



## Bylaw Enforcement Review

October / November 2024



## Executive Summary

The Innova Strategy Group was engaged to evaluate and recommend improvements to the bylaw enforcement function in the Township of Esquimalt, particularly parking enforcement. This review was undertaken at the request of the Township's Chief Administrative Officer (CAO).

Generally speaking, the bylaw enforcement function in Esquimalt operates reasonably well. This is largely due to the work ethic and experience of the sole bylaw enforcement officer. It is not, however, a particularly efficient operation. Easily available technology is not employed, and the workload is growing rapidly, largely due to the unconstrained expansion of Resident Only Parking.

The Township's failure to collect unpaid fines also greatly compromises the effectiveness of bylaw enforcement of all types. Parking violators park illegally with impunity, defeating the purpose of enforcement.

Key recommendations for improvement to be phased in:

- **Phase 1 - Consistently Collect Parking Fines** - Put in place a collections contract
- **Phase 2 - Implement After Hours Enforcement**
  - Contract out parking enforcement to a full-service agency, or hire 1-2 parking-only auxiliaries to provide some after-hours enforcement
  - Develop / purchase a bylaw complaint tool to log calls after regular working hours
- **Phase 3 - Review Policies and Programs:**
  - Reconsider policies for the approval of Resident Only Parking
  - Review the plan to introduce permit parking
  - Consider mediation to settle disputes

Once implemented, the recommendations above will further improve the effectiveness and efficiency of bylaw enforcement in the Township, largely by ensuring the right people are doing the right work, there is some degree of after-hours enforcement, certain existing plans and policies are reviewed and revised, and unpaid fines are collected.

## BACKGROUND

This review was undertaken at the request of the Township's Chief Administrative Officer (CAO). It is an assessment of the bylaw enforcement function in the Township of Esquimalt, particularly parking enforcement.

Bylaw enforcement demand in the Township has been changing rapidly. The number of bylaw enforcement complaints, and resulting enforcement activity, has increased dramatically in recent years, particularly over the last two years. The increase is largely driven by the expansion of 'Resident Only Parking' (ROP) in the Township, and the associated enforcement requirements. The increase in ROP is a community reaction to the growth in the number of multi-residential developments that are adjacent to existing single family home neighborhoods. The residents of those single-family home neighborhoods have self-initiated requests for ROP on their streets out of concerns about spillover parking from the newer multi-residential complexes, and the impact of trades parking during construction.

There have also been periodic requests to expand the hours during which bylaw enforcement is provided, which is currently only provided during business hours five days a week. A few individuals are advocating for 24/7 coverage. At present, there is one full-time bylaw enforcement officer who is augmented by a part-time bylaw enforcement officer who works alternating Wednesdays and covers for the full-time officer and when he is away. There is no capacity for weekend or after-hours bylaw enforcement, and the Victoria Police are generally reluctant to undertake bylaw enforcement unless it involves an urgent public safety issue (which parking violations rarely are). It is also the opinion of many of those interviewed that there are insufficient Victoria Police in Esquimalt for much of the day. Similarly, there is a general desire from Council that bylaw enforcement have greater capacity for proactive, rather than complaint-based enforcement. It is now almost completely complaint based.

Of significant concern is the fact that for the last five years the Township has not had a contract with a collection agency to pursue payment of unpaid tickets. As a result, a significant majority of tickets (largely, but not exclusively, parking tickets) have not been paid. In the past five years the Township has failed to collect \$112,892 in unpaid fines, with the bulk of these fines occurring over the past 2 years. This also has the obvious effect of encouraging individuals not to pay their parking tickets if they know that they can do so with impunity. It is reasonable to assume that after five years some portion of the community is fully aware that tickets can be ignored.

The bylaw enforcement function reports into the Director of Community Safety Services. This position has been vacant for an extended period, and the various functions that once reported to this director have temporarily been moved to report to other senior staff.

## PROCESS

Interviews were undertaken with staff across of the Township's administration as well as the senior Victoria Police Department officer for the Esquimalt Detachment, the contracted animal welfare services, and the retired former Director of Community Safety Services. The Mayor was also interviewed. The interviews were conducted confidentially so only general themes and observations are reported.

A large amount of material was reviewed including budgets, organization charts, Council priorities, various plans and strategies, policies around by law enforcement, enforcement data, and other of relevant documents and plans.

During the course of the review there was regular discussion with the CAO to provide feedback, review possible directions and recommendations, and collect further information.

An examination of other municipalities was also undertaken for comparator purposes.

## CURRENT STATE

The Township has one highly experienced full-time bylaw enforcement officer, a former police officer. He is supported by a part-time staff member who provides vacation and comes in for a portion of every second Wednesday. This is to stay current on key files and projects. In addition to enforcing bylaws, the bylaw enforcement officer also visits businesses that are overdue renewing their business licenses to encourage them to do so, or to ticket them for operating without a license (if they have previously been warned). The bylaw enforcement officer is also the Township's lead responder to camping in Township parks and plays a regular role working with the unhoused to ensure encampments do not become entrenched. When he sees possible contraventions of the building code, he refers those to the building inspector.

The number of bylaw enforcement complaints has increased dramatically, particularly in the last 24 months. This increase is almost entirely driven by the significant growth in the number of 'Residents Only Parking' (ROP) complaints. Esquimalt has a process that allows a neighborhood or street to initiate a request for residents only parking if certain conditions exist. Unlike many other municipalities, once the request is made there is no further assessment undertaken by Township staff, such as a capacity analysis, or a formal parking study. Therefore, the request from the residents goes directly to the Township Council for a decision. The great majority of these requests have been approved by Council, thereby substantially expanding the amount of ROP in the Township.

