

Municipality of Lakeshore – Report to Council

Legal and Legislative Services

Bylaw Services



To: Mayor and Members of Council
From: Rob Sassine, Division Leader - By-law Services
Date: August 16, 2024
Subject: Additional By-law Compliance Officers

Recommendation

Approve Option #3, as presented at the September 10, 2024 Council meeting.

Strategic Objectives

This does not relate to a Strategic Objective however it is a core service of the Municipality.

Background

By-law Compliance Officers are tasked with enforcing the regulatory by-laws passed by Council. By-law Services is currently made up of a Division Leader, 1 Administrative Assistant, 2 full-time By-law Compliance Officers and 1 seasonal summer student. The normal working hours of the division are 8:30 AM to 4:30 PM from Monday to Friday. The work hours of the By-law Compliance Officers are governed by the collective agreement with CUPE which permits some scheduling flexibility (later start times, weekend shifts) from May to October. Scheduling outside of the normal work week or the flexible hours from May to October requires voluntary overtime. The division operates on a complaint basis since current staffing levels do not permit proactive enforcement initiatives.

At the July 9, 2024, meeting, Council approved the following resolution:

247-07-2024

“Direct Administration to bring back a report on adding evening and weekend By-law Compliance Officer(s). Have included in the report what a Friday, Saturday, and Sunday noon to midnight (3 x 12 hr shifts) from possibly May 1st to November 1st could look like; and that the report be brought back prior to the 2025 Budget deliberations.”

Comments

Recently, there has been a dramatic increase in the wait time from the receipt of a by-law complaint to the first site visit. Currently, the wait time is about six to seven weeks. A number of factors are contributing to the delay which are discussed below.

Currently, there are 138 complaints in the queue that are awaiting investigation. The number of by-law complaints has steadily increased year-over-year as illustrated in the table below.

By-law Enforcement Cases Closed

2020	2021	2022	2023	2024
306	440	682	816	1200 (est)

It has also become more difficult to obtain voluntary compliance. When by-law violators fail to comply with orders, it requires significant staff time to prepare the documentation that is necessary to support a prosecution. This includes taking extensive and detailed notes, obtaining photographic evidence and witness statements, arranging for contracted cleanup of properties, supervising cleanups, preparing Part 3 Informations and Summons, attending at the Ontario Court of Justice in Windsor before a Justice of the Peace to swear Informations and Summons, preparing a prosecution brief for the prosecutor and preparing disclosure for the charged party. In addition, many reattendances at the site are necessary to check for compliance during this process and before every court appearance.

Due to the large geographic size of the Municipality of Lakeshore, it often takes a By-law Compliance Officer over 2 hours to complete a single site visit when considering travel time. To promote efficiencies, attempts are made to schedule site visits to remote areas together. Additionally, each By-law Compliance Officer now has a remote printer in their vehicle so compliance orders can be printed and posted to properties during the same site visit.

There has also been a significant increase in the usage of municipal parks on weekends. Due to the volume of concerns around West Beach and the surrounding area, the Lakeshore O.P.P. has requested assistance from By-law Compliance Officers to address concerns such as parking, dogs off leash, and other nuisance concerns. Due to resourcing constraints, the Municipality has been unable to provide any assistance with this request.

For health and safety reasons, Administration does not recommend having a single By-law Compliance Officer work Friday, Saturday and Sunday nights alone. By-law Compliance Officers are in frequent contact with angry and unpredictable individuals. They are legally entitled to enter onto property and into buildings to check for compliance with municipal by-laws without the owner's consent (unless the building

is actually being used as a dwelling). This can lead to confrontations and the need to call for assistance, however, there are some areas of the municipality that have no or intermittent cellular connectivity.

For this reason, Administration recommends that By-law Compliance Officers who work the nightshift always work in pairs.

Option #1

Hire 2 Contract By-law Compliance Officers for the term of May 1st to October 31st.

Shifts

- From May 1st to October 31st, the By-law Compliance Officers would work Friday, Saturday, and Sunday 12:00 noon to 12:00 midnight.

