



SUBJECT: By-law Fine Review and Updates for Coyote Response Strategy

TO: Mayor and Members of Council

FROM: Building and By-law Department

Report Number: BB-14-2022

Wards Affected: All

File Numbers: 110-04-1

Date to Committee: NA

Date to Council: September 20, 2022

Recommendation:

Approve the recommended changes to By-law 49-2022 being “A By-law to Repeal and Replace Lot Maintenance By-law 59-2018”, and By-law 60-2005 being “A by-law to regulate the licensing and keeping of dogs and other animals”, as amended, intended to clarify definitions, regulations related to powers of entry for Animal Control Officers and increase the limits for fines issued in accordance with the *Municipal Act* and enable collection of defaulted fines through tax roll, detailed in the proposed amending by-laws attached as ‘Appendix A’ and ‘B’ to report BB-14-2022;

Enact the By-law to amend By-law No. 49-2022 and By-law to amend By-law 60-2005, substantially as attached in ‘Appendix A’ and ‘B’ to report BB-14-2022, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

To clarify powers of entry for Animal Control Officers and increase fine amounts related to feeding of wildlife as part of the Coyote Response Strategy.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
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Background and Discussion:

As a result of discussion at the September 14, 2022 Corporate Services, Strategy, Risk and Accountability Committee (CSSRA) regarding the City's Coyote Response Strategy (Staff Report CM-26-22), the Committee requested a review of fine amounts related to feeding of wildlife in order to deter this main cause of coyote aggression. Concerns were also raised about the ability of officers to legally enter onto private property which is required to ensure appropriate and swift action by Animal Control Officers.

FINE AMOUNTS AND ENFORCEMENT OPTIONS

The *Provincial Offences Act* provides two options for enforcement:

1. 'Ticket Option' (based on Part I of the *Provincial Offences Act*)– Officers may issue a 'ticket' which has a predetermined or 'set' fine amount. Fine amounts can be requested by municipalities but are ultimately set by the Regional Senior Justice on behalf of Ministry of Attorney General. This option is typically applied to first time offenders or in minor matters.

The current set fine amount for feeding wildlife in Burlington is \$150.

A municipal scan confirmed that feeding wildlife typically carries with it a set fine amount in the range of \$150-\$300. Staff will attempt to seek approval of a higher amount, but expect the approval is not likely to exceed \$300.

2. 'Summons Option' (based on Part III of Provincial Offences Act) – Officers have the option to issue a 'summons' which does not include a set fine. Fines are determined by the judiciary at the time conviction based on an approved fine range. This option is typically reserved for more serious matters or repeat offenders as the fine range is higher.

The current fine range in Burlington is up to \$5,000. Staff recommend increasing the range to a minimum of \$500 and maximum of \$100,000, which is the maximum range allowed by the *Municipal Act*.

Officers do have discretion in terms of what enforcement option to apply. Discretion will be applied commensurate to the level of emergency related to aggressive coyotes and the fact that wildlife professionals have indicated that illegal feeding has been determined as a main contributor.

POWERS OF ENTRY

As per the attached Appendix A, additional wording has been added to By-law 60-2005 to clarify the powers of entry for officers. As per Section 435 and 437 of the *Municipal Act*, By-law Officers do have the legal authority to enter onto private property at any

reasonable time for the purposes of carrying out inspections in relation to a by-law investigation provided they comply with the requirements of the *Municipal Act* and the By-law establishing power of entry. Officers are always encouraged to engage property owners prior to entry as a courtesy but anyone trying to hinder access could potentially face fines related to obstruction.

Financial Matters:

Not Applicable

Climate Implications

Not Applicable.

Engagement Matters:

The Office of the Senior Regional Justice was consulted in the review of fine amounts.

Conclusion:

The proposed changes to By-law 60-2005 and By-law 49-2022 will provide ability to seek higher fines for lot conditions leading to denning and feeding of wildlife in order to deter the behaviour which has been flagged as the main cause of recent coyote aggression towards the public.

Respectfully submitted,

Kerry Davren

Manager of By-law

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Appendices:

Appendix A – Amendment to By-law 60-2005

Appendix B – Amendment to By-law 49-2022

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.