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I am requesting a review and reform of Municipal Bylaw Enforcement policies, along with the establishment of an independent oversight committee—similar to those in place for police services.

This would help reduce neighbour disputes, prevent the misuse of bylaws, improve accessibility and equity, lower financial burdens, and ensure fairer treatment for future residents by addressing issues proactively.

1) Currently, Freedom of Information (FOI) requests come with cost-prohibitive fees for the average resident—including a \$5 minimum, \$7.50 per 15 minutes of staff time, and \$0.20 per page for photocopying.

Recommendations:

- Introduce a flat-rate FOI fee per bylaw complaint file (e.g., \$15 per complaint).
- Detail that the City will provide a cost estimate before proceeding any other requests.
- Mandate that bylaw officers disclose the full details of the complaint to the accused homeowner—without requiring an FOI request.
(Personal information of the complainant would still be withheld, as per privacy laws.)

This would reduce resident stress, increase transparency, and make accessing information more equitable.

2) Lack of Oversight in Municipal Bylaw Enforcement

Currently, bylaw enforcement operates as a fully self-contained department, with no external accountability—not even from the departmental commissioner. As a result, residents are left with no meaningful way to resolve concerns except through costly legal action or appealing to the provincial ombudsman. This lack of oversight is out of step with other systems: police departments have civilian oversight, and some municipalities have their own ombudsman.

This creates a system that lacks transparency, flexibility, and resident input and expertise.

Recommendations:

- **Establish an Independent Oversight Review Committee**

Create a resident-led committee to review bylaw enforcement practices, complaint statistics, and complex or non-standard orders.

The committee would:

- Identify recurring issues across the city.
- Recommend alternative enforcement or public education strategies.
- Suggest bylaw updates to improve accessibility, fairness, and outcomes.

Why This Matters:

Residents should not endure unnecessary stress or unfair treatment due to outdated or rigid procedures. Independent oversight would allow for proactive improvements that benefit residents, city staff, and overall public trust.

Examples:

- **City Animal Welfare:**

A committee could have flagged the concerning practice of the city automatically euthanizing injured wildlife that bylaw collects, identifying the need for partnerships with rescue organizations and Service Oshawa advising residents who they can contact to assist the injured animal. Residents deserve humane alternatives, not ultimatums.

- **Garden Exemption Process:**

Repeated confusion among bylaw officers about the garden exemption form could have been resolved earlier through oversight. Clearer application instructions and streamlined procedures would reduce resident stress and promote compliance.

In summary, an oversight committee would close existing gaps, provide resident-driven insight, and ensure accountability—bringing bylaw enforcement in line with other public-facing departments.

3) Issue of Complaint-Driven Bylaw Enforcement Leading to Inconsistency and Misuse

Municipal Bylaw Enforcement currently operates largely through a **complaint-driven model**, rather than a proactive or needs-based approach. This system creates significant inequities, allows for personal disputes to escalate through misuse of bylaw complaints, and can neglect serious issues that go unreported. Currently, the city

enforces the same standard on a street with regard to sidewalk clearing and parking enforcement in certain city areas.

Problems with Complaint-Driven Enforcement:

- **Inconsistency:** Enforcement depends on who gets reported—not on the severity or validity of violations.
- **Weaponization:** Residents may use bylaw complaints to harass or retaliate against neighbours in personal disputes.
- **Neglect of Safety Issues:** Serious or hazardous violations may persist if no one complains.
- **Erosion of Trust:** Residents lose faith in bylaw fairness when enforcement feels arbitrary or selective (as one resident is issued a violation order while neighbours with the same violation are not).
- **Negative Impact on Marginalized Groups:** Studies show that complaint-driven models can disproportionately harm vulnerable or minority communities.

Real-World Examples:

- A resident is forced to remove a boulevard garden due to a complaint, while identical gardens nearby are not required to be removed. Or a resident is required to pay \$125.00 to apply for an exemption when neighbours do not have this financial burden.
- A neighbour reports a parking issue but has their own boulevard parking violation ignored due to no complaint being filed.
- A personal dispute results in a complaint about hardscaping—then later is attempted to be withdrawn when the relationship improves, exposing the baselessness of the concern.
- Bylaw officers ignore visible safety/accessibility hazards on neighbouring properties during a complaint visit because those issues weren't reported.

Recommendation:

Implement a Proactive Enforcement Pilot Program

Launch a **pilot program** that shifts from individual targeting to **street-wide enforcement** of front-facing property issues complaints (e.g. boulevard gardens, parking, landscaping):

- **Uniform Enforcement:** When a complaint is made, all similar violations on the street are reviewed and addressed—not just the targeted property.
- **Discourage Harassment:** Complainants are less likely to file petty or personal complaints if they know all similar violations will be enforced. A resident may think twice about trying to target a neighbour when all neighbours on the street will be subjected to the same scrutiny.

