

**3. SANDY HILL – PROPERTY STANDARDS, WASTE AND OTHER MATTERS
CÔTE-DE-SABLE – NORMES SUR LES BIENS, DÉCHETS ET AUTRES
QUESTIONS**

COMMITTEE RECOMMENDATIONS

That Council:

- 1. Approve amendments to the Property Maintenance By-law (2005-208, as amended) and the Property Standards By-law (2013-416) as set out in Document 2 and described in this report, as part of a pilot project to commence upon enactment of the amendments and end on July 12, 2019, and direct staff to provide an evaluation of the results of this pilot project and any associated recommendations following the conclusion of the project;**
- 2. Delegate the authority to the Manager, By-law & Regulatory Services to finalize and make minor adjustments to the amending by-laws described in Recommendation 1 to give effect to the intent of Council for the duration of the pilot project;**
- 3. Approve that the Solid Waste Collection Design Guidelines will apply to all residential development within Area “A” shown on Document 1, as described in this report;**
- 4. Direct the General Manager, Public Works and Environmental Services to undertake a study to determine the means by which the number of waste and recycling containers stored and placed at curbside in Area “A”, shown on Document 1, can be minimized, with the results of the study and any associated recommendations to be submitted in the next term of Council;**

5. Direct Planning, Infrastructure and Economic Development staff to consider the issues identified in this report as part of their review of the R4 zone within Area A, Document 1, as outlined in this report.

RECOMMANDATION DU COMITÉ

Que le Conseil :

1. approuve les modifications au *Règlement sur l'entretien des propriétés (2005-208, dans sa version modifiée)* et au *Règlement sur les normes d'entretien des biens (2013-416)* figurant dans le Document 2 et décrites dans le présent rapport, dans le cadre d'un projet pilote qui entrera en vigueur dès l'adoption des modifications et se terminera le 12 juillet 2019 et demande au personnel de fournir une évaluation des résultats de ce projet pilote ainsi que toute recommandation associée une fois le projet terminé;
2. délègue au gestionnaire, Services des règlements municipaux, le pouvoir de finaliser les règlements modificatifs décrits dans la recommandation 1 et d'y apporter des modifications mineures afin d'être conforme à l'intention du Conseil pour la durée du projet pilote;
3. approuve le fait que les lignes directrices en matière de conception de la collecte des déchets solides s'appliqueront à tout aménagement résidentiel situé dans le secteur « A » indiqué dans le Document 1, comme décrit dans le présent rapport;
4. demande au directeur général, Direction générale des travaux publics et de l'environnement, d'entreprendre une étude afin de déterminer des moyens de diminuer le nombre de contenants de déchets et de recyclage entreposés et placés en bordure de rue dans le secteur « A », indiqué sur le Document 1, et de présenter les résultats de l'étude et toute recommandation associée lors du prochain mandat du Conseil;

5. **demande au personnel de la Direction générale de la planification, de l'infrastructure et du développement économique d'examiner les questions soulevées dans le présent rapport dans le cadre de son examen de la zone R4 située dans le secteur A, Document 1, comme indiqué dans le présent rapport.**

DOCUMENTATION/DOCUMENTATION

1. Councillor's report, dated 1 June 2017 (ACS2017-CCS-CPS-0004)

Rapport du Conseiller, daté le 1 juin 2017 (ACS2017-CCS-CPS-0004)

2. Extract of draft Minutes, Community and Protective Services Committee, 15 June 2017.

Extrait de l'ébauche du procès-verbal, Comité des services communautaires et de protection, le 15 juin 2017

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 24
28 JUNE 2017**

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**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
RAPPORT 24
LE 28 JUIN 2017**

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
15 June 2017 / 15 juin 2017**

**and Council
et au Conseil
28 June 2017 / 28 juin 2017**

**Submitted on June 6, 2017
Soumis le 6 juin 2017**

**Submitted by
Soumis par:
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Ward: RIDEAU-VANIER (12)

File Number: ACS2017-CCS-CPS-0004

**SUBJECT: SANDY HILL – PROPERTY STANDARDS, WASTE AND OTHER
MATTERS**

**OBJET: CÔTE-DE-SABLE – NORMES SUR LES BIENS, DÉCHETS ET AUTRES
QUESTIONS**

REPORT RECOMMENDATIONS

**That the Community and Protective Services Committee recommend that
Council:**

1. Approve amendments to the Property Maintenance By-law (2005-208, as amended) and the Property Standards By-law (2013-416) as set out in Document 2 and described in this report, as part of a pilot project to commence upon enactment of the amendments and end on July 12, 2019, and direct staff to provide an evaluation of the results of this pilot project and any associated recommendations following the conclusion of the project;
2. Delegate the authority to the Manager, By-law & Regulatory Services to finalize and make minor adjustments to the amending by-laws described in Recommendation 1 to give effect to the intent of Council for the duration of the pilot project;
3. Approve that the Solid Waste Collection Design Guidelines will apply to all residential development within Area “A” shown on Document 1, as described in this report;
4. Direct the General Manager, Public Works and Environmental Services to undertake a study to determine the means by which the number of waste and recycling containers stored and placed at curbside in Area “A”, shown on Document 1, can be minimized, with the results of the study and any associated recommendations to be submitted in the next term of Council;
5. Direct Planning, Infrastructure and Economic Development staff to consider the issues identified in this report as part of their review of the R4 zone within Area A, Document 1, as outlined in this report.

