Council Direction:

At its July 13, 2005 meeting, City Council directed the City Manager to initiate an internal operational review of the (former) Standards and Licensing Section of the Planning and Economic Development Department.

On February 28, 2007, City Council approved the 48 recommendations contained in the Operational Review of the Section (now known as the Municipal Law Enforcement Section), as submitted by the Audit Services Division of the City Manager's Office.

Information:

In September 2007, BMA Management Consulting Inc. was retained to prepare an implementation plan for four key recommendations of the Internal Audit Division:

- Noise Complaints (#33)
- Generalists versus Specialists (#42)
- Priority Based Response System (#44)
- Proactive versus Reactive Enforcement (#45)

BMA's process involved extensive consultation with staff in the Division and members of Council, investigating practices used in other municipalities and the developing specific recommendations/actions to support the implementation of the key directions identified in the Internal Audit.
Attached to Report PED08127 is BMA’s final report/recommendations. Staff will be doing a verbal presentation and recommending an implementation plan based on BMA’s recommendations, at the May 12, 2008 Committee of the Whole meeting. A portion of this item will need to be dealt with in-camera as it relates to personnel/staffing.

Tim McCabe
General Manager
Planning and Economic Development Department

MH:jcs
Attach. (1)
Implement Recommendations From Operational Review Completed in the Building and Licensing Division

Final Report

City of Hamilton
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**BMA Management Consulting Inc.**
# FINAL REPORT—Licensing Implementation

## ANALYSIS AND RECOMMENDATIONS CONTINUED

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EXECUTIVE SUMMARY

In September 2007, BMA Management Consulting Inc. (BMA) was retained to prepare an implementation plan for several key recommendations made by the City's Internal Audit Division with respect to Licensing and By-law Enforcement. To this end, BMA undertook a process which involved extensive consultation with staff from across the Division, focus group sessions with members of Council, an investigation of practices employed in other municipalities and the development of specific recommendations and actions to support the implementation of the key directions identified in the Internal Audit.

Noise Complaints
Currently, the By-law Enforcement Officers are responsible for the enforcement of noise complaints. There are a number of key issues that must be addressed to move the City toward best practices including staff safety and training, inconsistent practices and low visibility/authority of officers. Further, noise complaints range in nature and severity from a neighbour’s loud radio and barking dogs to large organized late night parties, however, there is no differentiation in protocol for how these are handled which results in high call volumes and enforcement costs.

While staff and Council support the transfer of responsibility for significant noise complaints to the Police Services which is the practice employed in a number of municipalities, based on the Police’s priority based system, noise complaints would continue to be treated as a low priority and may not meet community expectations for effective enforcement. Therefore, it is recommended that the City continue to provide enforcement. These specialized staff would be highly trained in self defense, conflict resolution, negotiations, legal and court proceedings and will operate as a separate unit within the By-law Enforcement Division.

These staff will wear a military style uniform and drive in a decaled vehicle to increase visible recognition and improve the authoritative nature of staff. For safety reasons, it is also recommended that staff wear Kevlar vest, similar to Police providing the service in other jurisdictions and consistent with the practice in a number of municipalities where staff provide the enforcement.

This unit would work after hours therefore it is recommended that these staff also respond to after hour vital service complaints. Hours of operation should continue to be designed to take into consideration seasonal activity levels but for safety reasons should not exceed 1:00 am, at which time responding to noise complaints would become the responsibility of the Police. This is the time after which the vast majority of the calls require Police involvement. This would eliminate the need for standby pay.
There is a need to establish approved policies and practices to differentiate between noise complaints of a one time nature and recurring nuisance noise. Practices employed in other municipalities include the requirement for complainants to document, over a period of time, the date and times of the occurrences. Not only does this approach reduce the number of frivolous complaints, it provides improved documentation for court proceedings should a charge be laid.

It is recommended that the City establish policies that identify the enforcement protocol that will be followed on a consistent basis. The current practice that was employed in 2007 whereby a warning was issued followed by a fine in responding to noise complaints in the University and College neighbourhoods should be formalized and applied across the City.

The provision of free mediation services should also be available, as is the practice in a number of other municipalities. This has proven to be a very effective approach to resolve neighbour disputes, both from a cost and resolution perspective.

Staff should track performance over time to identify the success of each enforcement initiative. This would include a focus on tracking the number of complaints, repeat offences, number of education programs, number of charges laid, percentage where voluntary compliance was achieved and the use of mediation services.

**Generalists versus Specialists**

The By-law Enforcement Division protects health, safety and property of the City’s residents and businesses through a series of complex and varied services including regulation, licensing, investigation and inspection and enforcement and prosecution under numerous by-laws and Acts. Some of the specific subject areas under this Section include licensing (lottery, trade, business establishment and mobile), noise, zoning, property standards, grass and weeds and the accumulation of garbage and debris. In addition, the City recently introduced new by-laws such as anti-idling, sign, tree and pesticide, that in some cases, require specialized enforcement training.

The City currently provides all by-law enforcement services through a generalist approach whereby staff need to be familiar with and trained to enforce all related by-laws that the Division is responsible for.
There are a number of issues associated with the current generalist approach used for licensing and by-law enforcement including:

- Gaps and inconsistencies in enforcement activities;
- A lack of resources available to undertake proactive enforcement which can lead to health and safety problems;
- Problems prioritizing enforcement activities caused in part by having enforce so many by-laws; and
- Unrealistic training expectations to keep abreast of all the changes related to regulations and legislation, changes in internal policies and practices and specialized knowledge of each by-law

Consistent with the practice employed in the majority of other municipalities surveyed, it is recommended that the enforcement of “like by-laws” be consolidated into sections, aligned with the underlying skills required to provide the service. This would serve to increase consistency in action taken, identified as one of the key elements to successful enforcement, focus the training of staff within each section and provide a more focused resource deployment strategy.

The following sections are recommended with the Licensing and By-law Enforcement Division:

1. **Environmental By-law** - responsible for the enforcement of the following key areas - tree, pesticide, parks by-law, weed, anti-idling, illegal dumping, sidewalk snow clearing, icicles, lawn watering, fouling of the highway

2. **Special Enforcement** - responsible for the enforcement of after hours and weekends noise, vital services (heat/air conditioning), taxi, blitzes for specialized business licenses (body rub parlour, adult entertainment)

3. **Property Standards** - responsible for the enforcement of all property standards infractions under the Ontario Building Code and set out in the Property Standards By-law and zoning

4. **Licensing & Permits** – responsible for nuisance noise (e.g. barking dogs, industrial noise), business licensing, residential care facilities, backyards, signs, graffiti, lottery licensing, all other by-laws
Priority Based Response System

While it is recognized that complaints related to health and safety that pose an immediate danger to the public are responded to as a first priority, there are no defined response time standards for other action requests and staff prioritize their own schedule. This results in inconsistent response times to similar types of complaints, unrealistic public expectations and too much of the By-law Enforcement Officer’s time being committed to responding to non-emergency calls, leaving limited time available for proactive enforcement initiatives.

With currently over 10,000 action requests annually, new by-laws requiring enforcement activities and limited proactive enforcement initiatives, a Council approved priority based response system is needed. This will foster effective and efficient enforcement of by-laws, help to clarify to the public the expectations for resolving complaints and improve transparency.

Priorities should be ranked according to the potential consequences that would result if the compliant was not dealt with in a timely manner. This report includes some suggestions with respect to the development of a priority based system, which should be fine tuned by staff and then reviewed by Council.

Proactive versus Reactive Enforcement

With the exception of targeted programs for the College and University, the majority of the by-laws are enforced on a complaint basis rather than taking a proactive approach to enforcement.

A number of problems currently exist including:

- A lack of clear criteria to define when and how by-laws should be proactively enforced and what proactive enforcement strategies are appropriate. Further, there is restricted use of targeted proactive enforcement initiatives;
- City by-law enforcement staff does not wear uniforms or drive a vehicle that is recognizable to the public. This lack of visibility does not support proactive enforcement;
- Hours of operation which end at 4:30 pm (except noise enforcement) and no service on the weekends make it difficult for residents that work during the day to have the opportunity to speak with a knowledgeable staff person in By-law Enforcement. While the City maintains a 24/7 call centre service, it does not disseminate information regarding by-laws, their application and the City processes;
- Increasing call volumes and limited resources;
- Undefined public education program;
In reviewing a sampling of complaint activity for 2006 and 2007, approximately one third of the dirty backyard violations, are associated with repeat offenders. This indicates that the method of enforcement has not been entirely effective in encouraging compliance. There is significant cost to enforce and administer these by-laws and the limited impact that some of the procedures have had on achieving ongoing compliance and in reducing the complaints suggests a need to consider alternative deterrent methods to encourage compliance; and

Given that the decision to license and establish by-laws brings with it the duty to ensure compliance (i.e. to inspect and enforce), the City has a responsibility to provide reasonable and effective enforcement. Enacting legislation that does not have a credible enforcement strategy and dedicated resources can frustrate the public by creating false expectations. Further, a lack of proactive enforcement results in missed revenue generating opportunities related to unlicensed businesses.

Successful proactive enforcement should be based on a comprehensive strategic approach, including a focus on public education, the establishment of new practices and protocol, maintaining a visible presence within the community and targeted initiatives where specific areas of concern have been identified, on an ongoing or periodic basis.

This report includes recommendations to develop a comprehensive proactive enforcement plan. This includes:

- Specific strategies for education, directed at new by-laws, areas of volume and ongoing areas of complaints such as property standards, backyards and noise.
- Progressive enforcement strategies through the use of penalties. Effective enforcement requires that appropriate penalties be established, should voluntary compliance not be achieved within a reasonable period of time. This may differ for each by-law and the severity of the infraction.
- Proactive enforcement of business licensing to increase fairness and equity, ensure health and safety objectives are met and revenues are maximized.
- Providing a high level summary report to Council on a quarterly basis, identifying the levels of activity, strategies employed, charges laid and target problem areas by by-law and ward within the City to identify whether targeted proactive enforcement strategies are needed, either for health and safety reasons or due to high volumes of complaint activity.
- Targeted proactive initiatives – through the direction of Council, either on a by-law specific basis or geographic location basis.
AMANDA System Review

A review was undertaken on the use of AMANDA, the system used by the Department to log activities and actions taken in licensing and by-law enforcement. A number of recommended modifications to the AMANDA system are included in the report in the following areas:

- Systems Security
- Data entry Simplification
- Access and Technology
- Inspector Work Allocation
- Performance Indicator Reporting
- Standard Reports and Statistics
- Training
- Policies and Process Procedures
- Other

Once implemented, this should significantly improve management’s ability to track performance of each inspector/officer, identify trends on a timely basis and improve the consistency of practices and processes.
SUMMARY OF RECOMMENDATIONS

Noise Complaints

1. That a separate Special Enforcement section be established within By-law Enforcement to deal directly with noise complaints, after hour vital service complaints, multi agency task force blitzes and other activity required to be performed after normal business hours.

