




**To:** General Purposes Committee **Date:** October 10, 2019  
**From:** Cecilia Achiam **File:** 12-8060-01/2019-Vol 01  
 General Manager, Community Safety  
**Re:** **Review of Staffing and Service Levels Related to Bylaw Enforcement  
 (Excluding Short-Term Rentals)**

**Staff Recommendation**

1. That “Option A – Enhanced Enforcement” as described in the report titled, “Review of Staffing and Service Levels Related to Bylaw Enforcement (Excluding Short-Term Rentals)”, dated October 10, 2019, from the General Manager Community Safety, be endorsed; and
2. That a position complement control number be assigned to create a new Regular Full-Time Business License Inspector position using existing funding.



Cecilia Achiam  
 General Manager, Community Safety  
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REPORT CONCURRENCE	
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>
Finance	<input checked="" type="checkbox"/>
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b>  CS
<b>APPROVED BY CAO</b>  	

## Staff Report

### Origin

During the May 27, 2019 Council Meeting, Council made the following referral:

*That staff explore hiring additional Bylaw staff to:*

- (a) actively investigate every short-term rental and bed and breakfast listing in Richmond;*
  - (b) increase parking enforcement; and*
  - (c) increase dog enforcement;*
- and report back.*

Please note that a separate staff report titled “Review of Licencing and Enforcement of Short-Term Rentals”, dated October 1, 2019, to be presented at the same General Purposes meeting as this report provides detailed analysis and recommendations on establishing a licencing program for short-term rentals (STR), other than licenced bed and breakfast businesses, and the resource requirements to increase the service level of STR enforcement. The establishment of a licencing program for short-term rentals represents an increase in service level which will require additional resources to implement.

During the June 24, 2019 Council meeting, Council made the following referral:

*That bylaw enforcement staff move from complaint based to proactive investigations on all bylaw issues.*

This report supports Council’s Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

*Enhance and protect the safety and well-being of Richmond.*

### Findings of Fact

The majority of bylaw enforcement for the City of Richmond is undertaken by Community Bylaws and Licencing. Key areas of responsibilities include parking enforcement, licencing and regulation of businesses, taxis, illegal land use (suites and short-term rentals), property maintenance, animal control, liquor sales, business signs and soil depositions.

Bylaw officers conduct regular proactive enforcement on many issues while some are enforced on a “complaint only” basis. Most issues enforced on a complaint basis are related to single family homes, where regular street patrol is unlikely to reveal an offence that is occurring within the premise. For clarity and illustration purposes, Table 1 lists bylaw issues according to whether bylaw enforcement is carried out on a proactive versus a complaint basis.

The ranges of bylaw enforcement activities summarized in Table 1 are undertaken by 16 full-time equivalent bylaw enforcement staff (eight for parking and animal control and eight for all other bylaws). This number is supplemented by temporary staff in the summer for dog canvassing plus animal control staff that work for the City’s animal control contractor, the Regional Animal Protection Society (“RAPS”).

Table 1: Areas of Bylaw Enforcement

<b><u>Proactive Enforcement</u></b>	<b><u>Complaint Based Enforcement</u></b>
Daily Parking and safety infraction patrols	Illegal secondary suites
Hourly parking in commercial areas	Hourly parking in residential areas
Dogs off-leash	Commercial vehicle parking on private property
Illegal soil deposition	General noise complaints
Illegal short-term rentals	Burning or camping in parks
Illegal taxis	Vacant Houses
Signs	Over-height fences (between neighbours)
Unlicensed businesses	Overgrown greenery (on private property)
Unsanitary premises	Specific concerns related to businesses
Overnight vehicle parking	Land use complaints
Dog licence canvassing	Dog barking
Snow removal	Dog in hot car
Boulevard Maintenance	Dog bites
Weight Restricted Road – commercial vehicles	Smoking and Vaping complaints
	Patrolling homeless camps

In areas where staff provide proactive enforcement, it is still not possible to catch all bylaw infractions and staff rely on information from the public. Regular operational occurrences such as staffing vacancies, attendance in court and administrative duties impact the ability of bylaw enforcement officers to patrol their respective areas. Some proactive enforcement is carried out in campaigns where staff specifically target one type of bylaw violation. Examples of these campaigns are illegal taxi enforcement, construction trades licence checks, dog licence canvassing and commercial vehicle enforcement.

