

### Compliance and Security Submissions

The City has landscape security requirements for multi-unit housing, cluster housing, and non-residential development only. These types of developments are also required to have a landscape plan approved by a Development Planner. If the landscaping and security requirements of Zoning Bylaw 20001 are not upheld, then the developments may be subject to compliance and enforcement.

Table 1. City of Edmonton Compliance Programming for Development Types

	Multi-Unit Housing, Cluster Housing, and non-Residential	Row housing	Single Detached, Semi-detached, Duplex, Backyard Housing
Security required	Yes	No	No
Landscape Plan required	Yes	Yes	No
Inspections and Enforcement	Yes	Yes	No

Since Zoning Bylaw 12800 amendments were adopted in 2017, Administration has begun using formal enforcement measures to prompt permit holders and property owners to comply with the security administration and inspection process. Enforcement measures such as violation notices, Municipal Government Act Orders, and ticketing are effective, but they are new and time-consuming activities that are generated from the landscaping security process not functioning as intended. The following outcomes have been observed that are hindering the effectiveness of the program:

- Applicants are submitting fewer securities voluntarily.
- Installation has not followed the submitted plans and/or does not meet the minimum landscaping requirements as identified in the Zoning Bylaw.
- Security submission amounts have declined.

Administration has not been able to undertake any form of landscaping procurement for non-compliant sites developed after 2017 as a result of the increased need for enforcement activities. In contrast, an administrative-led procurement process was able to be initiated for 195 non-compliant sites under

the previous collection model when landscaping was not installed within the required timeline.<sup>1</sup>

### Reduction in Voluntary Security Submission

From 2018 to 2023, approximately 19 per cent of sites submitted a landscaping security, which is a decrease from 100 per cent of sites that submitted landscape securities under the previous collection process. Although Administration does not have full clarity on how many of the sites have deficient landscaping, a number of scenarios may apply. The sites may:

- Be fully developed, but missing required landscaping past the 18 month deadline when landscaping is required to be installed.
- Be not yet fully developed.
- Have completed landscaping, but the developer is either unaware of the requirement to request an inspection and submit a security,
- Have completed landscaping, but the developer is looking to forgo the landscaping security submission and maintenance period process.
- Have undergone a transfer of ownership to a new landowner and the new landowner is unaware of the landscaping requirements and process.

A primary reason for the reduction in security submission is that the development process no longer requires the submission of a landscape security for the permit application process to conclude. In some cases, a site may be fully developed and ownership transferred to a new owner before Administration becomes aware of the need to conduct a landscape inspection and issue a security request. If ownership has transferred, the responsibility for meeting landscaping requirements and submitting a security is passed onto the new owner. This can generate difficult enforcement scenarios where owners are not aware of unfulfilled landscaping requirements and become burdened by the expense.

### Non-Compliance with Minimum Landscaping Requirements

While the submission of a security is a bylaw requirement, the end goal remains to achieve the required landscaping on-site. In addition to securities not being collected, required landscaping is not being installed in accordance with the zoning bylaw.

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<sup>1</sup> Landscaping was procured for 195 sites through eight procurement packages worth a total of worth \$1.73 million. Procurements included tree and shrub plantings, planting beds and mulch, sod, and ongoing maintenance for 2 years.

The City has conducted initial inspections of 356 sites that have been developed since 2018. Of these sites:

- 63 per cent of sites had deficiencies in the number of trees and shrubs installed
- 43 per cent of sites were not developed in accordance with the approved landscape plan

Financial Challenges

From 2018 to 2023, the City received a total of \$8.23 million in landscape securities, which marks an 88 per cent reduction (\$65.26 million less) compared to the preceding six years. There has also been a significant increase in landscaping costs over this period. This escalation has rendered the 20 per cent established security collection value inadequate for Administration to procure landscaping where permit holders have failed to meet their obligations and where the security has been retained. Without the adoption of the amendments proposed in this report, it is anticipated that low compliance rates will persist and the program may face a deficit in available security values needed to rectify non-compliant sites developed since 2017.

Table 2. Security values collected under the prior and current collection models

Security collection model prior to 2017 Zoning Bylaw 12800 amendments	Current security collection model
<ul style="list-style-type: none"> <li>• The mean security value was \$56,000 and the median value was \$30,000.</li> <li>• A handful of projects were found to have much higher security values with the highest being \$836,000.</li> <li>• When outliers are omitted (representing 18 per cent of files), the mean security value is reduced to \$29,000.</li> <li>• Eighty-five per cent of securities were under \$100,000.</li> </ul>	<ul style="list-style-type: none"> <li>• The mean security value was \$29,000 and the median value was \$15,000.</li> <li>• The largest single security value collected during this period was \$311,931.</li> <li>• 95 per cent of securities collected were under \$100,000.</li> </ul>