

Subject: 2023 to 2026 Corporate By-law Review Work Plan

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**Report to Emergency Preparedness and Protective Services Committee on 15
June 2023**

and Council 28 June 2023

**Submitted on June 6, 2023 by Kim Ayotte, General Manager, Emergency and
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Ward: Citywide

REPORT RECOMMENDATION(S)

That the Emergency Preparedness and Protective Services Committee recommend that Council approve the 2023 to 2026 Corporate By-law Review Work Plan set out in Document 1 and described in this report.

EXECUTIVE SUMMARY

The 2023 to 2026 Corporate By-law Review Work Plan (work plan), attached as Document 1 and described in this report, sets out the proposed regulatory by-laws requiring review over the Term of Council (Term). Overall, the proposed work plan includes 35 by-law reviews and projects across multiple City departments. The reviews and projects for this Term have been selected based on a staff assessment taking into consideration Council-approved criteria, departmental priorities, and staff capacity to undertake the reviews.

The reviews include items that have been carried over from last Term and assessed as still being a priority, such as a review of the City's by-laws for special events, while others were directed by City Council, such as the review of the Idling Control By-law (2007-266). Some by-laws require reviews due to Provincial legislative amendments or timelines, such as the review of towing regulations, and the Sewer Use By-law (2003-514). Other projects reflect emerging issues such as the reviews of potential regulations

for vape product retailers and landscapers.

The recommended work plan includes a focus on modernizing municipal legislation and on business, with a proposed review and re-enactment of the City's Licensing By-law (2002-189) together with the comprehensive review of several individual regulatory regimes. These include food premises and snow plows, along with a concurrent review of the City's special events by-laws to incorporate the recommendations from the City Auditor General and Public Order Emergency Commission regarding demonstrations.

Assumption and analysis

The development of a corporate work plan for each Term is a key requirement of the City's [By-law Review Framework](#) (Framework) that was approved by Council on April 24, 2019. It ensures that the City's regulatory by-laws are reviewed by the appropriate department at least once every 10 years and that by-law reviews and projects are prioritized and planned strategically for the four-year Term. In developing the recommended work plan, staff evaluated 64 by-laws and 34 business licensing schedules.

The Public Policy Development Services branch within Emergency and Protectives Services coordinated the work plan development with support from six other departments. Once individual reviews are complete, the final reports will rise to the appropriate Standing Committees of Council based on which department owns the by-law review. Should Council direct that additional items be included in the work plan, it may be necessary to either add staff capacity or remove an item (through a motion) that is similar in scope and complexity.

Financial implications

There are no financial implications related to this report, as resources to undertake the work on the proposed work plan will be funded within existing budgets.

Public consultations/input

The work plan was informed by individual consultations with members of Council. Document 2 sets out a discussion guide that was provided to Councillors for the consultation phase of this project. Overall, input indicated a high degree of concurrence with the proposed work plan, as noted in the Consultation section of this report. An explanation of how staff incorporated Councillor feedback into the final work plan can be found in the Discussion Section of this report, along with the rationale for the reviews that staff do not recommend be added to the work plan.

BACKGROUND

Legislative history

The City's commitment to a standardized and transparent by-law review process for its regulatory by-laws was established when Council adopted the By-law Review Framework ([ACS2019-EPS-GEN-0003](#)) on April 24, 2019. The Framework incorporates a series of key principles and a standardized by-law review process to help guide staff in developing sound public policy and evidence-based decision making. The six-phase by-law review process provides staff with a roadmap to conduct by-law reviews while providing flexibility among each department to adapt the review process steps within each phase to the nature of each by-law or project. As staff undertake by-law reviews, they will:

1. Conduct scoping to identify preliminary key issues involved in the matter, including an assessment of the problems, concerns, developments, or other relevant issues with the area under examination. This phase includes scope-setting and identification of stakeholders.
2. Research and analyze the by-law and associated issues, including conducting a legislative history of the by-law and researching any applicable legislation and regulations at other levels of governments. Jurisdictional or environmental scans and benchmarking reviews can be undertaken to inform future work. A review of applicable technology and trends as well as any legal issues and impacting the subject matter may also occur at this stage as well as consideration of dependencies with other by-laws, departments, and external agencies. Development of draft options for regulations and non-regulatory measures is undertaken.
3. Conduct public and stakeholder engagement activities to consult on the by-law review in keeping with the City's Public Engagement Strategy and using the most appropriate methods. As part of this phase as well as phase four, staff will consider and apply key principles from the City's Women and Gender Equity Strategy, Equity and Inclusion Lens, Anti-Racism Strategy, and guiding plans such as the Official Plan and the Climate Change Master Plan.
4. Develop the recommended regulations, by-law amendments and other recommendations for non-regulatory measures based on evidence gathered in the previous phases of the review, including input and feedback from public consultations and stakeholder engagements. Once regulatory proposals are

developed following internal consultations with subject matter experts (including Legal Services and Finance and Corporate Services) staff will prepare the report and final recommendations in accordance with corporate processes including obtaining required internal approvals, preparing documents in both official languages, and using approved accessible formats.

5. Present to Committee and Council, including providing a preliminary briefing to members of Committee and Council as appropriate.
6. Follow through on any implementation requirements, such proceeding with formal by-law amendments and consolidations and developing any required set fine applications in accordance with provincial procedures. Staff will also develop any required communication products, stakeholder updates, educational material, and standard operating procedures related to the new or revised regulations. Relevant information pages on ottawa.ca are updated in both English and French.

By-law review purpose and timeline

The Framework requires that all existing regulatory by-laws be reviewed at least once every 10 years, if not sooner, to ensure that they are up to date and still meet Council's goals. In addition, the Framework provides that a corporate by-law review work plan must be produced for each Term of Council. This requires staff, in consultation with members of Council, to identify, prioritize, and schedule which regulatory by-laws require development or amendments each Term through an assessment based on a set of Council-approved criteria. The work plan allows staff to plan their work, holds all departments accountable to the Council-approved deliverables and timelines, and identifies the upcoming projects and engagement or consultation opportunities for residents and stakeholders. Once approved by Council, each department will be responsible for executing and reporting out on the results of their by-law reviews to their respective Standing Committee of Council or by other means, as appropriate.