While the City has the authority to choose how and when it conducts enforcement, staff are expected to address citizens’ complaints promptly as part of the City’s corporate expectation for customer service excellence. Since responding to complaints is an operational priority, staff will typically have less time for proactive enforcement at times when complaints are higher.

**Analysis**

Comparison to other Cities

In order to compare the model used to provide property use related bylaw enforcement in Richmond, staff surveyed other municipalities in the region and Province. The results of the survey are shown in Table 2 below.

The survey looked specifically at:

- Number of staff per capita as an approximation of staff availability;
- Hours of operation to differentiate between Monday to Friday (5 days) or 7 days a week service; and
- The enforcement model used by the municipality and whether it is complaint based or proactive (not including parking and animal control).

Table 2: Property Use Related Bylaw Enforcement Model by City  
(does not include parking enforcement and animal control)

Municipality	# of Bylaw Staff FTE	Population per Bylaw Staff FTE	Days/week	Enforcement Model
Delta	14	7,900	7	proactive
Coquitlam	11	13,000	7	hybrid
Surrey	39	13,000	5	hybrid
Vancouver	35	19,000	5	hybrid
New West	3	24,000	5	complaint based
Saanich	5	24,000	5	complaint based
Burnaby	10	25,000	5	complaint based
Richmond	8	28,000	7	hybrid

Most other municipalities respond to property use related bylaw violations on a complaint basis or, like Richmond, using a hybrid model where some items are by complaint and others are picked up by enforcement officers targeting a specific issue. In a comparison to the operating models of other cities, it was found that most provide non-parking/animal control bylaw enforcement 5 days a week from Monday to Friday. Richmond has recently moved to 7 days per week property use related bylaw enforcement in order to provide more timely response to complaints about noise and illegal signs and also to investigate short-term rentals.

While Table 2 is a general guide to staffing levels in other communities, there are many differences between municipalities in how they are organized and which bylaws are handled by each workgroup. Generally, the table looks only at property and business related bylaw enforcement (not including parking or animal control). According to the information collected, Richmond has the fewest number of bylaw enforcement staff per capita with a population to staff ratio of approximately 1:28,000 while delivering relatively comparable or higher level of service (7 day coverage and hybrid response).

Richmond Bylaw Enforcement Review

*Property Use*

The workload managed by staff in Community Bylaws, specifically the Property Use section, varies throughout the year. While a portion of the work is driven by proactive enforcement (self-generated), the highs and lows are influenced by the number of complaints received from the public, which are higher in the spring and summer months. These files are currently handled by four full-time Bylaw Liaison Officer IIs (Bylaw II Officer), a full-time supervisor and an auxiliary officer that works one weekend day per week. In addition, the CAO has recently approved two temporary bylaw enforcement staff to provide temporary additional resources to deal with the backlog of cases from the spring and summer and to action Council’s direction for more proactive enforcement in STR investigation, parking enforcement and dog patrol.

