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## **2022 OPERATING BUDGET BRIEFING NOTE**

### **MLS Staffing Levels for General and Dedicated Enforcement Units, Performance indicators for RentSafeTO and Rapid Response Bylaw Enforcement**

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#### **Issue/Background – Enforcement Staff:**

- On January 19, 2022, Budget Committee requested a Briefing Note on the breakdown of the current number of staff in non-generalized enforcement units, and the budgeted staffing increases for those units (such as costs, number of staff, and timing of hiring).

#### **Key Points:**

- MLS has a staff complement of 272 enforcement officers. This includes 239 Bylaw Enforcement Officers (BEOs) and 33 Animal Control Officers (ACOs). The 2022 Budget has a net increase of 6 BEO positions, which are intended for the Short Term Rental (STR) team.
- Of the 272 BEOs:
  - 124 BEOs are part of the general enforcement units (enforcing issues related to property standards, business licensing, public spaces enforcement, zoning contravention etc.);
  - 115 BEOs are in dedicated enforcement units (such as RentSafeTO, Noise, Multi-Tenant Housing, Cannabis etc.); and
  - 33 ACOs in Toronto Animal Services are responsible for enforcement and mobile response efforts.
- Both Investigation Services and Bylaw Enforcement are comprised of general and dedicated enforcement units. Table 1 provides further details on approved complement and vacancies by service.
- Subject to budget approval, there will currently be 40 enforcement officer vacancies in MLS comprised of:
  - 26 existing vacancies including 24 BEOs and 2 ACOs;
  - 8 temporary enforcement officer roles to be filled; and
  - 6 net new enforcement officer positions recommended in the 2022 Operating Budget, that subject to Council approval will create a further 6 vacancies.

- Service level standards are established for the different services provided by MLS. Continued and increasing volumes of service requests affect MLS' ability to meet service levels, which is further challenged by current vacancies within the division.

**Filling Existing Vacancies:**

- A competition is underway to fill all of the enforcement officer vacancies, with an expected completion date of Q1 2022.
- Approximately 40 positions will be filled through the competition, including:
  - current enforcement officer vacancies (26),
  - planned net new roles included in the recommended budget (6), and
  - additional temporary staff to proactively help better manage usual turnover experienced in enforcement roles due to retirements and departures (8).
- Filling existing vacancies and approval of the new roles recommended in the 2022 Operating budget to meet program demands are important steps in helping to improve performance on service levels and meet new service challenges.
- BEO vacancies are typically filled through mass hiring efforts, usually twice per year. MLS is able to train new BEOs more efficiently through cohorts, as the training process is lengthy and complex due, in part, to the large number of bylaws and statutes enforced by MLS (over 30 different pieces of legislation).
- MLS is able to fill vacancies in both general and dedicated enforcement units through these mass hiring efforts by modifying certain training components.

**Table 1: Enforcement officer complement, vacancies, and budget**

Service Line and Unit	Shift Schedule	Approved Complement	Vacancies	2022 Budget (Salaries and Benefits)
<b>Investigation Services</b>				
<b>General Enforcement</b>				
East District	7 day coverage 8:30 am to 5:30 pm	17	3	2,120,000
Central District	7 day coverage 8:30 am to 5:30 pm	16	3	2,014,000
West District	7 day coverage 8:30 am to 5:30 pm	23	-	2,438,000
<b>Dedicated Enforcement</b>				
Cannabis	7 day coverage 8:30 am to 5:30 pm	5	1	636,000
Multi-Tenant Housing	7 day coverage 8:30 am to 5:30 pm	4	2	636,000
RentSafeTO	7 day coverage 8:30 am to 5:30 pm	26	2	2,968,000
Short-Term Rental	7 day coverage 8:30 am to 5:30 pm	3	-	318,000
Specialized Enforcement & Resolution	7 day coverage 8:30 am to 5:30 pm	9	-	954,000
Solid Waste Enforcement	7 day coverage 8:30 am to 5:30 pm	11	1	1,272,000
<b>Total Investigation Services</b>		<b>114</b>	<b>12</b>	<b>13,356,000</b>
<b>Bylaw Enforcement</b>				
<b>General Enforcement</b>				
East District	7 day coverage 7:00 am to 12:00 pm	18	2	2,120,000
Central District	7 day coverage 7:00 am to 12:00 pm	18	4	2,332,000
West District	7 day coverage 7:00 am to 12:00 pm	18	2	2,120,000
<b>Dedicated Enforcement</b>				
Adult Services	7 day coverage 7:00 am to 12:00 pm	8	-	848,000
Noise	7 day coverage 6:00 am to 2:00 am	21	3	2,544,000
Vehicle-for-Hire	7 day coverage 7:00 am to 12:00 pm	18	1	2,014,000
<b>Total Bylaw Enforcement</b>		<b>101</b>	<b>12</b>	<b>11,978,000</b>
<b>Toronto Animal Services</b>				
EMRU				
East	7 day coverage 6:00 am to 1:00 am	9	1	1,060,000
West	7 day coverage 6:00 am to 1:00 am	22	1	2,438,000
<b>Total Toronto Animal Services</b>		<b>31</b>	<b>2</b>	<b>3,498,000</b>
<b>Grand Total</b>		<b>246</b>	<b>26</b>	<b>28,832,000</b>

Note: 3% or 8 BEO temporary vacancies are part of the approved complement and are reflected in the 40 positions to be filled in the Spring of 2022. The 40 positions to be filled includes the 24 BEOs noted above, 2 ACOs, 6 net new (see below for STR) and 8 temporary roles.