Bylaw enforcement staff report that a large volume of the complaints for ROP come from a relatively small number of residents who spend a great deal of time watching their streets for unknown vehicles. Some residents mistakenly believe that ROP means that they have a right to a parking spot on the street immediately in front of their house. This also generates complaints. Enforcement is complicated by the fact that in ROP zones, residents are allowed to have on street parking for overnight visitors, or residential contractors servicing their homes. Visitors and contractors are routinely given tickets that are then dismissed.

Of significant concern is the fact that the Township has not had a collections contract for at least five years. As a result, a significant number of tickets, 72% YTD in 2024, are never paid. This effectively means that there is no consequence for people who choose to ignore the tickets. Almost certainly there is a segment of the community that is now aware that parking tickets can be ignored with impunity. It is also safe to assume that this segment of the community will get larger as time goes on.

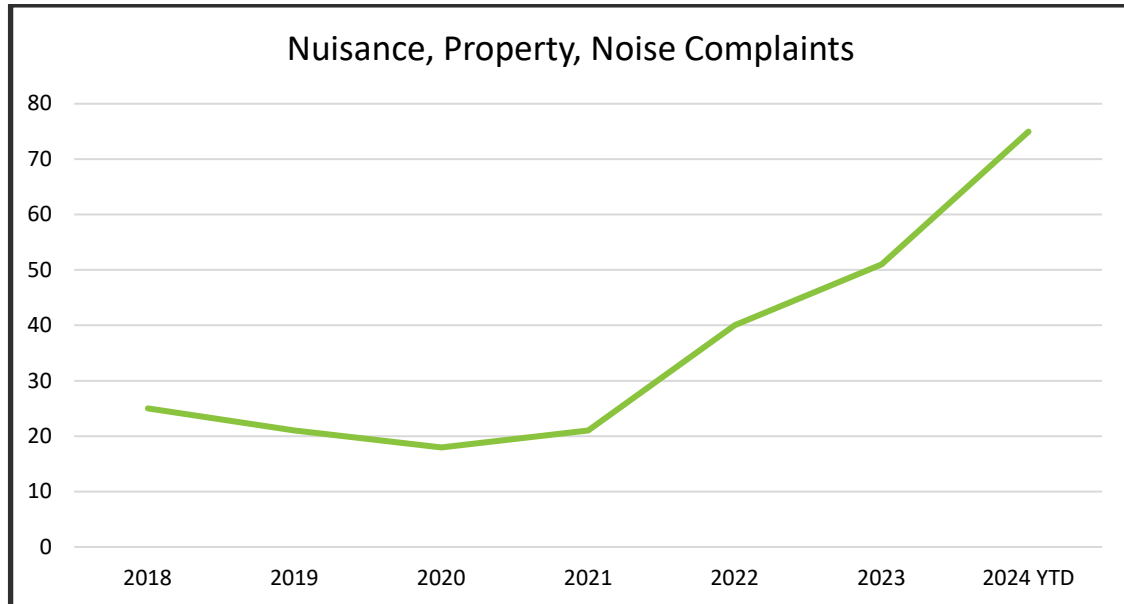
Bylaw enforcement in the Township is almost entirely complaint based. However, there is a desire from some members of Council for a more proactive approach to bylaw enforcement, which would be difficult or impossible with the existing one-person resource.

Bylaw enforcement in the Township also uses antiquated and inefficient technology tools. Tickets are written manually and then submitted to another staff member who enters the data into an Excel database. The ticket is then scanned so that it can be available to Finance staff should the recipient of the ticket come in to pay and not have a copy of their ticket with them. This process happens in spite of the fact that there are numerous tools available that would allow for handheld technology to be used in the field that automatically populates a database and allows access to the tickets to anybody who legitimately requires access. Moreover, these systems provide a sophisticated analysis of bylaw enforcement trends, geographic breakdown of bylaw issues, financial impacts, automatic flagging of unpaid or overdue tickets, and a wide variety of other insights and analysis that would generally be difficult to obtain from an Excel spreadsheet. Equipment now exists that can be installed in vehicles that allows for the automated reading of license plates that then can be integrated with bylaw enforcement software tools, allowing for entirely automated and proactive enforcement of parking, particularly people who have overstayed time-limited parking. The Township has areas of a time-limited parking, particularly on major thoroughfares and in some parking lots.

