



COUNCIL REPORT

To: Paul Gipps, CAO

Date: May 11, 2021

From: Mike Cain, Bylaw Services Manager

Bylaw No: 0151.02

Subject: **Good Neighbour Bylaw – Amendment to Section 10 Compliance Orders**

RECOMMENDATION

THAT Council gives first, second and third reading to the City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.02, 2021.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This bylaw proposes to amend a clause in the City of West Kelowna's Good Neighbour Bylaw No. 0151, Section 10.3, which would authorize the City to clean up unsightly properties within 48 hours after notice has been given to property owner(s) who have demonstrated a pattern of non-compliance.

Good Neighbour Bylaw No. 0151 contains regulations in regards to:

- Blasting;
- Street Nuisances;
- Noise;
- Property Maintenance;
- Repeat Nuisance Calls for Service; and
- Compliance Orders

The focus of this report is to modify the language referencing Compliance Orders, specifically Section 10.3, to enable the City to take faster enforcement action to have chronic nuisance/unsightly properties cleaned up within 48 hours of notifying the registered owner(s) of the property.

Compliance Orders are issued by the City to a property owner that has not complied with a request by the City to clean up the property that has become unsightly due to an accumulation of debris and trash.

Current language in Section 10.3 states:

10.3 An Order issued under 10.1 herein must state:

- (a) the civic address of the subject real property;
- (b) the legal description of the subject real property;
- (c) the particulars of the non-compliance with this Bylaw to be remedied;
- (d) that the non-compliance with this Bylaw must be remedied within 14 days of the of delivery of the notice, or in the case of snow, ice, or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon.**

Proposed language in Section 10.3 states:

- 10.3 (d)
- i) that the non compliance with this Bylaw must be remedied within 14 days of the date of delivery of the notice, or
 - ii) in the case of snow, ice or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon, or
 - iii) if a property has a history of non-compliance, a Bylaw Enforcement Officer may issue an Order to remedy the non-compliance within 48 hours of the date of the delivery of the notice.

The current Section 10.3(d) above, creates a permissible 14 day window for property owners to do their due diligence in bringing the property up to an acceptable community standard. In the event that the property is not at an acceptable standard of maintenance at the end of the 14 days, the Bylaw authorizes the City, or its contractors, to enter onto the property and conduct the work necessary to bring the property into compliance.

The City will typically achieve compliance within this 14 day timeframe and only on rare occasions, does the City have to move in and do the work. The property owner is issued an invoice from the City for the work, and if not paid, it will be applied to their property taxes.

Section 10, in its entirety, is attached to this report and describes in detail the Compliance Order process.

Unfortunately, the above noted 14 day due diligence period is abused by chronic, apathetic, nuisance property owners. It is not uncommon for these owners to wait until the last day to clean up the property. However, it isn't long before the property is back into a state of unacceptable maintenance and the City has to start the process all over again.

DISCUSSION

Staff is proposing to revise Section 10.3(d) of the Bylaw that will authorize the City or its contractors to enter onto the property with a history of non-compliance within 48 hours of notice to conduct the work necessary to bring the property into compliance. The property owner(s) is then issued an invoice from the City for the work, and if not paid it will be applied to their property taxes.

FINANCIAL IMPLICATIONS

Pursuant to the *Community Charter*, Council may, by Bylaw, impose costs and recover costs of taking action in the event of a default by a person who fails to take action as lawfully directed. Further, the *Community Charter* allows fees imposed for work done or services provided to land or improvements to be collected as property taxes. Therefore, the cost of the City to bring about by compliance will be borne by the property owner.

CONCLUSION

Having the ability to ensure a property is cleaned up within 48 hours will have a significant positive effect to the neighbourhood.

This recommended nuisance property abatement tool will work hand in hand with the recently adopted significantly higher Nuisance Abatement Fees that are applied to properties with a history of chronic nuisance activity.

Alternate Motion:

THAT Council postpone consideration of first, second and third reading of Good Neighbour Amendment Bylaw No. 0151.02.

Should Council wish to postpone consideration of readings, it is requested Council provide further direction.

REVIEWED BY

Mike Cain, Bylaw Compliance Manager

Mark Koch, Director of Development Services

Brad Savoury, Director of Legal Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☐ No ☒

Attachments:

1. Section 10 of Bylaw No. 0151 – Compliance Orders
2. Good Neighbour Amendment Bylaw No. 0151.02