RECOMMANDATIONS DU RAPPORT

Le Comité des services communautaires et de protection recommande que le Conseil :

1. approuve les modifications au *Règlement sur l'entretien des propriétés* (2005-208, dans sa version modifiée) et au *Règlement sur les normes d'entretien des biens* (2013-416) figurant dans le Document 2 et décrites dans le présent rapport, dans le cadre d'un projet pilote qui entrera en vigueur dès l'adoption des modifications

et se terminera le 12 juillet 2019 et demande au personnel de fournir une évaluation des résultats de ce projet pilote ainsi que toute recommandation associée une fois le projet terminé;

2. délègue au gestionnaire, Services des règlements municipaux, le pouvoir de finaliser les règlements modificatifs décrits dans la recommandation 1 et d'y apporter des modifications mineures afin d'être conforme à l'intention du Conseil pour la durée du projet pilote;
3. approuve le fait que les lignes directrices en matière de conception de la collecte des déchets solides s'appliqueront à tout aménagement résidentiel situé dans le secteur « A » indiqué dans le Document 1, comme décrit dans le présent rapport;
4. demande au directeur général, Direction générale des travaux publics et de l'environnement, d'entreprendre une étude afin de déterminer des moyens de diminuer le nombre de contenants de déchets et de recyclage entreposés et placés en bordure de rue dans le secteur « A », indiqué sur le Document 1, et de présenter les résultats de l'étude et toute recommandation associée lors du prochain mandat du Conseil;
5. demande au personnel de la Direction générale de la planification, de l'infrastructure et du développement économique d'examiner les questions soulevées dans le présent rapport dans le cadre de son examen de la zone R4 située dans le secteur A, Document 1, comme indiqué dans le présent rapport.

EXECUTIVE SUMMARY

Sandy Hill is a dynamic community in immediate proximity to the University of Ottawa. The demands and changes to housing in this community have created challenges especially when related to the development of student rental units (bunkhouses), and waste storage on these properties.

These multi-unit, multi-bedroom builds have resulted in an increase in the accumulation of waste and debris. Proper storage of the amounts of accumulated waste, including the location and appropriateness of receptacles, were often not considered, and

appropriately-designed, and as a result, do not have the same requirements as typical apartment buildings.

As such, there has been an increase in service calls for property standards and property maintenance issues in Sandy Hill, specifically pertaining to waste storage and debris.

Through the Town and Gown Committee, discussions evolved related to growing solid waste and By-law issues in Sandy Hill. Community members and organizations were consulted on strategies to address these community concerns including a discussion paper that was circulated. Over forty people participated in the survey and provided supportive feedback to the proposed initiatives through the Councillor's office.

As such, amendments to the Property Standards and Property Maintenance By-laws for Sandy Hill are proposed as a pilot project and are intended to provide By-law & Regulatory Services with additional tools to enforce responsible waste management for these bunkhouses, and to expedite resolution rather than having repeated offenses and frequently unresolved issues.

SOMMAIRE

La Côte-de-Sable est une collectivité dynamique à proximité immédiate de l'Université d'Ottawa. Les exigences et les changements en matière de logement dans cette collectivité ont créé des défis, surtout en ce qui concerne l'aménagement des logements locatifs pour étudiants (dortoirs) et de l'entreposage des déchets sur ces propriétés.

Ces constructions à logements multiples et à plusieurs chambres ont entraîné une augmentation de l'accumulation des déchets et des débris. La plupart du temps, aucune mesure adéquate n'a été prévue pour l'entreposage approprié des déchets accumulés. Par conséquent, ces constructions n'ont pas les mêmes exigences que les immeubles d'habitation typiques.

On a donc observé une augmentation des appels de service pour les problèmes relatifs aux normes d'entretien des biens et à l'entretien des propriétés dans la Côte-de-Sable, plus particulièrement en ce qui a trait à l'entreposage des déchets et des débris.

Par l'entremise du comité mixte université-communauté, des discussions ont eu lieu sur l'accumulation des déchets solides et sur des questions de réglementation municipale

dans la Côte-de-Sable. Des membres et des organismes de la communauté ont été consultés en ce qui a trait à l'élaboration de stratégies visant à répondre à ces préoccupations communautaires, y compris un document de travail qui a été diffusé. Plus de 40 personnes ont participé au sondage et fourni des commentaires favorables sur les initiatives proposées par le Bureau du conseiller.

Ainsi, on propose d'apporter des modifications au *Règlement sur les normes d'entretien des biens* et au *Règlement sur l'entretien des propriétés* pour la Côte-de-Sable sous forme de projet pilote. Ces modifications visent à fournir aux Services des règlements municipaux des outils supplémentaires pour faire appliquer les règlements sur la gestion responsable des déchets dans ces dortoirs et pour accélérer le processus de résolution afin d'éviter les infractions répétées et les problèmes souvent non résolus.

BACKGROUND

Sandy Hill is a dynamic and diverse community that is cultivated by its immediate proximity to the University of Ottawa. While traditionally a historic family neighbourhood, the growing student population at the University since 2001, from 25,914 to 42,700 students has brought major challenges to this area from a community, and City services standpoint. Changes in the housing (low on-campus housing availability, investors market, low interest rates, and non-restrictive zoning) have created huge challenges for the residents, students and the City throughout the Sandy Hill area.