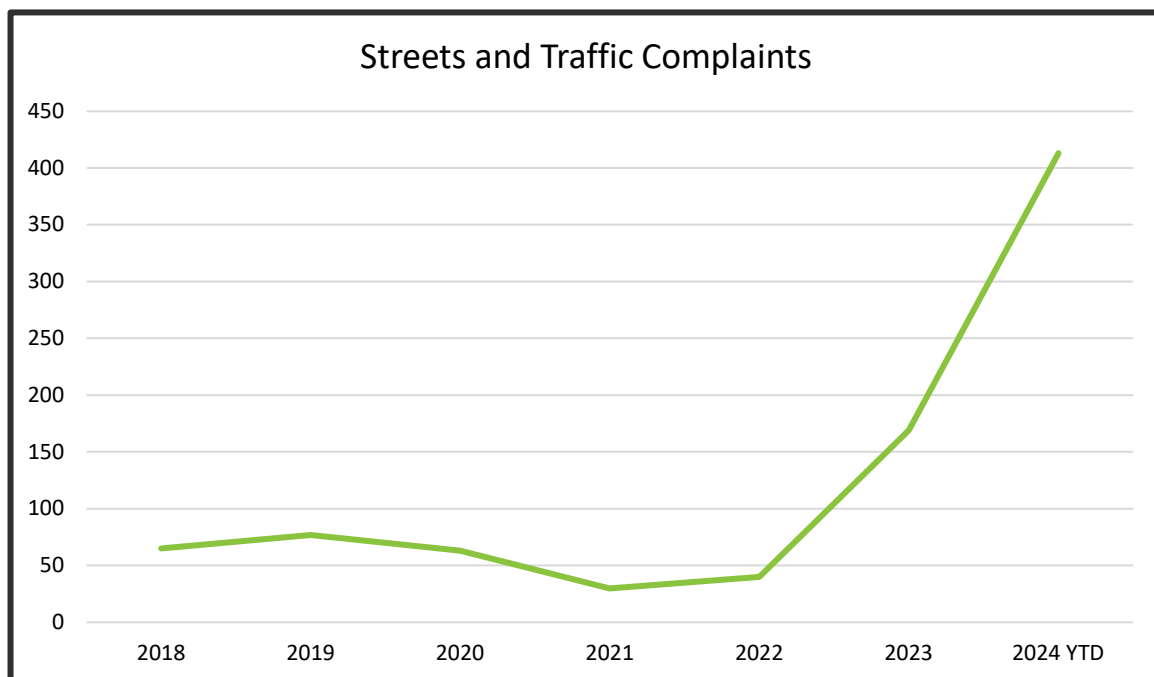
It is important to note that there is no immediate need for an additional bylaw enforcement officer given the current workload and hours of service. The existing staff member reports that the workload is currently manageable, even though the number of complaints related to ROP has increased in recent years. However, there is no available capacity for after-hours enforcement, or more proactive enforcement.

### Enforcement Trends

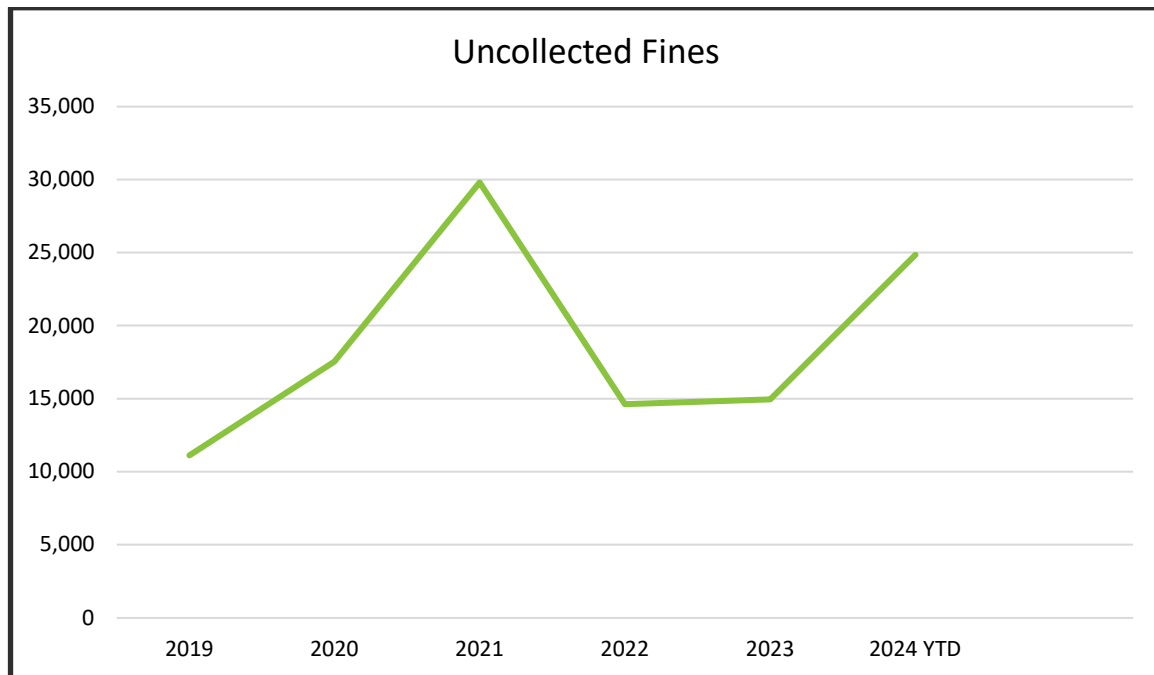
As can be seen in the graph below, there has been a gradual increase in general bylaw enforcement of nuisances, problem properties, and noise. However, the annual numbers remain relatively small.



The number of streets and traffic complaints (overwhelmingly parking) has grown dramatically in the same period, largely due to the increase in Resident Only Parking.



The amount of fines that are uncollected has grown gradually in the last five years. Cumulatively in that period the Township has not collected \$112,892 of fines owed.



### Comparative Staffing

It is useful to examine comparator staffing levels. Some caution should be exercised given every municipality will have different bylaws and parking regulations and may have substantially different parking enforcement demand.

However, as can be seen below, Esquimalt is very thinly staffed compared to other BC municipalities.

Community	Population	Staffing	Coverage	Bylaw Staff Per Capita
<b>Esquimalt</b>	<b>17,533</b>	<b>1 full time staff</b>	<b>5 days a week</b>	<b>1 full time staff per 17,533</b>
View Royal	11,575	1 full time staff	5 days a week	1 full time staff per 11,575
Langford	46,584	3 full-time staff, 4 part-time staff, and 4 seasonal staff.	7 days a week	1 full time staff per 15,530 1 Part time staff per 11,640
Sidney	12,318	1 full time staff	5 days a week	1 full time staff per 12,318
Sooke	15,086	1 full time staff	5 days a week	1 full time staff per 15,086
Comox	14,806	2 full time staff	5 days a week and special events	1 full time staff per 7,403
Vernon	44,519	7 full-time staff, 12 part-time	7 days a week	1 full time staff per 6,360 1 part time staff per 3,710
Penticton	36,885	14 full-time staff, 3 part-time staff	7 days a week	1 full time staff per 2,630 1 part time staff per 12,300

### Integrated Parking Management Plan

The Township has an Integrated Parking Management Strategy and Action Plan that was completed in June of 2024. It has a wide range of actions intended to improve parking accessibility, enforcement, bicycle infrastructure, other active transportation infrastructure, and changes to existing Township policies. It also ensures that there is ongoing measurement of parking needs as the Township develops additional multi-residential housing. This strategy is an excellent document and includes a detailed costing of implementation. Given it is a relatively recent document, implementation is only just beginning and few of the recommendations have been fully implemented.