Results of the 2019 to 2022 By-law Review Work Plan

On September 11, 2019, Council approved the first corporate by-law review work plan ([ACS2019-EPS-GEN-0009](#)). The COVID-19 pandemic impacted the legislative agenda of Standing Committees last Term of Council and affected staff's capacity to undertake or complete reviews as previously expected. As a result, several by-law reviews approved on the previous work plan have been carried over for consideration in the current Term, including the Clothing Donation Box By-law (2013-98), Special Events by-law reviews, Sewer Use By-law (2003-514), Sewer Connection By-law (2003-513), Use

and Care of Roads By-law (2003-498) and Signs on City Roads By-law (2003-520), and the development and launch of the by-law review web page on ottawa.ca.

Highlights of the 2019 to 2022 work plan include:

- The harmonization and modernization of the City's smoke-free by-laws with the enactment of the new Smoking and Vaping By-law (2019-241) to address smoking and vaping of tobacco, cannabis, and any other substances.
- The addition of two new business licensing categories in the City's Licensing By-law: Pay day loan establishments, to address the proliferation and location of payday loan establishments and to coincide with zoning-related amendments; and a new towing services licensing regime to address public safety and consumer protection concerns in this sector.
- The Rental Accommodations Study, followed by the enactment of the Rental Housing Property Management By-law (2020-255) and the Short-Term Rental By-law (2021-104). The rental housing property management regulations were designed to improve rental housing quality across the City by creating more accountability for landlords for the state of their rental properties, while being mindful to minimize any negative cost impacts on rental housing affordability. The Short-Term Rental By-law introduced a permit system and rules to mitigate community nuisances and protect housing inventory for long-term occupancies. Early results of the first year of implementation will be provided by the By-law and Regulatory Services branch through an update report in the fall of 2023.
- A new Vacant Property By-law (2022-197) was enacted in 2022, to hold property owners accountable for the state of their vacant buildings and lands, improve protections for heritage properties, and discourage long-term vacancies.
- The Municipal Trees and Natural Areas Protection By-law (and the Urban Tree Conservation By-law 2009-200) were replaced by the Tree Protection By-law (2020-340). Council approved the new Tree Protection By-law on January 29, 2020, and it came into effect on January 1, 2021. The new Tree Protection By-law reduced the diameter of trees protected on private property in the inner urban area and ensures that trees are being considered at the earliest phases of development for infill and larger developments. Planning Foresters and infill Forestry Inspectors are now better integrated into the Committee of Adjustment and Building Permit processes. It has more comprehensive requirements for tree reports that are submitted when tree permits are being requested. It has new tree

compensation requirements for when trees are permitted to be removed and clear tree protection requirements for enforcement.

Scope

The work plan addresses public-facing (regulatory) by-laws. Administrative by-laws and those with existing review processes, such as the Zoning By-law (2008-250), are not reflected on this work plan. These by-laws will continue to be reviewed and amended according to their distinct governance or administrative processes. However, the timing of these projects is taken into consideration where it may have an impact on or inform individual by-law reviews.

Regulatory by-laws that require minor or administrative amendments are not captured on the work plan. Departments may bring forward minor amendment reports to the appropriate Standing Committee of Council as needed to address minor updates or administrative corrections to their by-laws.

Work plan contributors

The Public Policy Development branch of the Emergency and Protective Services department coordinated the development of the proposed work plan with support from the following departments, which provided their recommendations for the regulatory by-law reviews within their purview:

- Emergency and Protective Services
- Finance and Corporate Services
- Infrastructure and Water Services
- Planning, Real Estate and Economic Development
- Public Works
- Recreation, Cultural and Facilities Services
- Transit Services

Criteria to identify by-laws that require review

The Council-approved assessment criteria to be used when prioritizing by-law reviews include:

- Committee or Council direction to staff to consider or require a review.
- Changes in legislation at the Provincial or Federal level requiring corresponding amendments to a by-law.
- Legal cases or challenges resulting in decisions that require changes to a by-law.
- Staff initiated or interdepartmental requests (multiple departments) identifying a need for potential amendments due to gap in the regulations, process changes,

new initiatives, program/service updates, technology improvements, or emerging issues in the regulatory environment.

- Community identified issues or concerns of significance, that could have an impact on an existing by-law.
- Enforcement issues arising after the by-law has been implemented, such as the need for new offences and penalties, gaps in regulation, or clarifications required to definitions or regulations.
- A significant number of complaints received associated with a specific by-law, where further analysis reveals that by-law amendments are required.

Process to develop the 2023 to 2026 work plan

In September 2022, all departments with regulatory by-laws completed an initial assessment of their regulatory by-laws and then prioritized the recommend reviews and projects for this Term of Council taking into consideration departmental priorities, operational requirements, potential timing for stakeholder outreach, and staff capacity to undertake the reviews. The result was a shortlist of by-law reviews from six departments that was approved by the Senior Leadership Team in December 2022 and then shared with Councillors in January 2023 for their input during the consultation phase of this project. Transit Services indicated that their regulatory by-law did not require review this Term of Council.

From February 24 to April 18, 2023, staff from the Public Policy Development branch met with all members of Council to consult on the proposed work plan. The purpose of consultation was to validate the staff-proposed recommendations and identify issues for consideration during the review, identify any gaps, and seek Councillor input on emerging issues in their wards which could potentially benefit from the analysis of regulatory solutions. A discussion guide was also shared to assist members of Council in their consideration of the proposed by-law reviews, found in Document 2. Councillors were invited to share and discuss the draft work plan with their constituents and other interested stakeholders.

Input from Councillors was considered and incorporated into the final proposed work plan (Document 1), where feasible. Issues and requests for work plan additions raised by the Councillors were documented and shared with relevant departments for awareness, consideration, and response.

DISCUSSION

The purpose of this report is to recommend the 2023 to 2026 Corporate By-law Review Work Plan. Document 1 contains a calendar of the proposed work plan including estimated reporting out dates and the department that is undertaking each by-law review.

