

COUNCIL REPORT



ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

Recommendation

That the June 18, 2024, Urban Planning and Economy report UPE02150, be received for information.

Requested Action

Information Only

ConnectEdmonton’s Guiding Principle

ConnectEdmonton Strategic Goals

CONNECTED

This unifies our work to achieve our strategic goals.

**Healthy City
Urban Places
Regional Prosperity**

City Plan Values

LIVE

City Plan Big City Move(s)

A Community of Communities
A Rebuildable City

Relationship to Council’s Strategic Priorities

Conditions for Service Success

Corporate Business Plan

Serving Edmontonians

Council Policy, Program or Project Relationships

- Policy C551 Residential Infill in Mature Neighbourhoods

Related Council Discussions

- June 18, 2024, Urban Planning & Economy, UPE01993, Construction Site Safety and Accountability - Impact Assessment
- December 4, 2023, Community Services, CS02050, Edmonton Enforcement Staffing (A. Knack)

Previous Council/Committee Action

At the July 12, 2023, Urban Planning Committee meeting, the following motion was passed:

That Administration provide a report including the following:

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

4. The impacts and required resources of streamlining and centralizing infill complaints and inquiries to the city.

At the October 16-20, 23, 2023, City Council Public Hearing, the following motion was passed:

That Administration provide a report outlining the allocation of enforcement or compliance resources including but not limited to the infill development compliance team, including the processes and metrics to receive, triage and resolve residential development complaints.

Executive Summary

- There are seven business areas across the Development Services and Community Standards and Neighbourhoods branches that are responsible for compliance and enforcement activities related to residential development complaints.
- These compliance and enforcement teams generally follow a 4E model of escalation (engage, educate, encourage and enforce) when investigating and addressing residential development complaints. They also have a variety of processes to receive, triage and resolve residential development complaints.
- Based on ongoing feedback from Council and Edmontonians resulting from recent reports, including Zoning Bylaw renewal public hearings, Administration has reviewed existing residential development complaint resources and practices.
- Two new resources would be required for streamlining and centralizing infill complaints and inquiries to the city. No funding is available for these resources.

REPORT

Allocation of Compliance and Enforcement Resources for Residential Development Complaints

The following seven business areas, and respective full time equivalents (FTEs), provide compliance and enforcement programming related to residential development complaints:

- Development Services Branch, Urban Planning & Economy Department (19.3 FTEs)
 - Development Compliance Unit
 - Development Permit Inspections Unit
 - Landscaping Inspections Unit
 - Lot Grading Unit
 - Safety Codes Compliance Unit
- Community Standards and Neighbourhoods Branch, Community Services Department (8 FTEs)
 - Community Standards Peace Officer Unit
 - General and Problem Property Enforcement Units

Detailed information regarding the allocation of these FTEs to residential development complaints is in Attachment 1.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

Processes and Metrics to Receive, Triage and Resolve Residential Development Complaints

Each of the compliance and enforcement business areas has varying authority to enforce City of Edmonton bylaws that address residential development infractions, including Zoning Bylaw 20001, Community Standards Bylaw 14600, Traffic Bylaw 5590, Public Places Bylaw 14614, Business Licence Bylaw 20002 and Drainage Bylaw 18093. Additionally, these business areas are responsible for the administration of relevant provincial acts including the *Safety Codes Act* and *Traffic Safety Act*.

Bylaw Enforcement Officers are appointed by the City pursuant to the *Municipal Government Act* and derive their powers from the City bylaws summarized above. The City of Edmonton Enforcement Bylaw 16368 specifies the powers and duties of bylaw officers which is in accordance with the *Municipal Government Act*. Community Peace Officers are appointed by the Minister of Public Safety and Emergency Services pursuant to the *Alberta Peace Officer Act*. These officers apply discretion within their respective teams' defined operational policies regarding what level of action is warranted. Compliance and enforcement action is generally influenced by the presence of recidivism (i.e. reoffending), the severity of the offence, life/health safety and public interest conditions.

Compliance and enforcement teams generally follow a 4E model of escalation (engage, educate, encourage and enforce) when investigating and addressing residential development complaints. The teams have a variety of processes to receive, triage and resolve complaints. Each of the compliance and enforcement teams proceed through the following steps:

- 1) Intake the complaint
- 2) Review the development history
- 3) Inspect the property
- 4) Issue a violation notice with specified compliance timeframe
- 5) Where necessary, issuance of orders and/or fines for non-compliance
- 6) Where further necessary, application of escalated tools including but not limited to remedial action, court injunctions, and application of caveats to property titles.

