



REPORT FOR ACTION

Municipal Licensing and Standards - Enforcement Strategies and Service Standards

Date: August 22, 2019

To: General Government and Licensing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report responds to a request from the General Government and Licensing Committee for a report on timelines, proposed strategies, and service standards for enforcement in areas where a significant number of complaints are received. The report responds to this request by outlining service standards for complaints (service requests) of the three business units that perform enforcement within Municipal Licensing and Standards (MLS). Recent strategies that have been introduced to improve compliance, and the process to review current service standards, are also outlined.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. General Government and Licensing Committee receive this report for information.

FINANCIAL IMPACT

There are no financial impacts beyond what has already been approved in the current year's budget.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of April 1, 2019, the General Government and Licensing Committee adopted, with amendments, [GL3.1: Divisional Overview - Municipal Licensing and Standards](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL3.1) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL3.1>), which requested the Executive Director, MLS to report on timelines, proposed strategies, and service standards for enforcement and proactive enforcement in areas where a significant number of complaints are received.

COMMENTS

By-laws enforced by MLS, and relationship with Standing Committees

Municipal Licensing and Standards (MLS) provides by-law administration and enforcement services, including strategies to address graffiti, noise, business inspections, parks regulations, and animal services issues. Services also include business licensing and permitting, property standards, zoning, waste, animal care including control, shelter and adoption services, and a range of policy and planning activities. The division is responsible for the enforcement of more than 30 by-laws and statutes that are established under authority of the *City of Toronto Act*, *Planning Act*, *Building Code Act*, *Dog Owner's Liability Act*, and *Cannabis Control Act*. The business units that perform enforcement activity within MLS include Investigation Services, By-law Enforcement, and Toronto Animal Services, as outlined below.

Investigation Services

Investigation Services is responsible for ensuring that property standards are maintained across the city. The team is responsible for enforcement of 20 by-laws, which includes the following related work:

- investigating property standards and other maintenance-related by-laws including long grass and weeds, fencing, noise, heat/vital services, graffiti;
- investigating clothing drop boxes, dust, garage sales, abandoned appliances, signs, vacant/hazardous properties, and pool enclosures (fences);
- inspecting and investigating contraventions of zoning by-laws;
- co-ordinating remedial action (clean-up) on private property, when required;
- working in partnership with the Toronto Police Service on enforcement activities against illegal cannabis storefronts; and
- administering the RentSafeTO: Apartment Building Standards program.

By-law Enforcement

By-law Enforcement is responsible for the enforcement of 15 by-laws governing:

- licensed businesses (vehicles-for-hire, tow truck, adult entertainment, body rub parlours, restaurants, nightclubs, tattoo parlours, hair salons);
- waste (residential and commercial);
- parks, including dogs off-leash;

- posters on public property;
- sidewalk cafes and marketing displays;
- holiday shopping;
- fireworks sales;
- public squares;
- buskers and sidewalk artists; and
- street vending.

Toronto Animal Services

Toronto Animal Services promotes responsible pet ownership, encourages voluntary compliance with animal-related laws, and administers pet adoption and pet licensing. Toronto Animal Services enforces three by-laws/statutes and also provides:

- shelter, care and 24-hour emergency response for domestic animal and wildlife complaints;
- veterinarian care of stray animals, spay/neuter clinics, directing medical care for in care/custody animals;
- dangerous dog investigations; and
- investigation of animal noise.

The full list of by-laws and statutes enforced by MLS are contained in Attachment 1. This attachment also shows which unit is responsible for enforcement of each by-law, and which Committee the related issues are reported to.

Service Requests (Complaints) and Related Service Level Standards

Service standards refer to the target response times that MLS sets for the various work programs performed by the division. Key service standards exist for the following categories: private property, public property, business licensing, and animals. The directive from General Government and Licensing Committee to report on service standards was focused on *areas where a significant number of complaints are received*. The areas where service requests (SRs) are received and investigations are conducted are noted below, arranged by the three business units that performs enforcement activity. Current service standards and performance against those standards are also noted.

It is important to note that the MLS enforcement model also includes proactively initiated investigations in certain by-law areas which do not follow the same process as a customer service request via 311. Major areas where MLS conducts proactive investigations include RentSafeTO (Apartment Building Standards evaluations and audits), illegal cannabis storefronts, issues in restaurants and bars, and vehicles-for-hire (Taxis, Private Transportation Vehicle drivers).

