

By law Enforcement and “Project Compliance.”

Kelly Barnett, Community Liaison Coordinator gave an overview of bylaw enforcement.

Municipal by-law enforcement oversees 50 of the City’s bylaws, which are divided into 4 sections: (1) Licensing and Permits; (2) Property Standards and Zoning; (3) Environmental (which includes long grass and weeds and snow removal); (4) Special Enforcement which backs up the other departments and another sub group that is known as Project Compliance. All groups except Project Compliance respond to complaints, however during the first few weeks of September, these complaint based groups do patrol our neighbourhood on a proactive basis. This year during the first few weeks of September, officers have issued 28 tickets for noise violations, 2 fees for service for non-compliance repeat offences and one ticket for public urination. In addition, part time summer students have been actively checking for garbage and debris and long grass and weeds and issued 47 Field Orders. Among the recipients, 23 complied immediately; the 11 who did not were issued Fee for Service (\$245.00). In response to a resident’s question, Kelly noted that tickets are issued to the resident/tenant. Fees for Service including any cost to remedy are charged to the owners being placed on their property taxes. This year, the university asked for by law enforcement to work with them for outdoor events during orientation including monitoring noise levels. Halloween and homecoming have proved problematic in the past and so this year the enforcement team will be out on a proactive basis during these times.

Kelly Barnett noted the following:

- Garbage and recycling containers cannot be stored in the front of a property or on front porches
- Snow must be removed within 24 hours of the end of a storm and the sidewalk must be cleared of snow and ice so that strollers and wheelchairs can travel. A shovel wide path is not acceptable. If there is a second storm after a notice has been issued, the clock starts again in terms of checking for compliance.
- Hedges cannot block sidewalks or corner street views (sight line issues).

Glyn Wide, Manager of Enforcement talked about Project Compliance, which started in July 2010 as a pilot project. This project was set up in response to a community liaison committee about rental licensing. During the process, the city heard several requests to enforce the bylaws they currently have. Project Compliance is made up of 6 part-time officers working three days per week. They do not respond to complaints, rather they patrol neighbourhoods looking for the worst homes on the

street. In organized “blitzes” they then try to gain entry into these homes. If they are not able to gain access and believe there are violations inside, they apply for search warrants. Since inception, 1106 properties have been checked and 1526 violations ticketed throughout the city. There have been four blitzes in Ainslie Wood Westdale with a fifth scheduled for September 20th 2011. During the four blitzes, 67 properties have been inspected resulting in citations for 16 zoning violations, 29 for garbage and debris, 53 for long grass and weeds and 14 for a combination of long grass and garbage debris. Thirteen properties are currently before the courts charged with breach of zoning and operating a lodging house.

Project Compliance was due to end in November 2011, however it has been extended until March 2012 so that it fits into the budget cycle; many councilors believe it should be a permanent part of enforcement. To date it has been funded out of parking ticket revenues.

Glyn noted that in his opinion, many of the rental properties are in fact illegal lodging homes. He noted that it is not just one thing that makes a house a lodging home, it is a combination of several factors and may include; more than three people not related to the owner or paying rent, what the house is zoned for, the number of people it was built for, whether the owner resides in the property, whether the owner collects rent in various forms for multiple rooms in the home. The lack of individual locks on bedroom doors and a single tenancy agreement are not necessarily a means to bypass being classed as a lodging home.

Project Compliance has shown that there are several issues in the rental market. There is a working group looking at rental licensing again. Glyn believes there should be a two-pronged approach. Ask for voluntary registration and compliance with a portion of the bylaw group dedicated to inspecting those properties and a second group targeting and enforcing non registered, non compliant owners.

Glyn also reviewed the Vacant Building Registry now in effect. Owners of vacant buildings are obliged to register and pay an \$840 fee (\$240.00 to register and \$600.00, which includes four inspections of the property). Owners must comply with certain maintenance issues. If they receive a demolition permit from the building department, they must demolish the building in two years.

Glyn noted that there are considerable “soft dollar benefits” to Project Compliance and the Vacant Building Registry in terms of dollars spent for materials and labour to repair and bring properties into compliance. In addition a number of apartment owners have done extensive work in advance of inspections based solely on notices to them that inspections would be taking place.

Illegal building activity can be reported by email or phone to the bylaw department. Residents can check if a building permit has been issued by going to <http://www.hamilton.ca/CityDepartments/PlanningEcDev/Divisions/BuildingServices/PermitSearch.htm>

Residents asked what to do when they see building activity happening on weekends when the building permit people do not work. Glyn said to call it in and his group would monitor and respond on Saturday, however they do not work on Sunday.

A couple of residents discussed multiple complaints they had made about particular properties. Glyn committed to follow-up with them.

In terms of payment of tickets issued, Glyn noted that unpaid bylaw tickets can be put against a person's driver's license and can be paid for in that way (officers now ask for the driver's license number as part of issuing tickets).

Commercial properties are dealt with through Special Enforcement. If residents believe there are infractions, email or phone the bylaw department.

The AWWCA also has a complaint form available on their website and will forward complaints to the appropriate department and to Councilor McHattie. The URL is <http://awwca.ca/form/submit-bylaw-concern/>

Thanks to Janet Woodward and Betty Bechtel for their assistance in compiling this summary.

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