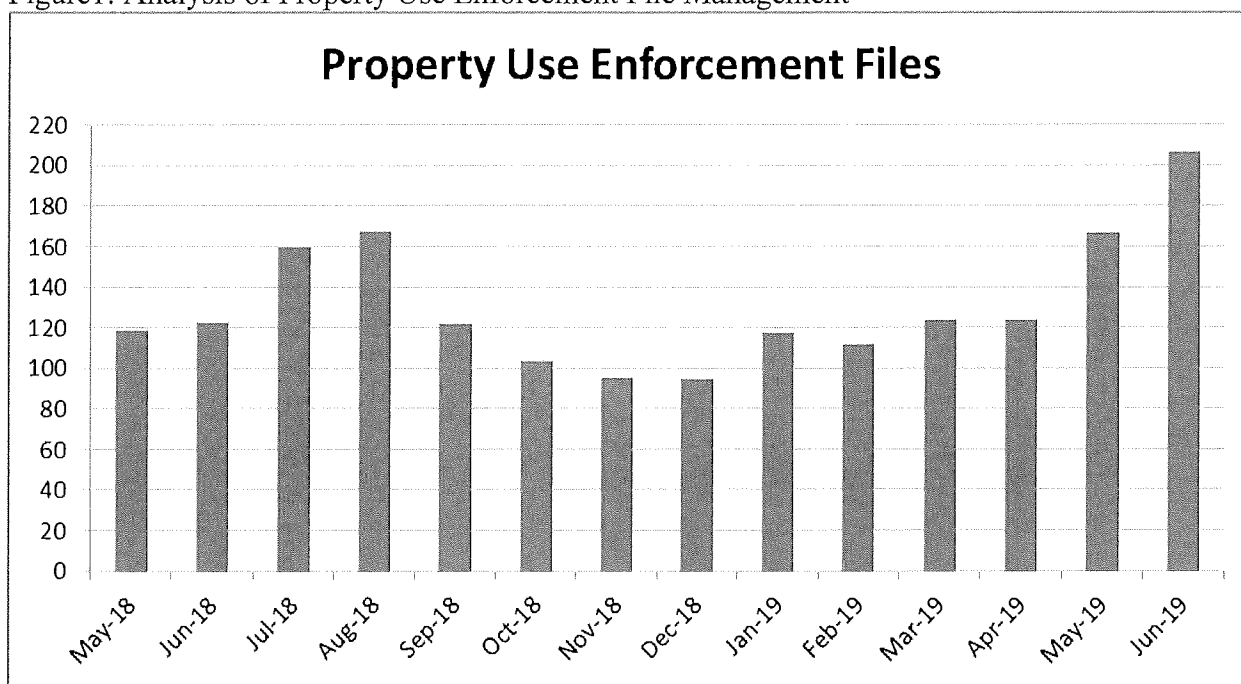
Based on regular review by the manager, Bylaw II Officers are able to handle 20-30 files at any given time so that deadlines for complaints are met and investigations are completed in a timely

manner. Currently, Officers have been assigned in excess of 40 files each which has negatively impacted productivity (accuracy and efficiency) for addressing case files. In order to manage this, Officers have been directed to prioritize complaint based calls for service, while those issues which are determined to be lower priority may wait several weeks to be resolved. This lag in service should be addressed to maintain the service level expected by Council.

Community Bylaws management has also reviewed and improved enforcement processes (complaints intake, work assignment, tracking and oversight) since 2018 and have compiled one full year of observation and analysis of Richmond’s operational needs for property use enforcement.

Figure 1 summarizes the average number of files received monthly and shows the seasonal variability in open enforcement files being managed by the team in the Property Use section. These figures are reviewed every 2-3 weeks to ensure balance among the staff members in the group. The Bylaw II Officers are generally assigned to specific geographic areas within the City to encourage familiarity with their assigned areas and facilitate relationship building with local businesses and area residents. The more complex files may be assigned based on experience and aptitude of the officers.

Figure1: Analysis of Property Use Enforcement File Management



The Property Use section is currently experiencing a higher than normal volume of enforcement files. As well there are more complex and long lasting trends emerging in the community including people experiencing homelessness, cannabis legalization, illegal ride-sharing, etc. that this section (in coordinated efforts with other City departments and agencies) respond to. There is no evidence that this trend toward higher number of calls, more emerging issues and more complex response to files, will decline.

Overall, the number of files that each property use inspector manages has increased by approximately 50% year over year due to the increase in complexity of files. While it is typical to see an increase in calls in the spring and summer months when more people are outside, calls in May of 2019 had already surpassed the peak seen in August of the previous year. The calls continued to increase through the August, which was 46% higher than previous years. In response, the CAO directed staff to negotiate flexibility with the Union (CUPE) regarding shifting for improved coverage as well as two temporary property use inspectors (Bylaw Liaison Officer II) to address the spike in call volume.