The following sections of the report describe the work plan contents; how the consultation input from Councillors was incorporated into the final document; the reviews for which there is no capacity this Term; and the issues or requested reviews that staff do not recommend be added on the work plan.

Overview of 2023 to 2026 work plan

The work plan lists 35 by-law reviews or projects to be undertaken between 2023 and 2026. These reviews are recommended by the particular department having oversight of the by-law or matter in question, and consist of small, medium, and large reviews that may range from approximately six months to 18 months in duration. A description of each proposed by-law review or project can be found in Document 2.

The by-law reviews and projects set out in the work plan address the impacts of Provincial legislative changes on by-laws, action Council direction, align current by-laws with results of concurrent City initiatives and emerging community issues, or a combination of several of these factors, among others.

The following reviews are associated with Provincially-regulated timelines, expiration dates, or amendments to Provincial legislation which make a review necessary this Term of Council:

- Community Benefits Charge By-law (2022-307)
- Development Charges By-law (2019-156)
- Sewer Use By-law (2003-514)
- Status Update on Towing and Storage Regulations and Provincial Regime

The work plan includes reviews resulting from directions by Council and Standing Committees in the previous Term of Council:

- E-Scooters By-law (2020-174)
- Idling Control By-law (2007-266)

- Potential Regulations for Leaf Blowers and Small Two-Stroke Engines
- Snow Plow Contractor Licensing
- Use and Care of Roads By-law (2003-498)

The work plan includes reviews that align with other ongoing City initiatives, such that potential regulatory updates would be timely to address this Term of Council:

- Licensing By-law (2002-189)
- Private Approach By-law (2003-447)
- Residential Protective Plumbing By-law (2016-376)
- Right of Way Patio By-law (2017-92)
- Solid Waste Management By-law (2012-370)
- Special Events on City Streets By-law (2001-260)
- Special Events on Public and Private Property By-law (2013-232)
- Vehicle-For-Hire By-law (2016-272): planning and preliminary research begins and continues into next Term of Council
- Water By-law (2019-74)

The work plan includes reviews for which possible new or different regulations or regulatory approaches may address specific emerging community concerns, among other concerns:

- ATV, ORV and Snowmobile By-law (2019-421)
- Clothing Donation Box By-law (2013-98)
- Encroachments on City Highways By-law (2003-446)
- False Fire Alarm By-law
- Landscaper Regulatory Review
- Over-dimensional Vehicles on City Highways By-law (2003-497)
- Parks and Facilities By-law (2004-276)

- Potential Regulations for Vaping Product Retailers
- Sewer Connection By-law (2003-513)
- Signs on City Roads By-law (2003-520)
- Site Alteration By-law (2018-164)

The work plan further includes five business licensing schedules that have been identified as requiring specific reviews to address emerging business categories, potential gaps or duplication in regulations, or other issues. These licensing schedules will be reviewed individually prior to the review and enactment of a new Licensing By-law at the end of Term:

- Status Update on Towing and Storage Regulations and Provincial Regime
- Snow Plow Contractor Licensing
- Potential Regulations for Vaping Product Retailers
- Food Premises Licensing
- Body-Rub Parlour Licensing

The work plan also includes several status or update reports: the On-Demand Accessible Taxicab Service Study, a Status Update on Short-Term Rental Regime, and an Emergency and Protective Services Minor Amendments Report.

Overall, input received from members of Council on the proposed work plan indicated a high degree of concurrence with the proposed reviews and provided staff with insights on specific issues to consider or to address within those identified projects. Councillors also provided input on the timing of some reviews such as potential regulations for vaping product retailers and the Signs on City Roads By-law. Councillors also requested additions to the work plan such as the Vehicle-for-Hire By-law (2016-272), regulations for urban hens, and construction noise. Staff considered these requests against the work that is proposed to proceed this Term and staff capacity to add new items to the work plan. A summary of the consultation input is found in the Consultation section of this report and a summary of the by-laws that are not being recommended for review this Term is found in the Other by-laws not included in the work plan section of this report.

Adjustments to proposed work plan following consultations

Consultation input and specific requests for by-law reviews from Councillors or modifications to proposed reviews from departments were considered in the development of the draft work plan attached as Document 1:

Removal of the Tree Protection By-law review

The Tree Protection By-law was removed from the proposed work plan as the new Tree Protection By-law was approved by Council in 2020 and came into effect January 1, 2021. The Planning, Real Estate and Economic Development department will continue to closely monitor the implementation of the Tree Protection By-law. Any process changes or by-law amendments identified will be assessed to ensure the tree protection goals are being realized. Planning, Real Estate and Economic Development will be conducting a full review of the Tree Protection By-law during the next Term of Council as the focus for this Term will be on increasing canopy cover through the development of a tree planting strategy.

Inclusion of the new False Fire Alarm By-law

Ottawa Fire Services is developing a new strategy to reduce false fire alarms including the development of a new by-law. The new strategy is based on a review of comparator major cities from across Canada, best practices, and City of Ottawa requirements. False alarms may be caused by improper installation of the alarm system, an operational defect, poor maintenance, mishandling or any other negligence likely to interfere with its operation. This enhanced strategy and by-law will include fire prevention measures to reduce the growing number of false fire alarms, encourage property owners to maintain their systems, and increase the level of vigilance while also aiming to deter false multiple false alarms at commercial, institutional, and multi-residential properties.

The proposed False Fire Alarm By-law will include the recovery of partial costs associated with the unnecessary deployment of resources to offset staff and equipment costs. The *Municipal Act, 2001* and the *Ontario Fire Protection and Prevention Act 1997* provide the authority for municipalities to establish and collect user fees to recover costs. Fees may be implemented on second and subsequent false alarms. Although Ottawa Fire Services responds to false alarms at single family homes and townhouses, there will be no fees at these types of properties. The goals of the strategy are to encourage properly operated and maintained fire alarm systems in commercial, institutional, and multi-residential buildings as well as provide more fire prevention opportunities and more available resources to respond to emergency calls.