2. That ongoing training be provided to the Special Enforcement section including, but not be limited to, self defense, conflict resolution, negotiation, legal and court proceedings.

3. That the Special Enforcement section be provided full military style uniforms, Kevlar vests and marked cars.

4. That the Special Enforcement section operate 7 days a week, subject to Council determination of service levels and respond to noise complaints up until 1 am, after which, because of the increased safety risks, the complaint become the responsibility of the police.

5. That a policy and procedure be developed whereby recurring noise complaints must be documented by the complainant over a period of time before action is taken by the By-law Enforcement Officer, consistent with the approach taken in the City of Mississauga and the City of Brampton which has proven to be successful in reducing frivolous complaints and improving court documentation.

6. That the City provide mediation services, through a third party service provider which will be available to residents free of charge to resolve neighbour disputes. This will be a minimal cost to the City, which will be offset by reduced staffing costs associated with by-law enforcement court proceedings.

7. That a joint education program be established or improved linkages with already established programs be initiated with the University and College to educate students about the expectations regarding noise, property standards and other City related by-laws.
**Generalists Versus Specialists**

1. **That the By-law Enforcement Division include 4 sections as follows:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Hours of Operation</th>
<th>Uniform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection</td>
<td>Mon-Fri 8:30 AM-4:30 PM</td>
<td>Soft</td>
</tr>
<tr>
<td>Special Enforcement</td>
<td>5:00 PM-1:00 AM, 7 days a week</td>
<td>Military Style</td>
</tr>
<tr>
<td>Property Standards</td>
<td>Mon-Fri 8:30 AM-4:30 PM, over time as required to address priority one issues, as identified later in the report</td>
<td>Soft</td>
</tr>
<tr>
<td>Licensing &amp; Permits</td>
<td>Mon-Fri 8:30 AM-4:30 PM</td>
<td>Soft</td>
</tr>
</tbody>
</table>

2. **That management review each by-law and assign the major responsibilities to each section and develop the associated policies and practices to ensure consistent enforcement strategies are deployed.**

3. **That the City undertake a review of other City Department by-law enforcement functions (i.e. smoking by-law) for possible synergies and efficiencies.**

4. **That Co-ordinators prepare detailed job descriptions for staff in each if the proposed areas.**

5. **That Human Resources undertake a job evaluation based on new duties, roles and responsibilities.**
Priority Based Response System

1. That the By-law Enforcement Division establish a priority response system with proposed targeted response times associated with each by-law and infraction based on health, safety, environmental consequences. It is proposed, in this report, that a four point response system be implemented which can be fine-tuned by staff.

2. That staff identify the staff levels required to meet the targeted responses for each priority and by-law and determine deployment strategies required for investigations requiring response within one hour.

3. That once completed, the Department review with Council to confirm the appropriateness of the priority response system and target response times.

Proactive Versus Reactive Enforcement

1. That the City identify the strategies that will be employed to support education of each of the by-laws, with a focus on new by-laws and high volume areas of complaint.

2. That clearly defined enforcement policies be established and approved by Council for enforcement initiatives for each by-law. A sample of the proposed strategies for each of the key by-laws has been included in the report which includes but is not limited to:
   - Education
   - Extended hours of operation
   - Blitzes on Council direction for targeted by-laws and geographic locations
   - Targeted unlicensed businesses
   - New policies/practices
   - Progressive enforcement strategies
   - Mediation
   - Redeployment of staff during peak periods

3. That enforcement policies identify when progressive penalties, deterrents and cost recoveries will be instituted and that these policies be communicated to the public.

4. That the City proactively investigate businesses operating without a licence.
5. That tenants be required to first make a formal written complaint to the landlord explaining the problem and provide an appropriate amount of time for corrective action to be undertaken, prior to City involvement unless the problem poses an immediate public safety issue.

6. That staff report to Council, on a quarterly basis, the levels of activity, strategies employed, charges laid and target problem areas by by-law and ward within the City.

AMANDA

1. That a system password protocol be established to ensure information can only be accessed by approved users.

2. That all supervisory management be trained on how to use the data entry audit trail.

3. That access to Action Request notes be restricted to the Inspector entering the notes and management personnel and a procedure be prepared to allow access to the action request by substitute inspectors when required.

4. That standard official by-law files be provided to each Inspector with documented procedures on how to use them.

5. That the Compliance Order creation process be investigated as part of the implementation of standard files.

6. That the Inspectors “To Do” list be hyperlinked to the property record.

7. That a procedure be developed to ensure regular updating of property ownership information on the AMANDA system from the property tax database.

8. That the Inspector assignment tasks be automated in the AMANDA system.

9. That repeat complaints on the same property be assigned to the same Inspector handling the previous Action Request.

10. That a standard report be developed on the AMANDA system to show the type of Action Request for each Inspector to help establish performance standards.

11. That policy/procedures be established to include a time to comply with steps in the Action Request process to make statistics more meaningful for those types of Action Requests in which this is common.
12. That once performance indicators have been developed, the AMANDA system include a dashboard of defined key performance indicators.

13. That the report production process include standard reports to help the Coordinator to monitor their operations.

14. That simple report generation tools be reviewed to allow individual users to produce required reports on a timely basis.

15. That the By-law Inspectors be issued mobile computers and printers.

16. That a professional trainer be retained for all AMANDA users. The professional trainer should also produce training modules for the different functions and also produce user documentation.

17. That staff preparing procedures get immediate training in AMANDA to gain an understanding of the capabilities of the AMANDA system.

18. That the standardized comment tables be established to minimize typing and standardize information.

19. That AMANDA’s document handling capabilities be examined and guidelines be developed for AMANDA to become the full document repository of supporting documents.

20. That AMANDA automatically generate a Second Notice, subsequent Late Notice with a late fee and Action Request for follow up.

21. That AMANDA automatically generate email communications to other Hamilton departments involved with license applications or renewal inspections.

22. That an AMANDA application be developed for handling complaints against mobile licenses.

23. That workflow processed be expanded to accommodate additional inspection required for certain types of license applications and renewals.
INTRODUCTION

Background Information

At its July 13, 2005 meeting, Council carried a motion directing the City Manager to initiate an internal operational review of the Standards and Licensing Section of the Planning and Economic Development Department. This review was assigned to the City’s Internal Audit Division. The audit was prompted by the need to review ways of enhancing service delivery to internal and external customers, of promoting accountability, of ensuring compliance to statutory requirements and providing consistent and uniform enforcement and inspection.

The fieldwork for the operational review was carried out from September 2005 to September 2006. The final report was completed January 2007 which included a number of recommendations.

In 2007, the City issued an RFP to address implementation of specific recommendations contained in the Internal Audit report.

Scope of Engagement

In September 2007, BMA Management Consulting Inc. was retained to assess and make recommendations with respect to the following recommendations:

Recommendation #33
That management set service criteria to include completion standards and performance targets to improve upon staff utilization, monitoring and reporting for inspection activities. As part of the development of the standards, Council’s direction regarding the areas or degree of desired proactive enforcement should be sought for the exercise. Any resource challenges to meet such expectations should be reported to Council.

Recommendation #42
That management investigate the feasibility of implementing a specialist team approach among the inspectors for enforcement purposes. The development of teams should be based on the frequency and the type of action requests received over a sample period. Specifically focused training will be provided, where necessary.

Recommendation #44
That a review of scheduling options and use of standby be undertaken. The review should take into consideration practices of other municipalities as well as weighing the practicality of providing 24/7 coverage against the related costs.
Recommendation #45
That the effectiveness of using inspectors in the Standards and Licensing Section to respond to noise complaints be reviewed in consultation with the Hamilton Police Service.

There is significant overlap and linkages between these recommendations whereby, decisions in one area will impact the direction of the plan related to other recommendations. As such, the report has been structured to address all key areas of analysis and implementation. The key areas of analysis included:

- **Noise Complaints**
- **Generalists versus Specialists**
- **Priority Based Response System**
- **Proactive versus Reactive Enforcement**
- **AMANDA System Review**


Review Process Undertaken

The chart below provides an overview of the basic process that was followed. The project manager was updated on a regular basis, after each milestone in the review was completed. This ensured that the City was aware of the findings and was given ample opportunity to provide feedback throughout the engagement.

The objective of this exercise is that the City will be synonymous with best practices and the resources will be aligned with workloads and departmental priorities. The recommendations made are directed at creating an efficient and accountable structure into the future that employs best practice and innovative processes to the advantage of the City. As shown above, there were common analysis and research processes to support each of the requirements identified in the proposal (recommendations 33, 42, 44, 45).
Consultation
Consultation with staff and Council was undertaken as follows:

Staff Meetings and Focus Groups

- **Management Consultation** - Meetings with the General Manager of Planning and Economic Development, Director of Parking and By-law Services, Project Manager, Manager of Municipal Law Enforcement, Municipal Law Enforcement Coordinators

- **Front-line Staff Consultation** – 3 staff focus group sessions

- **Technology Consultation** – numerous meetings with staff involved in the AMANDA system

- **Police Consultation**—Meeting held with a representative from Police to discuss options available for the provision of noise complaints investigations and enforcement

- **Council Interviews**—Every member of Council was given an opportunity to meet with BMA to discuss key issues, suggested implementation plans

- **Tenant Advisory Committee**—Meeting with the tenants’ association

Benchmarking and Best Practices

A comprehensive external analysis was conducted by BMA for each section of the engagement. This included a survey of 12 municipalities of similar size and scope as Hamilton as well as those considered to be leaders. A focus was on selecting municipalities with Universities/Colleges as these municipalities will tend to have similar issues related to noise control.

BMA prepared a questionnaire that was used as a general tool to gather baseline information from other municipalities. The following table provides the municipalities that were selected and agreed to participate:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>2006 Population</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brampton</td>
<td>433,806</td>
<td></td>
</tr>
<tr>
<td>Calgary</td>
<td>988,193</td>
<td></td>
</tr>
<tr>
<td>Edmonton</td>
<td>730,372</td>
<td></td>
</tr>
<tr>
<td>Guelph</td>
<td>114,943</td>
<td></td>
</tr>
<tr>
<td>Kingston</td>
<td>117,207</td>
<td>✓</td>
</tr>
<tr>
<td>Kitchener</td>
<td>204,668</td>
<td></td>
</tr>
<tr>
<td>London</td>
<td>352,395</td>
<td></td>
</tr>
<tr>
<td>Mississauga</td>
<td>668,549</td>
<td></td>
</tr>
<tr>
<td>Oshawa</td>
<td>141,590</td>
<td></td>
</tr>
<tr>
<td>Ottawa</td>
<td>812,129</td>
<td>✓</td>
</tr>
<tr>
<td>Waterloo</td>
<td>97,475</td>
<td>✓</td>
</tr>
<tr>
<td>Windsor</td>
<td>216,473</td>
<td>✓</td>
</tr>
<tr>
<td>Hamilton</td>
<td>504,559</td>
<td>✓</td>
</tr>
</tbody>
</table>
Performance Measurement
Performance measures are an important component of the implementation strategy. The consultants reviewed current practices in performance measurement with an overall goal of making recommendations and developing a performance measurement model that supports the targeted goals and objectives for service levels, workload indicators and alignment with policies.

