



Municipality of Port Hope

Staff Report

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Report Title: Amendment to Schedule K of the Prescribed Fees for Services By-law

Report to: Committee of the Whole

Date of meeting: November 12, 2024

Report Author:

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Department responsible:

Protective Services

Report Number: PS-16-24

Recommended Action:

1. That Report PS-16-24 be received;
2. That Council approve the proposed amendments to Schedule K of the Prescribed Fees for Services By-law to be posted on community engagement website under the 2025 Budget page (Attachment 1); and
3. That staff be directed to update the Prescribed Fees for Services By-law to reflect those amendments for future consideration by Council.

Highlights:

- This report will discuss proposed fee changes and additions in Schedule “K” of the Prescribed Fees for Services By-law which relate to the Municipal Law Enforcement Division.
- The amendments address fees pertaining to Orders, Inspections, Summons, Legal Fees, and Staff Supervision for Remedial Work.

Background:

The Municipal Law Enforcement Division has historically charged fees for Registering or Discharging a Property Standards Order, Mailing Registered Order, Mailing of Registered Order under Property Standards, Application for Appeal, and as of last year, an Officer on Site for Remedial Work. This combined with a 25 percent administration fee on top of actual costs of remediation.

These fees were mostly associated with the Property Standards By-law and did not recoup all costs associated for the Division to carry out operations.

This enables repeat violators to worry very little about repercussions for their lack of compliance and the taxpayers are left to cover the operating costs of the Division.

Report No.: PS-16-24

Report to: Committee of the Whole

The Municipality also absorbs the costs to prosecute any offences. The hiring of a prosecutor to represent the Municipality can be extremely costly as public prosecutors do not represent the Municipality for by-law enforcement matters. The fees can range well into the thousands of dollars, with returns of fines ranging in the hundreds of dollars, leaving the department to look at other options to gain compliance.

Discussion:

The fees proposed in this report are meant as a cost recovery method for properties that chose to be in violation and give the Division the tools to confidently proceed with escalation, should it be required, without fear of being a financial detriment to the Municipality.

The included fees are for Inspections, Order, and Summons. The fee for an inspection is set at \$88, which is in line with other internal fees for similar services and those of other Municipalities. This fee will only apply to inspections carried out after the initial inspection and education has taken place. It is to be issued when an officer reinspects a property and finds that it is still not in compliance. It will also apply to vacant property that are not in compliance.

The Order fee of \$175 can be applied when an order or notice has been issued for a property for compliance. This fee only applies for the first order issued to the property and owner(s) for a violation. This fee is consistent with a large amount of municipalities within the province that have started utilizing their fees and charges by-law as a method of recovering the cost of an officer's time and resources, as well as costs associated to the Municipality for mailing. Any subsequent order issued to a property owner(s) for the same violation will be charged at \$290.

The fee for the service of a summons is recommended at \$550. This is to offset the loss of time to the Municipality for the officer's court preparation, travel time and cost, and time in court. Unfortunately, the fee does not recoup the entirety of the cost, but it makes up for a sizable portion. It will only apply when the result of the charge issued ends in a guilty decision, or when an agreement is reached between the property owner(s)/tenant reach an agreement.

The Officer on Site fee that is currently in place is recommended for an increase of \$25 per officer per hour. The purpose of the increase is to include the cost of having the Municipal Law Enforcement Officer(s) on site and that cost of time loss had to be considered due to the increased cost associated with this aspect of daily operations.

The main tool the Division will utilize, for any escalating investigations, upon its approval is Legal Cost recovery. This is a fee that will put the cost of prosecution back onto the property owner(s) who wish to dispute a charge issued under a Part I or Part III of the Provincial Offences Act. The application of this fee will follow the summons fee with it only being issued as a result of a guilty decision or agreement with the property owner(s)/tenant. The final fee recommendation is to increase the application fee to appeal a property standards order by \$100 to \$125. There is a large amount of work that goes into these appeals by staff that needs to be considered when establishing these fees. It is also meant to encourage serious appeals, rather than potential delays tactics due to the lower cost.

Financial Considerations:

With the new proposed fees, there is more potential for cost recovery for the Municipal Law Enforcement Division. That is solely based on the number of violations that would require the application of the recommended fees. To date in 2024, the Division has conducted 607 inspections and issued 195 orders or notices.

If the 290 initial inspections in 2024 were accounted for, that would allow for 317 of the re-inspections to be charged at \$88 for a cost recovery of \$27,896. Combined with the 195 orders/notices issued at \$175 for a total of \$34,125, the total potential cost recovery in 2024 would be \$62,021. This does not account for any potential subsequent orders.

Finally, receiving cost recovery for prosecutions will allow the Municipality to recoup losses incurred for successful prosecutions.

Communication and Public Engagement:

These proposed fees are a direct result of the request for increased enforcement stemming from the Property Standards Engagement Survey conducted earlier in 2024.

These fees will also be included in the current circulation of the proposed 2025 fees and charges for public consideration, and a public notice will be put in place to ensure awareness to the public of the updated fees and charges after Council's adoption and prior to implementation in January of 2025.

Conclusion:

The proposed fees are in line with current municipal practices throughout the Province of Ontario. There is no intent to penalize the citizens of the Municipality, as the Municipal Law Enforcement Division's main goal will be to educate. The intention is to recoup costs from those who wish to ignore that education.

The utilization of these fees is also intended to offset the operational costs of the Division. The proposed amendments place the burden of costs associated with non-compliance on those who chose not to comply, while ensuring the safety and enjoyment of properties throughout our community.

Attachments:

Attachment 1 – Draft Amendments to Schedule K of the Prescribed Fees for Services By-law