Investigation Services

Table 1: Investigation Services (IS) Service Requests and Service Standards

Service Requests in 2018	% of Service Requests	# of Service Requests	Service Standard	Target Performance Level	Performance Against Standard
Property Standards	29%	15,689	Initial response in 5 days*	70%	52%
Noise	21%	11,305	Initial response in 5 days*	70%	47%
Waste (private properties)	14%	7,657	Initial response in 5 days*	70%	78%
Long Grass and Weeds	11%	6,105	Initial response in 5 days*	70%	85%
Zoning	10%	5,649	Initial response in 5 days*	70%	48%
Other	14%	7,738	Initial response in 5 days*	70%	61%
Total		54,143			

* excludes priority SRs with 24 hour response time for no heat in apartment building (property standards), abandoned appliances, and pool fence enclosures.

By-law Enforcement

Table 2: By-law Enforcement (BLE) Service Requests and Service Standards

Service Requests in 2018	% of Service Requests	# of Service Requests	Service Standard	Target Performance Level	Performance Against Standard
Parks	59%	17,606	First contact within 48 hours	90%	92%
Waste	26%	7,763	First contact within 48 hours	80%	79%
Business Licensing	15%	4,417	First contact within 48 hours	90%	51%
Total		29,786			

Toronto Animal Services

Table 3: Toronto Animal Services (TAS) Field Service Activities and Service Standards

Field Service Activities in 2018	% of Total Activities	Total # of Activities	Service Standard	Target Performance Level	Performance Against Standard
Emergency (e.g. pets and wildlife requiring immediate medical assistance)	24%	19,340	2 hours*	80%	81%
Stray Animals / Live Animal Pick Up	6%	4,697	5 hours	80%	93%
Priority (e.g. dangerous dogs)	10%	7,901	24 hours	85%	64%
Cadaver Pick-Up (dead wildlife/ domestic animals on public/private property)	33%	26,361	48 hours	90%	75%
By-law enforcement	27%	21,794	5 days	70%	43%
Total		78,342			

* in July 2019, this standard changed to 5 hours.

Priority Responses

MLS has priority response levels for some animal and property standards matters. Priority standards cover situations where persons or animals are - or could be - exposed to imminent health or safety issues that require a prompt response (between 5 and 24 hours). These situations are limited to animals in distress, no heat in an apartment, no pool fence enclosure, and abandoned appliances. Outside of these scenarios, MLS' by-law enforcement units are not formulated to provide an immediate response to service requests. The target first response times for all other service requests are currently between 2 to 5 business days.

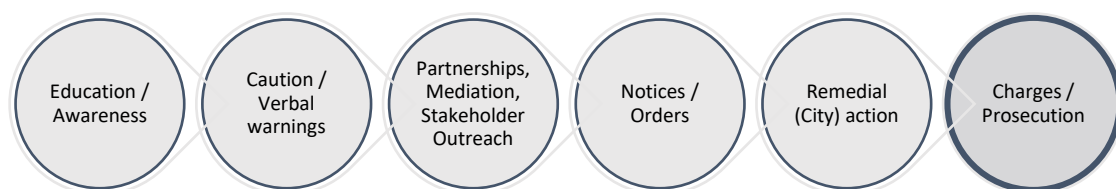
Enforcement and Compliance Considerations

Residents, properties, and businesses that are not in compliance with by-laws typically come to the City's attention through residents making a service request through 311 or through investigations by a MLS By-law Enforcement Officer (BEO). The goal of by-law enforcement investigations is resolution of the issue by bringing the particular matter

into compliance with the Toronto Municipal Code. Enforcement actions include a number of different measures that can be taken to ensure enforcement is reasonable, fair and balanced, and appropriate to the circumstances.

When making decisions about enforcement actions, officers consider the relevant legislation, what authority staff have to take that action, and what action is appropriate given the circumstances. Each by-law that MLS enforces is associated with enabling legislation that sets out the regulatory framework for enforcement. For example, the ability to issue *Orders to Comply* and to undertake remedial action is available for property standards violations, but not for other by-laws. Common enforcement tools that are used to achieve compliance are illustrated in Figure 1.

Figure 1: Tools to promote compliance and resolution



Strategies to Improve Compliance

MLS is implementing a number of strategies to improve customer experience, achieve effective compliance with by-laws, and transform and modernize service delivery. Each of these strategies and some examples of supporting projects are described in more detail below.

