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Regulatory Services Review During COVID-19 Information Report to Council

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Department(s): Legislative Services

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In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to present Council with a modified project plan in relation to regulatory projects identified to come forward on the Outstanding Matter List. This report also provides Council with additional information in relation to a recent request from Town staff to allocate approximately \$80,000 for increased enforcement initiatives relating to COVID-19 throughout the Town of Newmarket.

Background

On March 17, 2020, the Province of Ontario declared a state of emergency pursuant to the Emergency Management and Civil Protection Act ("EMCPA") for the novel Coronavirus 19 ("COVID-19").

On March 18, 2020, the Corporation of the Town of Newmarket ("Town") declared a local state of emergency.

Orders continue to be enacted by the Province through provincial legislation to prohibit and regulate certain activities in the interest of public health and safety. All provincial legislation relating to COVID-19 has been amended to empower municipal enforcement officers to enforce the rules established by the province and regional public health authorities.

On April 27, 2020, Town Council adopted [Emergency Measures By-law 2020-20](#) to further support provincial and public health guidelines. This by-law further empowers municipal enforcement officers to enforce provincial and public health regulations through the Town's Administrative Monetary Penalty System (AMPS) model rather than through the provincial court system, where service delivery timelines remain significantly impacted by the pandemic.

Throughout the COVID-19 pandemic, Town municipal enforcement officers have been redeployed on several instances to meet the needs of an unpredictable and ever-changing environment. Town staff recognizes the importance of flexibility and adaptability in shifting educational and enforcement strategies abruptly in order to align with evolving provincial and public health requirements. In conjunction with adapting to redeployment requirements relating to COVID-19, municipal enforcement officers have also been responsible for their day-to-day responsibilities, including parking, property standards, and business licensing administration and enforcement.

With recent, stronger emphasis placed on educational and enforcement initiatives relating to COVID-19 throughout York Region, Town staff are requesting additional resources be provided to the Regulatory Services Division to support COVID-19 mitigation efforts. In addition to this request, Town staff has also reviewed the Outstanding Matters List to recommend amendments to the existing project plan timelines for bringing matters forward to Council for consideration in 2021.

Discussion

Additional resources relating to COVID-19

On December 7, 2020, at a regular Committee of the Whole meeting, the Town's Treasurer presented the [Draft 2021 Operating and Capital Budgets Report](#). During his presentation, the Treasurer spoke to a proposed amendment for the Town's Regulatory Services Division to request additional resources of approximately \$50,000 to \$100,000. This amount would directly support educational and enforcement initiatives relating to COVID-19. Town staff would like to present Council with a summary of the proposed additional resources, as provided below.

Contract Two Part-time Overnight Parking Officers

As municipal enforcement officers continue to be redeployed for matters relating to COVID-19, they are also being asked to simultaneously remain responsible for their regular full-time duties, including proactive and reactive enforcement of overnight winter parking restrictions. Town staff has recognized a gap in available staff resources to balance overall community expectations and the Regulatory Services Division has not been able to fill shift vacancies using the current compliment of staff resources available. As community expectations for enforcement continues to grow, the Regulatory Services Division is proposing a temporary operational restructure as follows:

- Council to authorize hiring two part-time parking officers for the purpose of enforcing overnight winter parking restrictions;
- These two proposed positions will incur a total estimated cost of **\$15,120** over a 4 month duration; and
- These positions will only be required while winter parking restrictions remain in effect until April 15, 2021.

By implementing two part-time parking officers with a sole focus on overnight parking restrictions, regular fulltime municipal enforcement officers can be better utilized to educate and enforce all COVID-19 regulations. Emphasis will be placed on scheduling fulltime municipal enforcement officers to work both day and afternoon shifts to increase response rates for ongoing complaints received in relation to COVID-19. By offsetting night shift requirements of fulltime staff with two temporary part-time positions, the community will also experience increased service levels and response rates for calls relating to COVID-19, as well as daytime roles and responsibilities relating to parking enforcement.