BMA worked with staff to identify performance indicators and benchmarking as well as reviewing industry research and best practices.

BMA identified how performance indicators will be tracked and benchmarked over time with consideration being given to technology to support some/all indicators (AMANDA).
ANALYSIS AND RECOMMENDATIONS

Noise Complaints

Current Practice

Currently the City By-law Enforcement Officers are responsible for responding to noise complaints. As stated in the operational review—Operational Review of Standards and Licensing Section of the Planning and Economic Development Department (CM07007), there are approximately 10,000 complaints, annually:

- Property standards - 2,200
- Dirty backyard complaints - 2,800
- Noise complaints - 2,100
- All other complaints - 2,900

The provision of noise enforcement is undertaken by all by-law enforcement officers, using a generalist approach. The vast majority of the activity related to noise complaints is for complaints related to people (as opposed to industrial).

Persons who want to lodge a noise or vital service complaint after hours have an option of calling the City Call Centre or the Police general line. When calls come in, the after hours operator contacts the inspector who is on regular shift or stand by shift, depending on what time the call is received.

The City has a seasonal afternoon shift as most of the workload in this area is during the evening hours and weekends. As noted in the operational review, the shifts at one time overlapped on Wednesday, but this practice has since been eliminated. Further the shifts and hours of operations change on a seasonal basis.

From October 1st to March 31st, two inspectors are assigned to the afternoon shift which operates Tuesday - Saturday’s 4:00 PM to Midnight. These two inspectors are then available on standby until the day shift returns. Should calls be received after 12:00 PM, the inspectors are dispatched. Standby pay is provided as follows:

- 3 hours for weeknights
- 6 hours for weekends or statutory holidays

If the inspector is required to respond to a call, then the inspector receives regular rate pay plus standby and on weekends, time and a half.
From April 1st - September 30th – there is a regular afternoon/night shift operating Tuesday - Saturdays 8:00 PM to 4:00 AM. Two inspectors are on standby for noise and vital service complaints Mondays and after hours on Saturday and Sunday.

Summary of Key Issues

A number of issues were identified during the review process. Appendix B provides a summary of the feedback received from management, Council, staff and the Police with respect to the current practices related to noise complaints. There was consistency across the groups in terms of identifying the key issues as well as possible solutions. The following summarizes the key issues:

Staff Safety, Equipment and Training

Consistently, safety was identified as an issue. Staff is frequently responding to noise complaints triggered by large, out of control situations and parties late at night with insufficient training, no specialized safety equipment and no uniform or marked car to readily identify them as enforcement officers. As a general rule, the later the call, the more safety is an issue, largely related to alcohol consumption. In these circumstances, frequently, Police are called in and take the lead.

The City currently employs a generalist approach to all by-law enforcement activities. Any on duty by-law enforcement staff can be assigned to enforce noise complaints. Staff sign up for shifts and shifts are assigned on a seniority basis. There is no specialized training provided such as negotiating skills or self defense.

High Call Volumes Driven In Part By Current Practices

Noise and neighbour nuisance complaints is a significant draw on staff resources. The current operating practices diverts attention from proactive enforcement activities like business licensing or addressing problematic areas. This, coupled with staff vacancies, further reduces staff’s ability to effectively enforce all City by-laws. As such, there are missed revenue generating opportunities and situations that create inequities for those operating with a license. Also the disproportionate focus on noise complaints creates gaps in enforcement in areas that may be a higher priority such as health and safety.
The following graph provides call volume activity for a sampling of 6 inspectors over a two year period for noise complaints to provide a general indication of the cyclical nature of the calls. As shown in the graph, peak periods exist in September, July, January and April. This largely coincides with University/College activity.

![Noise Complaints Graph](image)

Further, the statistics reflect that action requests related to noise make up approximately 20-25% of the total action requests which is consistent with the total action request analysis undertaken in the audit report for the total 2004 period.

Staff believes that the current procedures for noise and nuisance complaints encourages frivolous complaints which increases call volumes. Staff estimated that approximately 50% of noise/nuisance complaints are related to disputes between neighbours that, if practices and protocol were put in place, would eliminate unnecessary calls and costs to the City and allow staff time to address other City by-laws more effectively. Strategies have been successfully employed in other jurisdictions to reduce the number of complaints.

The City’s current service approach is unique in comparison to most other municipalities and is not in keeping with best practices as there is no priority based response and the City’s processes are the same whether responding to significant noise or nuisance noise (e.g. barking dogs, loud vehicle, noisy neighbours). Noise complaints range in nature and severity from a neighbour’s loud radio, barking dogs, loud vehicles to large organized late night parties, however, there is no differentiation in protocol for how these are handled. Further, with no clear differentiation between noise and nuisance complaints, call volumes are high.
Inconsistent Practices

A review of statistics on charges laid over the past 6 years suggests that different internal practices have been employed with respect to noise. While it is expected that By-law Enforcement will review its strategies and practices, from time to time, based on success of different initiatives, there are no written policies to explain the significant differences in the number of charges laid related to noise from year to year. While the number of tickets issued is not a measure of success, inconsistent patterns of enforcement suggest the need to formalize policies and practices. For example, in 2003 and 2004, over 60 charges were laid with respect to noise infractions each year, dropping to 13 the following year.

Most recently, the City’s proactive targeted initiative to address noise complaints in the University/College districts resulted in increased charges and increased visibility (however, much lower than those in 2003/04). Based on a review of the number of noise related charges, the City’s proactive approach in 2007 resulted in 27 charges compared with 13 in 2005. Improvements in establishing published practices were identified in 2007 whereby for the first incident, residents in violation of the noise by-law were given a warning or a ticket depending on the circumstances. A ticket was issued for a second offense and for each subsequent visit.

Low Visibility/Authority

The City’s by-law enforcement officers are not uniformed which is not a common practice in the enforcement of noise complaints. Generally, the practice is for these by-law enforcement officers to be fully uniformed in a military style uniform to increase visibility and to reflect their authority to enforce the by-law. Otherwise, the by-law enforcement officer can be mistaken as a neighbour or someone attending the party.
Benchmarking – Municipal Practices

There are two service delivery approaches used by municipalities with respect to responding to noise complaints. The first approach is for the Police to provide the service which is the practice in the majority of municipalities surveyed including, Brampton, Calgary, Edmonton, Guelph, Kingston, London and Mississauga.

One of the key advantages to this approach is the assurance that the service is being delivered by highly trained officers, well equipped to address any and all safety issues. Further, by having Police respond to significant noise disturbances (including noisy parties), there are more City staff resources available to focus on proactive by-law enforcement activities. In municipalities where Police are responding to noise complaints, the hours of operation for by-law enforcement are significantly reduced since most of these occurrences are late in the evening or early morning. However, one of the challenges faced by municipalities where Police provide the service is that noise complaints tend to be a low priority for Police and service to the public may not meet community expectations. Also, the cost of enforcement can be higher when the service is provided by Police.

The second approach is for the municipality to provide the first response, as is the practice in Kitchener, Oshawa, Waterloo and Windsor. In all but one of these municipalities, this service is provided by a team of specialized staff. These staff are fully equipped and trained to deal with these specific types of by-law infractions. The general practice is for these municipal staff to wear full military style uniforms, including Kevlar vests. These staff have self-defense, conflict resolution, negotiation training and in some cases, have a diploma in by-law enforcement. The main reason why these municipalities provide the service rather than the Police is to ensure that the community expectations are met with respect to enforcement. With limited resources and the low priority for Police in responding to noise complaints, by-law enforcement are better positioned to meet specific community expectations.

A number of municipalities have developed protocol and approved processes to differentiate significant one time noise (noisy parties) from ongoing nuisance noise. For example, the Cities of Brampton and Mississauga have established complaints processes and protocol that complainants must follow for nuisance related noise complaints. These processes generally involve the City recording the details with respect to the complaint. Upon receipt of a complaint, correspondence is sent out advising the person(s) that a complaint has been registered and that they are required under the by-law to take whatever action is necessary to eliminate the nuisance. The identity of the complainant is not disclosed by the Compliance and Licensing Officer. The complainant receives correspondence verifying that the person responsible for generating the noise has been warned, along with instructions on how to undertake documentation of future complaints.
In Mississauga, in the event that the warning issued does not result in resolution of the problem, the complainant is given a package to record the dates and times that the noise is occurring. When sufficient incidences have occurred, been documented and submitted to the City (e.g. 10 occurrences), the officer then prepares the necessary documents to initiate court action. The complainant is also required to attend court to attest to the information provided.

In Brampton, a similar approach is undertaken. Only after sufficient evidence of the nuisance is documented by the complainant, is an order to comply is issued. The complainant is then required to document an additional 14 days and if this continues to be unresolved, charges are then laid. By differentiating between significant noise and nuisance noise and establishing protocol for each, these practices have proven to significantly reduce frivolous complaints. In Brampton, complaints decreased by approximately 300% as a result of introducing this practice.

A number of noise/nuisance complaints arise as a result of neighbour disputes. Another method used by some municipalities to resolve neighbour disputes is through mediation. Calgary, Mississauga and Kitchener provide free mediation services to the community. These free services are available to address ongoing disputes between neighbours and have proven to also be effective in reducing the number of complaints and the satisfactory resolution of existing complaints.

The City of Calgary also found that laying noise complaint charges against the landlord of rental properties significantly reduced noise problems as the landlord is required to attend court and provide further reinforcement to their tenants to curtail these practices.

The City of Waterloo takes a zero tolerance approach, whereby, when the noise complaint is deemed to be valid, a charge is laid. No warning is provided. This practice has also helped to reduce noise related complaints.

The City of London takes a proactive approach to educate the university and college students about noise. Project Speakeasy was a tremendous success and the feedback from the public and specifically business owners in the City's core was positive. Uniformed officers assigned to the project are tasked with maintaining a highly visible presence in the community in an effort to discourage over consumption of alcohol and reduce the related disruptive activities. The London Police Service commenced a second phase of the Project Speakeasy in 2005 to curb the rowdy behaviour that had been occurring during the main bar hours around the City. Goals of the project are to stop some of the damage, fights and disorderly conduct that tends to accompany the influx of celebrating students to the downtown core. The Project Speakeasy is coordinated with the return of the vast majority of students to the City for the fall semester.
Recommended Implementation Strategy

As identified earlier in this section, there are a number of key issues that must be addressed to move the City toward best practices. While staff and Council support the transfer of responsibility for significant noise complaints to the Police Services, based on the Police’s priority based system, noise complaints would continue to be treated as a low priority. Given the number of complaints in the community related to significant noise, this approach would be at risk of not meeting the community’s demand for enforcement. However, the Police indicated that they could provide training for staff required to provide significant noise enforcement. Further, the Police support the existing practice where they provide back-up support, as required.