Staffing and recruitment

MLS has been undertaking recruitment on a regular basis in an effort to consistently fill vacancies that are created by retirements and normal turnover. This effort is necessary to ensure the division can fulfil service level obligations, and implement additional initiatives as directed by Council (e.g. vehicles-for-hire, cannabis). 25 new officers were hired and trained in 2018, and 37 new officers are being hired in 2019. MLS' goal is to ensure officer resources continue to be sufficient to provide service across the City.

Over the past two years, MLS has implemented significant adjustments to the shifts worked by By-law Enforcement Officers and Animal Care and Control Officers. These adjustments have increased city-wide coverage from 6 a.m. to 1 a.m. for by-law enforcement to ensure officers are available to respond to issues throughout the day and evening, when the highest volume of service requests are received. Toronto Animal Services maintains a supervisor on call after hours should emergency assistance be needed. These adjusted shifts have enabled more efficient use of resources, as well as the effective sharing of resources, such as fleet vehicles and modernized office spaces.

Staff training upgrades

In 2017, MLS created a team focused on workforce development and training in order to develop a comprehensive training program for by-law enforcement officers and other staff throughout the division. The onboarding training program has been overhauled, enhancing the quality and depth of training that new officers receive on issues such as documentation and note-taking, City by-laws, and customer service. MLS has also worked on improving existing staff training via issuing and/or updating almost 50 standard operating procedures for major service types. Improving officer training leads to more consistent enforcement efforts and actions, which should then lead to improved compliance outcomes.

Using resources more efficiently

Complaints regarding long grass and weeds are among the most common service request types received each summer. Chapter 489, Grass and Weeds, stipulates that the height of grass, weeds and vegetation on a property must not be any taller than 20 cm (8 inches). In recent years, MLS took steps to create efficiencies in the enforcement of this by-law by automating the process to issue an advisory letter to an address where there was a potential violation. The notice encourages voluntary compliance via education. While partly automated, this process still required officers to conduct an on-site inspection to check on the length of the grass after the letter was issued. In 2019, MLS introduced additional efficiencies into the enforcement program, through the deployment of summer students to check on progress. This initiative enables the re-allocation of officers and provides a focus on higher priority enforcement tasks. MLS is also using historical complaint data at the start of the season to proactively identify problem addresses or areas where violations are likely to occur, and address the issue earlier through education and outreach.

Specialized enforcement

A number of dedicated teams have recently been created to provide specialized expertise in certain policy areas, while also ensuring a consistent approach to enforcement across the city. Specialized teams have been created for the enforcement of vehicles-for-hire, cannabis, and RentSafeTO / Apartment Building Standards. A specialized noise team, described in more detail below, is presently being developed.

Stakeholder education

Education materials are an effective tool to promote by-law compliance, by broadening stakeholder awareness of relevant issues, thereby promoting voluntary compliance. In the past six months, MLS has promoted information relating to property standards (snow clearing, broken elevators, leaky ceiling), vehicles-for-hire, and pests on Twitter and YouTube. These types of communications can be useful to remind targeted stakeholders about seasonal obligations such as snow removal, and to communicate complex issues, particularly when there is an intersection of multiple municipal by-laws and provincial legislation. Communication and education tools to be promoted in 2019 include Apartment Building Standards, Heat in Apartments, communication of recently amended Noise By-law, and information regarding the new harmonized By-law for Sidewalk Cafes and Displays.

Mediation and dispute resolution

In 2018, MLS launched a community mediation pilot program in partnership with St. Stephen's Community House. Mediation is an effective and non-adversarial path to address civil issues that can arise between neighbours. These types of disputes, which are common with noise, fences, and right-of-entry issues, are more challenging and time-consuming to resolve through traditional enforcement channels. The mediation program enables MLS to prioritize more significant issues, and divert resources from neighbour-to-neighbour disputes and/or violations. Following the 1-year 2018/2019 pilot, MLS will evaluate the program and develop options for the future.

Partnerships

Toronto Animal Services (TAS) uses partnerships in a number of ways to meet enforcement objectives. Toronto Municipal Code, Chapter 349 provides for a maximum number of cats and dogs that can be kept in one dwelling unit. TAS responds to complaints about hoarding of animals; most often cats. Since hoarding disorder is recognized as a mental illness, charging under the by-law isn't always appropriate and the subject who owns the animals is almost never able to come into compliance without assistance. In these cases and with the animal owner's consent, TAS is able to work with a network of partners who each take as many animals as they can. Recently, TAS worked with twelve partners on one case to save and rehome a total of 347 cats.