The strategy recommends a transition from Residents Only Parking to a parking permit system, which will be discussed in more detail later in this report.



## OBSERVATIONS AND DISCUSSION

### General

The Township has excellent policies for the management and oversight of bylaw enforcement, and policies governing various types of complaints and how they should be handled. The Township does not have a particularly large number of bylaws that require enforcement. Other municipalities may have many dozens, and the Township has a relatively manageable number.

Bylaws enforced include:

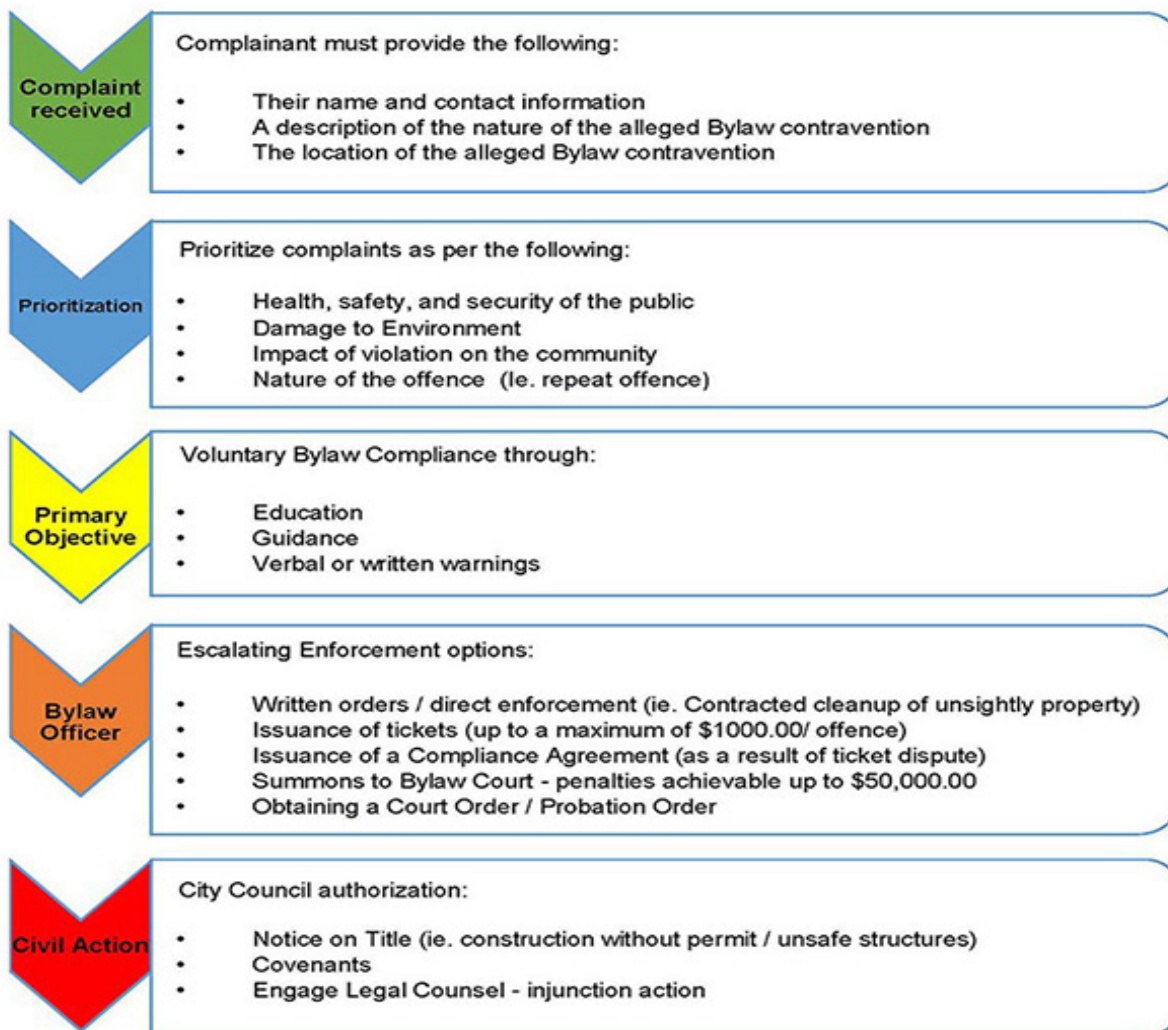
- Bylaw 8 Fire Protection and Control
- Bylaw 9 Business License and Regulation
- Bylaw 10 Solid Waste Collection and Disposal
- Bylaw 11 Smoke Alarm
- Bylaw 12 Streets and Traffic Regulation
- Bylaw 13 Commercial Vehicle Licensing
- Bylaw 18 Fireworks
- Bylaw 19 Pesticide Use Reduction
- Bylaw 20 Maintenance of Property and Nuisance Regulation
- Bylaw 21 Animal Management
- Bylaw 23 Parks and Recreation Regulation
- Bylaw 25 Tree Protection
- Bylaw 26 Boulevard Maintenance
- Bylaw 28 Parking
- Bylaw 29 Watercourse and Drainage Regulation
- Bylaw 30 Installation of Lock-Boxes
- Bylaw 31 Blasting Bylaw
- Bylaw 32 Pawn shop bylaw

It should be noted that some of the bylaws above rarely require enforcement. The Animal Management Bylaw is largely enforced by Victoria Animal Services, a contracted service provider. Fire prevention staff also inspect for smoke alarms.