Consistent with the approach undertaken in the majority of other municipalities surveyed where staff are responsible for noise enforcement, it is recommended that a separate section within by-law enforcement be established that will deal directly with these noise complaints. It is recommended that these staff wear a military style uniform and drive in a decaled vehicle to increase visible recognition and improve the authoritative nature of staff. For safety reasons, it is also recommended that staff wear Kevlar vest, similar to Police providing the service in other jurisdictions and consistent with the practice in a number of municipalities where staff provide the enforcement. This unit would be working after hours therefore it is recommended that these staff also respond to after hour vital service complaints.

There is a need to ensure that staff responsible for enforcing significant noise complaints is fully trained in providing this service. Training should include but not be limited to, self defense, conflict resolution, negotiations, legal and court proceedings.

As a joint initiative, it is recommended that an education program be initiated and supported by the University and College to reduce the number of complaints. The City has already developed joint initiatives with the Police and City staff and the support of the University/College community should further reduce complaints through increased education.

For safety reasons, it is recommended that noise complaints be investigated by City staff up until 1:00 am, at which time responding to noise complaints would become the responsibility of the Police. This time was established as the vast majority of the calls after 1:00 am require Police involvement and therefore, this reduces the duplication of efforts and escalates to the most appropriate level of enforcement. This would eliminate the need for standby pay and would mitigate the risk attributed to parties and noise complaints that tend to escalate and become more dangerous later at night. Hours of operation should continue to be designed to take into consideration seasonal activity levels but should not exceed 1:00 am.
There is a need to establish approved policies and practices that would help to differentiate between noise complaints of a one time nature and recurring nuisance noise. The practice employed in Mississauga and Brampton for noise and nuisance noise provides an excellent framework upon which to develop a customized approach in Hamilton. This would include the requirement for complainants to document, over a period of time, the date and times of the occurrences. Not only does this approach reduce the number of frivolous complaints, it provides improved documentation for court proceedings should a charge be laid.

It is recommended that the City establish policies that identify the enforcement protocol that will be followed on a consistent basis. The current practice that was employed in 2007 whereby a warning was issued followed by a fine should be formalized and the success of this program should be tracked against the number of complaints and action requests over time.

The provision of free mediation services should also be available. It is recommended that staff investigate the existing mediation services that are available in Hamilton and negotiate a fee for service that would be funded by the City. This has proven to be a very effective approach employed in other municipalities to resolve neighbour disputes, both from a cost and resolution perspective.

It is recommended that the service to handle significant noise complaints be provided 7 days a week, with the majority of the resources deployed during the afternoon shift. One staff would be required during the regular day shift with 2 staff required for each shift during the afternoon from 5:00 PM -1:00 AM. Although the first priority for the unit would be addressing noise and vital service complaints, in slow periods, these staff could also deal with issues that need to be addressed after normal business hours. As will be discussed in the next section of the report, this group of specialists would also be responsible for enforcement of other by-laws such as taxis, proactive enforcement of body rub parlours and participate in blitzes organized by Police with multi-agency task forces.

Finally, it is recommended that the City track performance over time to identify the success of each enforcement initiative. This would include a focus on tracking the number of complaints, repeat offences, number of education programs, number of charges laid, percentage where voluntary compliance was achieved and the use of mediation services.
Summary of Recommendations

Noise Complaints

1. That a separate Special Enforcement section be established within By-law Enforcement to deal directly with noise complaints, after hour vital service complaints, multi agency task force blitzes and other activity required to be performed after normal business hours.

2. That ongoing training be provided to the Special Enforcement section including, but not be limited to, self defense, conflict resolution, negotiation, legal and court proceedings.

3. That the Special Enforcement section be provided full military style uniforms, Kevlar vests and marked cars.

4. That the Special Enforcement section operate 7 days a week, subject to Council determination of service levels and respond to noise complaints up until 1 am, after which, because of the increased safety risks, the complaint become the responsibility of the police.

5. That a policy and procedure be developed whereby recurring noise complaints must be documented by the complainant over a period of time before action is taken by the By-law Enforcement Officer, consistent with the approach taken in the City of Mississauga and the City of Brampton which has proven to be successful in reducing frivolous complaints and improving court documentation.

6. That the City provide mediation services, through a third party service provider which will be available to residents free of charge to resolve neighbour disputes. This will be a minimal cost to the City, which will be offset by reduced staffing costs associated with by-law enforcement court proceedings.

7. That a joint education program be established or improved linkages with already established programs be initiated with the University and College to educate students about the expectations regarding noise, property standards and other City related by-laws.
Generalists versus Specialists

Current Practice

The City of Hamilton currently provides all by-law enforcement services through a generalist approach whereby staff need to be familiar with and trained to enforce all related by-laws that the Division is responsible for. The By-law Enforcement Division protects health, safety and property of the City of Hamilton’s residents through a series of complex and varied services including regulation, licensing, investigation and inspection and enforcement and prosecution under numerous by-laws and Acts. Some of the specific subject areas under this Section include licensing (lottery, trade, business establishment and mobile), noise, zoning, property standards, grass and weeds and the accumulation of garbage and debris. In addition, the City had recently introduced new by-laws such as anti-idling, sign, tree and pesticide, that in some cases, require specialized enforcement training.

Currently, each inspector is assigned a district and is responsible for all by-law enforcement and related action requests that have their origins in his/her “ward”. There are currently 20 FTE positions providing by-law enforcement services, with 2 coordinators responsible for the day-to-day supervisory and operational functions. In addition there are 5 municipal by-law enforcement officers in the Animal Control Division that are responsible for barking dogs and sign by-law enforcement and one supervisor.

Summary of Key Issues

Complex, Diverse and Expanding Portfolio of Enforcement Activities

As stated in the audit report, the effectiveness of this Section’s service has a direct impact on the quality of life within the City. There is an expectation that if the City has passed a by-law, appropriate by-law enforcement will be undertaken or else the by-law may be ineffective in managing standards established by Council. The audit further stated that the by-laws encompass a wide variety of activities. Each by-law requires a specific skill set, has different legislative requirements and each has different tolerance levels and expectations of enforcement. Different tactics are used to address different situations and there are different levels of discretion to achieve successful enforcement. As an example, the processes, enforcement protocol and knowledge required for zoning and property standards is significantly different than noise, tree by-laws, pesticides, mobile and business licensing.

Although some inspectors take on enforcement of specific by-laws (i.e. adult entertainment), they are still expected to cover all aspects of enforcement with the exception of the taxi mechanic/inspector whose duties lie only within that speciality (one staff resource). The audit stated that with the responsibility for so many diverse by-laws, it is hard to imagine that every inspector would be knowledgeable and possess all the skills in every area.
Gaps and Inconsistencies in Enforcement
Based on feedback received from staff and Council during the review process, there are recognized gaps in the delivery of service due to the difficulties of staff enforcing too many complex and diverse by-laws. The following provides evidence of the problems with the existing service delivery model:

- Inconsistencies in by-law enforcement across the pool of staff providing service—20 staff all enforcing the same by-laws, but not necessarily in the same manner, using the same remedies or with the same prioritization of tasks
- Gaps in service delivery due to a lack of the full set of skills and knowledge of all by-laws
- Difficulties balancing competing priorities across so many by-laws
- Lack of proactive enforcement activities of the majority of by-laws
- Unrealistic training expectations to keep abreast of all the changes related to regulations and legislation, changes in internal policies and practices and specialized knowledge of each by-law
- Staff and public safety related risks

Adequacy of the Existing Resources and Prioritized Deployment
Gaps in the delivery of some of the by-laws can also be attributed to the availability of resources and the lack of a priority system. Some areas of particular note include:

- Business Licensing—Currently, there is little in the way of business licensing enforcement to ensure that all businesses that should be licensed under the City’s by-law have a valid business license. There are also insufficient resources to enforce these by-laws.
- Taxis—There is currently only one mechanic responsible for overseeing 411 licensed vehicles and 1,278 taxicab drivers. This is an area that has considerable public health and safety ramifications and requires additional resources to effectively enforce the by-law requirements, investigate complaints and undertake spot checks to ensure drivers and vehicles are in compliance with the City’s by-law.
- Property Standards—Approximately 20% of the action requests are related to property standards, requiring specific skills and knowledge of the Building Code to ensure that public health and safety is protected. A number of areas within the Property Standards Board can only be reactively enforced due to staff limitations.
- Sign By-law—The sign by-law has only two staff (1 is vacant) responsible for enforcement across the entire City (within the Animal Control Division).
- Environmental By-laws—A number of new initiatives such as trees, pesticides, anti-idling and garbage limit will require additional by-law enforcement resources, some of which require specialized training which has not yet been provided.
Benchmarking – Municipal Practices

The majority of the municipalities surveyed provide by-law enforcement activities through a specialist approach, grouping like by-laws/enforcement approaches into sections, with dedicated resources. The most common areas where specialized staff have been established in other municipalities includes:

- Property Standards
- Taxi
- Business Licensing
- Nuisance and Noise
- General Enforcement
- Parking

Of the 12 municipalities surveyed, only one other municipality (Windsor) used the generalist approach for the same by-law enforcement activities as that provided by Hamilton’s By-law Enforcement Division. Municipalities surveyed indicated that a specialist approach was more effective and efficient for mid to large municipalities with sufficient back-up resources or teams within each specialization. A specialist approach offers the following advantages:

- Using specialists encourages consistency in that a small group of specially trained staff are undertaking the same enforcement activities across the municipality;
- Specialization can be more cost effective. Rather than training all staff at the highest level and paying the commensurate salaries, this may provide an opportunity to tier the job responsibilities and pay accordingly;
- From staff’s perspective, becoming a generalist is time-consuming and requires a greater level of training. Staff indicated that because of the large number and diversity of the by-laws to be enforced, it is very difficult to be an expert at all things;
- Increased accountability as there is a smaller group of staff responsible for providing a specific service across the entire City;
- Improved ability to ensure that all by-laws are being enforced in a consistent manner as there will be staff assigned to specific by-laws, aligned to the level of activity and the municipality’s approach to proactive/reactive enforcement;
- Increased revenue generating opportunity with the establishment of an area dedicated to business licensing;
- Increased transparency in the cost of enforcement for each group of by-laws is achieved; and
- Increased ability to track performance as a group and performance of individual staff providing the service.
The key advantage to a generalist approach is that this service delivery model offers the greatest flexibility in staff deployment in terms of staff vacations, absences and vacancies.

**Recommended Implementation Strategy**

As stated in the internal audit, with an inspector workforce of 20, it may be more efficient to develop teams which possess the necessary knowledge and skill sets (or are so trained) to handle a grouping of similar by-laws with coverage for the entire City. In this manner, there would be coverage for all areas of the City in times of absent or vacationing inspectors. The formulation of teams would be highly dependent on the statistics regarding the number of action requests received by by-law type and by geographic area. Subject trained inspectors would also be available for specific targeted enforcement exercises or blitzes in their area of specialization.

