

MINIMUM STANDARDS OF MAINTENANCE BYLAW ENFORCEMENT OPTIONS

SUBJECT	City of Port Moody Minimum Standards of Maintenance Bylaw Enforcement Options
TO	Liam McLellan, City of Port Moody
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Current Port Moody Context

The content provided is based on current published bylaws located on the City of Port Moody webpage.

Business Licensing Bylaw

The Business Licensing Bylaw (BL3000-C) provides definitions and regulations for Market Rental Apartments.

Dwelling Unit means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more persons and containing cooking, eating, living, sleeping, and sanitary facilities.

Licence Inspector means a person appointed from time to time by the City as a Licence Inspector for the City, or his/her designate.

Market Rental Apartment means a Multi-Residential Building that consists of five (5) or more rental dwelling units where rental costs are based on current market prices.

Multi-Residential means a residential use where the building consists of two (2) or more dwelling units, including semi-detached, triplex, quadruplex, townhouse, and apartment forms.

Residential Tenancy Act means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their tenants.

Tenant refers to a person or persons who has the right of exclusive possession of a dwelling unit.

Tenancy Agreement means an agreement, whether written or oral, express or implied, between a landlord and tenant respecting possession of a rental unit, use of common areas, and services and facilities.

SEC 6.13 MARKET RENTAL APARTMENTS

- May not terminate tenancy due to renovation or repair until all permits approved and entered a new tenancy agreement with no rent increase (other than “additional rent increase” under RTA) and planned for temporary accommodation.
- Exemptions may be made if the Market Rental Apartment must be vacated for safety reasons during renovation or repair, or there are insufficient vacant suites in the unit for tenant relocation and the need to vacate for safety.

OFFENCES AND PENALTY

- Fine or penalty not exceeding \$2000 or imprisonment not exceeding 60 days.

Graffiti Bylaw

The Port Moody Graffiti Bylaw (BL2524) uses the authority from Section 725 of the *Local Government Act* to “prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly; and effect compliance at the expense of any person who has failed to comply with the Bylaw.”

Offenses include placing Graffiti on walls, fences, buildings, or other structures on real property and adjacent to a street or public place.

The bylaw defines Graffiti are letters, symbols, or marks on any structure, not including accidental arks.

ENFORCEMENT

- City may enter property and remove Graffiti after 15 days of notice to owner by mail or posting a notice on the property.



- Cost recovery via taxes payable for real property.
- Fine not less than \$100 and not more than \$1000 for each offense. Each day is a new offense.

Municipal Ticket Information Authorization Bylaw

The Port Moody Municipal Ticket Information Authorization Bylaw (BL3218-C) regulates fine amount for bylaw infractions. As well as designates Bylaw Enforcement Officers for each category of infraction.

DESIGNATED BYLAW ENFORCEMENT OFFICERS

- Business Licensing Regulations Bylaw – Bylaw Enforcement Officer
- Graffiti Bylaw – Bylaw Enforcement Officer, Port Moody Police
- Unsightly Premises Bylaw – Bylaw Enforcement Officer, Port Moody Police

FEES

- No Business Licence or not posted – \$100
- Eviction without permits – \$500
- Eviction without tenant relocation – \$500
- Failure to secure a vacant building – \$250
- Graffiti on property – first offense \$500, second offense \$1000
- Failure to maintain property free of graffiti – \$250

Unsightly Premises Bylaw

The Port Moody Unsightly Premises Bylaw (BL1488-C) provides rules for property tidiness.

Offenses are described as “allow[ing] a property to become or remain untidy or unsightly... with a reasonable standard of maintenance prevailing in the neighborhood”. Specifically including overgrown with brush, noxious weeds, infested with caterpillars or other insects, discarded materials, graffiti, or rubbish.

An order to comply can be sent by mail or by posting on the property. Fines are not more than \$500. Each day is a separate offense.



MSM Bylaw Enforcement Options

The information presented in the table comes from the Municipal Scan: Minimum Standards of Maintenance Bylaws (December 2023) as well as from the Government of BC website.