### *Short-Term Rentals*

The City of Richmond's approach to enforcement of short-term rentals has been to pursue proactive enforcement. Bylaw enforcement staff will take complaints from the public in addition to reviewing listings and other information to find illegal operations. However, staff manage a number of different types of bylaw enforcement files and providing proactive enforcement is difficult during busy periods.

It is of note that since the initial review of STR listing in 2016<sup>1</sup> the number of STR listings in Richmond has decreased from approximately 1,600 (counted on November 16, 2016) to holding steady between 600-800 listings, depending on the season. It should be noted that this is the total number of listings and includes both legal and illegal operations. In addition, each listing does not represent a separate address as many properties have multiple listings and/or advertise on multiple sites.

A full review of staffing and resources to provide more proactive bylaw enforcement of illegal short term rentals which would represent a permanent increase in service levels, is provided in a separate report titled "Review of Licencing and Enforcement of Short-Term Rentals" (STR Report), dated October 1, 2019. The STR Report is intended to be presented at the same General Purposes Committee in conjunction with this report.

The recommendations in this report are independent of the STR Report and can proceed separately or in conjunction with the recommendations contained in the STR Report.

### *Parking*

Eight full-time Parking and Animal Control Officers, plus two auxiliary officers, proactively patrol for violations of the Traffic Bylaw No. 5870 (Traffic Bylaw) and the Parking (Off-Street) Bylaw No. 7403 (Parking Bylaw), seven days a week between the hours of 7:00am to 9:00pm including statutory holidays (excluding Christmas Day). Their duties also include monitoring pay parking within the city both on-street and off-street on city owned locations such as Community Centres, Minoru Precinct, Bowling Green, Gateway/Minoru Chapel and Brighthouse Lot. The Officers average 2,400 parking tickets per month based on seasonal and weather variables. Revenue collected for pay parking which includes both meter and the monthly parking permit fee has steadily increased within the last five years due to an increase of meters

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<sup>1</sup> Staff report considered by Council on January 9, 2017 titled "Regulation of Short-Term Rental Units" dated November 29, 2016. ([https://www.richmond.ca/\\_shared/assets/\\_14\\_ShortTermRentalUnits46167.pdf](https://www.richmond.ca/_shared/assets/_14_ShortTermRentalUnits46167.pdf)).

within the pay parking management program defined in Schedule K of the Traffic Bylaw. The revenue is shown below in Table 3.

Table 3: Parking Meter and Monthly Parking Permit Fee Revenue<sup>2</sup>

	<b>Meter</b>	<b>Permit</b>	<b>Total</b>
2018	777,730	256,713	1,034,443
2017	720,075	191,529	911,604
2016	740,561	223,365	963,926
2015	613,250	219,350	832,600
2014	544,853	169,159	714,012

Until such time that the geographic areas included in the pay parking management program is expanded, the current staffing levels of Parking and Animal Control Officers consistently meets the demands of enforcing the City’s bylaws and patrolling the existing 55 meters located both on and off street, 135 off-street parking permits and 390 on-street parking permits. Community Bylaws will be incorporating Mobile Licence Plate Recognition (MLPR) software in a vehicle by early 2020, which is anticipated to free up Officer resources from chalking tires for timed infractions.

*Animal Control*

Animal Control Enforcement duties are shared between the Regional Animal Protection Society (RAPS) and the City’s Community Bylaw department. Animal control services are provided at varying levels on a 24 hours, 7 days a week basis. RAPS is contractually obligated to perform animal control enforcement between the hours of 10:00am to 6:00pm, Monday through Friday, and 9:00am to 5:00pm on Saturday and Sunday (closed Statutory Holidays). Community Bylaw Parking and Animal Control Officers augment RAPS on animal control duties during their regular shifts between 7 am – 9 pm including statutory holidays (excluding Christmas day).