The City issues approximately 4,000 residential development permits per year, and approximately 10,000 residential building permits per year¹. The number of related residential development complaints received by compliance and enforcement business areas varies, and are outlined below. Where residential development-specific complaint volumes are not indicated for a business area below, data collection and business intelligence capacity is not currently available, and will be addressed through the forthcoming centralized model.

Additional detailed information regarding each business area's compliance and enforcement practices and metrics/statistics tracking capabilities are outlined further in Attachment 2.

¹ edmonton.ca/business_economy/licences_permits/current-planning-branch-performance-reports. City of Edmonton. Cited May 16, 2024.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

Development Services Branch

Development Compliance Team

The Development Compliance team's purpose is to investigate and address development and zoning-related infractions under Bylaw 20001. Bylaw 20001 regulates development and land use in the city. The team promotes sustainable and responsible development in Edmonton through education, compliance and, where necessary, enforcement. Typical infractions that the team addresses within Bylaw 20001 include unpermitted or non-compliant secondary suites, to more complex concerns relating to multi-unit developments and land uses across the entire city.

Officers are geographically deployed and work is prioritized according to the infraction's impact to health and life safety, land use and climate impacts. Priority file types include current construction without permits, residential living situations (e.g. lodging houses, problem properties and secondary suites), unpermitted high-volume hard surfacing contributing to urban heat island effect and non-compliance with Bylaw 18093, and top-of-bank complaints involving developments abutting ravines or the North Saskatchewan River Valley. In 2025, enforcement resource allocations will be adjusted to meet Urban Planning Committee's direction to investigate and enforce unpermitted downtown surface parking lots. On average, the team receives 1,100 residential development complaints per year².

Development Permit Inspections Team

The purpose of the Development Permit Inspections team is to ensure that new construction is completed according to the scope of approved development permits regulated under Bylaw 20001 (e.g. certain file types within the developing area). The team does so by inspecting properties and comparing them to approved site plans, architectural drawings and conditions added to development permits. The team is largely proactive in their work in that they schedule inspections based on issued development permits in the redeveloping area. Where deficiencies are noted, the team works with the builder to find a resolution, which can include submitting revised plans for approval or directing builders to undertake remediation works on site to bring the development into compliance with the approved permit.

The team includes one position dedicated to compliance and enforcement activities related to residential complaints for current construction in the redeveloping area. All complaints are prioritized equally and are actioned and inspected within 10 business days. On average, the team receives 350 residential development complaints per year³.

Landscaping Inspections Team

The purpose of the Landscaping Inspections team is to inspect and ensure that properties throughout the city have developed their required landscaping in accordance with approved plans under Bylaw 20001. The team is largely proactive in their work as they undertake scheduled inspections relating to approved developments but they will also respond to residential

² Data sources are outlined in Attachment 2.

³ Data sources are outlined in Attachment 2.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

development complaints on a limited basis. The team consists of three permanent Landscape Inspectors with Bylaw Enforcement Officer appointments and four seasonal student positions. Permanent Inspectors are deployed citywide, while seasonal student inspectors are deployed geographically across the City.

Typical complaints involve properties that have not installed their landscaping at all, or have not complied with landscaping regulations under Bylaw 20001. Landscaping securities are either held by the City at the point of Development Permit issuance or are collected when it is identified that the required landscaping has not been completed. These securities can be used to support landscaping installations on site when the developer does not undertake the required work. Complaints related to multi-residential properties that have landscaping securities are investigated by the landscaping team, while the remainder of single-detached residential and infill-related complaints are directed to the Development Compliance team for investigation.

Lot Grading Team

The Lot Grading team's purpose is to evaluate constructed grading and ensure that it is functional and complies with the approved lot grading plan. Bylaw 18093 regulates surface drainage on public and private land in Edmonton, with the intent of ensuring that surface water is effectively managed away from buildings and with the goal of protecting people and property. The Lot Grading team consists of inspectors and a supervisor who are appointed Bylaw Enforcement Officers and enforce all surface drainage complaints on private property. Inspectors are geographically deployed throughout five defined inspection areas based on development patterns and volume.

Typical complaints include inadequate surface drainage and grading on a residential property, having a blocked drainage swale or sump pump discharge issues. They are triaged and prioritized based on the scope and scale of the issue, factors of health and safety, impacts to adjacent properties and if the subject property is an infill site in the redeveloping area of the city. On average, the team receives 400 residential lot grading development complaints per year⁴.

