



# Municipality of Port Hope

## Staff Report

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### **Report Title:** Property Standards By-Law Update - Community Engagement Summary and Next Steps

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**Report to:** Committee of the Whole

**Date of meeting:** October 22, 2024

**Report Author:**

Jason Williams, Director of Protective Services

**Department responsible:**

Protective Services

**Report Number:** PS-15-24

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### **Recommended Action:**

1. That Report PS-15-24 be received and
2. That a bylaw be presented for Council consideration to:
  - a. adopt an updated By-law related to the administration and enforcement of Property Standards in the Municipality of Port Hope (see Attachment 1); and
  - b. repeal by-law 69/2006
3. That staff be directed to provide public notice in relation to the updated property standards bylaw through Corporate Communications.

### **Highlights:**

- As part of the Municipality's Community Engagement Policy a community engagement strategy was developed which identifies community updates, public surveys and information sharing as mechanisms of outreach. The draft By-law has been amended to reflect comments received through this engagement process.
- Comments were also received and reviewed by the Environmental Advisory Committee, Accessibility Advisory Committee and Architectural Conservancy of Ontario (ACO).
- The Municipal Property Standards By-law has been reviewed and updated to reflect the current needs in the community and is in line with practices of neighbouring Municipalities.

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- The original draft bylaw contained additions which included nuisance lighting, shipping containers, vacant/damaged buildings, fire damaged buildings, illegal marijuana grow and clandestine laboratories as well as heritage designated building requirements. These provisions remain in the current bylaw being presented for council consideration.
- The Property Standards Committee requirements of the By-law have been updated to align with the upcoming Advisory Committee By-law housekeeping amendments.

### **Background:**

As part of the continuous effort to ensure the most effective and efficient delivery of services to the residents of Port Hope, the Protective Services Department has undertaken a review of the current Property Standards By-law 69/2006. A review of the current By-law has revealed areas for improvement and the implementation of additional requirements under the *Building Code Act, 1992, S.O. 1992*.

- The review also identified areas related to the Property Standards Committee which are required to be updated to reflect the status of the committee as well as ensuring the alignment with the upcoming Advisory Committee By-law housekeeping amendments which will be forthcoming in 2025 from the Municipal Clerk's office.

On January 16, 2024, an updated draft Property Standards By-law was presented to the Committee of the Whole (Report PS-02-24), which requested that further community engagement efforts be undertaken to allow residents to review and comment on the amended By-law, as well as a review of the By-law by the Accessibility and Environmental Advisory Committees.

As part of the community engagement strategy, a dedicated webpage was created on MyPortHope.ca which included a survey to engage the residents of the Municipality regarding the proposed changes. The survey was promoted throughout the Municipality through social media, posters, information boards and video screens at the Community centres and was open for review and comment from January 30 to March 9, 2024. The survey results and comments were reviewed along with the committee comments, which resulted in several further amendments to the proposed updated Property Standards By-law.

### **Discussion:**

The community engagement strategy which included the creation of a Property Standards By-law update webpage had a total of **946** visits, with **62** people contributing to the survey/comment form. **519** of these visitors came directly from the social media links generated to promote the community engagement in relation to the proposed updates to the Property Standards By-law, and in total **203** people downloaded the proposed By-law and associated documents.

Approximately 86% of those who commented on the survey indicated they were residents of Ward 1, with the remaining 14% being from Ward 2.

A summary of the survey results related to the satisfaction of residents in relation to property maintenance and repair indicated the following levels of satisfaction:

- 17% Very Satisfied (Ward 1- 5 Responses/ Ward 2- 3)
- 38.3% Somewhat Satisfied (Ward 1-17 Responses / Ward 2-1)
- 19.1% Impartial (Ward 1-6 Responses / Ward 2-2)
- 25.5% Dissatisfied (Ward 1-12 Responses / Ward 2- N/A)

Residents also indicated that yard maintenance, condition of exterior facades and vacant buildings were their top three areas of concern relating to property standards.

Regarding what more should be done to enhance the minimum maintenance standards of properties in Port Hope, residents indicated the following:

- 36.2% Much More (Ward 1-17 Responses)
- 34% Little More (Ward 1-12 Responses / Ward 2- 3 Responses)
- 21.3% Just Right (Ward 1-7 Responses/ Ward 2- 3 Responses)
- 8.5% Less (Ward 1-4 Responses)

Through the community engagement strategy, a review of the comments received was completed by staff. A vast majority of the comments can be categorized in the following groups:

- Request for increased enforcement of Municipal By-laws in the Municipality. Numerous comments from residents were received that supported the changes and updates to the Property Standards By-law, with a number requesting for increased enforcement of the provisions of the By-law.
- Parking related inquiries or related requests for Traffic and Parking By-law updates.
- Inclusion of provisions regarding shipping containers and trailer parking.
- Inclusion of nuisance lighting provisions.
- Delineation of illegal vs. legal marijuana/ clandestine drug lab.
- Clarification regarding requirements surrounding property/yard maintenance standards to incorporate natural gardens when appropriate.