Timing of the Private Approach and Signs on City Roads by-laws

Staff note that the timing of the Private Approach By-law aligns with the re-enactment of the new Zoning By-law, expected to take place in the fourth quarter of 2025. The reporting out of the Signs on City Roads By-law is scheduled for the third quarter of 2026.

Addition of new Landscaper Regulatory Review and revised scope of the Snow Plow Contractor Licensing

The recommended review of snow plow contractor licensing is an item carried forward from the last Term of Council's work plan. This review will consider general administrative updates for this licensing category as well as possible requirements for the use of broadband back-up alarms, as directed by a Council motion. Input received during Councillor consultations reflected concerns around illegal dumping on the right of way and neighbouring properties, snow removal at night, and issues with shared laneways, which will be considered as part of this review.

Staff originally suggested that the scope of the snow plow contractor review could also consider landscaping activities, given that many licensed snow plow contractors are also landscapers during the summer months. Staff had identified concerns and complaints around landscaping services over the last several years, including driveway widenings contrary to City by-laws, dumping of materials on the roadway and neighbouring properties, and an overall concern about lack of knowledge of and compliance with City by-law requirements on the part of some contractors and of members of the public.

Input received during Councillor consultations largely supports the concerns and issues noted above and emphasizes the need for the City to develop robust educational materials for both the industry and for residents in order to encourage compliance with relevant City by-laws in this area and to mitigate neighbour complaints. Therefore, staff recommend that the review of landscaper regulations be added to the work plan as an independent standalone review. This will enable staff to apply more resources to examining these issues and will facilitate a more focused public consultation process. The amended work plan includes a separate snow plow contractor review and landscaper regulatory review. The timing of the landscaper review takes into consideration the development of the City's new Zoning By-law this Term, which may inform regulations around driveways and front yard landscaping or other relevant issues.

Addition of the planning phase for the future Vehicle-For-Hire By-law review

Several Councillors indicated a desire to have the Vehicle-For-Hire By-law reviewed fully this Term of Council. Staff assess that a comprehensive review would take up to 24 months as it will require consultation with all three vehicle-for-hire categories, may require public engagement, and require collaboration from multiple services and departments including the review of several operational and policy issues and alignment with the Transportation Master Plan. As a result, staff do not recommend that a full review be undertaken this Term of Council due to the lack of staff capacity to undertake a full review. It is noted that ongoing work has occurred on the Vehicle-For-Hire By-law since its enactment in 2016 to address various taxi-related issues, including amendments to insurance and other operational requirements. Emergency and Protective Services also expect to report on the results of the On-Demand Accessible Taxicab Service Study in the second quarter of 2023.

The Vehicle-For-Hire By-law is due for a full review in 2026 in accordance with Council's approved 10-year target for by-law reviews found in the [By-law Review Framework](#). Given Councillor interest in having this work begin as early as possible, staff have amended the proposed work plan to include a planning phase late this Term of Council that would launch the beginning of the Vehicle-For-Hire By-law review. This work would inform and lead to the actual review of the by-law next Term of Council and the reporting of results and recommendations as soon as possible next Term. The planning phase would identify stakeholders, issues and areas for research and review, the need for consultation and engagement, and internal and external resources that may be required to carry out the full review along with any associated budget pressures.

Comprehensive review of the Licensing By-law

The work plan includes a focus by Emergency and Protective Services on business licensing, which includes a comprehensive review and re-enactment of the City's Licensing By-law. The Licensing By-law has undergone numerous amendments since its initial enactment in 2002, including the addition of 35 individual licensing schedules for specific business categories. Preliminary work on this review began in the third quarter of 2021 to determine if updates, process improvements, and other efficiencies may be achieved in the business licensing processes. Due to the complexity and volume of work involved, the review has been divided into multiple phases that will result in individual staff reports for specific licensing schedules that were identified for a full policy review (such as food premises and snow plow contractors) followed by a final staff report to introduce an updated parent (main) by-law to be re-enacted with recommended updates for all licensing schedules.

This comprehensive review is necessary to ensure that the regulations and requirements for the City's various business licensing categories are modernized and updated, that concerns with specific schedules are addressed, and that emerging issues and business types are considered. This review will also ensure that the substantive regulations for businesses and the overall administrative provisions and processes for the licensing regime are still effective and meet Council's objectives. Both internal and external stakeholders will be engaged throughout the project, and the Public Policy Development branch will work in close collaboration with By-law and Regulatory Services as the review progresses.

In consultations with members of Council, staff heard that licensing processes can be difficult for businesses to navigate. The focus of this review will be on modernizing existing licensing regulations and requirements, eliminating duplication and inconsistencies within the by-law, exploring opportunities to reduce red-tape and administrative burdens, and leveraging technology. As part of this, the review will also consider non-regulatory issues regarding business licensing and how businesses can be supported and informed throughout both the initial application and license renewal processes.

Removal of the Pawnbroker and Second-Hand Goods Retailer review

This review was to include updates to the licensing regime for pawnbrokers and second-hand retailers with a view to modernizing processes around collection of information about pawned goods and reporting to police. The review was also monitoring the Province's repeal of the *Pawnbrokers Act*, which has not yet occurred. As a result of the addition of the new standalone review of landscaper regulations and addition of a planning phase for the Vehicle-For-Hire By-law review, staff will not have the capacity to undertake the above-noted work on pawnbrokers and second-hand goods retailers. Therefore, staff will continue to monitor the potential repeal of the *Pawnbrokers Act* and consider this review in next Term of Council.

New title for the Status Update on Towing and Storage Regulations and Provincial Regime

The title of this review was changed to the Status Update on Towing and Storage Regulations and Provincial Regime to reflect that this report will provide an update for Council on the Province of Ontario's regulatory regime for the towing sector and recommend any corresponding amendments to the City of Ottawa's towing services regulations. Staff from Emergency and Protective Services are consulting and working with Provincial staff on the new provincial towing regime, which is expected to be fully in force and province-wide in 2024. Given the overlap of regulated areas between the

provincial regime and the City's licensing requirements, staff are conducting a detailed analysis of both regimes to determine what amendments and repeals may be required, and what, if any, local regulations can stay in place following the implementation of the provincial regime.