Vacancy rates are experienced throughout the year at similar levels as those noted above.

**Net New Request in the 2022 Budget:**

- The 2022 Recommended Operating Budget includes 9 new positions within MLS to address various service demand and City priorities.
  - This includes \$0.699 million in added funding for net new positions supporting Short Term Rental enforcement, comprised of 6 new enforcement officers (BEOs) and 1 Supervisor position.

- This also includes \$0.154 million in added funding for 2 net new positions to support MLS' role in the CafeTO program and the program's move into permanent sidewalk cafes. This is comprised of 1 Support B and 1 Support C positions and will help the division as a whole meet the new challenges associated with sustaining the CafeTO program.

### **Issue/Background – RentSafeTO Performance:**

- On January 19, 2022, Budget Committee requested a Briefing Note on Performance indicators for RentSafeTO specifically including how many calls are received, how quickly they are responded to, how quickly a file is resolved, and how many charges and/or orders to comply have been issued.

### **Key Points:**

- The RentSafeTO program is the first of its kind in Canada and builds on the City's previous Multi-Residential Apartment Buildings program. The objectives of the program are to strengthen enforcement of City by-laws, enhance tenant engagement and access to information, and promote proactive maintenance in apartment buildings to prevent the deterioration of critical housing stock.
- The program applies to all apartment buildings with 3 or more storeys and 10 or more units; this accounts for 30% of Toronto's residents who live in approximately 3,500 apartment buildings across the city.

### **RentSafeTO Performance:**

- In 2021, the RentSafeTO program received 10,099 service requests (complaints), a 39% increase compared to the previous high of 7,229 service requests received in 2019. The volume of service requests has increased significantly in almost every service request category, but particularly in property standards and adequate heat. Additionally, zoning service requests increased as that was the category used to track enforcement of COVID-19 related bylaws.
- As RentSafeTO continues to increase its tenant outreach, it is anticipated that the volume of service requests will remain high as Toronto residents become more aware of the program, their rights and responsibilities as tenants, and their ability to contact the City when their landlord is not responsive to service requests.
- Despite the significant increase in service requests received, the average investigation response times remained close to previous years. On average, investigations were closed in fewer days year over year. The largest decrease in closure time was in property standards files, which were closed an average of 44% faster than in 2020. The number of days to respond to and close an investigation varies considerably, largely due to external factors.

- In addition to the record number of service requests, RentSafeTO staff completed 1,149 building evaluations, representing approximately one third of all apartment buildings in the program. The team also conducted seven audits on buildings that scored 50% or less in their 2020 evaluation. Every building evaluation involves one or two Bylaw Enforcement Officers and each building audit requires four officers, along with the Stakeholder Engagement Lead.
- In 2021, MLS issued a total of 656 Orders to Comply and Notices of Violation, and submitted 76 charges to the courts.
- The data tables below provide performance indicators for service requests, response/investigation time, and enforcement outcomes between 2017 and 2021.
- In the coming months, staff will be publishing an annual report with more detailed data analysis and program updates.

### Service Requests received by category

SERVICE REQUEST*	2017	2018	2019	2020	2021
Property Standards	4,391	5,085	5,372	4,046	7,061
Adequate Heat	959	1,039	1,061	758	934
Waste	503	578	530	363	512
Zoning **	131	128	125	491	1,482
Long Grass and Weeds	51	48	68	22	44
Graffiti	54	53	45	40	45
Fence	24	7	14	7	8
Appliance (Emergency)	4	3	14	24	13
<b>Total</b>	<b>6,117</b>	<b>6,941</b>	<b>7,229</b>	<b>5,751</b>	<b>10,099</b>

\* Note that this includes all service requests received through 3-1-1, phone, email, as well as staff initiated through building audits or evaluations. Non-emergency service requests were not recorded between the end of March and mid-July 2020 as a result of the COVID-19 pandemic. ML&S suspended non-emergency in-suite investigations between November 27, 2020 and April 6, 2021.

\*\* COVID-19 related Service Requests, such as mask mandates, are included in the Zoning category in 2021.