Redeploy 8 Part-time Recreation and Culture Staff into Regulatory Services

Regulatory Services has recently formed an internal COVID-19 Response Team to focus on educational and enforcement initiatives relating to business protocols and requirements. The formation of this team directly relates to increased and expanded expectations for municipal enforcement initiatives across York Region. A large focus of this team involves conducting proactive inspections of businesses to verify compliance with all provincial and public health restrictions imposed. It is relevant to note that this team has proactively inspected 95 businesses from November 27–December 8, 2020. Initial feedback from the team has recognized that most businesses inspected will require additional re-inspections to verify compliance. Re-inspections not only add to existing workload demands, but also negatively impacts staffing availability to conduct new proactive inspections of businesses to monitor and verify compliance.

The Regulatory Services Division is requesting 8 part-time recreational staff be redeployed to the COVID-19 Response Team to provide additional assistance as follows:

- Conduct initial inspections of businesses in plain clothes to identify what violations exist, if any;
- Observe and report any businesses of concern to the COVID-19 Response Team for follow up;
- Proactively educate local businesses on the rules and regulations and verify that all businesses have developed and posted a safety plan, as required by the Province;

- Provide greater assistance to local business owners by being readily available to help them with any questions relating to their safety plan and other protocol requirements;
- Review and contact businesses that have received a verbal/written warning to reiterate that a follow up inspection will be conducted to verify compliance; and
- Assist the COVID-19 Response Team with any administrative responsibilities to streamline an overall approach for better utilizing enforcement staff resources accordingly.

A compliment of enforcement and regular staff will significantly alleviate pressure on municipal enforcement officers by allowing Town staff to develop a streamlined approach to both education and enforcement initiatives relating to COVID-19.

Projects Plan – Outstanding Matters List

Due to the COVID-19 pandemic and the necessity to shift resources for focus on educational and enforcement initiatives pursuant to provincial legislation, several projects identified on the Town’s Outstanding Matters List and presented during the Regulatory Review Workshop on March 25, 2019 are now delayed. These projects will require further consideration as to the appropriate timelines to proceed forward as we continue to navigate through a pandemic environment. Legislative Services’ staff has identified several projects as either delayed or subject to being potentially delayed in 2021.

Tables 1 and 2 (see below) provides a list of projects and their original timelines, in addition to Town staff’s recommended amendments for new timelines being proposed as follows:

Delayed Projects in 2020	Current timeline to be brought forward to Council	Newly proposed timeline to be brought forward to Council
Hawkers & Peddlers By-law	Q2 2020	Q1 2022
Body Rub Parlours By-law	Q4 2020	Q2 2021
Personal Service Shops By-law	Q4 2020	Q2 2021

*Table 1 – delayed projects from 2020.

Identified Projects in Q1 2021	Current timeline to be brought forward to Council	Newly proposed timeline to be brought forward to Council
Tobacco Retail Sales By-law	Q1 2021	Q4 2021
ADUs: Increased Enforcement Options for Rentals (Information Report to Council)	Q1 2021	Q1 2021
Residential Parking Review	Q1 2021	Q3/Q4 2021
30min Parking on Main St (Information Report to Council)	Q1 2021	Q1 2021
Animal Control By-law – Phase II	Q1 2021	Q3/Q4 2021
Success of AMPS Model (Information Report to Council)	Q1 2021	Q2 2021

*Table 2 – projects previously identified to come forward in Q1 2021.

Operational changes for responding to complaints

Upon completing a review of all complaints received within the last two years, Town staff has recognized enforcement challenges directly relating to multiple complaints filed through the Town’s Customer Services Department. Historically, the Town has accepted multiple formal complaints from residents at one time. This includes accepting long lists of various properties throughout Town with like-issues. For example, a resident may make a formal complaint against ten different properties for recreational vehicles parking in residential driveways. A more recent example includes one resident lodging 29 formal complaints against properties that may have unlawfully widened their driveways.