Concurrent review of both Special Events by-laws

Work on a review of the City's Special Events on Public and Private Property By-law by Emergency and Protective Services began during the previous Term of Council. In addition to the issues raised in the previous Term, staff have identified a need to consider the impacts of the pandemic on Ottawa's festival and event sector, as well as recommendations from the City's Auditor General and the Public Order Emergency Commission regarding demonstrations. Councillors also raised issues such as street parties and food trucks and simplifying requirements for smaller community-based events. These issues will be considered as part of the by-law reviews.

To address this broad array of issues, staff recommend a comprehensive review of both the Special Events on Public and Private Property By-law (administered by Emergency and Protective Services department) and Special Events on City Streets By-law (administered by Public Works), and that these reviews be held concurrently. This will enable staff from both departments to coordinate stakeholder and public engagement, research and other activities more efficiently and will further provide the opportunity to consider a comprehensive and integrated solution to managing large gatherings.

By-laws or issues not recommended for review this Term

Staff received specific input from Councillors on the following issues for which staff are not recommending additions to the work plan for this Term of Council:

Construction noise

The issue of construction noise was raised by Councillors with significant infrastructure or housing projects in their ward. Input from Councillors has been shared with the Planning, Real Estate and Economic Development department.

This issue was last reviewed in 2017 when the City's Noise By-law (2017-255) was re-enacted and permitted hours of construction were addressed. Any further reviews for additional restrictions on construction noise are not recommended at this time. On March 20, 2023, Ottawa City Council endorsed a [Municipal Housing Pledge](#) encouraging construction of 151,000 new homes across Ottawa by 2031. Staff anticipate that construction will increase and further restrictions on hours of construction may lead to a negative effect on housing construction and infrastructure construction to

support this increase. Staff from Emergency and Protective Services will continue to monitor and address any noise complaints as they are received and communicate with other affected departments in the City as needed to resolve these matters. Given current staff capacity, staff assess that any review of by-law amendments to address construction noise would require the removal of an existing by-law review from the work plan, and may also require the assistance of external expertise depending on the issue that is being addressed.

Pest management

Some pest management issues related to property standards and property maintenance were raised during consultations in relation to rental properties specifically, and also generally with respect to bird seed, feeding wildlife or other items attracting rodents. Staff note that new measures to address pests were introduced in the last Term as follows:

- The Property Standards By-law (2013-416) was amended, effective 31 August 2021, to introduce new standards for pest control and prevention, including a prohibition against situations on site that may attract pests and cause infestations.
- The Rental Housing Property Management By-law, also in effect as of 31 August 2021, introduced integrated pest management practices and new accountabilities for both landlords and tenants around preventing infestations and reporting them when they do occur, and pest treatments.
- The new Vacant Property By-law introduced new performance standards and accountability for the owners of vacant buildings and lands, including for pest prevention and remediation. This by-law took effect on 01 November 2022, but owners were provided an additional 120-day window to obtain compliance. This means enforcement began on 01 March 2023.

Staff assess that the above measures provide the required legislative and enforcement tools to address pest issues when they occur. Additional time will enable staff to fully assess the impact of these new measures, adjust investigation and enforcement practices as needed, and determine what additional actions, if any, may be beneficial to addressing this problem. Staff will continue to monitor the progress of the above noted regulations and encourage all pest concerns to be reported promptly to the property owner and/or to ServiceOttawa (3-1-1).

Animal Care and Control By-law

Some animal-related concerns were raised by Councillors, such as cats roaming free outdoors, the creation of new dog parks or the enforcement of regulations in existing parks where dogs are prohibited or required to be on-leash, signage relating to dogs in parks, as well as concerns about the disposal of dog waste in parks. Staff assess that no additional regulations are required for the addition of dog parks, the designation of off-leash parks, or signage in parks, or enforcement of these areas. Issues raised that are operational in nature were shared with By-law and Regulatory Services and Public Works. The Animal Care and Control By-law (2003-77) is not recommended for review this Term of Council.

Urban hens

During the consultation phase, several Councillors shared their interest in either allowing hens (chickens) in urban neighbourhoods or including a by-law review on the work plan, with some Councillors supporting the idea of a pilot program for Ottawa.

Since 2018, the Zoning By-law has permitted hens in Rural Residential zones on lots that are a minimum of 0.8 hectares (two acres). The Zoning By-law continues to prohibit hen keeping in urban zones because the policies that support indoor and outdoor crop production in Ottawa's Official Plan do not permit raising livestock, such as hens, in urban areas and villages. As a result, temporary zoning would be required to permit a pilot program, and zoning and Official Plan amendments would be required for a permanent program in Ottawa.

Ottawa Public Health supports the prohibition of domestic fowl such as chickens in the urban and village areas of the City of Ottawa due to increasing concerns related to the rise of highly pathogenic avian influenza (HPAI), particularly influenza A(H5N1).

Ottawa Public Health further advises that in Canada, H5N1 is affecting wild birds, wild and domestic mammals (e.g., recently a dog in Ontario), and domestic flocks (including in Ottawa where H5N1 was confirmed in a domestic flock in 2022 and HPAI was found in a domestic flock in the neighbouring municipality of Prescott-Russell in 2022). Backyard flocks are at risk and if infected, would trigger a resource-intensive, inter-agency response for the management of infected birds and of human exposures and an urban setting would complicate management of this response. HPAI prevention guidance emphasizes biosecurity best management practices to prevent the introduction and spread of disease to domestic poultry, however such practices would be difficult to implement, maintain, supervise, and/or regulate in urban backyard settings.

Additional public health concerns include attracting vermin to residential areas and creating noise and odour issues related to manure and waste. Owners and their visitors may also become at increased risk for diseases other than HPAI such as salmonellosis, campylobacteriosis, and psittacosis. In terms of animal welfare, there are concerns that it may be difficult to obtain veterinary care for sick or injured hens (related to issues other than avian influenza) because of current strains on veterinary services in Ontario.