Dog and cat licences are mandatory in Toronto under the same by-law. TAS leverages partnerships in communities to increase awareness and availability of pet licences. For example, a pet owner is able to obtain a licence for their dog or cat at some veterinarians and at the Toronto Humane Society. The Toronto Cat Rescue issues a pet licence to every Toronto resident who adopts a cat from their organization. The fees for these licences come back to the City.

Business transformation

MLS is collaborating with the City's Information and Technology division to modernize its three legacy application systems to a cloud solution for case management and customer relationship management. Over the next two to three years, MLS will move all of its business systems to a single cloud-based system. Modernization of the legacy systems will dramatically improve the customer experience, enhance efficiencies for staff by simplifying and automating processes, and enable collaboration, data exchange and integration across services.

A modern case management system will support MLS' focus on resolution of issues by enabling more detailed tracking on the outcome of each case, leading to analysis and targets/strategies for improvement of resolution rates.

MLS is also expanding its use of DataMart, which is an advanced data warehouse and business intelligence platform. This platform provides the division with access to dashboards and standardized reports. It also enables custom reports and extracts for deeper analysis and evidence-based decision making. This will help improve consistency and accuracy in reporting on performance measures and other metrics.

Collectively, these tools will help reduce the amount of staff time spend researching and organizing information; and enable more efficient data analysis from multiple sources. This will facilitate faster response times to service requests, make it easier to identify emerging trends based on performance, predict problem areas, and increase compliance.

By-law modernization

In 2015 MLS began a process to modernize the licensing and enforcement framework for licensed businesses. This process has involved identifying licence requirements within Chapter 545, Licensing that are obsolete, or determined no longer serve a municipal purpose. To-date, 12 licence classes have been deleted. Examples of deleted licence classes include sellers of horse meat; owners and drivers of horse-drawn vehicles used for sightseeing; and owners or keepers of trailer camps. This ongoing work helps reduce regulatory burden on businesses, and ensure the most efficient use of enforcement resources by prioritizing more relevant, current issues. The comprehensive review of Chapter 545 is ongoing. The next report on this initiative will be presented to the General Government and Licensing Committee in the fourth quarter 2019.

Service Standards Review

MLS is in the process of reviewing service standards and modernizing service delivery models to ensure that MLS can efficiently and effectively deliver on its mission, vision, and workload, as well as respond to feedback from Council, residents and other stakeholders. This work includes testing different approaches to delineating service types by different response strategies and/or investigation methods, as opposed to the current 'one-in-one-out' complaint-based approach. Different response times could be assigned to each of the response strategies and/or service types. Response strategies to be tested include:

- Priority response / on-site inspection
- Standard by-law investigation
- Automated education / warning letter
- Data-driven proactive / targeted enforcement
- No action (very minor offences) / referral to another agency/division

Changes to service standards and response strategies will be done in consultation with residents, staff, and stakeholders, and depend on successful implementation of several of the compliance strategies as described above. This work will be considered in the context of Council's stated priorities.

Two examples of how MLS has begun to test these new approaches are described in the following section.

Data-driven proactive, targeted enforcement for dogs-off-leash

While many by-law violations are readily apparent over a period of time, other infractions take place only at a small moment in time. The collection of evidence in

these instances - for example, dogs-off-leash - is challenging as it requires the officer to be at the right location and time to observe the infraction. The historical service standard for dogs-off-leash complaints was to respond and investigate within 48 hours. This emphasis on initial response times was reactive. More often than not, this approach did not help achieve compliance as the dog off leash was unlikely to be in the park two days after the complaint was made.

A new data-driven enforcement strategy for managing these complaints more efficiently is being rolled out in 2019. This approach leverages historical data and the use of "heat maps" to predict where and when violations may be occurring. It takes into account the volume of complaints at various locations and frequency of complaints - based on time-of-day, as well as day of the week - to identify locations where dog-off-leash infractions are most likely to occur. This information is then used to direct proactive enforcement efforts. In addition to dogs-off-leash, this data-driven approach is used for the enforcement of elements of Chapter 546, Licensing of Vehicles-for-Hire within that dedicated team.