The following key considerations were used to determine the recommended implementation strategy:

- Are there by-laws with “like” skill requirements within the By-law Enforcement Division?
- What by-laws require specialized training and knowledge?
- What level of activity is associated with each of the by-laws and the frequency of occurrences?
- Are there differences in activity levels seasonally and/or daily (time of day)?
- Should the by-law be proactively or reactively enforced now and in the future?
- Where are there existing gaps in enforcement that must be addressed?

Based on the above noted criteria, it is recommended that the enforcement of “like by-laws” be consolidated into sections, aligned with the underlying skills required to provide the service. This would serve to increase consistency in action taken, identified as one of the key elements to successful enforcement. The next few pages provide an overview of the recommended four sections, the types of by-laws that the section would be responsible for enforcing, the specific skills and training required, the hours of operation and the type of staff uniform that would be required.
### Recommended By-law Enforcement Sections

#### Environmental By-laws
- Yard Maintenance/Weeds (year round)
- Trees (year round # of complaints included under Property Standards)
- Pesticide (spring/summer)
- Anti-idling (summer)
- Illegal Dumping (year round)
- Icicles (winter)
- Sidewalk Snow Clearing (winter)
- Lawn Watering (summer)
- Fouling of Highways (spring, summer, fall)
- Road Allowance (year round)
- Parks By-law
- Dog Fences
- Pigeon By-law
- Uniform—soft
- Hours of Operation—Days, Mon-Fri.

#### Property Standards By-laws
- Property Standards (year round)
- Zoning (year round)
- Graffiti
- All Property Standards infractions under the Ontario Building Code and set out in the Property Standards By-law, proactive enforcement as time permits and the Zoning By-law
- Uniform—soft
- Hours of Operation—Days, Mon-Fri.
- Proactive enforcement as time permits

#### Licensing & Permits By-laws (all year)
- Licensing By-law / Business / Establishments
- Residential Care Facilities—92 facilities
- Lottery Licensing (1 inspector)
- Taxi
- Issuance of Sign Permits
- Signs By-law
- Uniform—soft
- Hours of Operation—Days, Mon-Fri.

#### Special Enforcement By-laws
- Noise (including barking dogs)
- Vital Services
- Residential Heat (Sept-June 1)
- Parking Tickets (after hours)
- After hours and weekends including the above and taxi inspection, blitzes for specialized business licenses (adult entertainment, etc.) proactive blitzes, special events, MATF and after hours customer service
- Uniform—military
- Hours of Operation—7 days a week, minimal day shift with afternoon shifts typically operating 5:00 pm-1:00 am
- After hour customer service
**Environmental By-law Enforcement Inspectors**

A number of new by-laws have recently been introduced that require specialized training for enforcement to be effective. This unit would be responsible for all by-laws that support environmental protection including tree, weed, pesticides, lawn watering, anti-idling, sidewalk snow clearing and any other environmental by-laws that will be introduced. The anti-idling by-law would be assisted by the Parking Enforcement Officers.

The enforcement of several of these by-laws will require some staff to have specialized training. As an example, the Tree by-law protects the public’s interest in Hamilton's tree assets on Public Property to preserve the quality of life and environment for the present and future inhabitants, and to ensure that any necessary tree removal is considered in advance and carried out under conditions as may be imposed. This would require a trained horticulturalist/arborist.

This unit would operate Monday-Friday, regular days and have a recognizable soft uniform (Shirt with logo, pants, jacket).

**Special Enforcement Officers**

A highly trained and equipped special enforcement unit is needed to manage situations which could put by-law enforcement officers at a safety risk such as dealing with after hours noise complaints. Further, given the significant volume of noise and vital service complaints, a separate unit is required. This area will operate mainly during an afternoon/evening shift and will be specially trained and equipped to handle these types of complaints. As stated previously, these staff would also deal with after regular business hour actions/complaints such as work with Police in the enforcement of other by-laws such as taxis, proactive enforcement of body rub parlours and participate in blitzes organized by Police with the multi-agency task force (Health, Fire, Police). This section will also issue parking tickets after hours.

Consistent with the practice in other jurisdictions where noise enforcement is provided by City staff, it is recommended that staff have full military style uniforms and Kevlar vests.

As stated previously in the report, in general, the hours of operation would be from 5:00 PM-1:00 AM.
**Property Standards Inspectors**

The Property Standards By-law prescribes the standards of maintenance and occupancy which apply to all property within the City of Hamilton. This section would be responsible for all enforcement activity associated with the Property Standards By-law in accordance with Section 15.1(3) of the Ontario Building Code Act, S.O. 1992, c.23 which contains the jurisdiction for Municipalities to pass By-laws prescribing standards for the maintenance and occupancy of property. This includes enforcement of standards related to the structure and the surrounding property.

The staff will be specially trained to enforce the Property Standards By-law which will require training similar to that required of building inspectors. These experienced staff, qualified under the Ontario Building Code Act will provide professional services in all areas of property standards. In addition, this unit will enforce Pool Fences and also assist in handling Vital Service complaints during the regular work day. After hour calls related to Vital Services will be addressed by the Special Enforcement section.

This unit would operate regular days, Monday-Friday and have a recognizable soft uniform (Shirt with logo, pants, jacket).

**Licensing & Permits**

This section would be responsible for enforcing the rest of the by-laws. This section would be responsible for enforcing the newly developed noise nuisance by-law and associated protocol, as recommended in the previous section, which would include industrial noise and barking dogs. This unit would also be responsible for enforcing the sign by-law which currently has insufficient resources and backyard complaints which has a high volume of activity but does not require specialized training. The backyard by-law has a significant volume increase in activity during the spring and summer months. Rather than staffing year round to address seasonal effects, some municipalities have hired temporary/contracted staff to address peak season demands. This may be required for the licensing and permits area.

Another key responsibility of this section will be to proactively enforce lottery and business licensing to ensure that all businesses that should be licensed under the City’s by-law hold a valid license.

This unit would operate regular days, Monday-Friday and have a recognizable soft uniform (Shirt with logo, pants, jacket).
By developing the four sections, the following key improvements will be achieved:

- More time would be available for proactive enforcement in such areas as business licensing which would generate additional revenues to pay for program costs;
- Fully trained and knowledgeable staff in their respective areas of expertise;
- Improved enforcement consistency which results in improved public safety, fairness and equity;
- Increased accountability and ability to track performance; and
- Increased revenue generating opportunity.

It should be noted that while separate sections are being recommended based on like by-laws, deployment strategies, skills required and hours of operation, during peak periods, it is anticipated that staff may be redeployed within the Department to meet the priority based needs. This will require extensive consultations with labour relations (review collective agreements, and the creation of job descriptions).
Summary of Recommendations

Generalists Versus Specialists

1. That the By-law Enforcement Division include 4 sections as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Hours of Operation</th>
<th>Uniform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection</td>
<td>Mon-Fri 8:30 AM-4:30 PM</td>
<td>Soft</td>
</tr>
<tr>
<td>Special Enforcement</td>
<td>5:00 PM-1:00 AM, 7 days a week</td>
<td>Military Style</td>
</tr>
<tr>
<td>Property Standards</td>
<td>Mon-Fri 8:30 AM-4:30 PM, over time as required to address priority one issues, as identified later in the report</td>
<td>Soft</td>
</tr>
<tr>
<td>Licensing &amp; Permits</td>
<td>Mon-Fri 8:30 AM-4:30 PM</td>
<td>Soft</td>
</tr>
</tbody>
</table>

2. That management review each by-law and assign the major responsibilities to each section and develop the associated policies and practices to ensure consistent enforcement strategies are deployed.

3. That the City undertake a review of other City Department by-law enforcement functions (i.e. smoking by-law) for possible synergies and efficiencies.

4. That Co-ordinators prepare detailed job descriptions for staff in each if the proposed areas.

5. That Human Resources undertake a job evaluation based on new duties, roles and responsibilities.
Priority Based System

Current Practice

While it is recognized that complaints related to health and safety that pose an immediate danger to the public are responded to as a first priority, there are no defined response time standards for other action requests and staff prioritize their own schedule. There is no Council approved priority system in the City of Hamilton.

Summary of Key Issues

One of the challenges that the City faces is a lack of a Council approved priority based response system to identify the order and timeliness of responding to action requests. This results in inconsistent response times to similar types of complaints, unrealistic public expectations and too much of the By-law Enforcement Officer’s time being committed to responding to non-emergency calls with limited time available for proactive enforcement initiatives.

With currently over 10,000 action requests annually, new by-laws requiring enforcement activities and limited proactive enforcement initiatives, a Council approved priority based response system is needed. A review of the workload, especially in regards to nuisance noise complaints and feedback from the by-law officers suggests that an inordinate amount of time is spent on this function. Further, backyard complaints also generate a large volume of action requests, driven by complaints, most of which are non-emergency in nature, whereas, some of the issues related to the Property Standards By-law require immediate attention, as health and safety may be at risk. To some extent, increased focus on all by-laws will be addressed through the creation of the four sections identified in the previous section of this report, however, there is additional need to identify and have Council approve the priorities for responding to complaints.
Benchmarking – Municipal Practices

For the most part, municipalities surveyed do not have a published priority based response system but it is part of their operating practices. Three municipalities that were surveyed provided their approved policy; the City of Kitchener, the City of Brampton and the City of Calgary.

The City of Kitchener, as part of a Council approved policy, states that Enforcement staff continue to give top priority to violations that deal with safety and health issues, and, in particular, fences or shrubs causing sight obstructions; unsafe swimming pools, unsafe residential units, discarded ice boxes and refrigerators and sidewalk snow and ice removal.

The City of Brampton has a priority response system that is used to set priorities. The priorities for the Property Standards area are, Safety, Health, Comfort and Aesthetics.

The City of Calgary established a priority based response system to ensure consistency in responding to action requests across the Department. The established priority responses are assigned target response times based on the impact on health and safety and the immediate nature of the problem.

Recommended Implementation Strategy

Establishing priorities helps foster effective and efficient enforcement of by-laws. Further, a priority response system helps to clarify to the public the expectations for resolving complaints and improves transparency.