In 2012, the Town and Gown Committee was established to coordinate efforts between the residents, the students, the City of Ottawa, and the University of Ottawa to identify strategies to support and improve the community for everyone.

The Town and Gown Committee has made progress on many of the social and behavioural issues, while the City has been reviewing planning and zoning strategies. Initiatives like the Welcome Week Walkabout, the move in/move out strategy for students, the problematic landlord sessions, the University of Ottawa Campus Masterplan, the University of Ottawa Housing plan, the City of Ottawa zoning review

(conversions, Infill 1, Infill 2, Sandy Hill Heritage Study, and more recently, the Inventory Heritage Project and the R4 zoning review) have all helped to stabilize the mature neighbourhood that is Sandy Hill.

While there has been a reduction in some types of by-law complaints over the last several years, calls for service for property maintenance and property standards issues have been increasing, specifically pertaining to waste storage and debris on properties. Contributing to this growing issue is the conversion of buildings that were traditionally single family homes, to over sized dwelling units, commonly known as bunkhouses, which has resulted in an increase in the accumulation of waste and challenges related to waste storage, a phenomenon that would not be occurring if those bunkhouses had been built as true apartments with proper considerations for the storage of the amount of waste accumulated, including the location of waste receptacles, and the size and quality of bins.

Typically, the storage of garbage for a single family home is manageable, even in an urban setting, but when considering bunkhouses in Sandy Hill where the same physical lot size (and often build form) houses, in many cases, 20 bedrooms the standard garbage considerations are stretched beyond reason. Furthermore, excessive amounts of waste are put out on collection days, beyond the 6 bags per household outlined by the Waste Guidelines, which is an added cost for the City.

Based on the number of residents in bunkhouses, they would be better suited to have storage comparable to apartment buildings, where the City of Ottawa would pick up the waste and recycling via City containers based on weight. These bunkhouses, though often housing large numbers of people, are not considered proper apartments and, as a result, there is a significant increase in garbage, blue, green and black bins with limited space stored on these properties and added cost to the City for collection.

In many cases, these buildings have been compared to rooming houses, as they are multi-unit, multi-bedroom dwellings. In the case of rooming houses, the City of Ottawa has elected not to pick up waste generated by them, requiring the operators of these licensed properties to manage private pick up. As an alternative to City container collection, the private pick up option requires that the property owner manage the garbage and provide frequent collection so as to respect the regulations.

In our current state, By-law & Regulatory Services works diligently responding to the calls from the community, issuing Notices of Violation (NOVs) to property owners in violation of the existing property maintenance regulations. They are however met with limitations of an assigned time for service, and compliance periods, which frequently see a resolution as a result of the next waste collection day rather than modified behaviour, as intended.

Given the current state in Sandy Hill, the ideal solution would be to use legislative tools, through by-law amendments, to enforce responsible waste management for these bunkhouses.

Understanding the complexities that the community is facing is important to truly appreciate the need for appropriate waste solutions for bunkhouses, which will support the community to address the issues and find a resolution (not just the same issues temporarily resolved) that ensure that the City's goals and cost pressures, including waste and diversion targets, are supported. To be clear, the increase in costs is from multiple sources, including the large amount of waste collected, staff time enforcing solid waste guidelines and property garbage management infractions.

The proposed by-law amendments, for Sandy Hill, would allow for a coordinated and effective response, and therefore reduce the number of calls for service which would result in lowering the financial pressure onto the City operations.

While this report touches upon matters within the jurisdiction of Community and Protective Services Committee, Environment Committee and Planning Committee, it has been agreed through discussions with the Chairs of these Committees that it would be submitted to Community and Protective Services Committee for consideration.

DISCUSSION

Recommendation 1 – By-law Amendments

Property Maintenance By-law Issues:

The Property Maintenance By-law (By-law 2005-208, as amended) is enacted under the *Municipal Act, 2001*, and sets out minimum standards and related regulations to control

refuse and debris, the cleaning and clearing of land, and snow removal. These regulations apply only to the exterior of a property (not the interior) and may pertain to any part of the front, side or rear yards of the property as the case may be, and in the case of snow and ice removal, also apply to the roofs of buildings on the property. For purposes of this report, only the waste-related provisions of the by-law will be addressed.

The Property Maintenance By-law provides for Notices of Violation (NOV) to be issued to the owner or occupant of a property that does not comply with a standard or regulation in the by-law. This compliance mechanism functions as a “work order” of sorts to inform and advise the owner or occupant of the property that a deficiency exists and to provide the details of the particular area of non-compliance, and further, to provide a reasonable amount of time for the owner or occupant to rectify the deficiency. Should the required work not be completed within the time frame set out in the Notice, By-law & Regulatory Services (BLRS) may arrange for the work to be undertaken by one of the City’s approved contractors and the cost of the work will be borne by the owner of the property and the City may collect such costs by adding them to the property tax roll. In addition, non-compliance with a requirement of the By-law, including the requirement to comply with an NOV, may lead to charges under the By-law.

It is therefore necessary that the owner of a property be made aware of non-compliance with the By-law and be named in the Notice of Violation. In some cases, the owner may not reside on site and BLRS staff must undertake a property title search to determine with certainty the identity and address of the owner in question. It is also noted that where a property has a multi-residential unit, it is necessary for BLRS to determine who may be responsible for the situation of non-compliance that is occurring on the property, which may also add to the time required for investigation and eventual issuance of an NOV or the undertaking of any subsequent enforcement action.

