



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Building and By-law
Report Number: 2023-21-Planning, Development and Recreation
Prepared By: Charles Bray, Chief Building Official
Meeting Date: April 24, 2023
Subject: Property Standards By-Law

Purpose

Cornwall is a city with a diverse range of properties, from housing (for example, apartment buildings, multi-tenant houses, and individual residential units) to commercial and industrial facilities. To ensure Cornwall's quality of life and economic competitiveness, it is critical that people live, work and play in safe and secure spaces. The purpose of a Property Standards By-Law is to provide for the minimum standards of maintenance and occupancy for all properties in Cornwall and to ensure that these properties are repaired and maintained to these standards.

Recommendation

That Council receive report 2023-21, PDR and proposed draft Property Standards By-Law, which will repeal By-Law 2014-191.

Furthermore, that Council direct administration to have the Property Standards By-Law presented at the Regular Meeting of Council of May, 2023, for adoption.

Financial Implications

As part of the new proposed Property Standards By-Law, numerous user fees have been introduced as part of a cost recovery approach to enforcing property standards.

Some of the user fees are as follows:

- Issuing a Property Standards Order; If an Officer is required to issue an Order for non-compliance, the Officer has the discretion to apply a fee for this administrative task.
- Property Standards Appeal Committee Processing Fee; If an individual wishes to appeal an Order, there is a processing fee applied to assist in offsetting the cost of conducting a hearing.
- Officer Attendance Fee; If an Officer is required to attend a site during a clean-up and/or remedial work being conducted on a site, there will be an hourly fee applied for the Officers attendance.
- Registering an Order on Title; if the City is required to register an Order on Title, the legal fees plus a flat fee will be applied to the owner of the property.

The addition of these administrative user fees will greatly assist in the cost recovery approach efforts by the Corporation.

It is important to note that when there is non-compliance of a Property Standards Order, the City may cause the work to be completed and invoice the owner for the work. If the owner doesn't pay the invoice, the cost of the work would be applied to taxes.

Strategic Priority Implications

Council's Strategic Priorities (2019-2022) seek to improve the quality of housing stock; specifically, Pillar 3 speaks to "look at options to increase enforcement of property standards". The review of the Property Standards By-Law will greatly assist in the enforcement of minimum standards in our community.

Background / Discussion

The *Ontario Building Code* authorizes the City to establish minimum standards of maintenance and occupancies for all properties within Cornwall, including residential and non-residential properties whether they are owner occupied or rentals. If these minimum standards are not met, the City can order the owner of the property to remedy any violations. In the event that a violation is not remedied the City can cause the work to be completed at the owner's expense and recuperated by invoicing or applying to property taxes.

Following a report to Council on November 28, 2022 a By-Law Working Group (BWG) was established with the purpose of reviewing both the current Property Standards and Business Licenses By-Laws. This report will focus only on the Property Standards By-Law.

The BWG consists of three members of Council and four City staff. The following individuals sit on the BWG:

Elaine MacDonald	Councillor
Todd Bennett	Councillor
Denis Sabourin	Councillor
Charles Bray	Chief Building Official
Bernadine McEvoy-Robertson	Supervisor, By-Law Services
Bob Peters	Manager, Economic Development
Lisa Smith	Manager, Housing Services
Leighton Woods	Deputy Fire Chief, CEMC

In addition to staff from the Building & By-Law Division, Bob Peters from Economic Development and Lisa Smith from Housing Services bring a wealth of experience from the business community and housing sector respectively, completing the group is Deputy Chief Woods and his experience in fire prevention which is an asset to the group. In addition to the sitting members on the BWG, staff from Municipal Infrastructure and Environmental Services have been consulted on the preparation of this By-Law

The Building & By-Law Division implemented a Parking Working Group in 2021, that was quite successful in reviewing the Parking Program. On the heels of this initiative the Building & By-Law Division created a working group to review both the Property Standards and Business License By-Laws. The BWG commenced the review of the Property Standards By-Law first. The current By-Law dates back to 2014 with little to no amendments.

The BWG met during the months of January and February to review the current Property Standards By-Law with a focus on updating and modernizing the By-Law. This proposed By-Law will complement the recently adopted Administrative Monetary Penalty System (AMPS) By-Law. The current By-Law does not have language that provides for violations (penalty notices) to be issued until an Order has first been issued. Only after an Order has lapsed can a violation be issued; a new modernized By-Law will be tailored to work in harmony with the City's AMPS Program.

During the BWG review of the current By-Law, other similar jurisdictions' Property Standards By-Laws were considered, such as Belleville, North Bay, Kingston, Ottawa, London, and Hamilton. The group also exchanged with a few Municipal By-Law Enforcement Officers to get a sound understanding of the enforcement process:

- From when a complaint is received.
- Investigation.
- Issuance of an Order.
- Time for compliance.
- Orders not complied with.
- Work performed by the City.
- Invoice to the property owner.



As part of the public engagement process, a survey was generated and promoted on the City's social media platforms. There was a total of 223 surveys that were received by the City, consisting homeowners, landlords and tenants. In addition to the general survey, the BWG also sent a survey twice directly to specific stakeholders. Stakeholders included; The DBIA, Le Village, Cornwall and Area Chamber of Commerce, Renaissance Association, SDG Landlord Association, Roy McMurtry Legal Clinic and the Eastern Ontario Health Unit.

The overall theme of the responses from the survey was that increased enforcement with a firmer approach was required within the City. In response to the request for more enforcement, the AMPS By-Law will also be amended to include additional violations that the Officers will be able to utilize when enforcing the Property Standards By-Law. Officers will be able to issue Penalty Notices in addition to orders, to assist Officers in gaining compliance.

Document Title:	Property Standards By-Law - 2023-21-Planning, Development and Recreation.docx
Attachments:	- DRAFT By-law 2023-XXX Property Standards.docx
Final Approval Date:	Apr 19, 2023

This report and all of its attachments were approved and signed as outlined below:

James Fawthrop - Apr 18, 2023 - 6:24 PM

Mark A. Boileau - Apr 19, 2023 - 4:24 PM