Safety Codes Compliance Team

The Safety Codes Compliance (SCC) team is a complaint-based unit, and its purpose is to respond to safety-related complaints under the *Safety Codes Act* and its related legislation including the National Building Code - Alberta Edition. It consists of Safety Codes Compliance Officers and a supervisor. Officers are geographically deployed throughout the city with three SCC Officers in the south and three SCC Officers in the north.

The team also has one technical specialist position dedicated to the Residential Inspection Safety Compliance team (RISC), which is deployed citywide. All officers handle aspects of residential development complaints and prioritize their work considering the factors of unsafe site conditions, life safety conditions, occupational health and safety hazards and whether open

⁴ Data sources are outlined in Attachment 2.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

excavations or unsecured sites are present. On average, this team receives 1,800 residential related development complaints per year⁵.

Community Standards and Neighbourhoods Branch

Municipal Enforcement Officers

The Municipal Enforcement Officer (MEO) team works with residents in neighbourhoods and business communities to ensure that Edmonton's community standards are maintained to a reasonable level. Legal and regulatory authorities are appointed to MEOs through the *Municipal Government Act*, *Weed Control Act* and various municipal bylaws. For the purposes of this report, these officers focus on bylaws such as Bylaw 14600, Bylaw 20001, Bylaw 5590, Bylaw 20002 and Bylaw 14614. The team is both proactive and complaint-based and responds to a variety of bylaw violations specific to private properties. MEOs investigate a limited scope of residential-related development complaints including nuisances on land (such as, but not limited to, overgrown lawns, graffiti, debris, unsightly conditions), nuisances on property (broken windows or damaged property), excessive dust and noise.

There are two distinct teams within Municipal Enforcement; the General Enforcement Unit (GEU) and the Problem Property Team (PPT). The General Enforcement Unit has eight Municipal Enforcement FTEs that handle some aspects of residential development complaints. The GEU is responsible for all private property complaints as they relate to minimum property standards. The Problem Property Team consists of one Program Manager and five Municipal Enforcement Officers. The PPT responds to properties that are occupied or derelict unsecured properties that have a significant detrimental impact on the health and safety of those living in and/or working on the property as well as the surrounding community. These investigations are more complex in nature and often require a coordinated approach with other agencies, including the Edmonton Police Service and Alberta Health Services.

Officers within both teams are deployed geographically throughout the city and prioritization of work includes properties with life safety concerns. On average, the Problem Properties MEOs receive 2,300 residential related development complaints per year⁶.

Community Standards Peace Officers

The Community Standards Peace Officer (CSPO) team is both proactive and complaint-based in their work related to a variety of bylaw complaints. For the purposes of this report, CSPOs are appointed to enforce Bylaw 14600, Bylaw 5590, Bylaw 14614 and other bylaws along with various provincial acts. CSPOs investigate some residential-related development complaints pertaining to infill compliance and new development areas. Common complaint types include traffic obstructions, construction noise, tracking of materials, public tree damage and permit compliance, construction nuisance and other permit-related activities. The team consists of two general duty squads with one Sergeant and seven frontline Peace Officers per squad. They are deployed geographically throughout the city in four quadrants. Each squad works a rotational

⁵ Data sources are outlined in Attachment 2.

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ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

schedule and hours of service vary based on seasonality and complaint volume. The team has 4.5 FTEs that handle some aspects of residential development complaints focused on infill.

Infill Compliance Peace Officers are integrated within each squad, with one in each of the squads when fully staffed. These officers focus on the central portion of the city in developing neighbourhoods. Complaints that include life safety issues and traffic obstructions are prioritized above all others.

Impacts and Required Resources of Streamlining and Centralizing Infill Complaints and Inquiries to the City

At the July 12, 2023 meeting, Urban Planning Committee directed Administration to provide a report outlining the impacts and required resources of streamlining and centralizing infill complaints and inquiries to the City.

Current Approach

Residential development complaints and inquiries are received via 311 or via internal referrals from front-line staff where infractions are observed. These inquiries are distributed directly to one or more business areas responsible to enforce the relevant bylaw(s). Where multiple bylaw violations are complex, complaint investigations are coordinated across relevant business units on an ad-hoc basis, with no formal centralized governance or operating structure. This can lead to investigations occurring at different times and a lack of escalated enforcement, as each unit responds individually. This approach can appear disjointed and can lead to confusion by complainants as they try to follow progress on their complaints. Administration identified a need to formally centralize the governance of residential compliance and enforcement activities. This need is based upon ongoing feedback from Council and residents, including at the Zoning Bylaw Renewal public hearings, as well as from recent infill and construction site safety reports.