Amendments to the By-law are therefore recommended, on a pilot basis, to assist BLRS to efficiently work with the owner or occupant of a property to bring about compliance, or failing compliance, to undertake required enforcement actions. These recommended amendments for the pilot are further set out in Document 2, and are as follows:

- a) To prescribe in Section 6 of the By-law pertaining to NOVs that the service of an NOV issued by registered mail is deemed to have occurred on the third day following mailing. This allows BLRS to impose a short but reasonable amount of time for the service aspect of an NOV on the owner (and occupant, as the case may be) and then to add on a reasonable amount of time for the owner to undertake the work required and set out in the NOV. Currently, the service time for the NOV by registered mail is not prescribed in the By-law. This amendment will apply to NOVs issued under this By-law City-wide and, if approved, would continue to exist after the end of the pilot, as it is reasonable and prudent to formalize the service period on a permanent basis.
- b) To prescribe in the By-law that certain property maintenance obligations in the By-law are applicable to both the owner and the occupant, where it is reasonable to do so. It is anticipated that clarifying those obligations for both the owner and the occupant of the company will make it easier for BLRS staff to hold both the owner and occupant accountable for these standards/regulations and will allow enforcement action to be taken against either, but notably the owner, in the event of continued non-compliance. Currently, the By-law does not specify that these obligations apply to both the owner and the occupant; it is therefore recommended that this be prescribed in respect of keeping outdoor receptacles on the property as specified in Document 2. This amendment will apply only to Sandy Hill.

Additionally, it is noted that BLRS staff has reviewed with Legal Services the possibility of posting a NOV on site on a non-compliant property. While posting on site is not a legal substitute for service of an NOV by either registered mail or in person, it is anticipated that the posting of an NOV on-site will serve as additional notice to both the owner (or the owner's agent who may visit the property regularly) and the occupant(s) of a property that an issue of non-compliance has been found on the property. It is proposed that such NOVs be posted on-site by authorized BLRS staff on the front door of the property or similarly visible location. Such action will not cause a privacy issue under the *Municipal Freedom of Information and Protection of Privacy Act* given that the Information and Privacy Commissioner of Ontario has found that orders and similar documents that relate to property standards and property maintenance, for the most part, only disclose information about the property itself rather than disclosing any

personal information about the owner or occupant. It is therefore recommended that BLRS undertake the posting of NOV on-site in the above-noted manner as matter of internal practice as part of the pilot, where feasible, in Sandy Hill only. It is also noted that the posting of the NOV may have the effect of providing a visual indication to neighbors and community members that a property maintenance issue has been noted and is in the process of being addressed by enforcement staff.

Finally, it is noted that the Property Maintenance By-law currently outlines provisions, applicable to residential areas, for the storage of receptacles, meaning solid metal or plastic containers for receiving garbage or refuse, such that they are to be stored in the rear yard, when space can accommodate them, or otherwise in the side yard, but not in the front yard unless otherwise provided in the By-law. These requirements do not however include containers for the storage of recyclable materials, such as blue and black boxes, and green bins, and there are no limits placed on the number of receptacles.

Given that the number and types of receptacles have contributed to the waste management issues in Sandy Hill as described in this report, it is proposed that the pilot include amendments to the By-law as follows:

- a) require that all outdoor receptacles for the storage and pick-up of waste and refuse, and of recyclable materials (“black box”, “blue box”) and compost (“green bin”) be stored in the rear yard, and, if not possible, in the side yard of the dwelling, and if that is not possible, in the front yard, provided that the receptacles are enclosed and not visible from the highway, with the exception of one (1) green bin which may be stored in the front yard, including on a porch;
- b) limit the number of outdoor receptacles to eight (8) but, where the number exceeds eight (8), they must be enclosed regardless of their location on the property;
- c) require that all outdoor receptacles not be visible from the highway, and be enclosed, as necessary, in accordance with municipal by-laws

The foregoing amendments may necessitate amendments to the Comprehensive Zoning By-law, which will be considered as part of Recommendation 5 of this report.

Property Standards By-law Issues:

The Property Standards By-law (By-law 2013-416) is enacted under the *Building Code Act, 1992*, and sets out minimum standards under which properties are maintained, including a number of provisions related to storage and management of waste on residential and non-residential properties. These regulations apply to both the exterior and interior of a property and may pertain to any part of the front, side or rear yards of the property as the case may be, and are identical to the provisions related to garbage disposal/storage set out in the Property Maintenance By-law, as described above.

For consistency therefore, it is necessary and proposed that the Property Standards By-law also be amended for the pilot in the same manner as described with respect to the Property Maintenance By-law, outlined above.

Similar to the circumstances with the Property Maintenance By-law, the foregoing amendments may necessitate amendments to the Comprehensive Zoning By-law, which will be considered as part of Recommendation 5 of this report.

Pilot Project:

To allow for appropriate evaluation and monitoring of the efficacy of the proposed by-law amendments, it is recommended that the amendments form a pilot project to commence upon enactment and end on July 12, 2019, following a two-year period. It is anticipated that the proposed pilot project undertaken in the Sandy Hill of Ward 12 (Rideau-Vanier), which was developed through extensive public consultation in the community, will inform potential recommendations and processes that could be applied in other areas of the City following an evaluation of the results.

Recommendation 2 – Drafting of the Amending By-law

This recommendation would provide staff sufficient authority to draft the amending by-law to include Council-approved changes and the details associated with them, consistent with the intent of Council. The completed by-laws would then be placed on a future Council agenda.