Moving toward priority response for noise investigations

MLS is creating a dedicated noise investigation team to ensure the division is positioned to effectively respond to noise issues and achieve better enforcement outcomes. Noise is a significant issue and concern for residents across Toronto. It is consistently one of the top requests for service the division responds to, and staff heard from many stakeholders about a desire for improved enforcement. The dedicated noise team will consist of 24 officers, and will handle all noise service requests, with the exception of animal noise. The team will provide coverage seven days a week, from 6 a.m. to 2 a.m. starting on October 1, 2019, to align with the effective date of the updated Noise By-law that Council approved in April 2019. The team will be the first to adopt a new priority response model, with incoming service requests being assigned different priorities according to urgency, frequency and impact. The different priority levels will have different service standards for customers, which will help manage expectations while also ensuring officers are more responsive to higher priority issues.

Next Steps

The review of service standards, enforcement models, and modernization of service delivery will continue into 2020. Next steps include testing with staff and customers, and refinement of business processes to reflect new service delivery models. Following this review, any required adjustments to service levels will be brought forward through the budget process.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: By-laws Enforced by Municipal Licensing and Standards

Attachment 1: By-laws enforced by Municipal Licensing and Standards

By-law	Description	Unit(s) Responsible for Enforcement	Standing Committee
Chapter 313	Buskers and Sidewalk Artists	By-law Enforcement	General Government and Licensing
Chapter 349	Animals	Toronto Animal Services	Economic and Community Development
Chapter 354	Apartment Buildings	Investigation Services	Planning and Housing
Chapter 363, Article V	Right of Entry Permits, Building Construction/Demolition	Investigation Services	Planning and Housing
Chapter 395	Clothing Drop Boxes	Investigation Services	General Government and Licensing
Chapter 417	Dust	Investigation Services	Planning and Housing
Chapter 447	Fences	Investigation Services	Planning and Housing
Chapter 466	Fireworks (sale of)	By-law Enforcement	General Government and Licensing
Chapter 480	Garage Sales	Investigation Services	Planning and Housing
Chapter 485	Graffiti	Investigation Services	Planning and Housing
Chapter 489	Grass and Weeds	Investigation Services	Planning and Housing
Chapter 497	Heating	Investigation Services	Planning and Housing
Chapter 510	Holiday Shopping	By-law Enforcement	General Government and Licensing
Chapter 545	Licensing	By-law Enforcement	General Government and Licensing
Chapter 546	Licensing of Vehicles-For-Hire	By-law Enforcement	General Government and Licensing
Chapter 548	Littering and Dumping of Refuse	Investigation Services; By-law Enforcement	Planning and Housing
Chapter 591	Noise	By-law Enforcement; Investigation Services; Toronto Animal Services (barking)	Economic and Community Development

By-law	Description	Unit(s) Responsible for Enforcement	Standing Committee
Chapter 598	Numbering of Properties	Investigation Services	Planning and Housing
Chapter 608	Parks	By-law Enforcement	Infrastructure and Environment
Chapter 629	Property Standards	Investigation Services	Planning and Housing
Chapter 632	Property, Vacant or Hazardous	Investigation Services	Planning and Housing
Chapter 636	Public Squares	By-law Enforcement	Infrastructure and Environment
Chapter 659	Refrigerators and Other Appliances, Abandoned	Investigation Services	Planning and Housing
Chapter 693	Signs	Investigation Services; By-law Enforcement	Planning and Housing
Chapter 719	Snow and Ice Removal	Investigation Services	Infrastructure and Environment
Chapter 740	Street Vending	By-law Enforcement	Economic and Community Development
Chapter 742	Sidewalk Cafes, Parklets and Marketing Displays	By-law Enforcement	Economic and Community Development
Chapter 743	Streets and Sidewalks (street vending)	By-law Enforcement	General Government and Licensing
Chapter 832	Videotape Stores, Licensing	By-law Enforcement	General Government and Licensing
Chapter 835	Vital Services, Discontinuance of	Investigation Services	Planning and Housing
Chapter 841	Waste Collection, Commercial Properties	By-law Enforcement	Infrastructure and Environment
Chapter 844	Waste Collection, Residential Properties	By-law Enforcement	Infrastructure and Environment
By-law 569-2013	City-wide zoning by-law	Investigation Services	Planning and Housing
Multiple	All former zoning by-laws	Investigation Services	Planning and Housing
Provincial	Dog Owner Liability Act	Toronto Animal Services	Economic and Community Development

By-law	Description	Unit(s) Responsible for Enforcement	Standing Committee
Provincial	Cannabis Control Act	Investigation Services	General Government and Licensing