



STAFF REPORT

Meeting Date: May 9, 2022

Title: Amendment to the Fees and Charges By-law

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Department: Building and Planning

Report Number: Building & Planning-2022-007

Recommendation:

THAT Council accept the attached proposed amendment to the Fees and Charges By-law 2021-99, by adding Schedule "T" – By-law, to establish five (5) new administrative fees for actions such as registered mailing of notices related to Property Standards Orders and to the collection of overdue parking infractions, Title searches, Property Standards Appeals, Registrations on Title and Certificates of Compliance related to Property Standards which include associated staff time to complete these tasks.

Background:

When parking infractions are unpaid and past due, they are pursued through Part II of the Provincial Offences Act. Through this process, the City is required to pay the Ministry of Transportation for the lookup of vehicle information, Canada Post for the registered mailing of each legal document submitted, as well as devote staff time to facilitate the process.

For Property Standards matters, registered mailings are legislatively required to provide proof of receipt of orders, and Title searches are conducted as necessary to confirm ownership and identify all parties who may have interest or be affected.

Currently we do not have fees set should someone wish to appeal a Property Standards Order or for registration of compliance certification of a Property Standards order. These actions all require varying degrees of staff time, and an appeal process can

require legal consultation. It is therefore in the City's best interest to institute a fee to cover costs associated with processing Appeals.

Discussion:

The Provincial Offences Act overdue fine collection process begins when a parking ticket becomes overdue (15 days from date of issuance). We then issue a Notice of Impending Conviction (NIC) to the vehicle owner through registered mail, which offers the person an extra 15 days to pay the overdue fine or opt in to set a date for trial on the matter. If the NIC Letter goes unanswered for 15 days, we then have the Provincial Offences administration office convict the fines through a Certificate requesting conviction, which excludes the option to set a trial and the vehicle owner must pay the overdue fine, plus court costs. If the fine still goes unpaid, we then have the choice to file the unpaid ticket with the Ministry of Transportation (MTO). The fine must then be paid at the Provincial Offences Office or at Service Ontario location upon license plate or driver's license renewal.

The total cost for a registered letter of legal size (8.5" by 14") is currently \$11.69. A \$20.00 administrative penalty applied to each letter sent out by registered mail related to unpaid parking violations would help to offset the cost of postage and a portion of staff time to prepare the documents.

A Property Standards order can be served on a property owner and any interested parties on title either in person, by email or by registered mail. In person and by registered mail are the most ideal form of service as per legislation. These methods of service allow a Municipal Law Enforcement Officer to deem them as received by the registered landowners. In person service is deemed as served when the order is handed to the persons affected and an order is deemed served 5 days after being sent by registered mail. To serve an order by email is allowed, however the receiver can appeal based on confirming that acting in good faith, through absence, accident or illness or other unintentional cause the email was not received or not received until a later date, thus affecting enforcement timelines and legal enforcement in general.

When a property standards order is issued and mailed it costs the City a minimum of \$9.75 up to \$11.69. If voluntary compliance is received after an order is issued, this is attributed to the City's cost of doing business, as the parties in receipt of the order may not be aware they are in violation of the Property Standards by-law. When voluntary compliance is not received despite order issuance or the situation involves a repeat offence, this mail cost and any further costs associated with enforcement should be recovered by the Municipality.

By-law staff conduct a title search to confirm ownership of a property to serve property standards orders to the appropriate persons, it is at a cost to the Municipality of \$65.00.

A Property Standards order may be registered in the proper land registry office. Upon such registration, any person acquiring any interest in the land after the registration of

the order shall be deemed to have been served with the order on the day on which the order was originally served. This will prevent having to start a Property Standards investigation over from the beginning when compliance has not been achieved prior to a sale of the lands. When the requirements of the order have been satisfied, the municipality shall register a Certificate of Compliance that such requirements have been satisfied, which shall discharge the order from title. The total cost to register an order on title is currently \$250.00. The total cost to register a Certificate of Compliance is \$225.00.

Lastly, when an owner or occupant who has been served with an order made under the Building Code Act for Property Standards and who is not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within 14 days after being served. This notice of appeal starts the appeal process and requires the Municipal Law Officer to review evidence, request a new title search, prepare documents for presentation to the applicant and to the Committee and lastly may require legal consultation. The preparation process should be done on a cost recovery basis which would be handled through the proposed administrative fee. The appropriate administrative fee is developed similarly to all other planning application fees and comparisons to regional Municipalities was done.

Financial Implications:

So far in March 2022, it has cost the Building and Planning department \$280.56 to mail 24 letters to attempt to recover \$615.00 in unpaid parking infractions and on average it has cost approximately \$650 to \$800 annually for Property Standards registered mail alone.

The Building and Planning Department has completed a few title searches but as we move forward with complex property standards concerns both title searches and registrations on title may become more common place.

The administrative fees presented for approval in this report are based on comparable municipalities and our current costs associated to the actions described. Each fee presented includes a portion to cover staff time to complete the required actions.

The registered mail administrative fee for parking is recoverable at time of payment direct to the City. The administrative fees associated with achieving compliance for Property Standards are recoverable as a lien on the land for the amount and shall have priority lien status as described in Section 1 of the Municipal Act and Section 15.2(2) of the Building Code Act.

Proposed Addition of Schedule T to the Fees and Charges By-law

Schedule T – Building and By-law

Category	Description	Fee/Charge	Effective Date
Other	Title Search	\$90.00	
By-law	Registered Letter Postage Fee applicable to Parking NIC Letters & Property Standards Orders	\$20.00	
By-law	Registration of Property Standards Order on Title	\$300.00	
By-law	Registration of Property Standards Certificate of Compliance on Title	\$275.00	
By-law	Property Standards Appeal Application	\$300.00	

Current Budget Allocation:

Account #: 425-3520 Parking NIC letters Revenue
426-3679 Property Standards Appeal Revenue
426-0142 Property Standards Expense (all other)

Attachments (Reference Material):

Copy of Schedule "T" (same as above)