

Memorandum

Date: December 10, 2019

To: Members of Council

From: Laura Hall, Interim General Manager, Corporate Services
Alexis Alyea, Town Solicitor/Manager, Legal Services

Subject: Proposed Proactive Land Use Enforcement to Address Illegal Parking and Storage of Tractor Trailers and Commercial Vehicles

In response to Council's direction on November 19, 2019 to provide options to address the growing illegal land use issues related to parking and storage of tractor trailers and commercial vehicles, this memo provides further information to correspond with the currently Unfunded 2020 Change in Service Level business case included as Schedule A to this Memorandum.

The objective of reducing the growing illegal land use activity related to the parking and storage of tractor trailers and commercial vehicles is a Town wide initiative that involves multiple Divisions. There are various approaches that may be pursued to reduce and manage the growing issues.

Proposed Options

The recommended approach is outlined in Schedule A. However additional options are included in this memo.

Options	Tax Funding
Education	
This includes the development of a communications strategy from an external consultant. In addition, staff will facilitate forums and roundtables with the industry. Education materials and other mediums will be created to bring awareness and educate the specific industry (including realtors) and other interest groups about appropriate land use. An industry wide approach may encourage voluntary compliance and a reduction in new occurrences.	\$25,000
Civil Litigation	
This option includes 1-2 large scale Town initiated civil injunctions based on Council approval. Each civil action would cost approximately \$100,000 to \$200,000 depending on the severity and complexity. The use of Town initiated civil litigation may result in single properties coming into compliance. Although this has proven to be an effective approach on a small scale, it does not consider the Town wide scope of the problem and will also depend on available internal resources. Further, litigation moves at the rate of the court system which can take a number of years to resolve individual cases.	\$400,000

Status Quo	
<p>This includes the current approach in reactively enforcing land use issues on a complaint basis. Since 2018, the Town has collected fines totaling approximately \$115,000 on matters related to Zoning By-law offences. This is a positive indication of the success of enforcement efforts. Further, once a conviction is achieved, the Town's practice is to reinstate the complaint and begin the investigation again in best efforts to eventually reach compliance.</p>	<p>\$0</p>
Dedicated Resources – preferred option as outlined in Schedule A – Change in service Level Request	
<p>Given the importance of the objectives, staff are recommending the establishment of a Dedicated Resource Task Force. The Task Force is to consist of 4 additional FTE's, 2 Municipal Law Enforcement Officers, 1 Assistant Town Solicitor, Litigation and 1 Zoning Administrator. With a systematic approach, this team would pro-actively identify properties where the parking and storage of tractor trailers and commercial vehicles exist and engage in enforcement. This option incorporates Education and Civil Litigation (external counsel). The purpose of including funds for civil litigation is to have dedicated funding for injunctive actions and contempt citations to address large scale operations. This approach has proven to be an effective method to target single, large properties, based on recent cases. in civil court.</p> <p>Staff believe 2 Municipal Law Enforcement Officers are required to effectively address the scope and the scale of the issue. Two Officers will be able to cover the large geographical area. It is recommended to hire a Zoning Administrator as the offences are zoning based offences and require the professional advice of a dedicated planning expert.</p> <p>In addition, \$20,000 has been included to cover costs related to enforcement to conduct surveys, soil testing and retaining external experts, etc. It is important to consider that the first goal of the Task Force will be to conduct education, consisting of a combination of the development of a communications strategy with the assistance of an external consultant. The facilitation of forums and roundtables with the industry and the preparation of education materials and other mediums will bring awareness to the community and the strategy the Town is undertaking.</p> <p>The first half of 2020 will consist of education, retention of new staff, training and developing the enforcement strategy. After the strategy is completed the project will move into the mid to long-term phase. It is anticipated it will take years of proactive enforcement to make an impact. For example, it can take several rounds of successful charges on the same property owner before the fines imposed create enough of a financial hardship to remove the activity. Similarly, it may take multiple, proactive enforcement actions and education for the industry to respond. It is anticipated that, once the industry is aware that there is a Task Force dedicated to addressing the seriousness of illegal activity, voluntary compliance may also naturally occur. The enforcement activity is anticipated to result in pressure on Planning & Development staff in the processing of legal non-conforming use applications and Zoning By-law amendments.</p> <p>Please note that this option incorporates Education and components of Civil Litigation (external counsel).</p> <p>The use of dedicated resources for a particular enforcement activity has been implemented in other municipalities such as the City of Brampton in tackling illegal</p>	<p>476,838 in 2020, 2021 annualized budget of \$619,958 (includes 4 new permanent full- time headcount)</p>

<p>two-unit dwellings and the City of Oshawa and the City of Guelph in addressing student housing.</p> <p>Staff believe this option is the only option that contemplates addressing the issue on a Town wide basis. The Task Force would develop a strategy to phase in enforcement and would be appropriately staffed to take a systematic, multi-pronged approach. Because enforcement moves at the speed of the court system and may take several enforcement actions to ultimately be effective, a short-term (under 2 years) approach would be unlikely to make a lasting impact.</p>	
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Staff Recommendation

Currently the Town is undertaking a review of the Official Plan 2041 and Zoning By-law Updates, which will include reviewing land uses in the Town in light of the Goods Movement Planning in Peel which is underway at the Region. These projects will provide a much-needed vision in identifying where such industrial type uses are most appropriately located. However, these are long term planning exercises that may not address the immediate need.

Staff believe Schedule A – Unfunded Change in Service Level business case, will effectively tackle the growing issues related to the parking and storage of tractor trailers and commercial vehicles, staff are proposing that Council pursue the option to implement Dedicated Resources through the use of a Task Force. In staff’s opinion, this approach incorporates the principles of traditional enforcement, which includes education and awareness first, with the intention of voluntary compliance, followed by responsive and effective enforcement action to protect the safety and wellbeing of the community and the integrity of the natural and rural landscape.

Ultimately, both administrative and political leadership is critical to achieve success in addressing the growing issue of the illegal parking and storage of tractor trailers and commercial vehicles regardless of the option chosen.

Attachment:

Schedule A: Unfunded 2020 Change in Service Level Business Case – Proactive Land Use Enforcement to Address Illegal Parking and Storage of Tractor Trailers and Commercial Vehicles