

Enforcement Approach

Land Use Enforcement is undertaken when development on private property is in contravention of the regulations set out in the Zoning Bylaw. The City of Edmonton operates with an enforcement model that moves through a series of actions to ultimately achieve compliance. Where there are infractions that are considered to be egregious in nature or have the potential to jeopardize life safety, escalated enforcement model tools may be utilized to prioritize a compliance outcome.

The City's Development Compliance team operates on a by-complaint basis, and is not resourced to conduct proactive compliance. Complaints on land use matters are made via 311, through internal referrals or are directed to the team via Councillor or Mayor's offices. The complaints are reviewed and prioritized based on impact to safety, relevant City Plan policies and Climate Resilient Edmonton strategic principles. Examples of high priority files include investigating and enforcing illegal secondary suites, complex residential living situations involving vulnerable individuals via the City's Residential Inspection Safety Compliance Teams, and illegal hard surfacing of residential properties. Files which are not prioritized are assigned based on resourcing capacity.

Files are assigned to Compliance Officers who investigate the file. Investigations include reaching out to the complainant to gather evidence of an infraction, and engaging with the non compliant party to explain/educate and encourage compliance with the bylaw.

Where infractions are not visible from public property, Compliance Officers have the authority to enter private property via the *Municipal Government Act*. Permission is gained either through a formalized Notice of Entry (which identifies a date for entry) or through the conversations and permissions the team members receive from the property owner (consent). In cases where property owners refuse or prevent entry, court injunctions are pursued.

Once on the property, the Compliance Officer is able to review the site and gather evidence required to assess whether there is a Zoning Bylaw infraction occurring, and to meet thresholds required for enforcement action. Should an infraction be noted, the Bylaw Officer is able to choose from a variety of enforcement options. The decision as to which option will be advanced is based on the severity of the concern, the willingness of the non-compliant party to engage in achieving compliance and other factors such as impact and safety.

Key Enforcement actions taken in cases where education, encouragement and voluntary compliance are unsuccessful include:

1. Violation Tickets

If convicted, the issuance of tickets results in a fine levied against the property owner. Ticket amounts vary, but the maximum penalty fine is up to \$10,000.

2. Municipal Government Act Orders (MGA)

A *Municipal Government Act* Order (MGA Order) authorizes the Development Authority to issue a Stop Order if a development or use of land is not in accordance with a development approval. It identifies the zoning violation and the actions required by a landowner to comply, and defines a timeline as to when these actions must be taken. The MGA Order can also act as a precursor for additional escalated enforcement actions, should the landowner not comply with the MGA Order, including:

- The registration of a caveat to the property, which acts to inform any future landowner of the non-compliance should they review the instruments registered on the title, and may also impact any lending associated with the property.
- The municipality's perusal of remedial action - undertaking whatever work is necessary to bring the site to compliance where the landowner does not, including undertaking the demolition or decommissioning of a structure or non-compliant land uses. Costs for such work can be recovered via the tax roll but typically do not reflect the full costs of procurement or any of the ongoing enforcement resources needed to get to the stage of remedial action.

MGA Orders can be appealed to the Subdivision and Development Appeal Board (SDAB) - and the Order can be upheld, varied, or overturned.

3. Additional Legal Tools

Additional tools such as consent orders, or memorandums of understanding may also be utilized in support of compliance by an

agreed-upon timeline between Development Compliance and landowners.

The majority of the tools described above may be applied sequentially, are informed by landowners' responses to previous enforcement actions, or are impacted by Subdivision and Development Appeal Board (SDAB) or Court timelines - therefore timelines for gaining full compliance on a site vary. Should a comprehensive enforcement strategy be advanced, it is anticipated that many surface parking lot owners will not voluntarily comply and may choose to draw out the compliance process.

Between 2016-2023, Development Compliance has received 29 complaints from members of the public about surface lots in the downtown area.

Enforcement of Non-Compliant Surface Parking Lots

Resourcing

If Administration were directed to proactively enforce all known unpermitted surface lots, additional resources and a corresponding remediation budget would be required to maintain existing service levels for prioritized zoning bylaw enforcement files, while also addressing the large volume of non-permitted parking lots. These additional resources (secured through a Supplemental Operating Budget Adjustment) would be dedicated to work undertaken over an estimated 24-month enforcement cycle. These additional resources would allow the team to comprehensively work their way through the enforcement model and tools described above, with a goal of gaining voluntary compliance from as many landowners as possible, while focusing efforts on escalated enforcement action for remaining non-compliant sites.

Community Concerns

The public may also be frustrated with the removal of parking options and may indicate that this approach is not in the best interests of supporting downtown. It is likely that many businesses will also highlight concerns with being able to attract visitors/customers.