To address many of the concerns and comments made through the Municipality's community engagement efforts, as well as comments made by the Accessibility and Environmental Advisory Committees and the Architectural Conservancy of Ontario, the following amendments have been made to the draft By-law:

- Added Section 1.36 – definition of a Utility Trailer
- Added Section 1.37– definition of Vermin
- Section 1.38 – added all-terrain vehicle (ATV)

- Section 2.02 – added subsection 5. areas of standing water, including un-maintained pools and lands. This does not apply to areas including streams, beaches, rivers or natural water courses or sources, or where otherwise approved by the Municipality.
- Section 2.08 – clarification of materials required for parking areas
- Section 2.14 – Inclusion of accessibility component to garbage receptacles
- Added Section 2.17 – The collection and storage of waste/recyclable materials (e.g. Scrap Metal) shall not be permitted in any residential area and/or area where not permitted by the current Municipal Zoning By-law.
- Section 3.04 – yard maintenance requirements updated to exclude forested and ravine areas of residential properties and include the maintenance requirements regarding leaves. This section has also been updated to reflect the requirement for lawn maintenance, in which an exemption may be granted by a Municipal Law Enforcement Officer regarding the length of grass to support natural gardens in the Municipality.
- Section 3.55 – nuisance lighting has been updated to include all exterior light fixtures (excluding Municipal Street lighting) which may cause a nuisance to neighbouring properties as determined by a Municipal Law Enforcement Officer.
- Section 4.03 – all vehicles (including utility trailers and boat trailers) shall be parked on designated parking surfaces and areas.
- Section 4.06 – shipping containers has been updated to include the requirements to comply with all applicable Municipal Zoning By-law provisions, and that shipping containers may only be utilized for the purposes of storage.
- Section 4.27 – updated the minimum maintenance standards for heritage buildings.
- Section. 4.37 – marijuana grow/ clandestine drug labs, further clarification was added to the By-law to identify the illegal aspect of the operations, in contravention of both Provincial and Federal legislation.
- Section 6.10 – the addition of vehicles to items in which can be ordered to be removed from a property by a Municipal Law Enforcement Officer.

The first draft of the Property Standards By-law presented to Committee of the Whole included the addition of several new sections which addressed the following areas:

- Nuisance Lighting
- Shipping Containers
- Vacant/Damaged Buildings
- Fire Damaged Buildings
- Marijuana Grow Houses and Clandestine Drug Operations

- Designated Heritage Buildings

The addition of these sections to the By-law will assist Municipal Law Enforcement Officers with the course of their duties to ensure minimum maintenance standards of these properties in our community. A significant change to the Property Standards By-law is the addition of the Designated Heritage Buildings Section. The provisions related to heritage have been shared with the Heritage Port Hope Advisory Committee along with Planning Division staff responsible for heritage planning related matters.

This addition to the By-law will provide for minimum maintenance and safety standards related to heritage properties within the Municipality of Port Hope and will assist with ensuring the unique heritage features that our community has to offer are adequately maintained. This additional requirement to the By-law is inline with current practices of neighbouring Municipalities related to Historical Buildings and the associated property standards By-laws.

The addition of this section and requirements of the By-law will certainly increase the workload for staff, as historically the division hasn't seen complaints related to property standards involving heritage buildings. The draft By-law has been reviewed by Heritage Port Hope, along with the Architectural Conservancy of Ontario and their comments have been received and analyzed and incorporated into the draft bylaw where appropriate.

The intent of the addition of these requirements related to Heritage Buildings is not to create a situation of undue financial hardship for property owners, and the discretion related to enforcement shall lie with the Municipal Law Enforcement Division of the Municipality as per the Municipal Law Enforcement Policy adopted by Council in 2023.

Council will be required to review all Heritage Permit applications for owners required to undertake certain aspects of work related to Heritage properties within our community as per the *Ontario Heritage Act*.

Included in the updated By-law is the requirement and function of the Property Standards Committee. The revised By-law reflects the status of the committee and its membership along with ensuring it is in line with the upcoming Advisory Committee By-law housekeeping amendments.

### **Financial Considerations:**

There are no direct financial implications related to the implementation of the updated Property Standards By-law to the Municipality. If work is undertaken by the Municipality to ensure compliance with the By-law (e.g. property clean up), the corporation shall have a lien on the land for the amount spent on the clean up, repair/demolition. The amount shall be deemed property taxes and added to the tax roll.

A Supervisor of Municipal Law Enforcement position will allow for the continued review and updating of other Municipal By-laws requiring enforcement as well as provide the resources and capacity to ensure that the provisions of this updated By-law and other law enforcement matters are effectively enforced throughout Port Hope.

**Communication and Public Engagement:**

The Municipality's Community Engagement Policy identifies by-law changes as appropriate for community engagement. Presenting the draft by-law to Committee of the Whole provides an opportunity for additional adjustments as directed through amending motions if necessary.

Community engagement included the utilization of the myporthope.ca engagement site and associated communications tools. Following adoption, the updated Property Standards By-law will be posted and made available on the Municipality of Port Hope website to ensure that all residents have access to the updated requirements.

The By-law was also reviewed by the Environmental Advisory Committee, the Accessibility Advisory Committee and the Architectural Conservancy of Ontario, who provided feedback related to the proposed By-law.

**Conclusion:**

The proposed updated Municipal Property Standards By-law will ensure the minimum maintenance and occupancy standards for properties within our community and have been established with appropriate consultation.

The additional updated provisions will ensure that areas of concern from the public can be addressed by staff in an efficient and effective manner, and that the requirements and obligations of the Property Standards Committee are in line with the Advisory Committee By-law.

**Attachments:**

Attachment 1 - Draft By-law Property Standards