On a very positive note, all bylaw enforcement is done centrally by the one bylaw enforcement officer rather than distributed across multiple departments as is the case in some municipalities. The Township follows an industry standard triage model for bylaw enforcement and follows the standard steps used by most municipalities as set out in the model below.

Appendix

**Bylaw Enforcement Process**



It should be noted that in Esquimalt it is rarely necessary to proceed to the final step.

Generally, bylaw complaints are triaged using some variation on these categorizations:

**Priority #1: Safety** – the alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as possible given the availability of staff and other resources. Warnings or education may not be appropriate or practical.

**Priority #2: Significant negative impact to adjacent properties** – the alleged bylaw violation is significantly impacting adjacent properties in a negative manner but does not pose an immediate risk to the environment or public safety. Generally, enforcement efforts are directed at seeking voluntary compliance without ticketing, and staff will consider whether education is sufficient to prevent ongoing contraventions. Staff will often issue a warning and provide a short timeline for compliance before ticketing. However, staff may engage in proactive (i.e. non-complaint based) investigations and/or proceed directly to ticketing in response to repeat offences and offenders, or where the circumstances otherwise warrant.

**Priority #3: General nuisance** – the alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect the environment or public safety. The Township's investigation and enforcement of Priority #3 matters is initiated in response to complaints. Staff receiving a complaint will use discretion to determine whether there is sufficient geographic or other connection between the complainant and the location of the alleged violation to constitute a valid complaint. Investigating staff will focus on education and will provide opportunities appropriate in the circumstances to bring the property or situation into compliance. If a confirmed violation is minor in nature and/or if it appears the complaint may be vexatious or is part of a larger neighbourhood conflict, staff may conclude it is not in the Township's or community's best interest to pursue the matter.

The great majority of the Township's bylaw complaints are category 3; category 1 complaints are very rare.

Generally speaking, the Township does effective and timely of bylaw enforcement, although the vast majority of bylaw enforcement is reactive, and complaint driven. This is not uncommon in many British Columbia municipalities. As mentioned above, there is a desire for the bylaw staff member to be more proactive if capacity exists. At present, the single bylaw enforcement officer is kept very busy dealing just with complaints and is generally seen to be highly responsive and effective in dealing with bylaw enforcement complaints. However, it would be incorrect to say that the bylaw enforcement officer does no proactive bylaw enforcement. He does on occasion see offences that need to be addressed and takes steps to ensure that the problem is resolved. He is also the Township's lead resource for dealing with people camping in parks, and again much of this work is proactive rather than reactive.

The bylaw enforcement officer reports that he is not overextended and has sufficient capacity for the current workload, however he does point out that the workload has increased significantly in recent

years largely due to the expansion of ROP. As also mentioned, there is a part-time bylaw enforcement officer who backfills the full-time officer when he is away. The part-time officer also comes in periodically for half days in order to stay current and to catch up with the full-time bylaw enforcement officer on key files and workload. The part-time bylaw enforcement officer does not add any meaningful additional capacity. Effectively there is one FTE at any given time doing bylaw enforcement.

Bylaw enforcement is only done during office hours five days a week. There is no capacity for after-hours response, and no coverage on weekends, except during large municipal special events. It is not uncommon in a municipality the size of the Township to not have after hours bylaw enforcement. It is unusual that there is no enforcement activity taking place on weekends, especially in the summer months in parks.

It is important to note that only a small number of bylaw offences constitute immediate public safety concerns. Most bylaw offences, particularly parking, are more nuisance or inconvenience concerns and do not present any immediate public safety risk (except in the rare instance where a parked vehicle is blocking emergency vehicle access). As indicated earlier, the great majority of the bylaw offences are parking complaints, and the great majority of those have to do with ROP. After hours complaints about ROP, while they should be addressed, generally do not need to be addressed immediately, and can be followed up the next business day without any serious risk to public safety. However, there is a segment of the public that expects 24/7 bylaw enforcement, even for offences like parking that are effectively inconveniences.

### **24/7 enforcement, or 'after hours' enforcement**

In spite of some members of the public wanting 24/7 bylaw enforcement, there is no defensible argument for it. Few municipalities have this, and the cost would be substantial. Covering 24 hours a day would require at least five bylaw enforcement officers to cover three different shifts over seven days, with at least one additional staff for relief and vacation coverage.

A better, and far more affordable, model would be to add 'after-hours' bylaw enforcement. This is regular blocks of active bylaw enforcement on weekends and in evenings. Even in this model there is no reason to provide enforcement capacity during the late night or early morning.

After-hours enforcement can be implemented by either;

1. contracting for that service with one of several organizations that does parking enforcement, most of whom provide after-hours enforcement, or
2. hiring one or two auxiliary bylaw officers whose specific purpose is to work weekends or after-hours for a certain number of hours each week. These could be part-time positions with reasonably flexible hours so there could be some enforcement done on weekends and evenings

While neither of these options would provide 24/7 coverage, they would allow for a fixed amount of after-hours enforcement.

Should the Township wish to contract out after-hours enforcement of parking, it may also wish to simultaneously contract out all parking enforcement, including enforcement during normal working hours. This would free up the bylaw enforcement officer for more complex and higher value work. A Request for Proposal for contracted parking enforcement should include estimates for both after-hour enforcement only, and all parking enforcement.

