Attachments

N/A

Prepared by

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