Table 1 Enforcement Measures Comparison

Enforcement Measure	Enabling Legislation	Mechanisms	Steps / Resources Required	Pros + Cons
Business Licensing System	Community Charter	<ul style="list-style-type: none"> System of licensing with terms and conditions Ability to revoke licences 	<ul style="list-style-type: none"> Adopt a business regulation bylaw Establish a system of licences, permits, or approvals 	<p>Pros</p> <ul style="list-style-type: none"> Prohibit activity without licence Inspection without needing complaint <p>Cons</p> <ul style="list-style-type: none"> Time to develop/amend bylaw Administrative burden to license rental properties Enforcement can have unintended consequences of eviction (if licence revoked)
Bylaw Notice	Local Government Bylaw Notice Act	<ul style="list-style-type: none"> Fine up to \$500 Local Government adjudication system 	<ul style="list-style-type: none"> Establish the bylaw notice system with a neutral adjudicator 	<p>Pros</p> <ul style="list-style-type: none"> More accessible venue for simple bylaw contraventions Less expensive to administer than court process Bylaw notices can be send via mail <p>Cons</p> <ul style="list-style-type: none"> Low fine amounts Staff for enforcement
Municipal Ticketing	Community Charter Bylaw Enforcement Ticket Regulation	<ul style="list-style-type: none"> Fines up to \$3000 Prosecuted via Courts 	<ul style="list-style-type: none"> Adopt a municipal ticketing bylaw Staff for enforcement of tickets 	<p>Pros</p> <ul style="list-style-type: none"> Higher fines per offense Ability to enforce via Court if needed <p>Cons</p> <ul style="list-style-type: none"> Time to develop/amend bylaw



Enforcement Measure	Enabling Legislation	Mechanisms	Steps / Resources Required	Pros + Cons
			<ul style="list-style-type: none"> Submit the tickets to the provincial court for hearing 	<ul style="list-style-type: none"> Staff for system maintenance + enforcement Must deliver tickets in person to property Administrative burden/expense of court
Notice on Title	Community Charter	<ul style="list-style-type: none"> File a note against land title 	<ul style="list-style-type: none"> Building inspector recommends to Council 	<p>Pros</p> <ul style="list-style-type: none"> Low administrative burden Warns potential buyers <p>Cons</p> <ul style="list-style-type: none"> No fines or required licences
Offense Act	Community Charter	<ul style="list-style-type: none"> Fine up to \$50,000 or imprisonment (not more than 6 months) Prosecuted via Courts (actual fine decided in court) 	<ul style="list-style-type: none"> Submit a long form information for major bylaw contraventions (swearing in front of judge) provincial court for hearing (all parties typically represented by a lawyer) 	<p>Pros</p> <ul style="list-style-type: none"> High fine amounts or imprisonment Can be used whether or not other penalty system established <p>Cons</p> <ul style="list-style-type: none"> Administrative burden/expense of court Staff time in court
Residential Tenancy Branch (RTB)	Residential Tenancy Act	<ul style="list-style-type: none"> Compliance and Enforcement Unit (CEU) investigates serious violations 	<ul style="list-style-type: none"> Tenant submits online claim (no local government role) 	<p>Pros</p> <ul style="list-style-type: none"> No staff resources required RTA regulates renovation <p>Cons</p> <ul style="list-style-type: none"> Slow and less effective for small repair issues Less direct option for tenants



Key Considerations

- Port Moody already has a Business Licensing Bylaw and Municipal Ticketing Bylaw that include definitions and regulations around market rental apartments. Rules around renovation and repair include tenant protection measures and associated fees for non-compliance.
 - > Updating the Business Licensing Bylaw to include licensing for all rental properties can provide a tool for inspection and enforcement.
- Port Moody has separate bylaws for graffiti and unsightly premises with fines for offenses.
 - > MSM Bylaws are most effective when focused on health and safety measures to avoid unnecessary staff time or landlord cost; these bylaws can remain separate.
- The option for prosecution via Municipal Ticketing or the Offense Act can provide an avenue for major bylaw contraventions that cannot be resolved via local government processes.
 - > The benefit of Municipal ticketing is a max fee of \$3,000 per offense and the ability to prosecute in court.
 - > The benefit of the Offense Act is a max fee of \$50,000 useful for large problem properties that may not comply with lower fees.
- Adding Nuisance requirements to a MSM Bylaw can create cost savings by charging fees (undisputable) for service calls over certain limit.
 - > Nuisance service calls require police staff time; however, fees can recover costs. The benefit of including nuisance regulations adds another tool to motivate property owners to manage their properties and avoid negligence.
- Each tool has its own purpose that can be used in combination for a more effective approach on a case-by-case basis.
 - > Bylaw Notices – regulate most issues, can use mail service for notices, avoid the courts.
 - > Municipal Ticketing – use for higher fines and ability to take problem properties to courts for payment or imprisonment.
 - > Business Licensing – allows inspection of a property without needing a complaint.



- Staff time and resources are required for all enforcement measures. However, the notice on title and bylaw notices may appear to be the streamlined option.
 - > Bylaw Notices can provide an easily accessible mechanism to enforce the MSM bylaw without the need to spend staff time and resources in court.
- The RTB operates a complaint system online portal and covers regulations for renoventions.
 - > The RTB complaint process is onerous for tenants, especially for minor violations.
 - > The Compliance and Enforcement unit is used for major violations.
 - > Adopting a MSM bylaw with standards of maintenance provides a document for the RTB to reference for their investigations.

