



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Property Standards & Clean and Clear Yards By-Laws

Prepared By: Heather Falconer, Municipal By-Law Enforcement Officer

Department: By-Law Enforcement

Date: May. 15, 2023

Report Number: BLE-2023-05-14

File Number: C11 BLE23

Attachments: **Draft Property Standards By-law**
 Draft Clean and Clear Yard By-law
 Draft Clean & Clear Yards and Property Standards
 Complaint Policy

Recommendation:

THAT Council receive for information Report BLE-2023-05-14;

AND FURTHER THAT Council adopt the Clean & Clear Yards and Property Standards Complaint Policy;

AND FURTHER THAT Council direct Staff to bring forward as a matters arising the Clean and Clear Yards By-law, and the Property Standards Amendment By-law as proposed in Report BLE-2023-05-14.

Background:

The *Municipal Act* and *Building Code Act* provide legislation authorizing Municipalities to enact by-laws requiring owners or occupants to clean and clear land and prescribes the standards for maintenance and occupancy of property.

Currently, the Township has By-law No. 2018-100 being a by-law to establish standards for the maintenance of properties, buildings, and yards within The Township of Huron-Kinloss. As noted in the title, the by-law includes prescribing standards for the maintenance and occupancy of property within the Township or within any defined area or areas, for prohibiting the occupancy or use of such property that does not conform with the standards, and requiring property that does not meet standards to be repaired and maintained to comply with the standards.

The authority of the Property Standards By-law comes from the *Building Code Act, 1992, S.O. 1992, Ch 23*. This legislation sets out specific guidelines and increases the time it takes to gain compliance.

Due to the number of calls regarding yard maintenance, Staff have drafted a by-law to establish standards specifically for the maintenance of yards attached as "Draft Clean and Clear Yards By-law". The by-law would address such things as refuse or debris, stagnant water, grass/brush, garbage, and compost. The by-law emphasizes the compliance processes.

Timing of enforcement

The current process for a property standards complaint is as follows: A complaint is received; officer completes inspection; owner is contacted; officer issues notice, with time frame to comply; officer completes inspection; if there is no compliance the officer issues an order and serves to owner; wait required days (19 days) to comply, before completing inspection; during the 19 days the order can be appealed to the property standards committee, pending the outcome of the appeal it can be appealed to Superior Court. If the order is final and binding, the work may then be completed, or the order may be registered on property title.

Where anyone contravening the Clean and Clear Yards by-law may be given a notice, issued an order, and if they do not come into compliance with the by-law, they may be found guilty of an offence and on conviction, liable to a fine. Once an order is final and binding, if the owner or occupant fails to comply with the order, the Township may have the matter brought into compliance. If invoices for Costs associated with bringing the property into compliance including an administration fee are unpaid, they may be added to that property's tax roll. Where the officer deems the issue to be a health, safety or fire hazard the by-law will allow the officer to remedy the issue immediately.

By-law Updates

The Property Standards By-law has been updated to remove portions of the current by-law that will now be addressed in the Clean and Clear Yards By-law. The general standards for construction of exterior of building structures, interior of building structures, dwellings and demolition will remain in the Property Standards By-law. As this By-law includes set fines, the By-law will be amended to remove the items covered within the Clean and Clear Yards By-law and replace them with the text "By-

law No. 2023 -XX repeals this section". This will ensure the set fines within the Property Standards By-law are not affected.

The Township also has By-law No. 2003-40, being a by-law to require the owners and occupants of private property to cut grass and weeds on their lands.

Urban Area Weed and Grass Cutting information has been included in the Clean and Clear Yards By-law. This Includes that property owners in in the urban areas shall cut grass and weeds on their premises whenever growth exceeds twenty centimeters (20 cm) in height.

A new section, "Litter and Dumping" will make the action of littering and dumping refuse and debris on Township property an offence.

Staff have drafted a complaint policy to accompany the Property Standards and Clean and Clear Yards By-laws. The policy indicates that a complaint must be submitted in writing by way of mail, e-mail or in person. The Township keeps the identity of every complainant confidential unless the complainant has agreed to be identified.

Forms will be available on the website, at the Township Office, or can be sent to the complainant on request.

Discussion:

Staff have prepared a by-law that addresses the standards for the maintenance of yards. This by-law would not replace but work in conjunction with the Property Standards By-law; being a by-law that establishes standards for the maintenance of properties, buildings, and yards. Staff recommend implementing the Clean and Clear Yards By-law to speed up the compliance process. The authority for the Property Standards By-law comes from the *Building Code Act*, which stipulates a lengthy compliance process. Staff have also prepared a policy for the complaint process for by-law and property standards for Council's consideration.

Financial Impacts:

Fees are set out in the Rates and Fees By-law and Fines as set out in the Clean and Clear By-law and the Property Standards By-law.

Strategic Alignment / Link:

We are an accessible community that offers opportunities for everyone by being open and transparent.

Respectfully Submitted By:

Heather Falconer, By-Law Enforcement Officer

Report Approved By:

Mary Rose Walden, Chief Administrative Officer