Recommendation 3 – Solid Waste Collection Design Guidelines

On August 31, 2016, Council enacted an amendment to the Site Plan Control By-law to extend site plan control to all types of residential development within the lands shown on Area “A” within Document 1 to this report. The amending by-law provided that for buildings that would not otherwise be subject to site plan control, the matters to be reviewed would include the matter of how waste was dealt with on the site.

The existing guideline document for site plan review in respect of solid waste matters is the Solid Waste Collection Design Guidelines for Multi-Unit Residential Development. While the guidelines currently apply to developments of six or more units, the Low Rise Multi-Unit Residential Buildings provisions could be applied to development or redevelopment within Sandy Hill, not subject to standard site plan review, in accordance with to the following exceptions:

- the guidelines would not apply to the construction of a new single detached dwelling;
- the guidelines would be applied on the assumption that bi-weekly garbage collection will be occurring, unless advised by the applicant that the applicant is proceeding with additional private collection;
- the requirement for an enclosure would only be mandatory where there are nine or more containers.

Development subject to full site plan review would continue to be evaluated on the basis of the entire guideline document.

Recommendation 4 – Direction – Number of Waste and Recycling Containers

As discussed under the background section of this report, many of the residential buildings in Sandy Hill are generating significant amounts of waste that lead to a significant increase in the number of garbage containers and blue and black bins that are stored on the property and placed at the curbside on collection days. As stated in the discussion sections under Property Maintenance and Property Standards By-laws, a mitigation measure that can be implemented now is to limit the visibility of these containers and to require that they be enclosed where there are more than eight.

Over the longer term, solutions such as requiring containerized pick-up or private collection may be appropriate. In order to consider what options may be available,

further study and analysis will be necessary. This report therefore provides a direction to staff to conduct such study and report back in the next term of Council.

Recommendation 5 – Review of R4 Zoning for Area A

The Planning, Infrastructure and Economic Development Department is presently engaged in a review of provisions of the R4 zone. Significant portions of the lands subject to this report and identified in Area A on Document 1 are zoned R4. In order to further address the concerns over waste generation and storage as identified in this report, a recommendation has been included for staff conducting the R4 review to take into consideration this report. This would include determining what measures could be taken to seek to ensure that the built form is not such as to encourage occupancy that generates significant amounts of waste and ensuring that allowances are made for the proper storage of waste and recycling on site. In respect of existing and new development, Planning staff are requested to determine if any modifications to performance standards are necessary and appropriate to permit the enclosure of waste and recycling on site.

It is noted that in addition to compliance with zoning requirements, any structure/building for enclosing garbage will have to comply with the Building Code.

RURAL IMPLICATIONS

The proposed pilot area includes only a portion of Ward 12, as shown in Document 1. Therefore, there are no rural implications.

CONSULTATION

Public and Stakeholder Consultation

Over a year ago, discussions began to evolve related to solid waste and by-law issues, within Sandy Hill, at the Community Association and the Town and Gown Committee.

Following these preliminary discussions, which were the result of ongoing and repeated complaints from the community, we hosted working group meetings with members of the community and City staff to discuss workable solutions to address the mounting concerns about property maintenance enforcement and compliance. The discussions

validated challenges faced by the Eastern Ontario Landlord Organization, the Community Association, the Town and Gown Committee members, and ACORN representatives, By-law & Regulatory Services, Solid Waste Inspectors and provided clear direction to the opportunity to address the issues of waste and debris through rules and regulation changes that would be specific to the Sandy Hill area.

A summary of the discussions was presented at the Town and Gown Committee where we received further insight to inform a complete summary of the goals of the proposed by-law changes.

To help members of the community and the City's efforts open this summary of these issues to the broader Sandy Hill community. As a result, a discussion paper was prepared (Document 3) that outlined the issues and highlighted themes of resolution which included changes to the Property Maintenance By-law and the Solid Waste Guidelines.

The discussion paper was used as a main document to inform the public.

The members of Sandy Hill were informed of the issue about the background, the proposal and were offered opportunity to comment via our office and by responding to an online survey which were all linked to the *discussion paper*.

The communications used to inform residents are the local newspaper Image, through the community association newsletter and via the Councillor's website. Including much coverage on the local television and radio stations including CTV Ottawa, Ottawa Citizen, and CBC Ottawa for general awareness.

Forty-three responses to the survey were received from Sandy Hill community members, including students, homeowners, business owners, with 71% in overall support for the approach highlighted in the discussion paper (issues and proposed approach for resolution).

Additionally, multiple communications on the subject were received via email and phone. Furthermore, consultations were undertaken with the Association of Community Organizations for Reform Now (ACORN), Action Sandy Hill, the Town and Gown Committee, the Eastern Ontario Landlords Organization, and City staff (including By-law

& Regulatory Services, Finance, Legal Services, Service Ottawa, Solid Waste Services) on the final approach to the proposed By-law changes.

Additional results from the survey can be found in Document 4.

The recommendations in this report cross the mandates of three Standing Committees of Council – Planning Committee, Environment Committee and Community and Protective Services Committee. In accordance with subsection 88 (1)(a) of the Procedure By-law, the Chairs of these Committees have determined that the Community and Protective Services will have carriage of this specific report.

