



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

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**Peninsula Community Council
June 11, 2012**

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY: 
Brad Anguish, Director, Community & Recreation Services

DATE: April 24, 2012

SUBJECT: Notification of By-law Infraction Report

ORIGIN

December 12, 2011 motion of Peninsula Community Council:

"Request a staff report on the feasibility of having a system used by By-law Services that would enable staff to report infractions of by-laws (garbage, snow clearance, etc.) in an immediate and direct way to property owners as opposed to delivering notices of infractions on door handles of rental properties or in tenant mailboxes."

BACKGROUND

By-law Services currently notify property owners of by-law infractions through face to face communication with written documentation being provided. In cases where the property owner is not on site, notification is left on the property in a weather proof bag placed on the front door.

The documentation includes details of the infraction, date for compliance and contact information for the By-law Enforcement Officer including name, address and telephone number.

DISCUSSION

The legislation identifies various timelines for compliance depending on the type of violation. By-law Services address alleged violations ranging from immediate public safety issues, 24 hour curbside issues, and 7- 30 day dangerous or unsightly concerns. The majority of cases result in discussion between the By-law Officer and property owner with a case being closed when the owner complies. In 2011 By-law Services achieved a 92% voluntary compliance rate.

The primary challenge occurs in situations when the expected compliance is 24 hours. Violations which are in the right-of-way between the sidewalk and curb are expected to be removed within 24 hours of notification. Sidewalk snow and ice, and improperly placed curbside waste, make up the majority of these complaints. Notification for these violations is either hand delivered or placed in a weather proof bag on the front door.

If the property is tenant occupied, the expectation is tenant and property owners develop an arrangement in meeting these property maintenance needs. Property owners have communicated that there are challenges in having tenants address these matters.

By-law Services staff educate both tenants and property owners on the requirements. Due to the 24 hour compliance expectation, the majority of time the Officer is speaking with the individual on site which is the tenant or posting the notification at the property.

It is not currently viable to develop an enhanced notification system based on property ownership due to the immediate need for compliance in these types of matters. Property ownership is maintained through a provincial database system which is updated monthly. In addition, a number of properties are owned by individuals who do not reside in Nova Scotia or Canada. Further, many are listed as owned by property management companies. The legislation identifies notification through posting on the property, as this is the most direct method to bring the violation to the attention of the individual in care and control of the property.

To deal with this ownership issue, a recent recommendation made to property managers is that relevant contact information be provided at their buildings. If an Officer observes a violation and can identify a phone number to call regarding property maintenance concerns, every effort will be made to speak directly to the individual regarding those concerns. The goal is for Officers to continue to work collaboratively with property owners in addressing property maintenance concerns.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

By-law Services have engaged in discussion with tenants, property owners and complainants on communication methods and notification.

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared By: Tanya Phillips, Manager By-law Standards, 490-4491

Report Approved By: 

Jim Donovan, Manager, Municipal Compliance, Community and Recreation Services 490-6224