Staff caution that urban hens can attract vermin (rats) and predators (coyotes) – two issues that are already of concern in certain local communities. An increase in service requests may also result due to complaints regarding property standards, waste disposal, noise and odour, errant hens or those that need to be rehomed, and a plan for handling birds with medical issues, among other concerns.

Should Council direct a review to assess the feasibility of an urban hen program in Ottawa, Emergency and Protective Services and Planning, Real Estate and Economic Development departments would require additional capacity to undertake the required work. Staff assess that a comprehensive public consultation and research phase would be required to analyze the number of enforcement, public health, zoning, property standards, building code, fire safety and animal welfare concerns that exist, including the estimated financial implications that may be required for the initiation, maintenance, enforcement, and evaluation of any type of urban hen program or the launching and administration of a pilot program.

Given the current significant public health concerns about HPAI together with the resource requirement to conduct a comprehensive by-law review of the urban hen issue in comparison to the number of other required by-law reviews already requested for this Term of Council, Emergency and Protective Services does not recommend including the review of an urban hen program to the proposed work plan.

Landlord regulations

A number of Councillors expressed a desire for enhanced regulations for landlords, including a possible licensing regime, rental replacement by-law, and enhanced regulations around evictions. Staff note that these issues were considered as a component of the Rental Accommodations Study last Term of Council. This resulted in the introduction of the Rental Housing Property Management By-law and enhanced measures for integrated pest management, coming into effect on 31 August 2021. Early results indicate that these measures are having a positive impact but more time is required to fully assess the impact of these regulatory changes and determine if any

further changes to regulations, enforcement practices, or education and communications would be beneficial.

Staff further note that the Province is currently reviewing the *Residential Tenancies Act, 2006*, as well as the *Municipal Act, 2001* and *Planning Act* as they relate to rental replacement by-laws and the scope of municipal authority in these areas. Staff therefore recommend that the consideration of any additional by-law regulations for landlords be deferred to next Term of Council, after the Province has completed its work and staff have been able to assess the impacts of Bill 109 (*More Homes for Everyone Act, 2022*), Bill 23 (*More Homes Built Faster Act, 2022*), and Bill 97 (*Helping Homebuyers, Protecting Tenants Act, 2023*) and the impact of the measures introduced through the Rental Accommodations Study.

Surveillance cameras on residential property

A small number of Councillors reported resident concerns with the use of surveillance cameras on residential property, particularly by their neighbours. There are several Ontario municipalities that regulate surveillance camera use through fortification by-laws. These by-laws were originally intended to ensure the safety of law enforcement personnel and first responders responding to emergencies by ensuring unrestricted access to property, and to prevent or regulate the excessive use of protective elements on property, particularly with respect to gang-related “bunkers”. These by-laws typically prohibit excessive protective elements including perimeter warning devices, electric fencing, electrified windows, and surveillance systems that extend beyond the perimeter of the property.

Following a preliminary jurisdictional scan and engagement with staff from other municipalities that regulate excessive fortification measures, it appears that regulations for surveillance systems on private property are not effective in resolving neighbour complaints. Discussions with staff from other municipalities indicate these regulations have proven difficult to enforce since warrants may be required to confirm that a surveillance system is present on site, and to obtain footage to determine whether it is recording a neighbour’s property. As a result, it is very labour intensive for municipal by-law officers to investigate complaints. It is also difficult for municipal staff to ascertain whether there is a surveillance system on site or whether the surveillance system being complained about is recording beyond property limits. In addition, excessive use of fortification measures have not been identified as a concern in Ottawa to date.

As a result, staff do not recommend a review of regulations for either private surveillance systems or excessive fortifications. Staff currently do not have the capacity

to undertake a comprehensive review of this issue, and it appears that concerns have been primarily related to a small number of complaints involving neighbours. Staff are reluctant to interfere in these types of neighbour disputes given the difficulty in investigating them, and in some circumstances would prefer to refer the complainant to police services as appropriate. The City of Toronto has published a list of best practices on the use of security cameras on private property instead of enacting regulations to limit their use. Staff will continue to monitor this issue through the Term of Council and forward complaints to the police service as necessary. It is noted that surveillance systems used by commercial entities are federally regulated under the *Personal Information Protection and Electronic Documents Act*, which is overseen by the Office of the Privacy Commissioner of Canada.

Other by-laws not included in the work plan this Term

Of the 64 regulatory by-laws and 34 business licensing schedules evaluated by staff during the development of the proposed work plan, several were not recommended for review this Term of Council. The results of the evaluation can be summarized as follows:

By-law reviews limited by staff capacity

Staff identified several existing by-laws for which a review would be beneficial but could not be accommodated during this Term of Council due to available staff capacity. These by-law reviews have been assessed as less pressing than the recommended reviews based on public health or safety, consumer protection, nuisance or other immediate administrative or enforcement concerns. These by-laws and issues will be monitored and re-assessed for review should capacity emerge this Term of Council, or alternatively will be considered for review next Term:

1. Designated Spaces By-law (2007-478)
2. Temporary Signs on Private Property By-Law (2004-239)
3. Right of Entry By-law (2005-326)
4. Vendors on Highways By-Law (2005-358)
5. Fireworks By-law (2003-237)
6. Animal Care and Control By-Law (2003-77)

New by-laws

There are several new regulatory by-laws that were reviewed or enacted during the last Term of Council and that are not recommended for further review at this time. Examples include the new Rental Housing Property Management By-law, the Film By-law (2020-164), and Vacant Property By-law.

Older by-laws with no issues

There are 16 by-laws that have reached the 10-year mark for review established by Council, but for which staff have identified no need for a full review during this Term of Council. Examples include the Addressing By-law (2014-78) and the Pool Enclosure By-law (2013-39).

By-laws in need of minor amendments

There are several by-laws under the purview of Emergency and Protective Services department that are likely to require minor amendments but where a full review is not necessary during this Term of Council. Examples of minor amendments include updating titles of positions, departments, programs or services, reflecting changes in the names or technical requirements of legislation, correcting mistakes of a minor or administrative nature, or similar amendments that do not represent a change in policy and do not require public or stakeholder consultation. A minor amendments report is scheduled to be brought forward by Emergency and Protective Services in the third quarter of 2023. Additional minor amendment reports may also be brought forward by any department as required throughout the Term of Council.