It should also be noted that the Township undertook a trial project to contract out parking enforcement to the Commissionaires. This trial ran from July to December 2016 but was not continued due to general concerns about the cost (vs the limited revenue collected) and the small amount of enforcement that was being provided.

There are a range of organizations that do parking enforcement under contract. For instance, Sidney has contracted out its parking enforcement to a private company that does parking enforcement, ticketing, collections, and adjudication of disputed tickets. The same company is currently doing parking enforcement in Esquimalt on certain private parking lots. These companies typically employ the latest plate reading technology for proactive enforcement and can often also provide after-hours enforcement.

### **After hours responses**

During regular hours, calls are received by Township staff and are passed on to the Bylaw staff.

Outside of normal working hours, bylaw complaints are generated through non-emergency 911 calls. E-Comm 911 South Island dispatch will generally receive these calls depending on true emergency call volumes. If E-Comm operators are not available, the calls are not taken. When E-Comm receives an after-hours non-emergency bylaw call, they will triage (see above) and refer safety issues to the Victoria Police Department. Victoria Police typically responds to noise complaints but does not respond to parking bylaw infractions unless there are extenuating circumstances.

Considering the high cost of police officer response to general parking enforcement issues, and their key role in providing core policing services, there is no business case for allocating officer time to deal with simple parking infractions. In simple terms, the Township can provide parking enforcement using auxiliaries at approximately \$55 / hour (with vehicle); the full cost of a 2 person Victoria Police response is approximately \$325 / hour.

If the Township moves towards providing after-hours enforcement, there is a need for a call service to ensure that Bylaw Officers can effectively receive complaints. It is costly to engage full time call answering services; however, it is inexpensive to develop automated call services using web and digital technology.

### **Collections**

There is no point in expanding bylaw enforcement, particularly parking enforcement, unless the Township has the capacity to collect unpaid tickets. As mentioned earlier, the Township has not had a collection agency contract for at least five years and as a result the great majority of tickets are never

paid. Almost certainly there is now a level of awareness in the community that tickets can be ignored with impunity. Put differently, the existing parking enforcement is largely ineffective, so without a collections contract there is no point in further expanding enforcement.

### Parking strategy and permit parking

It is also important to note that the Township has a parking strategy that has been developed quite recently. It has a range of timely recommendations around parking enforcement, studies of parking capacity, support for electric vehicles, active transportation infrastructure, cycling infrastructure, and other recommendations. One of the central recommendations is to replace the current program of Residents Only Parking with a permit parking system. The terms "resident-only parking" and "permit parking" often refer to similar concepts but can have slightly different meanings depending on the context.

- **Resident-Only Parking:** This usually means that only residents of a particular area can park their vehicles in designated spots. Non-residents are typically not allowed to park there at all, which helps ensure that parking is available for locals.
- **Permit Parking:** This usually requires residents to obtain a permit to park in specific areas. While the permit allows residents to park, non-residents may still be able to park there for a limited time or under certain conditions, depending on local regulations.

In essence, resident-only parking restricts access entirely to residents, while permit parking may still allow some flexibility for non-residents under specific circumstances.

**Permit parking** can be a useful solution for managing urban traffic and parking availability. The pros and cons include:

#### Pros:

1. **Reduces Congestion:** By limiting parking to permit holders, it can help reduce the number of vehicles parked in an area, alleviating congestion.
2. **Improves Availability:** Residents and businesses often find it easier to find parking when permits are in place, as they limit the number of non-resident vehicles.
3. **Increases Safety:** Fewer cars can lead to safer streets for pedestrians and cyclists, as well as reduced traffic speed.
4. **Encourages Public Transit:** By making parking less accessible, permit systems can encourage the use of public transportation, biking, or walking.
5. **Community Control:** Local residents have a say in parking management, potentially leading to a greater sense of community.

#### Cons:

1. **Cost to Residents:** Permit fees can be an added financial burden for residents, especially in areas with high demand.

2. **Potential for Abuse:** Some people may misuse permits or lend them to non-residents, undermining the system's effectiveness.
3. **Increased Enforcement Needs:** Regular monitoring and enforcement are required to ensure compliance, which can strain municipal resources.
4. **Frustration for Visitors:** Permit systems can make it difficult for visitors to find parking, potentially discouraging business patronage.
5. **Inequity Issues:** Not all residents may have equal access to permits, leading to frustrations among those who cannot secure them.

In summary, while permit parking can help manage space and reduce congestion, it also comes with challenges that need to be addressed to ensure fair and effective implementation.

**Resident-only** parking has its advantages and disadvantages. The pros and cons include:

**Pros:**

1. **Increased Availability:** It prioritizes parking for residents, making it easier for them to find parking near their homes.
2. **Reduced Congestion:** Limits the number of non-resident vehicles in the area, which can alleviate traffic and congestion.
3. **Community Safety:** Fewer cars can lead to safer streets for pedestrians and cyclists, contributing to a more walkable neighborhood.
4. **Enhanced Property Values:** Having dedicated parking can make a neighborhood more attractive, potentially increasing property values.
5. **Local Control:** Residents have a say in managing their parking situation, fostering a sense of community.

**Cons:**

1. **Visitor Limitations:** It can make it difficult for visitors, friends, or family to find parking, which may discourage visits and impact local businesses.
2. **Potential for Permit Abuse:** Residents may misuse permits or allow non-residents to use their parking spaces, reducing the system's effectiveness.
3. **Increased Enforcement Needs:** Effective resident-only parking requires regular monitoring, which can be costly and resource-intensive for municipalities.
4. **Displacement Issues:** Non-residents may seek parking in adjacent neighborhoods, potentially leading to conflicts and resentment among those residents.
5. **Equity Concerns:** Not all residents may have equal access to parking permits, creating potential frustrations and feelings of inequity within the community.