Issues

- Article 3.07(b) of the CUPE Collective Agreement only allows for the use of Temporary Employees for up to 90 calendar days which would require a Memorandum of Understanding (MOU) with CUPE
- As 12-hour shifts are not currently occurring with CUPE, discussions would be required to discuss language in the current contract.
- An MOU may be needed to clarify items such as paid holidays, redefine overtime per shift, sick or vacation requests and the incorporation of additional break times.
- Difficult to attract and retain qualified individuals for short contract positions.
- Difficult to retain the same contract employee year after year, therefore new employees will require training every year.
- At least 90 days of internal training is required for a By-law Compliance Officer to work independently.
- PPE is specifically fitted to each By-law Compliance Officer and would be expensive to acquire for each new hire.

Option #2

Hire 2 Permanent By-law Compliance Officers.

Shifts

- From May 1st to October 31st, the By-law Compliance Officers would work Friday, Saturday, and Sunday 12:00 noon to 12:00 midnight.
- From November 1st to April 30th, these By-law Officers would work Monday to Friday from 12:00 noon to 8:00 PM.

Issues

- As noted previously, the 12-hour shifts are not in the current collective agreement with CUPE and would have to be discussed and may require an MOU.

- The proposed May 1st to October 31st shifts would require the agreement of CUPE.
- In keeping with Article 13.01a(iii) of the CUPE Collective Agreement, By-law Compliance Officers days and hours of work are limited to 7 consecutive hour shifts (excluding lunch) between 8:00 AM to 8:00 PM Monday to Friday from November 1st to April 30th.

Option #3

Hire 2 Permanent By-law Compliance Officers. Option #3 provides the By-law Compliance Officer coverage that is being requested by the Council resolution while adhering to the current CUPE contract. Option #3 will not require any consultation with CUPE as the proposed hours of work are currently found in the exiting contract. Having By-law Officers work 5 consecutive 8-hour shifts will also allow the flexibility for scheduling purposes for Court attendance, required training and other administrative duties.

Shifts

- From May 1st to October 31st, the By-law Compliance Officers would work Wednesday to Sunday from 4:00pm to 12:00 midnight.
- From November 1st to April 30th, the By-law Officers would work Monday to Friday from 12:00 noon to 8:00pm

Issues

- This option does not fully align with the direction in the Council Resolution for 12-hour shifts.

2023 Regional Staffing Level Comparators

Municipality	Staffing Levels	Population	Area (km2)	Cases Closed
Lakeshore	1 Division Leader 2 By-law Compliance Officers 1 Administrative Assistant	40,410	530	816
Leamington	1 Manager 5 By-law Enforcement Officers 1 Public Service staff	29,680	261	1,300 (approx.)

Amherstburg	1 Manager 2 By-law Enforcement Officers 1 Licensing Officer / A.A.	21,936	184	300 (approx.)
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Others Consulted

Manager of By-law Enforcement for other jurisdictions
O.P.P. Lakeshore Detachment

Financial Impacts

Option #1

The cost to cover salary is \$105,000 (2025 rate without pension and benefits)
 Vehicle Lease \$12,000 (recurring)
 Uniform \$2,500 (recurring)
 Bullet Proof Vest \$2,000 (bullet proof vests are custom fit for each Officer)
 Computer \$6,000 (one time cost)
 Training \$6,000 (recurring)

Option #2

The cost to cover salary and benefits is \$230,000 (2025 rate)
 Vehicle Lease \$12,000 (recurring)
 Uniform \$2,500 (recurring)
 Bullet Proof Vest \$2,000 (bullet proof vests are custom fit for each Officer)
 Computer \$6,000 (one time cost)
 Training \$6,000 (recurring)

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Report Approval Details

Document Title:	Additional By-law Compliance Officers.docx
Attachments:	
Final Approval Date:	Aug 27, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Rob Sassine

Submitted by Susan Hirota

Approved by the Corporate Leadership Team