Agenda – Council – July 18, 2012

Report – Executive Policy Committee – July 11, 2012

Item No. 2 Neighbourhood Liveability, Zoning, Vacant and Derelict Buildings By-laws – Enforcement Performance Measurement and Strategy

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the Performance Measurement and Strategy report, on the Neighbourhood Liveability, Zoning, Vacant and Derelict Buildings By-laws, be received as information.

2. That the Public Service report annually to Council on Performance Measurement information related to the Neighbourhood Liveability, Zoning, and Vacant and Derelict Buildings By-laws' enforcement activities.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – July 11, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: **Neighbourhood Liveability, Zoning, Vacant and Derelict Buildings By-laws - Enforcement Performance Measurement and Strategy Report**

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
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RECOMMENDATIONS

1. That this Performance Measurement and Strategy report, on the Neighbourhood Liveability, Zoning, Vacant and Derelict Buildings By-laws, be received as information.

2. That the Public Service report annually to Council on Performance Measurement information related to the Neighbourhood Liveability, Zoning, and Vacant and Derelict Buildings By-laws' enforcement activities.

REASON FOR THE REPORT

On April 28, 2010, Council requested that together with the leadership of Liveability, Zoning, and Vacant and Derelict By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi-annual reporting to Council of said enforcement.

IMPLICATIONS OF THE RECOMMENDATIONS

Development of Enforcement Activities Performance Measurement Accountability Reporting Systems

Comprehensive performance metric systems for monitoring the enforcement activities and resource allocations associated with City of Winnipeg property standards by-laws have been and are being developed. Indicator templates have been established; the AMANDA database has been redesigned and rebuilt; numerous program queries have been developed; workflow processes and business principles have been enhanced; staff input, team building, and training have been executed; numerous consultations with representatives from the Ontario Municipal Benchmarking Initiative (OMBI) have

been conducted in order to achieve 'apple to apple' benchmarking comparative indicators; and public service accountability has increased significantly.

Overall Residential Property Standard Inspections Customer Satisfaction Rating

- Customer satisfaction rates, with efforts to ensure residential property standards are met through inspections, increased from 73% in 2010 to 93% in 2011.

Vacant Buildings By-law Enforcement Activity Highlights

Several vacant building indicators have been developed and are presented below. (A more comprehensive indicator template is being developed and will be populated later this year. This template will include additional indicators such as: number of vacant buildings added, number of vacant buildings removed, residential and commercial building break-downs, etc.)

- Development and Council approval of the 9-Point Vacant Buildings Strategy Policy report and new *Vacant Buildings By-law* in July of 2010

Total Number of Vacant Buildings

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCT	NOV	DEC
2010										577	n/a	535
2011	499	490	485	475	480	482	474	474	467	455	446	431
2012	417	407	405	401								

- Since the implementation of the 9-point strategy, the number of vacant buildings in the City of Winnipeg has decreased 30.50% (176 buildings).
    - Of the 401 vacant buildings,
        - 228 have outstanding orders,
        - 108 are conventionally secured with no orders and therefore are in compliance with the by-law,
        - 65 are in the process of being inspected.

Vacant Building Enforcement Activities

	2010	2011	% Change 2011/2010
Number of Inspections Conducted	2144	2823	31.67%
Compliance Orders Issued	373	491	31.64%
Caveats Registered	112	143	27.68%
Common Offence Notices (tickets) issued	156	176	12.82%
Buildings Demolished	80	111	38.75%

- 41 new construction permits have been issued on the properties associated with 80 buildings demolished in 2010.

- 50 new construction permits have been issued on the properties associated with the 111 buildings demolished in 2011.

- Boarded building permit statistics are provided below:

Boarded Building Permits	
Total Number of Boarded Building Permits as at Jan 1	67
Number of Boarded Building Permits Added	75
Number of Boarded Building Permits Expired	67
Number of Boarded Building Permits Removed due to Property Owner Action	8
Repaired	1
Demolished	7
Total Number of Boarding Permits as of Dec 31	67

- A communication/promotion strategy regarding the 9-Point Strategy (i.e., PR events, web enhancements, brochure, and direct mail-out) was developed and implemented in 2010 and 2011.