In summary, while resident-only parking can enhance convenience and safety for residents, it can also create challenges related to accessibility and enforcement that need to be managed effectively.



Shifting from ROP to permit parking would be a substantial change and would require residents to purchase and display parking permits on their vehicles in order to park in certain areas of the Township. Putting this process in place would require ongoing administrative support, likely half of a full-time equivalent staff member to administer the program.

The nature of the bylaw offence would also change from illegal parking to failure to display the permit. It is also likely that there would be a negative public reaction to having to pay for a permit when ROP currently has no cost associated with it.

It is not entirely clear that the shift from ROP to permit parking will make the workload of the municipality easier, and as indicated it will certainly increase the administrative work that staff will have to do to issue and maintain permits.

Much like the expansion of bylaw enforcement to weekends and evenings, it makes little sense to implement a permit parking system when there is no mechanism to collect fines.

### **Adjudication**

Adjudication of disputed tickets is done by the Director to whom the Bylaw officer reports (previously the Director of Community Safety Services). This is currently done by the Director of Engineering and Public works, to whom the Bylaw officer has reported for the last 14 months. There are a relatively small number of disputed tickets that require adjudication, roughly 2-3 a month.

### **Parking enforcement job classification**

In some communities parking enforcement is done by a different job classification and job title than other bylaw enforcement. This reflects the fact that parking enforcement is generally not as complex as other types of bylaw enforcement, such as noise, property standards, and other nuisances that often involve challenging interactions with members of the public to gain compliance. Some municipalities have parking wardens, or more entry level enforcement positions that focus exclusively on parking.

Esquimalt has a fully trained, highly experienced, bylaw officer (a former police officer) doing parking enforcement as a significant majority of his workload. Should the Township choose to hire auxiliaries to do after hours parking enforcement, it may wish to focus them exclusively on parking enforcement and should therefore create a lower job classification than a full bylaw enforcement officer. Further, should there be a need in the future (due to workload growth) to augment the current bylaw officer during normal working hours, consideration should be given to creating a parking enforcement classification to free up the bylaw enforcement officer for more complex enforcement files.

### **Mediation**

As a somewhat lower priority, there would be value in adding mediation as a formal tool to address certain types of bylaw enforcement concerns. Mediation can be particularly effective in the case of protracted neighbour disputes where residents are repeatedly calling bylaw enforcement to further the dispute with their neighbours. Similarly, for protracted issues with conflicting adjacent uses, such

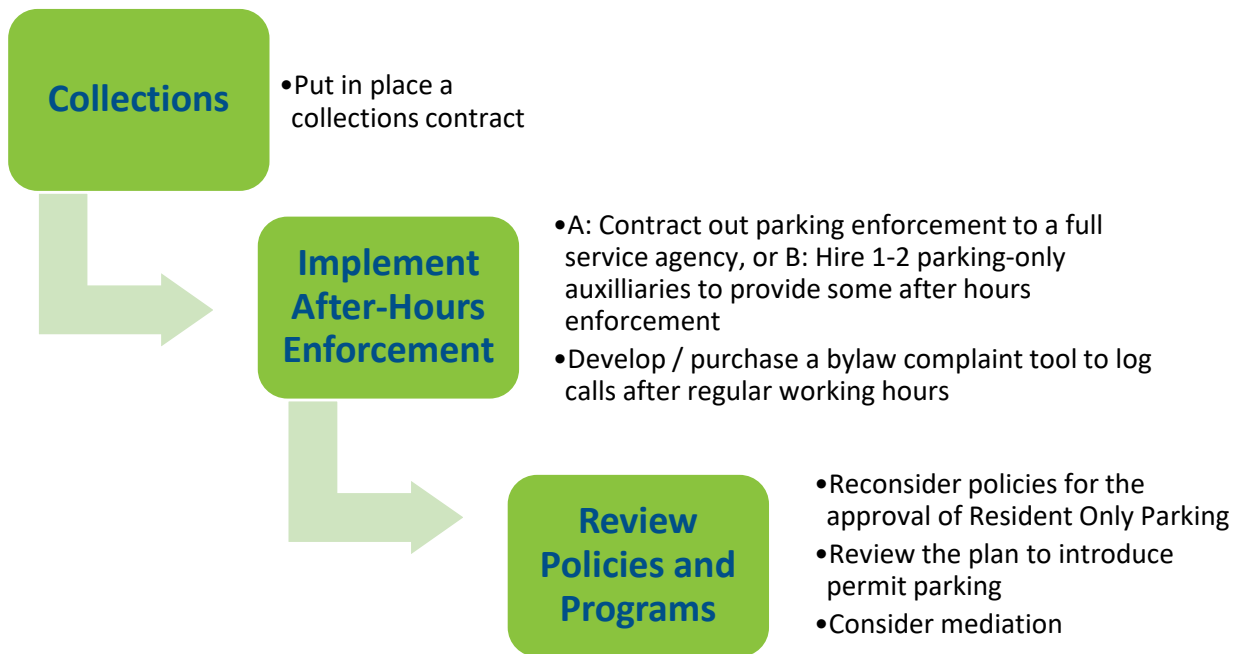


as residential uses abutting commercial or industrial uses, mediation can be a useful tool in bringing the parties together to find effective solutions. In some municipalities, bylaw enforcement will refuse to continue to attend an address for future complaints unless the parties have undertaken mediation. While not always successful, mediation can be a powerful tool for finding long-term solutions to community disputes that draw on bylaw enforcement resources.

## RECOMMENDATIONS

There is no particular urgency to enhancing the services of bylaw enforcement in Esquimalt; however, there are a number of improvements that both address Council's concerns and provide long term efficiencies.