Priorities should be ranked according to the potential consequences that would result if the compliant was not dealt with in a timely manner. The following provides the recommended implementation strategy, with guidelines that would be fine-tuned by Council and staff:

1. Establish a priority response system with proposed targeted response times associated with each by-law and infraction
2. Identify the feasibility of meeting the targeted responses with the associated levels of staffing
3. Review with Council to confirm the appropriateness of the proposed priority response
4. Track performance against targets

It should be noted that the recommended response times are targets only with no guarantee turnaround time. Every effort should be made to meet these targeted responses but there is no guarantee that staff will respond in every case depending on call volumes and levels of activity.
As an example, as a starting position that the following priority based response system be used to develop a Council approved priority system:

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Target Initial Response Time</th>
<th>Examples</th>
</tr>
</thead>
</table>
| 1  | Health, Safety and Environmental Problems that Pose **Immediate Danger** to the Public or Environment | Within 1 hour                  | • Mobile Licensing—Unsafe taxicab being operated  
• Unlicensed taxicab/driver  
• Property Standards—unsafe pool, fencing, refrigerators improperly disposed on the street, unboarded vacant building  
• Sign obstructing traffic view |
| 2  | Health, Safety and Environmental with no **Immediate Danger** to the Public or Environment | Within 24 hours               | • Vital Services—no heat  
• Property Standards—fascia board, soffit and flashing not in a weather tight condition, no handrail on stair case, garbage and debris that prevents access to or exist from property, no water  
• Noxious Weeds  
• Pesticide Use  
• Sidewalk snow clearing  
• Industrial noise  
• Dirty swimming pools |
| 3  | Health, Safety and Environmental not Threatening                             | Within 1 week                  | • Taxi—customer service complaints, missing hubcaps, dirty vehicle, old vehicle  
• Plastic garbage bags not protected by access from animals  
• Unlicensed businesses  
• Lottery licensing complaints |
| 4  | Aesthetics                                                                  | Within 2 weeks                 | • Dirty backyards, garbage rubbish and debris outside, long grass  
• Nuisance Noise |
Summary of Recommendations

Priority Based Response System

1. That the By-law Enforcement Division establish a priority response system with proposed targeted response times associated with each by-law and infraction based on health, safety, environmental consequences. It is proposed, in this report, that a four point response system be implemented which can be fine-tuned by staff.

2. That staff identify the staff levels required to meet the targeted responses for each priority and by-law and determine deployment strategies required for investigations requiring response within one hour.

3. That once completed, the Department review with Council to confirm the appropriateness of the priority response system and target response times.
Proactive versus Reactive Enforcement

Current Practice

As identified in the audit report CM07007, the majority of the by-laws are enforced on a complaint basis rather than taking a proactive approach to enforcement. Unlike the City's Parking Division which proactively and strictly enforces the City's Parking By-law, very limited proactive enforcement is undertaken with respect to the by-laws within the By-law Enforcement area.

The key area where proactive enforcement is undertaken is in the McMaster University and Mohawk College neighbourhoods. These proactive enforcement initiatives take place twice per year – throughout September during the student frosh week and the student move in, and in April during the student move out. Hamilton Police Services and the City of Hamilton Parking and By-law Services Division initiated a proactive by-law enforcement strategy targeted at noise, parking, property standards and yard maintenance by-law infractions. In these cases, clear protocol was established in terms of orders to comply and issuing tickets.

The Noise By-law is enforced in partnership with the Hamilton Police Service. A list of student houses is compiled and provided to Standards & Licensing Inspectors and Hamilton Police for monitoring and all charges pursuant to the Noise By-law are recorded and maintained for the information of both partners throughout the year. There is a high concentration of resources from both these partners in both the McMaster University and Mohawk College neighbourhoods to proactively monitor student houses and respond expediently to any noise calls dispatched by the Police.

Proactive enforcement in the form of blitzes in conjunction with Police Services of areas such as the adult entertainment industry is also periodically undertaken.

Summary of Key Issues

Proactive enforcement initiatives generally include a focus on public education, the establishment of new practices and protocol, visible presence within the community and targeted initiatives where specific areas of concern have been identified, on an ongoing or periodic basis.
Limited Direction on When Proactive Enforcement Should Be Undertaken

There is no clear criteria to define when and how by-laws should be proactively enforced and what proactive enforcement strategies are appropriate. Beyond the proactive efforts noted above, there are no defined proactive strategies encompassed in the existing policies and procedures.

Lack of Visibility

Currently, the City by-law enforcement staff do not wear uniforms or drive a vehicle that is recognizable to the public. The lack of visibility in the community does not support proactive enforcement. This has been addressed earlier in the report.

Increasing Call Volumes and Limited Resources

As stated in the operational audit report (CMO7007), the volume of complaints has continued to increase over the years. Due to high call volumes, the lack of practices and policies to manage volumes and staff vacancies, there is limited time available for staff to undertake proactive enforcement. As stated in the priority based response section of the report, without clear response protocol, there is a risk that ongoing non-emergency complaints will take priority over proactive enforcement activities that may identify health, safety and environmental problems of immediate danger to the public or environment.

Undefined Public Education Program

While education is part of the City’s overall enforcement strategy, it is not well defined and does not contain all the elements proven to be effective in enforcement. In excess of 60% of the complaints are related to noise, property standards and dirty backyards, however, there is no clearly defined public education campaign with respect to a number of these issues.

Hours of Operation

The By-law Enforcement Division directly receives complaints from the public from 8:30 AM-4:30 PM. These hours do not extend beyond the typical work day and make it difficult for residents that work during the day to have the opportunity to speak with a knowledgeable staff person in By-law Enforcement. Further, the By-law Enforcement Division does not receive calls directly on the weekend. However, the City maintains a 24/7 call centre service but this service does not disseminate information regarding by-laws, their application and the City processes. To help to mitigate frivolous complaints, proactive enforcement often includes increased customer service hours to help resolve minor issues and educate the public on various strategies available to resolve problems and disputes.
Restricted Use of Targeted Proactive Enforcement

To date, the vast majority of the proactive efforts of By-law Enforcement has been directed at the University/College sector. This has lead to accusations from the University community of discrimination as there is very little in the way of proactive enforcement of other market segments or by-laws, particularly in areas where health and safety are at risk. While noise complaints are high in this sector, there are other by-laws that have additional safety and health related concerns that have not received the same level of attention.

Repeat Offenders

In reviewing a sampling of complaint activity for 2006 and 2007, approximately one third of the dirty backyard violations, are associated with repeat offenders. This indicates that the method of enforcement has not been entirely effective in encouraging compliance. There is significant cost to enforce and administer these by-laws and the limited impact that some of the procedures have had on achieving ongoing compliance and in reducing the complaints suggests a need to consider alternative deterrent methods to encourage compliance.
Benchmarking – Municipal Practices

A number of municipalities have clearly defined strategies used for proactive enforcement of specific by-laws. Proactive enforcement generally focuses on areas of highest priority from an environment health and safety perspective, however, community issues such as aesthetics may also be a high priority for a municipality. Further, municipalities that support proactive enforcement also tend to redeploy staff within divisions/units seasonally to the areas of highest priority.

While proactive strategies are employed by most municipalities, to varying degrees, the City of Calgary and the City of Brampton have successfully implemented a number of proactive initiatives as part of a comprehensive approach to enforcement. The following highlights some of the initiatives implemented by municipalities that have proven to be successful:

- **Public Education** – Being proactive in by-law enforcement is defined as actively working to change citizens’ behaviors. Calgary currently has three full time staff working in public campaigns and in schools to educate and raise public awareness of by-laws. The City of Brampton also increased the number of proactive education/enforcement campaigns. This included the development and delivery of new programs to educate citizens about municipal requirements, zoning standards, municipal maintenance requirements, and the implications of violating existing property standards and Zoning By-laws. Brampton’s website is used extensively to provide educational materials and to enhance community out-reach initiatives.

  Another municipality developed letters that are mailed to rental property owners, realtors and management companies, notifying them of the policies and procedures effecting rental properties associated with party-related infractions. Flyers are also provided to rental property owners notifying them of the by-laws for distribution to new tenants.

- **Presence and Visibility**—All by-law enforcement officers in Calgary drive visible city-owned vehicles and are uniformed. This is consistent with the practice employed in a number of other municipalities.

- **Hours of Operation**— Service delivery is provided in Calgary seven days a week and from 7:00 AM to 10:00 PM daily. Extended service delivery hours enables staff in Calgary to increase interaction with citizens and discuss by-laws and issues of non-compliance in person. The City of London provides phone service within the Department until 10:00 PM to extend customer service.
Clearly Documented Proactive Strategies and Successes—The City of Brampton, as part of its annual business plan clearly identifies past accomplishments through the use of proactive enforcement as well as where Council determines the focus to be in the upcoming year. This ensures that the performance is tracked, information is available on the success of each initiative and proactive enforcement is undertaken in accordance with Council objectives. This helps to define future efforts and priorities.

Policy Changes—the City of Brampton created new Orders to Comply with clearer instructions and expectations, resulting in a significant increase in voluntary compliance with sidewalk snow removal as one example. In addition, the City updated its policies and procedures for noise complaints which improved efficiencies, the success of prosecutions and reduced the number of frivolous complaints.

Targeted By-laws and Targeted Geographic Locations—Brampton targeted a 60% increase in proactive weed cutting investigations. The City also undertook targeted proactive investigations related to a Large Motor Vehicle Enforcement initiative, with voluntary compliance running at over 66% and an Abandoned Motor Vehicle initiative. The City of Brampton initiates Property Standards Enforcement in areas where significant problems were regularly identified. The City of Kitchener developed a policy that states that, as directed by Council, Enforcement staff target for intensive enforcement specific types of violations and specific geographic areas.

Blitzes—A semi-annual blitz on disabled permit parking locations and fire route violations, Garbage and Sign Removal was conducted in Brampton. Other municipalities regularly undertook blitzes on Taxicabs, Body Rub Parlours and other by-laws where health and safety were at risk.

Phased Enforcement Strategy Including Penalty-Based Enforcement—Municipalities consistently seek to achieve voluntary compliance as the primary objective. However, strict enforcement of progressive penalties is also an effective tool to encourage compliance. The City of Toronto, upon introducing its pesticide by-law used a phased approach to promote compliance. Education was the first step, followed by a penalty based compliance to commercial pesticide users and finally penalties to residents. The by-law is currently enforced by officers, who investigate suspected violations in response to complaints or during proactive surveillance activities.

Reassigning Staff—During the summer months, Brampton re-assigned staff to assist with Property Standards investigations and Parking Enforcement staff played an enhanced role in investigating Large Motor Vehicles and Abandoned Motor Vehicles. In total, enforcement completed more than 1,700 additional investigations, representing a 24% increase over the previous year.
• **Cost Recovery of Services**—A number of municipalities strictly enforce the recovery of costs of enforcement based on approved policies. For example, the cost of re-inspection may be recovered from the property owner if more than 2 inspections related to the infraction are required. This may include travel time, on-site inspection and overhead costs. If the fee is not paid, the fee is added to the property taxes under section 220.1 of the Municipal Act. This practice not only acts as an effective deterrent, it provides a mechanism to recover costs from the offenders in a fair and equitable manner, thereby reducing the cost of service to the general taxpayer.

• **Mediation**—A number of municipalities promote the services of free mediation services to resolve neighbour disputes. This is particularly helpful for nuisance noise and backyard complaints. The Cities of Calgary, Kitchener and Mississauga utilize these services to reduce staff time required to manage non-emergency complaints and increase the level of community satisfaction.

As shown in this section of the report, there are many enforcement strategies that can be employed by municipalities to meet the specific goals, objectives and priorities of the municipality. To be successful, there is a need to develop a clear plan of action, with a combination of strategies that may be employed for each by-law that the City enforces.

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**Recommended Implementation Strategy**

For the most part, the City of Hamilton deploys a reactive service delivery approach to municipal by-law enforcement, primarily initiated by citizen complaints. Municipalities take different strategies to by-law enforcement, however, the majority of municipalities recognize that a mix of compliant driven and proactive enforcement is required.