Staff comments

By-law & Regulatory Services (BLRS) has concerns about the implementation of the recommended by-law amendments in terms of their enforceability in only one specified area of the city, as well as the staff time implications of posting notices on-site, which may represent some significant challenges. BLRS staff will however monitor the implementation of the new provisions and pilot, including tracking of Service Requests received, Notices of Violation and charges issued, etc., and report back accordingly following the end of the 2-year pilot project, on its efficacy and staff's ability to provide enforcement services. In terms of enforcement strategy, a public awareness and warning phase will be undertaken until August 25, 2017. After that date, Notices of Violation or Orders, and charges will be issued accordingly. Enforcement of the new provisions pertaining to Sandy Hill, if approved, will be conducted as resources permit.

Noteworthy in this regard however is that, due to the implementation of the new Vehicle-for-Hire By-law, the transfer of Service Requests from Ottawa Police to BLRS in 2016 and other similar circumstances contributing to BLRS' workload, current BLRS staff resources are such that the additional demand on enforcement created by this report will be extremely difficult to meet.

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendations in this report. Legal Services concurs that the ability to construct enclosures for garbage containers is subject to compliance with the Building Code and zoning by-law.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

The financial impact on the By-law & Regulatory Services Branch will be assessed over the course of the pilot project and any budget implications will be identified in the status report that is to be submitted to Council following the pilot and included in the 2020 Draft Operating Budget, as appropriate.

The proposed study, per Recommendation 4, will be funded within the Solid Waste Services budget.

ACCESSIBILITY IMPACTS

There are no direct impacts on persons with disabilities or older adults associated with the contents of this report.

TERM OF COUNCIL PRIORITIES

The recommendations of this report support the 2015-2018 Term of Council Priority of Healthy and Caring Communities (HC): Help all residents and visitors enjoy a good quality of life and a sense of community well-being by providing healthy, safe, secure, accessible and inclusive places and services.

SUPPORTING DOCUMENTATION

Document 1 – Sandy Hill Waste Area

Document 2 – Drafting Instructions – Proposed Amendments to the Property Maintenance By-law and the Property Standards By-law

Document 3 – Discussion Paper

Document 4 – Survey Results

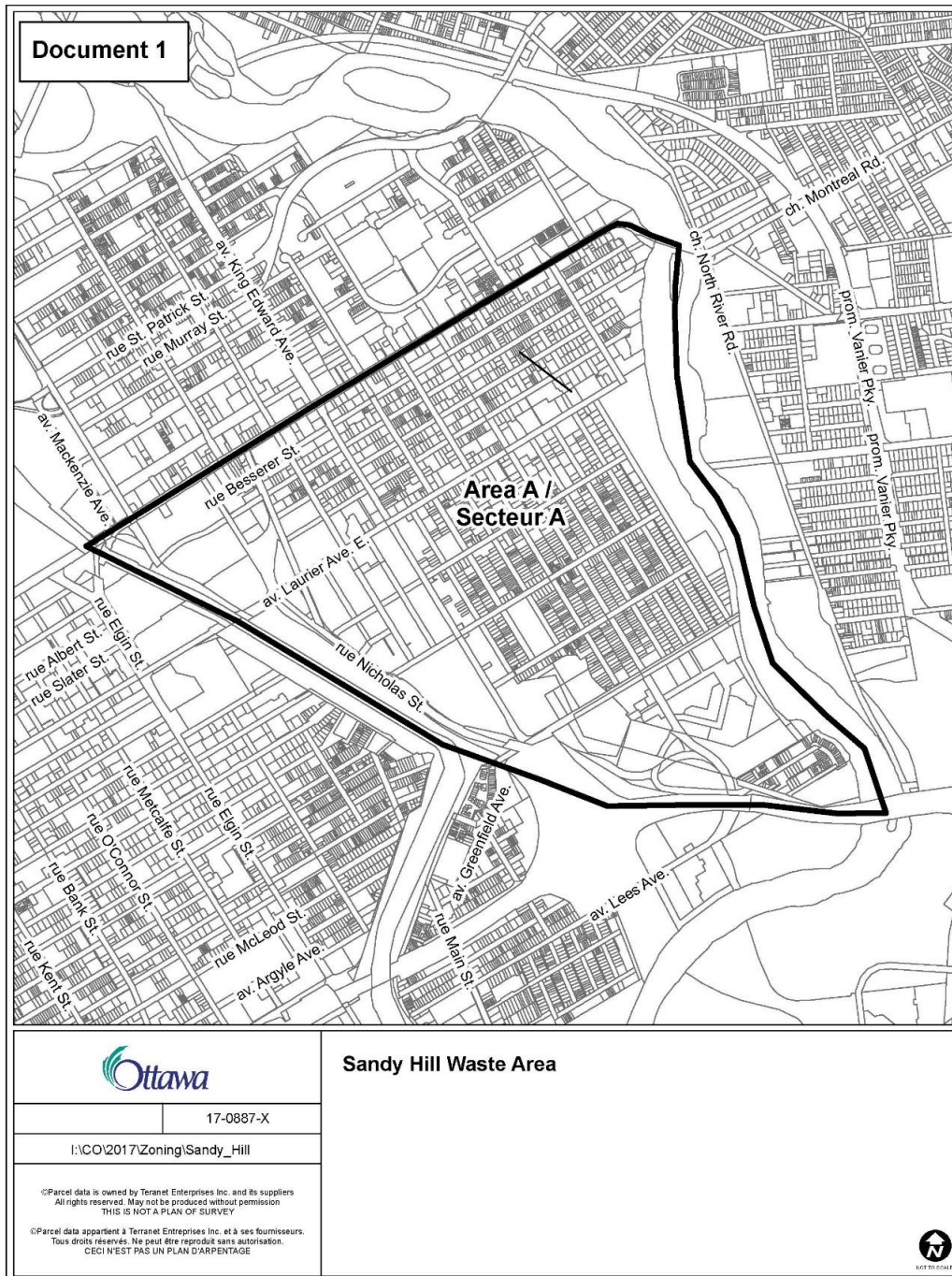
DISPOSITION

By-law & Regulatory Services Branch, in consultation with the City Clerk and Solicitor Department, will prepare the required by-law amendments, as approved by Council, for enactment.