Bylaw staff covers animal control outside of the regular working hours of RAPS and when requested to do so for special projects, such as increased enforcement at City parks, dykes, school grounds and assisting a RAPS Officer on an animal control call when needed. As the majority of enforcement is done by RAPS, the current deployment model of eight Parking and Animal Control Officers, plus two auxiliaries, is sufficient to fulfill animal control duties outside of RAPS business hours. As part of Community Bylaw’s seasonal operations, three temporary additional canvassers are hired for the summer months for public education on responsible pet ownership. The RCMP respond to animal control emergency calls between 9 pm and 7 am only.

The current animal control services contract with RAPS is administered by the Community Services division and the contract term will be expiring January 31, 2021. Staff meet with RAPS representatives regularly to verify performance to meet contractual obligations, coordinate services and trouble shoot to ensure the delivery of seamless quality service. Staff intend to

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<sup>2</sup> 2017 decrease was due to change in staffing and long term construction on both Buswell Street and Leslie Road

review options to address the City’s animal control needs prior to the expiration of the contract and take appropriate action to ensure quality and continuity of animal control services.

**Proactive Enforcement of all Bylaws**

Bylaw enforcement is an evolving service that changes according to community concerns and emerging issues. Short-term rentals, illegal taxis and homeless camps are three of the most recent issues that have impacted the scope and service levels of bylaw enforcement. Increases in population density, new technology and economic factors will continue to drive evolution in bylaw enforcement. As people live closer together, in higher value homes, expectations change and results in increases to the number of complaints related to issues such as street parking, animal control, noise, yard maintenance and illegal land uses like suites, short-term rentals and vehicle storage.

Staff currently provide proactive enforcement of some bylaws while others are investigated on a complaint basis. Moving to proactive enforcement of all bylaws would require an increase in staffing levels as this would be an increase in service levels. The increase in staffing would affect the number of field staff required to proactively patrol and investigate issues and would require a corresponding increase in the administrative staff that answer public inquiries, process tickets and send written correspondence. An increase in enforcement work will also require more resources to pursue legal remedies in Provincial and Supreme Court and to defend appeals of tickets. It is also probable that there will be an increase in service complaints received by Mayor and Councillors and staff at the management level.

While enforcement costs related to parking, animal control and business licences are recovered from fees, enforcement of all other bylaws is a net cost to the City. These other bylaws are enforced by the property use group, the revenue and cost for that group over the last three years is shown in Table 4. While revenues have increased over the last three years, there has also been an increase in associated costs. Not accounted for in this budget is an increase in legal costs. As Community Bylaws staff manage more files, there is an increase in tickets issued and legal costs to defend tickets or take cases to higher courts to achieve compliance and to deter others from breaking the bylaws.

Table 4: Operating Budget for Property Use

<b>Three Year Operating Budget Results</b>		<b>Actual 2016</b>	<b>Actual 2017</b>	<b>Actual 2018</b>
<b>Property Use</b>	Revenue	\$157,962	\$198,349	\$213,667
	Less Expenses	\$831,080	\$1,040,148	\$915,771
	<b>Net Costs</b>	<b>\$673,118</b>	<b>\$841,799</b>	<b>\$702,103</b>

**Options**

The summary of options below presents three scenarios for increasing bylaw enforcement, including implications to staff and budget. In all cases, the options below are independent of Council’s decision on staffing to increase the service level of enforcement of short term rentals as presented in the STR Report.



All options provide incremental increases in service levels to address Council's concerns to a varying degree. Along with increasing service levels, each option has an increased budget impact. All of the options presented will have no impact on the level of service with respect to enforcement of illegal short-term rentals.

**Option A – Enhanced Enforcement (without on-going budget impact) –Recommended**

There will not be an increase in the operating budget in this option. It is proposed that funds in the existing Business Licence Department auxiliary budget and higher licensing revenue be used to convert a temporary staff position to a regular full-time Business Licence Inspector position. The City issues over 14,000 business licences annually as well as regulates commercial vehicles taxis and liquor licenses. The addition of this resource without any impact to the operating budget would allow for more consistent proactive and targeted enforcement of business licensing compliance (e.g. body rub/massage parlors, karaoke, money exchange businesses, etc.) and emerging cannabis related operations. In addition to keeping pace with the annual business licensing program, the enhanced enforcement in these areas is particularly crucial to the on-going collaboration with the Richmond RCMP to combat money laundering and other criminal activities.