While there is validity to these formal complaints regarding a breach to Town by-laws, upon further review, Town staff has identified that nearly all of the multiple complaints received by one resident are a direct result of:

- the resident having been in violation of the same offence, themselves, and now filing several complaints for like-issues throughout the community; or
- the resident was not in violation of a similar offence, however, the multiple addresses being reported for by-law violations are found to have no direct impact to the resident lodging the formal complaint.

Both instances are problematic for various reasons. Most significantly, multiple complaints lodged have a direct impact on staff resources and the availability of staff to

prioritize complaints where violations have a negative impact on neighbours or the neighbouring community. It is also relevant to note that, by allowing residents to file multiple complaints against multiple properties without proper justification for doing so, there are also negative consequences to residents within our community. For example, if a resident makes a formal complaint for multiple properties that have widened their driveways unlawfully, there are substantial costs incurred by the property owners to remediate the violation. While Town staff recognizes that identified violations should be remediated, they also want to ensure that all residents are treated fairly and are not being asked to perform work without demonstrated negative impacts to neighbouring properties or on the basis of legitimate concerns identified.

In an effort to provide enhanced customer service to all residents within the Town of Newmarket, Town staff will be amending internal practices and procedures relating to multiple complaints received by residents as follows:

- All formal complaints received by the Town will continue to be documented and input into the Town's CRM complaint software;
- Residents that wish to make a formal complaint against a property must not have any open investigation files against them. If there is an open file against this resident, they will be advised that the formal complaint will be received and responded to only after they, themselves, are fully compliant with any outstanding by-law contraventions on record;
- If multiple complaints are received by the Town for more than one property/location, the resident will be asked subsequent questions to verify one or more of the following criterion:
 - The alleged violation directly impacts a neighbouring property or a resident located on the same street/block;
 - The alleged violation poses a risk to health and safety. In this instance, there are no locational requirements to be fulfilled: health and safety complaints will always be received by the Town for immediate follow up; and
 - The alleged violation is unsightly and presents negative impacts to the Town as a whole. In this instance, matters such as garbage or debris will be accepted, as there are demonstrated impacts to the Town's overall appeal.

If a resident's list of property complaints do not meet the standards of demonstrating some form of negative impact, the resident will be notified that their complaint will be documented, however, the Town will screen these types of complaints to determine overall validity based on the criterion provided above. Clear communication will be provided to any residents that contact the Town to make multiple formal complaints to inform them of this new process.

Conclusion

Town staff are recommending additional resources be provided to the Regulatory Services Division, as highlighted in the 'Discussion' section of this report. The overall recommendation would equate to 2 temporary part-time overnight parking officers and 8 part-time redeployed staff from the Town's Recreation and Culture department. These additional resources would significantly improve Regulatory Services' ability to manage the demands and expectations in relation to COVID-19 and educational and enforcement initiatives across York Region.

Business Plan and Strategic Plan Linkages

The strategic vision of the Town of Newmarket is rooted in the concept of being Well Beyond the Ordinary – this vision is achieved through focus on the well being of our community. The wellness of our community has at all times been first and foremost in the actions taken to date.

Consultation

Consultation with the Town's Director of Recreation and Culture has occurred to confirm availability to provide eight part-time staff for redeployment into Regulatory Services for a duration of six months.

Consultation with the Town's Treasurer to capture this request under the 2021 Draft Budget for approval by Town Council has also been completed.

Human Resource Considerations

Two temporary part-time overnight parking officers will be added to the compliment of existing Regulatory Services staff. These two positions will be under contract for approximately four months in length, up until April 15, 2021, when seasonal overnight parking restrictions end for the Town.

Budget Impact

With the approval of two temporary part-time overnight parking officers, total budget impact for 2021 is approximately **\$15,120** over a four-month duration.

With the redeployment of eight part-time recreational staff, total budget impact for 2021 is approximately **\$61,440** over a six-month duration.

A total cost of approximately **\$76,560** is anticipated and these funds are being proposed and allocated through the Draft 2021 Budget approval process for Council's consideration.

Attachments

None.

Contact

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Approval

Lisa Lyons, Director/Town Clerk, Legislative Services

Esther Armchuk, Commissioner, Corporate Services