- In terms of resource allocations, vacant building inspections are conducted on a routine basis and inspections of dilapidated/derelict vacant buildings are prioritized.

- Appendix A identifies vacant buildings per neighbourhood.

Taking Title to Vacant and Derelict Buildings By-law Enforcement Activities

Concurrently, with the adoption of the Vacant Buildings By-law, Council also adopted a new and separate Taking Title to Vacant and Derelict Buildings By-law in December 2010. Aggregately, the two by-laws set out the standards of maintenance for vacant buildings, the manner in which they must be secured, the boarded building permit system and, upon a Court conviction, the process for taking title without compensation (TTWC).

Program activity highlights include:

- Inspections to determine buildings are properly secured
- Issuing or denying boarded building permits
- Inspections to assess and address structural soundness
- Administrating the application of the TTWC process
- The total number of properties in the TTWC process was 32 as at January 31, 2010 compared to 26 as at December 31, 2011.
    - In 2010, designated Committees of Council issued 11 Derelict Building Certificates (DBC's) compared to 3 in 2011. The significantly lower number of DBC's issued reflects that building owners are complying prior to reaching this stage of application. (After a DBC has been issued, there is no further avenue of appeal.)

Neighbourhood Liveability By-law (NLB) Enforcement Activity Highlights – See Appendix B for Details

The General NLB Program (i.e., yards, exteriors, and interior maintenance of occupied dwellings; illegal temporary signs; derelict vehicles; etc.)

- The number of general property standard 311 complaints (not including vegetation control) has stabilized at approximately 9,000 complaints annually.

- The average number of days to respond to a 311 complaint has decreased 25% from 10 in 2009 to 7 in 2011.

- The number of compliance orders issued has increased 159% from 464 in 2009 to 1,201 in 2011.

- Property standards common offence notices (tickets) issued has increased from 12 in 2009 to 239 in 2011.

- Property clean-ups by the Public Service have increased from 26 in 2009 to 101 in 2011.

- The Public Service is partnering with the North End Community Renewal Corporation in a proactive 'door to door' inspection survey/audit of 600 properties in a designated 21-block area of the William Whyte and Dufferin communities in 2011 through 2013.
    - Inspections will focus on improving yard and dwelling exterior conditions/maintenance.

- In 2011, a multi-media illegal temporary sign campaign was implemented. After an education period, proactive By-law Enforcement Officer (BEO) enforcement was conducted. Over 60 common offence notices were issued in 2011 to owners of illegal temporary signs posted in high risk areas (i.e., medians, traffic islands, and intersections).

- NLB by-law enforcement inspection resources have been allocated to geographic neighbourhood districts based on historic complaint loads. A recent analysis indicated that some districts have significantly higher NLB complaint loads than others. As a result, work was temporarily reassigned to other BEOs in order to improve response times and workload equity.
    - In 2012, a new Neighbourhood Zone Team operational system will be implemented. BEO's will be assigned to one of two zones that align with neighbourhoods and community characterization districts. In order to ensure workload equity and to enhance response times, 311 complaints will automatically be assigned to BEO's on a rotational basis within each zone.

- Appendix C identifies neighbourhoods that had 25 Neighbourhood Liveability complaints (2011) or greater.

Vegetation Control Program – See Appendix B

- Due to the hot and dry summer of 2011, the number of 311 vegetation control complaints, inspections, orders, and properties remediated decreased.