Effective by-law enforcement and ultimately compliance with City by-laws is achieved through a combination of techniques, including community education, mediation, blitzes, visible presence, fines and clearly articulated policies and practices.

Public education is a very important proactive component of by-law enforcement. To this end, it is recommended that the By-law Enforcement Division continue to build relationships and awareness within the community to help residents understand and gain compliance with by-laws. Through an awareness and education campaign, the volume of complaints typically reduces.
Education campaigns are particularly important for new by-laws such as pesticides, anti-idling and the tree by-law. The key elements of a successful education campaign include:

- a website with useful information for residents and businesses;
- a telephone information line that provides direct advice and responds to complaints of possible bylaw infractions;
- brochures, fact sheets and technical guides, distributed through civic centres,
- point-of-purchase information, for example, where pesticides and garden products are sold;
- seasonally appropriate advertising in newspapers, transit shelters, recycling bins and magazines;
- displays and information at public events
- ongoing communication with the community and agencies

Education is also a key strategy to address high volume and ongoing areas of complaints such as property standards, backyards and noise. As part of the implementation strategy, it is recommended that the City identify the strategies that will be employed to support education of each of the by-laws, with a focus on new by-laws and high volume areas of complaint.

By-law enforcement is essential for the effective implementation of the policies and directions of Council, both by residents and others within the jurisdiction. To achieve effective municipal law enforcement, there is a need to ensure that the by-law is supported by enforcement procedures directed at achieving compliance. The Department makes every effort to achieve voluntary compliance within the by-laws being enforced. However, there are occasions that require deterrents to be put in place to achieve the desired goals when voluntary compliance has not been achieved and specifically for repeat offenders that drive up the cost of enforcement.

Effective enforcement begins with education of the by-law and must be enforced in a fair, systematic and consistent manner. Further, effective enforcement requires that appropriate penalties be established, should voluntary compliance not be achieved within a reasonable period of time. This may differ for each by-law and the severity of the infraction. It is recommended that clearly defined enforcement policies be established and approved by Council for enforcement initiatives for each by-law. This will improve consistency in operating practices, ensure fairness and equity for all residents and businesses, create appropriate deterrents and move efficiently and effectively toward increased compliance.
The enforcement policies should identify when progressive penalties, deterrents and cost recoveries will be instituted. Repeat offenders will be charged the cost of enforcement rather than taxpayers. This is a practice that is regularly employed by other municipalities and is reasonable given that the general taxpayer is responsible for the costs of most enforcement activities of this Division (with the exception of Business and Mobile Licensing, which is paid for by licensing fees). Once established, this protocol must be communicated to the public and to the offending parties during the initial contact to ensure that they fully understand the implications of non-compliance and are given sufficient time to remedy the situation.

The current municipal by-law enforcement practices do not appear to provide an effective deterrent and creates a community perception problem that the municipality tolerates contravention of its by-laws. As an example, without proactive enforcement of the business licensing by-law, unlicensed businesses have an unfair financial benefit compared with similarly licensed enterprises. Taxicabs operating outside the strict licensing requirements defined in the City’s by-law also have an unfair financial advantage and create public safety concerns. There is a need to proactively investigate business and mobile licensed businesses. This will improve equity and help ensure that the public is dealing with licensed businesses and increase revenues for the City to pay for the enforcement services.

Revenue from business licensing fees is not being maximized. As stated in the audit, other than the process of following up on establishment licences not renewed within the 30 day overdue period and acting on the few complaints received from the public, there is little proactive enforcement of the Licensing By-law. Given that the decision to license brings with it the duty to ensure compliance (i.e. to inspect and enforce), the City has a responsibility to enforce its own by-law. Enacting legislation that does not have a credible enforcement strategy and dedicated resources can frustrate the public by creating a false expectation. This has been largely addressed in the establishment of separate sections within the by-law enforcement area but will also require specific strategies for the enforcement of each by-law to help ensure compliance.

Given the high ongoing volumes related to property standards, backyards and nuisance noise, it is recommended that these areas be given high priority to clarify the accepted enforcement practices and progressive penalties that will be imposed, should voluntary compliance not be achieved. This approach has been successfully implemented in other municipalities and has resulted in increased compliance, thereby providing an effective deterrent.
In terms of changes in work practices, staff identified that there is a considerable volume of complaints attributed to tenant-landlord disputes. Frequently the City is asked by a tenant to intervene, before the landlord is even aware of the problem. A common municipal practice in dealing with property standards issues related to tenant-landlord problems which fall under the Property Standards By-law is to require the tenant to first make a formal written complaint to the landlord explaining the problem and provide an appropriate amount of time for corrective action to be undertaken.

In some cases, the municipality requires the letter to be forwarded to the City once the time has elapsed and corrective action was not made. By requiring the tenant to attempt to resolve the problem with the landlord prior to municipal involvement, the number of complaints and the frequency of municipal intervention is reduced. Municipalities that have implemented this strategy identified a marked decrease in the number of frivolous complaints and resulted in increased compliance once the landlord was notified of the problem without municipal intervention. In these cases, the municipality continues to get involved immediately if the problem poses an immediate public safety issue.

It is recommended that staff provide a high level summary report to Council on a quarterly basis identifying the levels of activity, strategies employed, charges laid and target problem areas by by-law and ward within the City. This will provide the opportunity to identify whether targeted proactive enforcement strategies are needed, either for health and safety reasons or due to high volumes of complaint activity. Council will then be in a position to provide direction to staff on where the priorities should be placed in terms of targeted by-laws, infractions or geographic locations.

As shown on the following page, there are a number of suggested enforcement strategies that the City may wish to employ which may vary by infraction and by-law and may change over time depending on the success of these initiatives. This table has been provided as a starting suggested position based on the analysis undertaken. However, it is anticipated that management will fine-tune the strategies based on their knowledge and understanding of key City priorities.
## FINAL REPORT—Licensing Implementation

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Summary of Recommendations

Proactive Versus Reactive Enforcement

1. That the City identify the strategies that will be employed to support education of each of the by-laws, with a focus on new by-laws and high volume areas of complaint.

2. That clearly defined enforcement policies be established and approved by Council for enforcement initiatives for each by-law. A sample of the proposed strategies for each of the key by-laws has been included in the report which includes but is not limited to:
   - Education
   - Extended hours of operation
   - Blitzes on Council direction for targeted by-laws and geographic locations
   - Targeted unlicensed businesses
   - New policies/practices
   - Progressive enforcement strategies
   - Mediation
   - Redeployment of staff during peak periods

3. That enforcement policies identify when progressive penalties, deterrents and cost recoveries will be instituted and that these policies be communicated to the public.

4. That the City proactively investigate businesses operating without a licence.

5. That tenants be required to first make a formal written complaint to the landlord explaining the problem and provide an appropriate amount of time for corrective action to be undertaken, prior to City involvement unless the problem poses an immediate public safety issue.

6. That staff report to Council, on a quarterly basis, the levels of activity, strategies employed, charges laid and target problem areas by by-law and ward within the City.
AMANDA REVIEW

Current Practice

AMANDA was implemented as a building permit management system in 1997. After a process review of the key responsibilities in the Division, the system was tailored to the requirements of By-law Enforcement and Licensing.

The original installation of the system remained unchanged until September 2004 when a Divisional Data Base Administrator (DBA) was hired. At that time it took approximately six months to upgrade AMANDA from Version 3.4 to a more recent Version 4.3, including file conversions and the upgrade of the Oracle DBMS to Version 9.2.

Other enhancements were made including the implementation of complaints tracking for Building Standards, and extending the establishments, trades and mobile licensing system.

AMANDA resides on a server that is maintained by the IT Department and is shared with the corporate fax server. System response performance seemed to be adequate, but no formal measure of system performance was conducted.

Review of the AMANDA System for Licensing

The review of AMANDA, and its various business process implementations, was conducted by interviews and system functionality demonstrations. The List of Interviews is shown in Appendix C.

The analysis of the AMANDA system was focused on the functionality of licensing, complaints logging, inspection process, and compliance orders and violation prosecution, so as to understand all aspects of AMANDA that might affect the efficiency of the By-law Enforcement and Licensing functions.

The review included:

- New license application processing, and the license renewal process was reviewed in some detail, including issues with the various types of licenses, as follows:

  - LOTTERY - Bingo, bazaar, raffles
  - ESTABLISHMENT - Restaurant, Food service, etc.
  - TRADE - Plumbing, heating, drain contractors
  - MOBILE - Taxi, dancer, refreshment, dancer
  - LODGING & RESIDENTIAL - Residential care facilities (RCF)
• The complaint desk which affects the By-law Inspectors workload, is the prime generator of Action Requests.

There are 17 active categories of complaints:

- Zoning
- Property standards
- Backyards
- Grow–ops
- Fire damaged building / unsafe
- Discharge on order
- Trade License
- Establishment license
- Mobile license
- Mobile sign
- Lottery license
- Residential Care Facility (RCF) License
- Noise
- Sewage system
- Heat
- Vital services
- Other

• The types and circumstances of issuing compliance orders and tickets

• A sample of the detailed processes followed by inspectors was examined.

This review resulted in the identification and listing of the following major modifications to AMANDA to meet the objectives of the study.
Recommended Implementation Strategy

In this Report are the modifications to AMANDA required to make the License Inspector function more efficient and effective. After approval of these recommendations, the specifications will be developed with CSDC and other technical details will be finalized.

Since most of this work was conducted prior to the appointment of new Coordinators, this Report forms the basis for more detailed discussions to finalize requirements and to coordinate requirements with the procedures work now being undertaken.

The recommended modifications to the AMANDA system are presented under the following topics:

- Systems Security
- Data entry Simplification
- Access and Technology
- Inspector Work Allocation
- Performance Indicator Reporting
- Standard Reports and Statistics
- Training
- Policies and Process Procedures
- Other

Systems Security

In general, the security of systems is a major consideration in protecting systems from unauthorized intrusion, maintaining data integrity, and system crashes. The primary defense is a robust user ID and password protocol to thwart system penetration, and to prevent potential problems by ensuring that data created by a user can only be accessed by that user.

Overall the initial implementation of AMANDA security had been too simplistic and the open access raised doubts about the confidentiality of the data. However, with the hiring of an AMANDA Coordinator, this issue is being addressed.

The question was raised about who entered what information in AMANDA. There is a data entry audit trail available in AMANDA, on the log-in of the person creating or entering additional data. Access to audit trail information is not known to most supervisory management. The audit trail applies to the record itself, and not to specific data fields in the record, but this is still very useful.
Also, information leaks have probably contributed to the lack of confidence in AMANDA and made inspectors wary about entering data into the notes section of Action Requests, which has resulted in incomplete information in AMANDA.

Confidence in the use of the system needs to be restored, both through security, and through the enunciation of privacy and confidentiality policies to all levels of staff, specifically, access to Action Request notes entered by Inspectors, or the details of the Action Request itself, should be restricted to the Inspector and management staff and procedures be developed to allow access to the Action Requests by substitute inspectors when required.