### Investigation Response Time

AVERAGE NUMBER OF DAYS BY CATEGORY	2017	2018	2019	2020	2021
Property Standards	7.7	12.7	7.6	3.4	6.5
Adequate Heat	1.5	2.5	3.3	1.5	1.5
Waste	2.7	10.2	7.5	4.6	2.6
Zoning	10.0	28.5	13.8	3.3	3.3
Long Grass and Weeds	2.4	19.0	4.6	2.6	2.2
<b>Average</b>	<b>4.9</b>	<b>14.6</b>	<b>7.4</b>	<b>3.1</b>	<b>3.2</b>

<b>MEDIAN NUMBER OF DAYS BY CATEGORY</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Property Standards	2.0	2.0	1.0	2.0	2.0
Adequate Heat	1.0	1.0	1.0	1.0	1.0
Waste	1.0	2.0	2.0	2.0	1.0
Zoning	3.0	3.0	2.0	1.0	1.0
Long Grass and Weeds	1.0	2.5	1.0	1.0	2.0
Average	1.6	2.1	1.4	1.4	1.4

**Total Investigation Time**

<b>AVERAGE NUMBER OF DAYS BY CATEGORY</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Property Standards	70	65	50	43	24
Adequate Heat	11	14	12	8	8
Waste	37	34	29	26	20
Zoning	70	104	55	13	9
Long Grass and Weeds	34	46	18	16	22
Average	44	53	33	21	17

<b>MEDIAN NUMBER OF DAYS BY CATEGORY</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Property Standards	35	29	24	16	13
Adequate Heat	4	4	4	3	3
Waste	21	13	11	9	9
Zoning	34	33	15	3	4
Long Grass and Weeds	21	14	9	14	12
Average	23	19	13	9	8

**Orders to Comply and Notices of Violation Issued (as a Result of Service Requests)**

<b>CATEGORY</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Property Standards (Order)	831	875	566	348	502
Waste (Notice)	107	122	82	33	61
Graffiti (Notice)	20	22	15	13	16
Long Grass (Notice)	9	21	19	5	9
Zoning (Notice)	13	17	15	11	62
Adequate Heat (Notice)	19	17	12	5	5
Fence (Notice)	8	1	1	-	1
Appliance (Notice)	-	-	1	1	-
<b>Total</b>	<b>1,007</b>	<b>1,075</b>	<b>711</b>	<b>416</b>	<b>656</b>

### Charges Submitted to the Courts

Part 1/3	2017	2018	2019	2020	2021
Part 1 (set fine)	13	114	94	20	26
Part 3 (summons)	36	88	42	52	50
Total	49	202	136	72	76

### Issue/Background – Rapid Response Outside Operating Hours:

- On October 1, 2021, City Council requested a Budget Briefing Note on the financial implications of implementing rapid response by-law enforcement outside of existing operating hours.
- Bylaw enforcement is not an emergency response service and there are only a few services that may be appropriate for a rapid response model. The following section responds to the request, outlining where rapid response is appropriate, and what the implications of expanding service outside existing operating hours would be.

### Key Points:

- Toronto Animal Services provides services from 6:00 a.m. – 1:00 a.m. daily, with a day shift (6:00 a.m. – 6:00 p.m.) and overlapping night shift (3:00 p.m. – 1:00 a.m.). This maximizes efficient use of staff resources by ensuring staff are scheduled during the busiest times of the day. In 2018, a review of after-hours service requests revealed that just 6% of all service requests were received between the hours of 1:00 a.m. and 6:00 a.m. Of these, only 0.5% were service requests for sick/injured animals requiring response within 2 hours. This analysis showed that the existing response model and operating hours for Toronto Animal Services was an efficient use of resources and thus no changes are recommended.
- MLS' current model already includes a 24 hour response service level standard to address emergency service requests in Investigation Services related to issues such as low/no heat, which represent a small percentage of total service requests. In order to maximize efficient use of staff resources, there are no changes recommended to this model as it already provides for response after hours. Filling vacancies is expected to help MLS improve performance on these existing service levels.
- Most other MLS service requests are considered "non-emergency," with service standards ranging from two to five days for initial response. The nature of the investigations for these service requests means they are not suited for an after-hours rapid response model, e.g. many require daytime inspections and/or meetings with property owners. Any improvement in performance and/or improvement to these existing service standards would need to be further analyzed and would significantly increase the required staffing levels.

- MLS' dedicated Noise Team responds to noise service requests using a priority response model. The current service standards for initial response to service requests in the Noise Program are 24 hours for Priority 1, 3 days for Priority 2 and 7 days for Priority 3 requests. Performance indicators show an 85% file closure rate and 85% of files meet the service standard response rate. Noise investigations may include both late night and day time in-suite measurement; the bylaw does not allow the noise team to immediately stop the noise event, but does require calculations of the noise to be made while the noise is occurring.
- An analysis was done of the existing 34,000 service requests for the last two years. Friday and Saturday nights generate 50% of all noise service requests from 8pm to 6am. Rapid response would be most beneficial in responding to late night service requests over the weekend – if implementing this model, a fourth shift would need to be added, which requires 8 Bylaw Enforcement Officers, 1 supervisor, and 1 assistant support staff for dispatch purposes, at an estimated full year annual cost of \$1.2 million.

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