Staff of By-law & Regulatory Services; the City Clerk and Solicitor Department; Planning, Infrastructure and Economic Development; and Public Works and Environmental Services will implement Council directions emanating from this report, as appropriate.

By-law & Regulatory Services will, following the end of the pilot project in 2019, report back on its efficacy, and on any associated resource and budget implications.

Sandy Hill Waste Area



Sandy Hill Waste Area

17-0887-X

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Drafting Instructions – Proposed Amendments

Property Maintenance By-law

Property Standards By-law

Property Maintenance By-law (2005-208, as amended)

1. Definitions

A. Amend Section 1 to add the following definitions:

- a) “occupant” means any person or persons over the age of eighteen (18) years in possession of the property;
- b) “owner” includes,
 - i. the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - ii. the lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property

B. For purposes of the Sandy Hill Waste Area (Document 1):

- a) “receptacle” means a solid metal or plastic container for receiving garbage or refuse, or recyclable materials, such as a blue or black box, or compostable materials, such as a green bin

2. Prescribing time for deemed service of Notice of Violation and Posting of Notice of Violation on site

A. Amend Section 6 to add a new subsection prescribing that a Notice of Violation issued by registered mail pursuant to subsection (1) is deemed to have been

received by recipient on third day following mailing. **(This amendment shall apply City-wide and shall not be subject to any repeal dates noted herein.)**

- B. Amend the by-law to add a new section/subsection prescribing that a Notice of Violation issued under Section 6(1) may be posted on site on the lands to which it relates but such posting shall not be a substitute for issuance of the Notice of Violation by registered mail or direct delivery, and that this amendment applies only to the area of Sandy Hill of Ward 12 (Rideau Vanier), as defined in the attached Schedule (Document 1 – Sandy Hill Waste Area)

3. Prescribing responsibility of owner or occupant for certain property maintenance obligations

- A. Amend the new sections of the by-law respecting requirements of the keeping of outdoor receptacles in the area of Sandy Hill of Ward 12 (Rideau Vanier), as defined in the attached Schedule (Document 1 – Sandy Hill Waste Area), to require that “the owner or occupant shall ensure that...” at the beginning of the new subsections

4. Prescribing storage and number of receptacles

- A. Add a new subsection in s.3A, applicable only to the area of Sandy Hill of Ward 12 (Rideau Vanier), as defined in the attached Schedule (Document 1 – Sandy Hill Waste Area), to:
 - a) require that all outdoor receptacles for the storage and pick-up of waste and refuse, and of recyclable materials (“black box”, “blue box”) and compost (“green bin”) be stored in the rear yard, and, if not possible, in the side yard of the dwelling, and if that is not possible, in the front yard, provided that the receptacles are enclosed and not visible from the highway, with the exception of one (1) green bin which may be stored in the front yard, including on a porch, and requiring that the receptacles not be adjacent to any combustible structure;

- b) limit the number of outdoor receptacles to eight (8) but, where the number exceeds eight (8), they must be enclosed regardless of their location on the property;
- c) require that all outdoor receptacles not be visible from the highway, and be enclosed, as necessary, in accordance with municipal by-laws

Property Standards By-law (2013-416)

5. Definitions

A. For purposes of Sandy Hill Waste Area (Document 1):

- a) “receptacle” means a solid metal or plastic container for receiving garbage or refuse, or recyclable materials, such as a blue or black box, or compostable materials, such as a green bin

6. Prescribing storage and number of receptacles

A. Add a new subsection in s.12, applicable to the area of Sandy Hill of Ward 12 (Rideau Vanier), as defined in the attached Schedule (Document 1 – Sandy Hill Waste Area), to:

- a) require that all outdoor receptacles for the storage and pick-up of waste and refuse, and of recyclable materials (“black box”, “blue box”) and compost (“green bin”) be stored in the rear yard, and, if not possible, in the side yard of the dwelling, and if that is not possible, in the front yard, provided that the receptacles are enclosed and not visible from the highway, with the exception of one (1) green bin which may be stored in the front yard, including on a porch, and requiring that the receptacles not be adjacent to any combustible structure;
- b) limit the number of outdoor receptacles to eight (8) but, where the number exceeds eight (8), they must be enclosed regardless of their location on the property;
- c) require that all outdoor receptacles not be visible from the highway, and be enclosed, as necessary, in accordance with municipal by-laws

- 7. Unless otherwise noted herein, these by-law amendments shall take effect upon enactment by Council and shall be repealed on July 12, 2019.**

DISCUSSION PAPER

PROPOSED UPDATES AND AMENDMENTS TO THE SOLID WASTE MANAGEMENT GUIDELINES AND PROPERTY MAINTENANCE BY-LAWS FOR SANDY HILL

Issue:

Over the last year or so, there has been an increase in calls for service for waste and property maintenance related issues in Sandy Hill. With an increasing number of multi-unit multi-bedroom dwellings being built, the excessive amount of stored and accumulated waste and debris has become a concern for residents, including but not limited to the location of waste receptacles, and the abundance and quality of bins. While By-Law and Regulatory Services can provide Notices of Violation (NOVs) to properties in violation of the existing Property Maintenance and Waste Management Guidelines, they are met with limitations of an assigned time for service, and compliance periods, which frequently see a resolution as a result of the next waste collection day rather than modified behaviour, as intended.