Ontario Municipal Benchmarking Initiative (OMBI)

- The table below identifies 2010 OMBI by-law enforcement benchmarking data:

	OMBI (2010)		WINNIPEG
	Median	Average	
By-Law 205 # of Specified By-law Complaints per 100,000	1,620	1,701	1,846
By-Law 330 # of Specified By-Law Complaints Files per BEO	430	420	641
By-Law 270 Enforcement Operating Costs per 100,000	$822,497.00	$833,670.00	$735,423.00
By-law 325 Enforcement Operating Costs per Complaints	$409.00		$182.00
By-law 146 Proactive Enforcement Occurences as a % of Property Standard Complaints	6.0%	11.4%	16.7%

Please Note: Zoning By-law complaints and costs are not included in 2010, but will be included starting in 2011.

Zoning By-law Enforcement Activity Highlights

During 2011, the Zoning and Permits Branch investigated 278 zoning by-law related complaints. Most issues are resolved through clarification of the by-law as well as through a variety of means that the City uses to compel property owners to become compliant, such as warnings, notices, or legal prosecution. In some cases, successful resolution is achieved through a formal variance process or other forms of voluntary compliance on the part of owners. Other situations may result in compliance orders being issued and charges being laid / court proceedings.

Of the complaints received in 2011, 243 are resolved / considered to be closed by the City, and 35 are currently still in the process of being resolved or are escalating through to prosecution.

HISTORY

- On July 20, 2011, Council adopted OurWinnipeg including the following accountability and property standard directions:
    - **Provide efficient and focused civic administration and governance.**
        - Demonstrate accountability through service performance measurement and reporting.
    - **Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole.**
        - Assist landlords and homeowners to maintain safe housing through information, inspections, and where necessary, by-law enforcement.
        - Help maintain a community sense of well-being and safety by responding to community requests for enforcing livability and property standards and derelict buildings in a cooperative and timely way.

- **Strive to eliminate derelict buildings.**
  - Identify, monitor and maintain an accurate and comprehensive inventory of vacant and derelict buildings, with emphasis placed on communities with higher concentrations of these properties.
  - In partnership with other levels of government, develop and implement programs to address legal, social and economic issues that contribute to, or result in, buildings becoming derelict.
  - Maintain an active approach to resolving by-law infractions regarding permits and property condition.
  - Develop and apply a spectrum of strategies to enforce by-law compliance with orders that have been served due to property standards violations, including timely demolition when rehabilitation is not feasible.
  - Partner with not-for-profit housing organizations to support the acquisition and redevelopment of vacant and/or derelict houses.
  - Respond to community requests for enforcing livability property standards and derelict buildings in a cooperative and timely way.

- On June 27, 2011, the Standing Policy Committee of Protection and Community Services received as information the Winnipeg Public Service report on the status update, including performance measurements, on the activities of the Community By-law Enforcement Services (CBES) Division.

- On December 15, 2010 Council approved the new *Taking Title to Vacant and Derelict Buildings By-law* and report.

- On July 21, 2010, Council approved the 9-Point Vacant Buildings Strategy Policy report and new *Vacant Buildings By-law.*

- On April 14, 2010, Executive Policy Committee recommended that, together with the leadership of Liveability, Zoning and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi-annual reporting to Council of said enforcement.

- On April 6, 2010, the Winnipeg Housing Steering Committee recommended that, together with the leadership of Liveability, Zoning and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi-annual reporting to Council of said enforcement.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 15, 2012

Project Name: **First Year of Program** **2012**

Neighbourhood Liveability, Zoning, Vacant and Derelict Buildings By-Laws-Enforcement Performance Measurement and Strategy Report

	2012	2013	2014	2015	2016
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There are no financial implications associated with this report.

original signed by

Cindy Fernandes, CMA
Manager, Finance & Administrative Services
Community Services Department

CONSULTATION

In preparing this report there was consultation with:

- Corporate Finance Department

SUBMITTED BY

Department: Community Services
Division: Community By-law Enforcement Services
Prepared by: Peter de Graaf, Stan Dueck
Date: June 15, 2012
File No.

