



# Municipality of Port Hope

## Staff Report

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### Report Title: Clean Yards By-Law

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**Report to:** Committee of the Whole

**Date of meeting:** December 3, 2024

**Report Author:**

Dave Chatwell, Municipal Law Enforcement Supervisor

**Department responsible:**

Protective Services

**Report Number:** PS-17-24

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### Recommended Action:

1. That Report PS-17-24 be received; and
2. That a by-law (Attachment 1) be presented for Council consideration to enact a Clean Yards By-law related to the administration and enforcement of property maintenance in the Municipality of Port Hope; and
3. That staff be directed to provide public notice in relation to the enactment of the Clean Yards By-law through Corporate Communications.

### Highlights:

- The Clean Yards By-law was created in response to the comments received during community engagement efforts pertaining to the recently amended Property Standards By-law.
- The proposed Clean Yards By-law has been created to reflect the current needs in the community and is in line with practices of neighbouring Municipalities.
- The draft By-law contains sections which include yard and property maintenance including waste, dust, composting, standing water, sewage, drainage, graffiti, and snow and ice.
- The proposed Clean Yards By-law is meant to expedite the enforcement process for smaller infractions, allowing municipal law enforcement staff to

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bring properties into compliance more efficiently should the property owner(s)/tenant(s) refuse.

### **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 practices of neighbouring and similar municipalities to Port Hope. This coincided with the hiring of a Municipal Law Enforcement Supervisor, who has brought experience and expertise to the department, which further contributed to the creation of the proposed Clean Yards By-law.

Up to this point, the Municipal Law Enforcement Division has utilized the Municipality's Property Standards By-law to aid in bringing properties with maintenance violations into compliance. This can be a lengthy endeavour, as property standards enforcement is legislated under the *Building Code Act*, 1992, S.O. 1992, and requires a minimum of 19 days before enforcement can set in. The 19 days include five days for the order to be deemed as served, and another 14 days to allow for any appeals. Should an appeal be requested, this timeframe can extend into months and further extend the time associated with gaining compliance.

This Clean Yards By-law has been developed to be utilized for smaller violations in which expediency is preferred by the community, by not requiring an appeals process which often delays the remediation of the violation by months, so that the standards of the individual neighbours within the Municipality can be restored.

This By-law was circulated by the Environmental Advisory Committee for their review and received its endorsement.

### **Discussion:**

The creation of this By-law was in direct response to the community engagement survey that was conducted for the recent Property Standards By-law review which was conducted through January-March 2024. During this time 63.8 percent of those that responded were not completely satisfied with the maintenance standards of the properties in the Municipality, with 70.2 percent of respondents wanting more to be done.

As mentioned in the background of this report, the turnaround for compliance on Property Standards complaints sometimes reaches into the months, based on all the appeal processes.

The Clean Yards By-law does not have the same requirements under the *Municipal Act 2001*, S.O. 2001, c. 25. It does not require the order to be confirmed, and leaves it open to be challenged in court, if the owner of the property so chooses. This allows the recipient of the order to only attend one judicial process instead of potentially having to attend several.

The Clean Yards By-law will encompass violations pertaining to Yard and Property Maintenance, as well as Waste (i.e., refuse). It will address items such as Dust,

Composting, Standing Water, Drainage, Graffiti, and Snow and Ice. It will also include a section dedicated to securing certain pits or holes on a property, and the enforcement of minor sewage concerns.

With this new By-law, the Municipal Law Enforcement Division can increase its productivity due to limiting the respective waiting times required for Property Standards Orders. The Clean Yards By-law will not replace the Municipality's Property Standards By-law but will work towards the same property maintenance goal. The Property Standards By-law will be utilized for larger scale remediation (i.e., structural issues, major building repair, large scale grass cutting, and all heritage properties). The Clean Yards By-law will handle smaller property maintenance complaints that require a smaller remediation intervention.

### **Financial Considerations:**

There are no direct financial implications related to the implementation of the Clean Yards 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. As these works will be done under the *Municipal Act 2001*, S.O. 2001, c. 25, they are subject to different associated regulations.

Any works conducted under the *Building Code Act*, 1992, S.O. 1992, take precedence over a property tax. Meaning that remediations done under a property standards order must be paid first before any payments can be accepted towards any outstanding property tax. Under a clean yards order, the property tax can be paid first and remain current. This is one of the main reasons that clean yards orders are utilized for smaller remediations.

### **Communication and Public Engagement:**

Community engagement to develop the proposed by-law included the utilization of data collected for the engagement survey dedicated to the Property Standards By-law. Following adoption, the Clean Yards 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.

### **Conclusion:**

The proposed By-law is meant to streamline enforcement of minor property maintenance compliance, allowing for increased productivity of the Division, and satisfy the community's request for increased enforcement.

### **Attachments:**

Attachment 1 - Draft By-law - Clean Yards

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