1. Property Maintenance

Background: NOVs are used to provide notice to owner/occupant that a property is not maintained in compliance with the by-law requirements; it provides a time period for owner/occupant to rectify any non-compliance. Failure to resolve a violation may lead to a charge.

City can complete work if non-compliance is not rectified and charge costs back to owner.

Potential Change/Amendment:

- Process issue - adding to the existing notification process by posting the NOV on site of non-compliant property (e.g. on front door) to give notice to the occupant(s) and the owner of the contravention of the by-law and the requirement for work to

remediate (contains specifics of contravention, work required to remediate, time frame in which to finish work and contact information for BLRS)

- o Note: Posting of NOV on site would be in addition to providing NOV by registered mail or personal service
- Potential By-law amendment - to deem receipt of NOV by recipient 3 days after mailing by registered mail
 - o Time for service of NOV incorporated into overall timeframe in which owner/occupant must remedy the non-compliance; specifying that time for service is 3 days may allow shortening

2. Offences

Background: Property maintenance obligations in the by-law are either specific to the owner or the occupant (e.g. removal of refuse or debris from property), or alternatively are silent as to application and therefore apply to the appropriate person in the circumstances such as the owner, occupant or person committing offence (e.g. keeping yard free of objects or conditions that create a health or accident hazard, or the obligation to keep outdoor receptacles inside or rear yard).

Potential Change/Amendment:

- Potential by-law amendment – to explicitly make owner and/or occupant responsible for certain offences under by-law:
 - o Removal of dead or diseased tree or limb – amend to specify that this is a responsibility of owner
 - o Yard kept free of objects or conditions creating health or accident hazard – amend to specify that this is a responsibility of owner or occupant
 - o Outdoor receptacles to be located in rear yard or side yard, not in front yard – amend to specify that this is a responsibility of owner or occupant
 - o Outdoor furniture to be in clean, neat and tidy condition, and to be in good repair – amend to specify that this is a responsibility of owner or occupant.

3. Waste Management Guidelines

Background: The existing Solid Waste Management Guidelines indicate that City collects waste for residential dwellings and multi-unit residential buildings (6 units or more) by curbside or multi-unit residential containerized pick up. Rooming houses and other corporations must schedule private collection services.

Potential Change/Amendment:

- Process issue- four unit, multi-bedroom units (colloquially “Bunker Houses”) being built in Sandy Hill are producing excessive amounts of waste for collection and create logistical storage issues.
- Potential Amendment -
 - Amend Solid Waste Guidelines definition to include “Bunker Houses”-multi-unit multi-bedroom (ex. more than 4) dwellings; similar to the requirements of a Rooming House.
 - Within Sandy Hill, all waste/recycling receptacles (garbage, blue and black) would be required to be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard
 - Identify a maximum number of waste receptacles stored on a property beyond which would require a large commercial or in-situ container
 - As mentioned in the Property Standards By-law, every receptacle shall be an acceptable container that is provided with a tight fitting cover and is free of damage
 - With respect to new buildings, the City would not pick up garbage from buildings beyond a set number of bedrooms, in Sandy Hill. (To be determined but could be for buildings with more than 6 bedrooms)

- Within Sandy Hill, where there are six or more bedrooms in one dwelling, or in a multi-residential, where the units have 4 or more bedrooms, waste/recycling would be required to be stored indoors for future planning approvals

Note: This discussion paper is intended to provide a structured dialogue to address community and City issues that current regulations have demonstrated to omit. This paper is an initial step in the consultation process and not as a staff or Councillor's report.

Next Steps:

Please provide your feedback on these proposed changes by responding to the online survey at <https://www.surveymonkey.com/r/FBDPPQN> before February 15th or by providing your comments to Emeline Sparks.

Councillor Fleury's office will finalize a report to Committee and Council, outlining recommendations to update the Waste Guidelines and Property Maintenance By-Laws for Sandy Hill, specifically. The report is expected to go forward to Community and Protective Services Committee, Environment Committee and Council in March 2017.

Questions:

Questions or concerns on this subject may be directed to Emeline.Sparks@ottawa.ca or 613-580-2424, ext 28881

SURVEY RESULTS

Over forty people responded to the online survey with over 90% favourable to the proposed amendments. Among the recommendations, 90% of respondents were in support of posting notices on the property, in addition to service by mail; and requiring rear yard storage of waste and recycling bins. Additionally, over 85% supported shortening the time for service to three days, creating a definition for “bunkhouses” and requiring indoor waste storage in new buildings with a specific number of bedrooms. Approximately 80% supported identifying the owner/occupant responsibility for certain offences, the identification of a maximum number of bins stored on a property and required private garbage collection for the new builds with a specific number of bedrooms.