Appendix A - Vacant Buildings per Neighbourhood

(Neighbourhoods with 4 or Greater Vacant Buildings sorted Alphabetically)

Neighbourhood	10/31/2010	Neighborhood	4/30/2012	Change
Brooklands	13	Brooklands	8	-5
Burrows Central	16	Burrows Central	16	0
Centennial	24	Centennial	16	-8
Chalmers	28	Chalmers	24	-4
China Town	5	Daniel McIntyre	12	-13
Daniel McIntyre	25	Dufferin	20	-3
Deer Lodge	4	Dufferin Industrial	5	0
Dufferin	23	Exchange District	4	-4
Dufferin Industrial	5	Inkster-Faraday	5	-3
Earl Grey	4	Jefferson	4	-1
Exchange District	8	King Edward	7	-4
Glenwood	4	Logan-C.P.R.	9	-3
Inkster-Faraday	8	Lord Selkirk Park	6	-6
Jefferson	5	Munroe East	5	0
King Edward	11	North Point Douglas	19	-11
Logan-C.P.R.	12	Norwood East	4	0
Lord Roberts	6	South Point Douglas	11	+2
Lord Selkirk Park	12	South Portage	8	-3
Minto	5	Spence	11	-3
Munroe East	5	St. John's	18	-12
North Point Douglas	30	St. Matthews	9	-7
Norwood East	4	West Alexander	23	-3
Portage-Ellice	4	West Broadway	7	-1
Sargent Park	4	Weston	18	-6
South Point Douglas	9	William Whyte	50	-28
South Portage	11			
Spence	14			
St. John's	30			
St. Matthews	16			
Victoria West	4			
West Alexander	26			
West Broadway	8			
Weston	24			
William Whyte	78			
Number of Vacant Buildings in Other Neighbourhoods	92	Number of Vacant Buildings in Other Neighbourhoods	82	
TOTAL	577		401	-176

Appendix B – Annual Neighbourhood Liveability By-law (NLB) Enforcement Activities Report

GENERAL NEIGHBOURHOOD LIVEABILITY PROGRAM

	2009	2010	% change	2011	% change
General Neighbourhood Liveability By-Law (NLB) Program					
Total Number of NLB Complaints	9,028	9,022	-0.07%	9,114	1.02%
Total Number of NLB Inspections (site visits)	17,793	17,613	-1.01%	23,129	31.32%
Total Number of NLB Orders Issued	464	803	73.06%	1,201	49.56%
Total Number of Deficiencies	3,454	4,087	18.33%	3,830	-6.29%
Interior Dwelling Defects	1,870	1,308	-30.05%	1,484	13.46%
Exterior Dwelling Defects	832	1,635	96.51%	758	-53.64%
Garbage	483	858	77.64%	1,315	53.26%
Derelict Vehicles	188	171	-9.04%	129	-24.56%
Other	81	115	41.98%	144	25.22%
Total Number of Common Offence Notices Served	12	31	158.33%	239	670.97%
Average Number of Days from Complaint to Inpsection (1)	10	7	-29.75%	7	6.18%
Number of Properties Remediated by the City	26	68	161.54%	101	48.53%
Number of Derelict Vehicles Removed by City	23	23	0.00%	8	-65.22%

Notes:
(1) Average number of days from complaint to inspection includes weekends and statuatory holidays.

VEGETATION CONTROL PROGRAM

	2009	2010	% change	2011	% change
Vegetation Control Program					
Total Number of Vegetation Complaints	2,759	3,081	11.67%	2,501	-18.83%
Total Number of Vegetation Inspections	6,725	7,483	11.27%	5,344	-28.58%
Total Number of Vegetation Contol Orders Issued	2,888	2,978	3.12%	2,212	-25.72%
Average Number of Days from Complaint to Inpsection	4.65	3.18	-31.61%	4.23	33.02%
Number of Properties Remediated by the City(grass cut by City)	423	631	49.17%	395	-37.40%