**Option B - Increased Staffing to Enhance Proactive Enforcement – NOT Recommended**

Option B includes the conversion of funding to one RFT Business License Inspector described in Option A.

If Council supports a permanent increase in staffing levels, it is proposed to add one more regular full-time property use inspector staff (Bylaw Liaison Officer II) to the current complement of eight (for bylaw enforcement of businesses, signs, short-term rentals, soils, land use, unsightly properties, etc). Together, these additional resources (one Business Licence Inspector and one Bylaw Liaison Officer II) would facilitate consistent follow up on unresolved enforcement files, especially where there are unpaid tickets, and staff would be able to increase the number of inspections and issue tickets for continuing offences (currently, staff may not have the resources to revisit the same non-priority file in a timely manner).

Implementation of Option B would allow staff to maintain service levels and provide consistent enforcement throughout the year and maintain the newly established seven days a week service<sup>3</sup>. This would bring the staffing level/per capital ratio (Table 2) from 1 staff/28,000 residents to 1 staff/22,000 residents. The net cost to implement this option is \$100,000.

It is anticipated that an increased and stable staffing level will lead to an increase in revenue. While it is impossible to provide an accurate estimate, it is reasonable to expect that there will be more tickets written and associated fines collected. On the other hand, more sustained enforcement may lead to more prosecution files and an increase in legal costs as a portion of tickets issued and non-compliant cases will make their way into court, so there may not be a net increase in revenue.

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<sup>3</sup> The 7 days per week coverage for property use enforcement is currently provided on a temporary basis resulting from more flexible scheduling negotiated with the Union and temporary resources approved by the CAO.

**Option C – Full Proactive Enforcement – NOT Recommended**

Under this option, it is proposed to add five additional staff to bylaw enforcement and begin proactive enforcement of several key areas, including parks (smoking, burning and unlicensed/off-leash dogs), illegal suites, commercial vehicle parking and regulated businesses (massage businesses, amusement centres, karaoke, etc.) to provide dedicated resources to these key portfolios.

Option C would also be a significant change in the level of service provided to the community. In order to provide proactive enforcement, officers would be required to patrol neighborhoods and take action on bylaw violations that may not otherwise be impacting neighboring residents.

This option would represent the most proactive approach but may not lead to a corresponding increase in compliance or net revenue. The return of investment diminishes as more input does not lead to a corresponding increase in efficiency or effectiveness in services provided.

If Option C was approved, along with the additional staff in the report on short-term rentals and the additional inspector in licencing, it would put Richmond slightly better than the average in terms of bylaw enforcement officers per capita at 1 staff/17,000 residents. However, it would also be a significant budget increase without staff being able to demonstrate a corresponding return on investment. The net cost to implement this option is \$400,000.

Staff do not recommend Option C because it does not demonstrate a sufficient return on the investment.

Summary of all Options

In all cases, it is proposed to add additional staff to the current complement of eight bylaw enforcement officers. The options provide Council with the flexibility to consider incremental increases in staffing within the context of enforcement service levels and the corresponding budget impact. Option A is without any additional level request.

Table 5: Summary of Options

Option	Enforcement Staff (ES)	ES/Per Capita	Net Budget Impact
Current	8	1/28,000	N/A
Option A – Enhanced Enforcement <b>RECOMMENDED</b>	9	1/25,000	0
Option B – Increased Staffing to Enhance Proactive Enforcement	10	1/22,000	\$100,000
Option C – Full Proactive Enforcement	13	1/17,000	\$400,000

**Financial Impact**

The annual cost of a bylaw enforcement officer is approximately \$120,000, including salary, benefits and equipment. The costs will be offset by \$100,000 with funding available in the current operating budget and an increase in revenues from fines of approximately \$20,000.

**Conclusion**

Staff was asked to explore adding additional staff and moving to proactive enforcement of all bylaws. This report provides a comprehensive review of all areas of bylaw enforcement and recommends additional staff in Community Bylaws without any additional level service request.



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