- **Promote Equity:** No resident is held to a different standard than their neighbours.
- **Support Data-Driven Reform:** Broad enforcement can highlight outdated or overly strict bylaws, revealing when education or reform is needed.
- **Enhance Safety and Compliance:** Visible hazards or violations are addressed even if not formally reported.
- **Reduce Neighbour Conflict:** Residents feel less targeted, decreasing tension between neighbours and with the City.

Residents will be thoroughly educated about this changing policy and pilot program.

Why This Matters:

If a bylaw truly serves the public good, it should be applied **consistently**.

If a law feels unfair when applied broadly, it may signal the need for **policy reform**.

This pilot would be most effective when paired with an **Independent Oversight Review Committee** to analyze outcomes, recommend changes, and ensure accountability.

4) Issue of Improper Restriction of Residents' Rights to Submit Bylaw Complaints

Currently, Municipal Bylaw Enforcement has, in some cases, **discouraged or dismissed valid complaints from residents** on the grounds that the complainant themselves has a bylaw order issued against them for a similar issue. Residents are sometimes told that any complaints they file will be deemed “frivolous” and ignored.

This practice is deeply problematic. It effectively **removes a resident's right to equal treatment under the law**, punishing them for the mere fact that they were previously the subject of a complaint or currently have an order issued against them. This creates a chilling effect where residents may feel compelled to file complaints first—as a form of self-protection—rather than in good faith, further fuelling neighbour conflict.

Recommendation: Uphold Residents' Equal Right to Submit Complaints

- **Protect the Right to Report:**
Municipal Bylaw Enforcement must not restrict any resident's ability to submit valid bylaw complaints—regardless of their personal enforcement history.
- **Impartial Enforcement:**
If a complaint aligns with existing bylaws (pending any changes via an oversight review), it should be reviewed and acted on fairly and consistently.

Why This Matters:

No resident should be penalized or dismissed based on their identity, history, or past bylaw interactions. All residents deserve **equal protection, access, and voice** under municipal regulations. Ensuring this not only upholds fairness—it also reduces retaliatory behavior and restores trust in enforcement systems.

5) Lack of Transparency Around Exemption Fees in Municipal Bylaws

Currently, Municipal Bylaw Enforcement does not inform residents that certain bylaw exemptions require a fee, nor is this information clearly stated in the bylaws themselves. This lack of transparency creates confusion and unfairly burdens residents who are unaware of additional costs until late in the process.

Recommendations:

- **Staff Transparency:**
Require all City staff to clearly inform residents when an exemption includes a fee, and provide clear, step-by-step guidance on how to apply.
 - **Bylaw Clarity:**
Update all relevant bylaws to include a standard clause such as:
“Exemptions may require a fee; refer to the City’s Fee Schedule for details.”
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6) Lack of Transparency and Accessibility in the Bylaw Appeal Process

Currently, the appeal process for Municipal Bylaw Orders is not clearly communicated to residents, and the associated fee—approximately \$250—is cost-prohibitive for many. This creates a barrier to fair and equitable resolution, effectively discouraging legitimate appeals.

Recommendations:

- **Clear Communication:**
Require Bylaw Enforcement to provide written information outlining the appeal process, including timelines, steps, and costs.
- **Fee Reduction or Alternatives:**
Reduce the appeal fee to ensure accessibility for all residents, regardless of income.
Alternatively, offer a secondary review pathway—such as through an independent Oversight Committee—for cases where cost is a barrier.

A fair system must be transparent and accessible. The ability to appeal should not depend on one’s ability to pay.

7) Premature Resident Contact and Poor Enforcement Practices

Currently, Bylaw Enforcement officers often contact residents immediately after receiving a complaint—**before** fully investigating whether a violation exists. This causes unnecessary stress and can damage relationships between residents and the City. Strong bylaws require fair, informed, and respectful enforcement to be effective.

For example, while Toronto has progressive bylaws supporting biodiversity, poor enforcement and lack of public education have led to ongoing conflict and confusion.

Recommendations:

- **Specialized Training:**
Designate officers with specific expertise (e.g., plant identification, ecological landscaping, gardening methods) to investigate relevant complaints thoroughly.
- **Investigate First, Then Notify:**
Residents should only be contacted **after** an initial investigation confirms a potential bylaw violation. The resident would then be contacted to discuss the issue before an order is issued.
- **Educate Complainants:**
When no violation is found, send a response letter to the complainant explaining why the case is compliant. In appropriate cases, provide resources or steps for them to achieve similar outcomes (e.g., how to start their own compliant garden).

Better enforcement practices reduce unnecessary conflict, improve public trust, and support the intent behind the bylaws themselves.