Appendix C - General NLB Program - 311 Complaints by Neighbourhood (2011)
(25 complaints or greater, alphabetically by neighbourhood)

311 Complaints	Neighbourhood Name	CCA
31	BOOTH	St. James Assiniboia
59	BROADWAY-ASSINIBOINE	Downtown
69	BROOKLANDS	Inkster
25	BUCHANAN	St. James Assiniboia
152	BURROWS CENTRAL	Point Douglas
32	CANTERBURY PARK	Transcona
123	CENTENNIAL	Downtown
64	CENTRAL PARK	Downtown
94	CENTRAL ST. BONIFACE	St. Boniface
339	CHALMERS	River East
43	CRESTVIEW	St. James Assiniboia
417	DANIEL McINTYRE	Downtown
59	DEER LODGE	St. James Assiniboia
165	DUFFERIN	Point Douglas
107	EARL GREY	River Heights
54	EAST ELMWOOD	River East
28	EXCHANGE DISTRICT	Downtown
71	FORT RICHMOND	Fort Garry
39	GARDEN CITY	Seven Oaks
43	GLENELM	River East
56	GLENWOOD	St. Vital
126	INKSTER-FARADAY	Point Douglas
85	JEFFERSON	Seven Oaks
29	KERN PARK	Transcona
49	KILDARE-REDONDA	Transcona
141	KING EDWARD	St. James Assiniboia
31	KIRKFIELD	St. James Assiniboia
33	LINDEN WOODS	Fort Garry
27	LOGAN-C.P.R.	Downtown
108	LORD ROBERTS	River Heights
37	LORD SELKIRK PARK	Point Douglas
64	LUXTON	Point Douglas
30	MAGINOT	St. Boniface
35	MAYBANK	Fort Garry
88	McMILLAN	River Heights
27	MEADOWS	Transcona
132	MINTO	Downtown
39	MISSION GARDENS	Transcona
83	MUNROE EAST	River East
59	MUNROE WEST	River East
231	NORTH POINT DOUGLAS	Point Douglas
29	NORTH RIVER HEIGHTS	River Heights
35	NORTH ST. BONIFACE	St. Boniface
57	NORWOOD EAST	St. Boniface
30	PULBERRY	St. Vital
29	RADISSON	Transcona
36	RIVER EAST	River East
44	RIVER PARK SOUTH	St. Vital
100	RIVER-OSBORNE	River Heights
43	RIVERVIEW	River Heights
51	ROBERTSON	Point Douglas
29	ROCKWOOD	River Heights
89	ROSSMERE-A	River East
40	ROSSMERE-B	River East
79	SARGENT PARK	Downtown
65	SEVEN OAKS	Seven Oaks
43	SHAUGHNESSY PARK	Inkster
38	SILVER HEIGHTS	St. James Assiniboia
42	SOUTH PORTAGE	Downtown
29	SOUTHDALE	St. Boniface
240	SPENCE	Downtown
36	SPRINGFIELD NORTH	River East
28	ST. GEORGE	St. Vital
467	ST. JOHN'S	Point Douglas
306	ST. MATTHEWS	Downtown
26	STURGEON CREEK	St. James Assiniboia
52	TALBOT-GREY	River East
27	TEMPLETON-SINCLAIR	Seven Oaks
70	THE MAPLES	Seven Oaks
74	TYNDALL PARK	Inkster
59	VALLEY GARDENS	River East
38	VICTORIA WEST	Transcona
212	WEST ALEXANDER	Downtown
203	WEST BROADWAY	Downtown
33	WESTDALE	Assiniboine South
165	WESTON	Inkster
26	WESTWOOD	St. James Assiniboia
740	WILLIAM WHYTE	Point Douglas
36	WINDSOR PARK	St. Boniface
156	WOLSELEY	Downtown
34	WORTHINGTON	St. Vital

General NLB complaints do not include vegetation control or vacant building complaints
154 Neighbourhoods have 24 or fewer general NLB complaints.