
Licensing Rental Properties and Regulation of Nuisance Calls for Emergency Services

Recommendation

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that the Administration be directed to explore a licensing program for rental property businesses which includes provisions to regulate nuisance calls for emergency services and report back including recommendations to City Council through the Standing Policy Committee on Planning, Development and Community Services.

Topic and Purpose

This report provides the initial identification of issues related to the regulation of properties which generate repeated calls for emergency services when no emergency exists. Also, this report recommends that additional work be undertaken by the Administration on this issue for consideration and decision by City Council.

Report Highlights

1. Properties with repeated calls for emergency services where no emergency situation actually exists continue to be an issue in the City of Saskatoon.
2. Two main options exist to address these issues:
 - a. the licensing of rental property businesses; and
 - b. regulation of nuisance calls for emergency services within the City.
3. Both options raise practical, policy and legal issues.
4. Exploring these options would require additional work which may ultimately lead to a City Council decision to implement a new program to address this issue, which would include a policy and regulatory scheme.

Strategic Goals

This report supports the Strategic Goal of Quality of Life as it makes recommendations to help keep the City of Saskatoon a safe and welcoming people place.

Background

On May 24, 2016, City Council considered the 2015 Annual Report of the Crime Free Multi-Housing Advisory Committee, including a report authored by the Chief of Police entitled "Information Report on CFMH Best Practices and Nuisance properties – a review of programs in Canada" (the "Best Practices Report"). City Council resolved that the Best Practices Report be forwarded to the City Solicitor for comment.

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The City of Saskatoon currently has *The Property Maintenance and Nuisance Abatement Bylaw, 2003* (the “Property Maintenance Bylaw”). The Property Maintenance Bylaw sets out minimum standards for structures and yards in the City. The Property Maintenance Bylaw regulates nuisances; however, nuisance is defined as the condition of a property or a thing that affects the amenity of a neighbourhood. The Property Maintenance Bylaw does not regulate behavioural nuisance i.e. the regulation of repeated human activity which may affect the amenity of a neighbourhood or interfere with the enjoyment of another’s property. Also, the Property Maintenance Bylaw does not address nuisance calls for emergency services.

Report

Properties with repeated calls for emergency services where no emergency situation exists (“nuisance calls”) continue to create issues for the City of Saskatoon. These issues include emergency services being taken away from actual emergency calls which impacts the safety of the community and has budgetary impacts.

If City Council wishes to regulate in this area, there are two main options available:

1. a licensing program for rental property businesses; and
2. regulation of nuisance calls for emergency services.

Both of the options would have to clearly define the concept of nuisance calls (as opposed to an emergency or Criminal Code calls) and outline the threshold at which the demand on emergency services exceeds the level paid for through taxes.

Attachment 1 to this report briefly summarizes the types of nuisance call bylaws and landlord regulatory bylaws in effect in other parts of Canada.

Licensing Rental Property Businesses

City Council could direct the Administration to look into the implementation of a business licensing program for all rental property businesses or a specific sub-set of rental property businesses in Saskatoon. The idea is that owners of rental properties would be licensed and regulated. Provisions of such a system could include clearly defined acceptable maintenance standards and mechanisms to address repeated nuisance behaviour in rental properties. This appears to be the approach in several jurisdictions in British Columbia, and Toronto has newly enacted a bylaw which licenses and regulates owners of apartment buildings with three or more stories and ten or more rental units.

If implemented, this would be a major undertaking for the Community Services Department, Saskatoon Police Service, Saskatoon Fire and the City Solicitor’s Office requiring significant time and additional resources to both get the program in place and to deliver it on an ongoing basis.