Future additions and deletions to the approved work plan

Given the number of identified existing or new by-laws for which a review would be beneficial, staff have relied on the Council-approved review criteria and consultation input to assist in narrowing down the recommended reviews for the proposed work plan to meet staff capacity. This risk mitigation measure helped to ensure that the highest priority reviews are being brought forward on the work plan for this Term.

Once the work plan is approved, any new requests for reviews may require a motion to add new items and remove or delay existing reviews to ensure sufficient staff capacity. Departments are responsible for considering and addressing any capacity issues caused by the addition or removal of a planned review and addressing any concerns to the appropriate Committee and Council as required.

Implementation

Once the work plan is approved, each department will be responsible for conducting the by-law reviews in their purview and reporting the results to the appropriate Standing Committee of Council. The reporting out dates proposed for each review are based on the complexity of the review, the scope or level of effort, stakeholder availability, and any other key factors that may impact the projects. Each department will determine the most appropriate method to report on the results of their reviews. For example, this could include a Committee and Council report, a memorandum, or other type of communication approved by the General Manager.

By-law review web page

To maintain transparency and inform the public about City by-law reviews, the Framework includes the development of a by-law review web page on the City's web site. This project could not be completed last Term of Council due to lack of staff capacity and the disruption to the legislative agenda caused by the COVID-19 pandemic. Staff are now undertaking this work and are developing a web page on ottawa.ca that will provide a public-facing list of current and anticipated by-law reviews, including regular updates on their status. The web page will also provide links to public consultation information for each review, as appropriate, including key dates, related reports for the by-law review, and any another information relevant to the review including the results and amended or new by-law, if applicable. Staff expect that the development of the web page will continue in the third quarter of 2023 and will be launched by the first quarter of 2024.

FINANCIAL IMPLICATIONS

There are no financial implications related to this report, as resources to undertake the work on the proposed work plan will be funded within existing budgets.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

COMMENTS BY THE WARD COUNCILLOR(S)

There are no specific Ward Councillor comments associated with this report as the recommendations apply city-wide.

CONSULTATION

Emergency and Protective Services staff consulted with the Senior Leadership Team and members of Council on the development of the proposed work plan set out in Document 1. There were no public consultations associated with this report, as it is administrative in nature and the consultation feedback was in part informed by Councillors' engagement with constituents during the 2022 municipal election.

Between February 24 and April 18, 2023, staff from the Public Policy Development branch within Emergency and Protectives Services department met with all members of Council individually to review the draft work plan. The Public Policy Development Services branch sought to validate the recommended staff reviews, identify gaps, and seek Councillor input on issues of concern in their wards, and which could possibly benefit from the analysis of regulatory solutions.

Information on the proposed reviews including descriptions were provided to Councillors prior to the virtual and in-person sessions (see Document 2) and they were invited to share and discuss the draft work plan with their constituents and other interested stakeholders.

Public consultations for individual by-law reviews scheduled on the approved work plan will be conducted in accordance with the City's [Public Engagement Strategy](#) and best practices for by-law reviews and public notifications.

Summary of Councillor input

Overall, members of Council agreed with the contents of the proposed work plan for this Term of Council. In particular, input from members of Council reflected:

- Support for reviews addressing concerns about roadways or with parking, such as the Use and Care of Roads By-law, Private Approach By-law, and potential landscaper regulations. Councillors noted an interest in the review of community landscaping projects near or on the right-of-way and in parks, and little free libraries, among other issues. The increase of on-street parking was also noted by Councillors, citing concerns about growing congestion due to parked cars on the roadways.
- Support for a review of regulations around non-compliant driveway widenings, including how cases are investigated and enforced, the role of the homeowner and the landscaper, and information available to the public on applicable rules. Some Councillors also expressed similar concerns in relation to front-yard

parking issues overall. Some Councillors expressed the opinion that front-yard parking restrictions were too onerous and left residents with little or no space to accommodate their vehicles. One Councillor noted that the regulations were adequate but suggested that more education is required for homeowners and landscapers.

- A high degree of concurrence for reviews with implications or support for the City's climate resiliency goals, including the reviews relating to the Over-dimensional Vehicles on City Highways By-law (with respect to concerns around large transport trucks), potential regulations for leaf blowers and small two stroke engines, the Idling Control By-law, Sewer Use By-law, and Sewer Connection By-law.
- Support for a review of regulations for snow plow contractors, including issues related to night-time snow clearing in parking lots and other private property and dumping of snow.
- The importance of accessible taxi service and Councillors' interest in receiving the On-Demand Accessible Taxicab Service Study and an update on this matter.
- Some support for reviews that may address signage concerns related to election and directional signs.
- Interest in receiving a status report as well as the data on the rental housing related by-laws that were implemented last Term.
- Support from some Councillors for the review of potential licensing and regulations for vape retailers, noting a concern about vaping among youth. Some Councillors inquired about the City's ability to regulate or constrain the location and number of both cannabis retailers and vape retailers.
- Support among members of Council for the review and updating of regulations for clothing donation boxes to address issues of overflowing boxes, lack of clarity about the operator's charitable status or links to charities, and the placement of boxes in the right of way or at unauthorized locations. Councillors also supported staff's review of additional information and educational materials to promote textile diversion and to emphasize the re-use and thrifting of goods.
- Observations that there is a general lack of compliance with the Idling Control, Tree Protection, Animal Care and Control (dogs in parks), and Clothing Donation

Box by-laws and that more education for residents may be required. Councillors also shared concerns about perceived inconsistent enforcement practices and lack of enforcement capacity, particularly in relation to the Animal Care and Control By-law (dogs in parks) and non-compliant driveway widenings.