Administration analyzed business areas' historic approaches to infill and construction site safety complaints, where multiple bylaw complaints had been actioned across several business areas, and where the construction sites posed significant concerns to neighbouring community members. The analysis revealed many similarities to the challenges previously faced in addressing problem properties prior to the creation of the Problem Properties Initiative (PPI). Administration has identified an opportunity to align the centralization of residential compliance and enforcement activities to the existing PPI governance structure and resourcing model.

Resource Assessment

Resources required for the above approach would be a new program coordinator and analyst position to coordinate work and undertake data stewardship and analyses. Administration has reviewed and determined that these positions cannot be resourced internally and there is no funding available to acquire new resources.

Attachment 3 outlines the centralized model. Mirroring its operations to that of the existing PPI Centralized Office, a residential development complaints centralized office would be responsible for receiving, prioritizing and coordinating multi-disciplinary residential development complaints.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

This would also allow for the collection and dissemination of relevant data, community and industry outreach, and liaising across impacted business areas. The expectation is that this approach would lead to a united and consistent approach to residential development complaints that would ultimately support the City's redevelopment and growth goals.

Budget/Financial Implications

It is expected that this centralized model would require 1.0 in-scope FTE for the program coordinator role, and 1.0 in-scope FTE in an analyst role for a total of two net new FTE's at an estimated cost of \$235,000. There is currently no tax-levy funding available in the approved 2023-2026 operating budget to address this resource request. While these positions will provide enhanced customer responses and better coordinate resources across the organization, it is not expected that these new positions would lead to any future cost savings.

Community Insight

Community insight was not specifically sought for the purposes of addressing the motion; however, significant past engagement has been undertaken relating to infill compliance and enforcement. This past engagement, along with the learnings from past public hearings, speakers at Committee meetings and trends observed in complaint reporting have informed the proposed approach.

GBA+

The City of Edmonton's compliance and enforcement activities support multiple lines of service. Bylaw infractions actioned through compliance and enforcement activities can impact Edmontonians in a variety of ways based on their own unique diversity factors. Utilizing the 4E model of escalation, the City's compliance and enforcement teams educate and work towards compliance rather than proceeding straight to enforcement action in many scenarios. This generally forms an effective relationship between the resident and the enforcement officer working on the investigation. Collaborative work approaches, such as the Problem Properties Initiative, allow multiple agencies to come together to address complex issues on residential properties throughout the city. This approach allows for a wrap-around service for vulnerable individuals and problem properties, which helps connect Edmontonians with the support services they may need.

All compliance and enforcement staff receive training in conflict resolution, de-escalation, Indigenous awareness and respectful and inclusive workplace practices that can also apply to people-centric service. Other recent initiatives have included building a list of staff that speak second languages, and can assist residents with language barriers who are trying to access services. Future continuous improvement with a GBA+ lens can include reviewing enforcement documents to ensure they are readable and understandable for the average Edmontonian, and making translation services more readily accessible for staff referrals.

ALLOCATION OF ENFORCEMENT OR COMPLIANCE RESOURCES

Environment and Climate Review

This report was reviewed for environment and climate risks. Based on the review completed, some interactions with the City's environmental and climate goals were identified within the scope of this report.

- The centralization of residential development complaints will support the new Zoning Bylaw's density goals, and in ensuring that new development is carried out in accordance with regulations, including those with a climate focus. Reductions of carbon emissions can take place by supporting the building of more compact and complete communities. Transitioning to a higher density built form and more diverse land uses that include opportunities for housing, recreation, schools and employment will support more mobility options, make more efficient use of existing City infrastructure, preserving more natural or agricultural lands. Efficiencies and potential greenhouse gas emissions reduction that are enabled through increasing density can help the City progress towards its climate resilience goals.
- Consideration for other environmental impacts such as biodiversity, urban heat island, and air and water quality tie into compliance and enforcement activities as it relates to site landscaping, hard-surfacing, and maintaining adequate surface drainage and lot grading on residential properties.
- Monitoring and addressing infill and construction activities may proactively reduce or eliminate environmental risks to land, water, vegetation or other environmental values throughout the development and construction lifecycle.

Attachments

1. Allocation of Compliance and Enforcement Resources
2. Compliance and Enforcement Operational Information
3. Residential Development Complaints Centralized Office