



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 6, 2020

From: Mike Cain, Bylaw Services Manager

Bylaw No: 0028.70

Subject: **Fees and Charges Bylaw – Amendment to the Excessive Nuisance Abatement Fees**

RECOMMENDATION

THAT Council gives first, second and third reading to the City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.70, 2021.

STRATEGIC AREA(S) OF FOCUS

Foster Safety and Well-being – to pursue policing and other services that foster safety and well-being.

BACKGROUND

Council consideration is requested for increasing the Excessive Nuisance Abatement Fees set out in Schedule 10 of the City of West Kelowna's Fees and Charges Bylaw No. 0028, 2009, as set out below:

Current Fees

- a) RCMP Nuisance Service Call - \$100.00/call
- b) Fire Services Nuisance - \$100.00/call
- c) Other District Staff Nuisance Service Calls - \$75.00/call

Proposed Increase

- a) RCMP Nuisance Service Call - \$500.00/call
- b) Fire Services Nuisance - \$500.00/call
- c) Other City Staff Nuisance Service Calls - \$500.00/call

Excessive Nuisance Abatement Fees are fees imposed by municipalities to the owner(s) of real property where the RCMP, Fire Department, and/or City Officials have been required to attend the property on a frequent basis in response to, or for the abatement of nuisance conduct, activity, or condition of a property. These fees are for the protection

and enhancement of the well-being of the City. These fees allow municipalities to charge property owners for the costs associated when responding to excessive nuisance calls that involve private property. These fees assist in putting the onus on the property owner to comply with the City's Bylaws, and maintain their property to a level acceptable by community standards. Additionally, these abatement fees are intended to motivate property owners to take an active role in the day to day conditions or activities on the property they are legally responsible for.

The criteria for applying nuisance abatement fees is as follows:

Good Neighbour Bylaw No. 0151 Section 9 states:

9.1 Where a member of the RCMP, a Bylaw Enforcement Officer, and or City official is required to respond to a real property for:

- (a) more than one nuisance service call within a twenty-four (24) hour period; or
- (b) more than three nuisance service calls within a twelve (12) month period; the owner of the real property shall be liable to pay an excessive nuisance abatement fee in accordance with the City's Fees and Charges Bylaw - Bylaw Enforcement Fees and Fines.

9.2 Before imposing an excessive nuisance abatement fee, written notice shall first be provided to the owner of the real property:

- (a) describing in detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the real property; and
- (b) advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real property and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.

9.3 Excessive nuisance abatement fees shall be paid by the owner on receipt of an invoice from the City. If the amount of each invoice is not paid in full before the 31st day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the real property, as taxes in arrears.

9.4 An owner may, within 30 days of receipt of an invoice demanding payment of excessive nuisance abatement fees, by written request to the Corporate Officer, seek to have Council reconsider the requirement to pay, or the amount of, the excessive nuisance abatement fees.

The Good Neighbour Bylaw was adopted April 28, 2009 and the Nuisance Abatement Fees were established at that time and have remained unchanged.

DISCUSSION

Properties causing significant ongoing nuisances can disrupt entire neighborhoods. Nuisance properties often negatively affect everyone's right to peaceful enjoyment of their own property. Typical nuisance complaints where the fee would be applied are unsightly premises, frequent noise complaints, and criminal activities that cause nuisances, and non-permitted parking violations on the property.

Since the establishment of the Nuisance Abatement Fees in 2009, the fees have remained unchanged and no longer reflect the cost to the municipality for the attendance of Bylaw Officers, the RCMP, or the Fire Department to abate nuisance activities.

The fee is intended to take into consideration hourly wages for the Officers on site, vehicle use costs, and administrative time. As well, properties deemed a nuisance property typically require escalating enforcement options, which frequently involve the filing of court documents, management review, and subsequent court appearances in an effort to achieve compliance.

The following are examples of other municipalities' nuisance abatement fees:

Kelowna - \$250.00/call

Nanaimo - \$250.00/call

Penticton - \$200 for RCMP and City Staff, \$400 for Fire Department/call

Surrey - \$867.50/call

The proposed nuisance abatement fee increase to \$500.00 represents an estimated average full cost of responding to a nuisance call. The proposed fee increase is intended to motivate owners to work diligently to obtain compliance promptly, and reduce repeat offenders.

FINANCIAL IMPLICATIONS

The revenue generated through the application of these fees would be considered cost recovery for the services required.

CONCLUSION

An increase to the Nuisance Abatement Fees would apply a firm but fair motivation/deterrent on property owners who frequently fail to ensure their property is managed and cared for in a reasonable manner so as not to affect others in their neighbourhood. The cost of continued nuisance activity requiring the attendance of City Staff or the RCMP should not be borne by the law-abiding neighbours, but rather those who are legally responsible.

Alternate Motion:

THAT Council postpone the adoption first, second and third reading of Fees and Charges Amendment Bylaw No. 0028.70, 2021.

Should Council wish to postpone readings, it is requested Council provide direction on any further information that is required before rescheduling the bylaw for Council's consideration.

REVIEWED BY

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

I fully support moving this fee to \$500 as it takes significant staff time to deal with repeat nuisances as the City prepares to take more formal action.

Powerpoint: Yes ☐ No ☒

Attachments: Bylaw No. 0028.70