If City Council directs the Administration to pursue a business licensing scheme, the following considerations would need to be explored and ultimately decisions would need to be made:

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- determination of the type of properties and the nature of the businesses that fall under a licensing bylaw (previous estimates indicate there are 12,000 rental units in 590 multi-unit buildings and 10,000 rental units in one unit, two-unit and row house units);
- consideration of the setting of a threshold number for single-unit properties operated by the same owner or distinguishing between types of rental properties so that only some require business licenses;
- consideration of the setting of conditions that must be met before a license is issued. For example, it could be required that rental premises must pass a property maintenance inspection and follow Crime Prevention Through Environmental Design and Crime Free Multi-Housing Advisory Committee principles;
- consideration of the imposition of terms and conditions on a license, including the concept of a nuisance fee. Licenses could be cancelled if conditions are not met, or the City could refuse to renew a license for this reason. Also, further consideration would have to be given to the best model to regulate repeat nuisance calls;
- a licensing program could serve to determine a baseline of the condition of rental properties and it could target fee rebates, tax increase caps or grants to encourage landlords to upgrade their properties to meet the need for good rental accommodation. This level of oversight is significantly more than is currently provided in the City's business licensing program; and
- consideration of a mechanism to identify and address existing illegal dwelling units within the City.

A policy implication associated with enacting this type of bylaw includes the possibility of unintended consequences on vulnerable persons. Without an amendment to *The Cities Act* allowing costs associated with emergency services responses or inspections to be added to the tax roll, enforcement would be limited to cancelling or refusing to re-issue a license to property owners who did not pay assessed fees. If the landlord continued to operate the rental property business, the City could prosecute for operation without a license. The logical end point of this process is shutting down the rental property business, which would result in all of its residents being obligated to find new housing.

Creation of New Nuisance Call Regulation

The second option is the enactment of provisions which regulate nuisance calls for emergency services. City Council could choose to establish thresholds for "excessive nuisance calls" after which the fees for subsequent emergency services attendances on nuisance matters could be charged to the property owner. The bylaw could establish an offence for "permitting a nuisance to occur". This would allow for prosecution of landlords whose property is the constant cause of complaints. However, this type of enforcement does not encourage application of Crime Prevention Through Environmental Design and Crime Free Multi-Housing Advisory Committee protocols. This is because this type of enforcement is not considering or dealing with any underlying conditions which may or may not be present.

Some other policy issues associated with this option include:

- nuisance call regulation would apply to all properties which generate “excessive nuisance calls”;
- jurisdictions with this type of bylaw have reported that offloading of costs of “nuisance” calls to landlords results in eviction of tenants. In some cases, these tenants created the nuisance; however, others, for example, may have been victims themselves. In order to avoid eviction, tenants may choose not to call emergency services when they legitimately need help.
- again, there is no mechanism to enforce payment of fees for excessive nuisance calls without an amendment to *The Cities Act* to allow these fees to be added to the tax roll; and
- enforcement of such a bylaw would have to be considered further.

While a few jurisdictions have a model where they simply regulate nuisance calls, the jurisdictions which have had more success incorporate both options into their model. If Committee and Council direct further work on this issue, the recommendation is that a licensing program for rental property businesses which includes a mechanism to regulate nuisance calls be explored. The Saskatoon Police Service is strongly in favour of this model as prefers the regulatory framework of the New Westminster *Business Regulations and Licensing (Rental Units) Bylaw No. 6929, 2004*.

Public and/or Stakeholder Involvement

If the Administration is directed to explore the options outlined in this report, a public and stakeholder engagement plan will be developed.

Communication Plan

If the Administration is directed to explore the options outlined in this report, a communication plan will be developed.

Policy Implications

The various policy implications are as discussed throughout this report.

Privacy Implications

If the Administration is directed to explore the options outlined in this report, privacy implications will be explored.

Safety/Crime Prevention Through Environmental Design (CPTED)

If the Administration is directed to explore the options outlined in this report, CPTED implications will be examined.

Financial Implications

Additional exploration of these options by the Community Services Department, Saskatoon Police Service, Saskatoon Fire and the City Solicitor's Office would be a significant research project and would require staffing resources, particularly in the Community Services Department, along with significant communications support. Depending on further reporting deadlines imposed by Council, other work of the Community Services Department would have to be moved further into the future or additional resources would be required.

Should a program be recommended, the financial implications of the program will be outlined.

Due Date for Follow-up and/or Project Completion

Administration would target 12 months to report back to the Standing Policy Committee on Planning, Development and Community Services. The Community Services Department would be able to achieve this deadline without additional resources but would have to push forward other matters. Interim reports may be necessary and would be provided.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachments

1. Canadian Jurisdictions Regulation of Nuisance and Rental Properties

Report Approval

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