**Data Entry Simplification**

There were a number of suggestions made to facilitate the task of entering data into AMANDA, reducing the time spent in updating the information in the system to make the system more effective. Also, standard policies have to be enunciated, upon which standard practices can be built.

Technically, AMANDA has the capability for having various types of attachments to an Action Request (AR) folder, and this capability needs to be taken advantage of.

- Scanning of Inspectors Notes – Simple situations can be dealt with in a few phrases, but where the situation is complicated, transcribing the notebook is arduous. However, the technology is now very simple to scan the page(s) of the Inspector’s notebook and attach to the AR. Scanners are low cost and only the methodology would have to be worked out.

- Digital photos – These are now being attached by some Inspectors, but not by all. A policy needs to be set for when and how many pictures should be taken. The pictures have to be attached one at a time, but a method of doing multiple pictures at a time might be possible.

- E-Mail and Voicemail – Feasibility and methods for emails and voicemails, needs to be researched and documented for use by all staff

In addition, there are other issues for simplifying the use of the AMANDA system by Inspectors.
• Standard By-Law Files – The previous licensing system had word processing files for the most common by-laws, which could be cut and pasted into Compliance Orders. AMANDA does not have these files, however, some resourceful Inspectors have created their own, as files on a USB Drive or on their own hard drive. Standard official by-law files need to be provided, with documented procedures on how to use them. Also, there have been technical problems with Compliance Orders locking-up and needing to be recovered by a technical support person and so the whole Compliance Order creation process needs to be investigated as part of the implementation of Standard Files.

• Hyper-linked To Do List – The current inspector “To Do” list requires re-entry of the property address information to access the Action Request. However, when looking at the list online, (including mobile access), if a link to the property record was provided, it would tremendously accelerate the Inspector’s ability to see the information and organize themselves more efficiently. The current printed hard copy list would also still be used.

A major concern for inspection is the property owner information, both the correct current owner and the mailing address. The AMANDA property information has not been fully updated since implementation seven years ago. When entering a complaint Action Request, the Complaints Clerks should check the Tax Roll on the Vailtech tax system to which they have access. However, indications are that this does not always happen. Inspectors also check ownership before issuing a compliance order, but not all Inspectors have Vailtech access rights.

The volume of complaints and the need to enter corrections, together with the awkwardness of the process indicate that having a higher percentage of correct ownership would improve inspector efficiency and productivity.

• Regular Updating of Ownership Information – It appears that owner information from the Vailtech tax database could be used to regularly update the AMANDA database.

Inspector Work Allocation

Assignment of a complaint Action Request is done by the Complaints Clerks when the Action Request is created. Recently four teams of inspectors have been created. Each team covers a group of Wards selected to try to balance the workload between the Teams. Action Requests are assigned to the next available Inspector in sequence on the Team. The Amanda Inspector list also contains all of the Building and Licensing inspectors but they are intermixed, so that the assignment process is complex, e.g. What ward? Which Team? Who is the next inspector on the team?
Automated Inspector Assignment – This same Team logic can be automated, and additional specialty or complaint criteria applied as well.

Repeat complaints should be assigned to the same Inspector handling the previous AR

Performance Indicator Reporting

A standard report exists that shows the type of Action Request activity by Inspector. However, it could be redesigned to provide a regular summary of type of Action Request for each Inspector. This could provide the required history to help set performance standards. Performance measurement includes both numbers of Action Requests and the time to complete (or close) the Action Request. However, the statistics appear to be skewed by the common practice of allowing time to remedy the problem and another re-inspection visit before action is taken.

For those types of Action Requests in which this is common, policy/procedures should be established for another time-to-comply step being included in the process to make statistics more meaningful.

Once performance indicators have been developed, the AMANDA system should include a Dashboard of key Performance Indicators for each of the key licensing inspection indicators defined for the Division.

Reporting and Statistics

There are over 200 standard reports set up on the AMANDA system that cover both building permit and licensing functions. However, these are all set-up as SQL language reports, which require expertise to adjust the report parameters to produce the desired results. For example: Report 1055 - Action Requests by Ward and Address for a specific date range is set up for Ward 01. Any report for another Ward (e.g. 09) would require changing the Ward parameter, as well as the date range.

The report production process needs to be simplified and set up individually for each Coordinator so that, reports can be produced as required, monitoring their operations. Consideration should also be given to investigating some simple report generation tool that could generate reports that meet both simple and complex reporting needs.

There are a number of different report generating tools such as AMANDA Report Wizard, Crystal Reports, Oracle Forms, and Sybase Infomaker, that would allow users to produce required reports.
However, in the interim, the reports should be evaluated and some standard reports chosen to meet the Coordinators needs. These could be copied and parameters adjusted for each Team, and set up in eachCoordinator’s report folder.

There are some specific reports which were identified that need to be created:
- Property Summary Report – a printout of the property record, with relevant history, to be able to refer to without being on-line
- Standard Monthly Complaints summary report to Councilors

**Technology Issues**

The importance of being able to issue compliance orders in the field was heavily stressed by the Inspectors. This could be accomplished through the use of mobile technology. While the building inspectors have notebooks, the by-law inspectors do not.

There are at least three brands of mobile battery operated printers that could be used for by-law Inspectors. They can be attached to a notebook when required, and have car power adapters for recharging. While there are wireless means of connecting to notebooks, a simple, problem free USB wire connection should be the initial choice.

Mobile computers and printers would allow Inspectors to produce compliance orders in the field. The forms can follow the existing formats now in use, or the size of the order can be reduced to a ticket format, with duplicate copy, depending on the type of printer used.

**Training**

Our findings in By-law Enforcement Licensing show that, with a very few exceptions, the main issue is the lack of training in the functionality and use of AMANDA. This includes the Inspectors, and the Coordinators (interim and new) and Complaints Clerks.

AMANDA has a lot of the desired functionality expressed in the interviews, but, with few exceptions, no one really understands the application, therefore, it is not being used to its full potential.

It appears that any training has been more of an orientation, rather than in-depth. Coupled with the diversity of policies and lack of standard procedures, it is understandable why the system is being used in different ways. There does not appear to be any user documentation or aids for AMANDA.
It appears that a professional trainer is needed to:

- Produce training modules for different functions, and user documentation
- Conduct 23 training sessions per person for Inspectors, Coordinators, Procedures Development staff, and Licensing Clerks to ensure that everyone is using the system in a standard and common way.

If this is done in conjunction with establishing Standard Operating Procedures, incorrect habits can be broken, the use of new techniques introduced, and user proficiency instilled.

Extensive training in the use of the AMANDA system is an absolute first step to start getting the benefits of staff effectiveness.

**Policies and Process Procedures**

As stated earlier in this Report, currently, there is inconsistency in Inspector practices. Standard policies and procedures would assist tremendously towards common system usage. For example, a policy on minimum and maximum number of photos for certain complaints would simplify and standardize the information in AMANDA.

It is our understanding that the development of standard procedures is proceeding at this time. To be most effective, procedures should incorporate best practices in the use of the AMANDA System. Therefore, it is imperative that staff developing procedures get immediate training in AMANDA to gain an understanding of the capabilities before designing or standardizing any process. Standards also need to be established for the information requirements for the Comments portion, and Description portion, of the AMANDA screen. A review of standardized comment tables should be established, to minimize typing, and standardize information for better analysis.
Other Licensing System Improvements

There are a number of other potential improvements that were identified during our review of AMANDA that could significantly improve the effectiveness of AMANDA.

- AMANDA’s document handling capabilities need to be examined and guidelines drawn up to allow AMANDA to become the full document repository of supporting documents to each of the applications.

- There is a corporate document management initiative, ERDMS, which is in progress now. It is not yet known how this project will integrate with or affect AMANDA. The economics and privacy considerations of integrating AMANDA with it should be considered.

- A review of the licensing renewal process for the main license types is required to make it more effective. Currently renewal notices are sent out, there is no Second Notice and the licensing clerks follow up with numerous phone calls. Consideration should be given to a Second Notice, a subsequent Late Notice with a late fee, and automatically generating an Action Request to Inspection for follow-up.

- Automated e-mail communications to other Hamilton Departments involved with license application or renewal inspections of establishments or facilities should be available to allow Inspectors to flag other departments and communicate with them.

- Develop an AMANDA application for handling complaints against mobile licenses. Since no property is involved, there is no Complaints folder.

- Workflow processes need to be expanded to accommodate the additional inspections required for certain types of license applications and renewals, e.g. Residential Care Facilities (RCF) and the additional RN and Public Health inspections involved.
Summary of Recommendations

**AMANDA**

System Security

1. That a system password protocol be established to ensure information can only be accessed by approved users.

2. That all supervisory management be trained on how to use the data entry audit trail.

3. That access to Action Request notes be restricted to the Inspector entering the notes and management personnel and a procedure be prepared to allow access to the action request by substitute inspectors when required.

Data Entry Simplification

4. That standard official by-law files be provided to each Inspector with documented procedures on how to use them.

5. That the Compliance Order creation process be investigated as part of the implementation of standard files.

6. That the Inspectors “To Do” list be hyperlinked to the property record.

7. That a procedure be developed to ensure regular updating of property ownership information on the AMANDA system from the property tax database.

Inspector Work Allocation

8. That the Inspector assignment tasks be automated in the AMANDA system.

9. That repeat complaints on the same property be assigned to the same Inspector handling the previous Action Request.

Performance Indicator Reporting

10. That a standard report be developed on the AMANDA system to show the type of Action Request for each Inspector to help establish performance standards.

11. That policy/procedures be established to include a time to comply with steps in the Action Request process to make statistics more meaningful for those types of Action Requests in which this is common.

12. That once performance indicators have been developed, the AMANDA system include a dashboard of defined key performance indicators.
Reporting and Statistics

13. That the report production process include standard reports to help the Coordinator to monitor their operations.

14. That simple report generation tools be reviewed to allow individual users to produce required reports on a timely basis.

Technology Issues

15. That the By-law Inspectors be issued mobile computers and printers.

Training

16. That a professional trainer be retained for all AMANDA users. The professional trainer should also produce training modules for the different functions and also produce user documentation.

17. That staff preparing procedures get immediate training in AMANDA to gain an understanding of the capabilities of the AMANDA system.

Policies and Procedures

18. That the standardized comment tables be established to minimize typing and standardize information.

Other Licensing System Improvements

19. That AMANDA’s document handling capabilities be examined and guidelines be developed for AMANDA to become the full document repository of supporting documents.

EDRMS

20. That AMANDA automatically generate a Second Notice, subsequent Late Notice with a late fee and Action Request for follow up.

21. That AMANDA automatically generate email communications to other Hamilton departments involved with license applications or renewal inspections.

22. That an AMANDA application be developed for handling complaints against mobile licenses.

23. That workflow processed be expanded to accommodate additional inspection required for certain types of license applications and renewals.