

**DATE:** May 30, 2024

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Eric Depenau, Director Administrative Services

**SUBJECT:** Nuisance Abatement Bylaw Review

**ATTACHMENT(S):** None.

**RECOMMENDATION(S):**

THAT Council RECEIVES FOR INFORMATION the report dated May 30, 2024, from the Director Administrative Services titled "Nuisance Abatement Bylaw Review".

**PURPOSE:**

This report is prepared in response to a motion of Council made at the 27 May regular meeting requesting a report outlining the effectiveness and utility of the bylaw be returned for review.

**BACKGROUND:**

Council has requested a report on the [Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018](#) that includes response to the following three questions:

1. Council requests staff return with a report detailing the current policy and procedures for this bylaw.
2. Council requests a report on the effectiveness of the use of the bylaw as an educational tool.
3. Council requests a report on the number of instances this bylaw has been used to recover costs, including the total amount collected.

**Question 1: Current policy and procedures for this bylaw:** The Bylaw mentioned follows the regular investigation process. Pending the investigation, utilizing the Nuisance Abatement Bylaw means that there may be a different result if the investigation determines that the actions of the property owner or occupant do in fact constitute a nuisance as described in the bylaw.

**The Definition of Nuisance** (from the Nuisance Abatement Bylaw) is:

"nuisance" means any activity which substantially and unreasonably interferes with a person's use and enjoyment of a highway, park or other public area or of land a person owns or occupies, or which causes injury to the health, comfort or convenience of an occupier of land, and without limiting the generality of the foregoing, includes an activity such as a noisy party, a group of people making

noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering, trespassing, illuminations, vibration, odor, accumulation of water or other liquids on a property, irritations, annoyances, unsanitary conditions on property, or other objectionable situations that in law are a nuisance”.

By definition, this bylaw does not deal with individual instances, rather it is used to address a pattern of behavior that substantially and unreasonably interferes with a person's use and enjoyment.

**The Investigative Process is as follows:**

Most commonly, a complaint is received and assigned to a Bylaw Officer. However, these investigations are not always initiated by a call from the public to Bylaw Services. These investigations can also be generated by the police or fire connecting with Bylaw on a concern.

The Bylaw Officer investigates. This investigation may include a:

- statement from complainant,
- locating and interviewing additional witnesses (in most cases this is other neighbors),
- inquiries with fire, police to determine if there has been attendance,
- bylaw review to locate previous complaints with bylaw attendance,
- attend location of complaint and record observations, take photographs etc.

Based on evidence collected the Bylaw Officer will determine:

1. if the reported action fits within the definition of a nuisance, and
2. if it is a nuisance, if it is substantially and reasonably interfering with the complainants' use and enjoyment of their property, etc.
3. through investigation the number of police and fire calls may also be considered and may contribute to the decision as to whether this bylaw is used, in addition to bylaw calls.

If the Bylaw Officer determines that there is a contravention of the bylaw the following action is taken:

1. The individual who is being investigated is informed of the bylaw contravention, the nuisance behavior is explained, and a request is made for the action to stop – if this works no further action is taken as compliance has been reached through education.
2. If the individual fails to abate the nuisance, Council can issue a written Order for the nuisance to be abated.
3. The individual who is causing the nuisance must be given an opportunity to address council during this process.

After this Order has been issued any efforts taken by the City of Prince George, the RCMP and Prince George Fire Rescue can be cost recovered by way of sending an invoice to the responsible individual. If these invoices are not paid the amount of the invoice will be added to the individual's property taxes and recovered that way.

**Question 2: Effectiveness of the use of the bylaw as an educational tool:** Every bylaw is viewed as an educational tool to the extent that people can be educated about the bylaw and then provided with a chance to comply. The specific purpose of this bylaw, however, is cost recovery for ongoing nuisances where individuals refuse to comply and continue to fail to make efforts to remedy the situation after the routine education process takes place.

This Bylaw is generally not required to reach compliance as in most instances contraventions are resolved before progressing to this point.

The existence of the Bylaw on its own is a helpful tool as when Bylaw Enforcement Officers explain to people that they can take the actions included in the Bylaw they usually reach compliance.

This bylaw is used to deal with behavior (repeated noncompliance) rather than the appearance of a property. Appearance of property (referred to in our bylaws as unsightly premises) is also dealt with through bylaw services using a series of letters and orders. If a property is not cleaned up as a result of this process. The city can do the clean-up and charge the cost to property taxes. Since 2018, \$139,000 has been added to property taxes for various property cleanups.

**Question 3: The number of instances, including the total amount collected.** The Nuisance Abatement Bylaw has been used through to the point of cost recovery on two occasions with approximately \$12,000 being cost recovered (7003 Adam Drive and 1359 Iona Road). Currently two additional addresses are under investigation, both referred for consideration by RCMP. This bylaw was also used at an address on Vancouver Street, but the cost recovery stage was not reached as compliance (cleanup) was reached. It is common for compliance to be reached before the bylaw needs to be exercised.

**STRATEGIC PRIORITIES:**

Whereas some properties warrant repeated engagement with Bylaw to reach compliance, and whereas the cost of repeated service has an impact on resources available, maintenance and use of this bylaw can be viewed as supporting the strategic priority of ensuring a safe, healthy and clean community for all.

**FINANCIAL CONSIDERATIONS:**

No financial considerations stem from the recommendation as presented in this report.

**SUMMARY AND CONCLUSION:**

This report is intended to respond to a request from Council and provides an overview of the use and utility of the Nuisance Abatement Bylaw.

**RESPECTFULLY SUBMITTED:**

Eric Depenau, Director Administrative Services

Prepared by:

Charlotte Peters, Manager, Bylaw Services

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 12 June 2024