- With respect to the scope of the Licensing By-law review, Councillors noted the need for simplifying regulations and reducing the regulatory burden on businesses where possible, providing more education on application and regulatory requirements, and leveraging technology to streamline administrative processes, timelines and costs for both the licensees and for the City. Councillors generally agreed that the Licensing By-law required an update particularly to review new and emerging business types, and stressed the importance of comprehensive consultations as part of this project. Several Councillors asked that staff consider how licensed business provide services to and support special events, and whether process efficiencies could be found to ensure that both the businesses and the events are encouraged and supported.
- Interest in the outcomes of the Solid Waste Master Plan (Waste Plan) and subsequent Solid Waste Management By-law to address a variety of waste concerns in multi-unit residential dwellings, solid waste pick-up for large downtown buildings and dumping of household or dog waste in parks and other City owned property.
- The need to consider how regulations should incorporate or address rural infrastructure or rural lands (for example, Residential Protective Plumbing By-law and Sewer Connection By-law) and how regulations affect rural areas generally, noting that by-law reviewers should consider that the development and application of regulations in rural communities may be subject to different considerations and may not have the same cost implications for residents as they would in an urban or suburban setting. Specifically, it was recommended that the implications of potential leaf blower regulations and idling control regulations for rural communities will need special consideration and consultation.

All information, concerns and requests noted in consultations were shared by Emergency and Protective Services with relevant departments for awareness and response when warranted and for consideration of modifications to the work plan where possible, as described in the Discussion section of this report.

Requests from Councillors for work plan additions that were discussed in detail during consultations were evaluated for inclusion on the work plan by staff but ultimately staff recommended that these issues could either be addressed through existing regulations or by alternate means, or were not recommended for review this Term due to lack of staff capacity and the number of higher priority items on the work plan. These items included additional regulations for noise (loud vehicle and construction); regulations for surveillance systems on private residential properties; additional landlord regulations; a review of the Vehicle-for-Hire By-law; additional regulations for dogs off-leash in parks; regulations to prohibit stray cats, and the implementation of an urban hen program. The rationale for not including these topics on the final proposed work plan is explained in the Discussion section of this report.

The consultation process worked well. Councillors were engaged as was evident in their responsiveness to attend meetings and in the thoughtful and meaningful feedback that they provided to staff on the draft work plan.

ACCESSIBILITY IMPACTS

Staff are committed to ensuring that accessibility is considered during the development of each by-law review work plan, including during the assessment and scoping of the by-laws and projects to be included for review. Accessibility impacts will also be considered and reported by individual departments as they undertake their by-law reviews throughout this Term of Council, including consultation with the Accessibility Advisory Committee where appropriate.

All material to be developed for the public on ottawa.ca concerning the work plan and future by-law reviews will be compliant with the City's obligations under the legislation. In accordance with City policy, alternative formats and supports will be made available upon request.

DELEGATION OF AUTHORITY IMPLICATIONS

The Delegation of Authority By-law (2023-67), Schedule F, provide the General Manager of Emergency and Protective Services and the Manager, Public Policy Development with administrative authority to approve, amend, extend, and execute agreements related to the work of public policy development within certain conditions. The Manager of Public Policy Development Services branch did not exercise her delegated authority during the development of the work plan.

Public Policy Development reports annually to Emergency Preparedness and Protective Services Committee with the other service areas in Emergency and Protective Services. The last reporting was on March 30 via the Use of Delegated Authority in 2022 by Emergency and Protective Services.

CLIMATE IMPLICATIONS

There are no specific climate impacts associated with the recommendations in this report. Preliminary considerations of how climate change and resiliency can be addressed in the proposed by-law reviews has begun in some cases, such as the Licensing By-law review. The Climate Change and Resiliency Unit in the Planning, Real Estate and Economic Development department will be consulted on key issues, and climate change and resiliency implications will be considered and included accordingly by each department as a component of each individual by-law review undertaken under this work plan.

INDIGENOUS GENDER AND EQUITY IMPLICATIONS

Consideration of policy impacts on indigenous groups, women, equity-seeking and minority groups is foundational to the development of public policy at the City of Ottawa. The Equity and Inclusion Lens will be applied to the individual by-law reviews as they occur within the approved work plan. Staff will use inclusive methods and communication channels where possible during the public consultation and stakeholder engagement stages of review to ensure inclusion and participation of equity seeking groups including women, gender diverse people and indigenous people.

Staff in Public Policy Development Services will also seek to review and address the use of gender-neutral language in the City's by-laws during this Term of Council and implement best practices in this regard. Staff will consult with the office of Gender and Race Equity, Inclusion, Indigenous Relations, and Social Development Services to develop and advance, where feasible, new by-law drafting guidelines and practices in consultation with gender diverse communities. This work will be shared with other departments with the aim of updating language and ensuring future by-laws are drafted to be inclusive and respectful of all residents.

RISK MANAGEMENT IMPLICATIONS

There are some risk management implications associated with the recommendation of this report and those items have been addressed through the assessment and prioritization of the proposed items on the work plan as discussed in this report. Risk

management implications will be considered more specifically by each department as part of each individual by-law review undertaken under this work plan.

RURAL IMPLICATIONS

There are no specific rural implications associated with the recommendations of this report. However, departments will consider the varying needs of those living in different parts of the city when conducting by-law reviews. All rural Councillors were consulted during the development of the recommended work plan and any issues identified have been referred to the appropriate department for further consideration during each by-law review as it is undertaken under this work plan.

TERM OF COUNCIL PRIORITIES

This report's recommendation aligns with the 2019 to 2022 City Strategic Plan and Term of Council Priorities and more specifically the Thriving Communities priority to promote safety, culture, social and physical well-being for residents.

SUPPORTING DOCUMENTATION

Document 1: 2023 to 2026 Corporate By-law Review Work Plan

Document 2: Councillor Discussion Guide

DISPOSITION

Staff from each relevant department will implement the work plan as outlined in this report. Departments will report back to their respective Committees and Council on the results of individual by-law reviews and/or any revised completion and reporting timelines. Staff will develop a by-law review web page on ottawa.ca and post regular updates regarding the status of each review and public engagement opportunities.

Should a change to the reporting out timeline or by-law review itself be required, staff from the affected department will communicate to Council and update the review web page on ottawa.ca as required.