It is suggested that recommendations be implemented in three major phases.:



## PHASE 1

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### Engage a collections service

As stated multiple times in this report, the first critical step in improving bylaw enforcement is to put in place a collections agency contract. Failure to do this as a first step renders most of the remaining recommendations largely pointless, given almost 72% of those who received tickets are not paying them (2024 YTD).

There are numerous collection agencies that could be considered for this purpose, and the Township has had a collection agency contract in the past.

Given that some number of Esquimalt residents are aware that the Township is not collecting unpaid fines, a robust public communications effort should be undertaken to make the public aware that the Township will be aggressively pursuing unpaid fines.

However, the recommendation below to consider contracting out parking enforcement to an external agency might also address the need for a collection agency contract. Some of the external organizations that do parking enforcement will also do collections as part of the broader parking enforcement contract.

Recommendation	Priority	Comment
<b>Enter into a contract for collection services for unpaid fines</b>	High	Numerous providers are available
<b>Undertake a public communications strategy to make the public aware that unpaid fines will be collected</b>	High	

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## PHASE 2

### Consider contracting parking enforcement to an external agency

Entering into a contract with an external agency for parking enforcement has the potential to address multiple recommendations and Township needs in a single step. An external parking enforcement organization can provide after-hours enforcement, collections, adjudication, and can bring technology to bear that allows for ongoing proactive parking enforcement. Organizations in the Victoria include:

- Robbins
- G Force Security
- Commissionaires
- Blackbird Security

This would also free up the current bylaw enforcement officer to focus on more complex bylaw compliance issues, the unhoused, and would give him considerable capacity to be more proactive.

A communications strategy to inform the public that after-hours enforcement was being introduced should be prepared.

Recommendation	Priority	Comment
<b>Consider contracting parking enforcement to an external service provider</b>	High	<p>A request for proposal, or request for expression of interest, would be relatively easy to prepare and would solicit responses that allowed a reasonable comparison of outsourcing options as well as the services that could be provided (after hours enforcement, adjudication, collections, etc.)</p> <p>An RFP should ask for costing for both after hours enforcement only, and all parking enforcement.</p>
<b>Undertake a communications strategy to make the public aware that after-hours enforcement is now taking place</b>	High	

### Alternately, hire one or two auxiliaries to provide some after-hours parking enforcement

As an alternative to contracting out for parking enforcement, the Township should consider hiring one or two auxiliary part-time parking enforcement officers who can spend a fixed number of hours each week doing weekend and after-hours enforcement.

These positions can be a lower classification than a fully trained bylaw enforcement officer. As mentioned, in many municipalities parking enforcement is done by more junior positions allowing the highly qualified by law enforcement officers to deal with more complex bylaw issues.

Recommendation	Priority	Comment
<b>Hire one or two part-time auxiliaries to provide some afterhours parking enforcement</b>	High	These positions need not be full bylaw enforcement officers, but should be a more entry level classification focused only on parking enforcement

### Create an online portal to receive after-hours bylaw complaints

The most cost-effective way to receive after hours calls is by using a commercial on-line application or a simplified complaint receiving tool. This will ensure that any after-hours enforcement can respond to complaints. The Tempest Bylaw Enforcement Module may provide this.

Recommendation	Priority	Comment
<b>Develop / purchase a bylaw complaint tool to log calls after regular working hours</b>	Medium	Other products are also available that do similar functions should the Tempest tool not meet Township needs

### Purchase and implement the Tempest bylaw enforcement software module

The Township uses the Tempest software tool for a number of functions. Tempest has a robust bylaw enforcement software module that is used by many municipalities across Canada. It is specifically designed for bylaw enforcement purposes and allows for a data entry from the field, automation of many processes that are currently manual in the Township and can generate reports and data that are currently compiled in a largely manual manner. It also integrates seamlessly with other Tempest modules that the Township uses.

Recommendation	Priority	Comment
<b>Purchase and implement the Tempest bylaw enforcement module</b>	High	Other products are also available that do similar functions should the Tempest tool not meet Township needs

## PHASE 3

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### Revise the process for approving Resident Only Parking

If the Township chooses to retain Resident Only Parking, the ROP process should be revised. In particular, there should be a step before Council's consideration where staff are tasked to undertake a full parking analysis of the area proposed for ROP. Staff should make a recommendation on the proposed ROP to Council. Some or all of the following considerations should inform the staff recommendation:

#### 1. Current Parking Situation

- The current parking availability and usage patterns.
- Peak times for parking demand and usage by residents versus non-residents

#### 2. Traffic Flow and Accessibility

- How resident-only parking might affect traffic flow in the area.
- Accessibility for delivery vehicles, emergency services, and visitors.

#### 3. Environmental Impact

- Any potential environmental benefits, such as reduced congestion and emissions from less circling for parking.
- How changes in parking might affect pedestrian and cyclist safety.

#### 4. Economic Impact

- Potential economic effects on local businesses that rely on foot traffic from non-residents.
- Any revenue implications from parking fines or permits.

#### 5. Implementation Strategies

- Different models for implementation, such as permit systems, time restrictions, or hybrid models.
- Potential challenges and solutions for enforcement.

#### 6. Monitoring and Evaluation

- A plan for monitoring the effects of the resident-only parking after implementation.
- Metrics for evaluating success, such as resident satisfaction and parking availability.

Recommendation	Priority	Comment
Revise the process for approving Resident Only Parking to include a parking analysis and recommendation from staff	Medium	

## Revise the Development and Review Process for New Bylaws and Programs

The Township should adopt an ongoing practice of ensuring that bylaw enforcement needs and capacity are considered whenever a new policy or program is put in place, particularly proposed new bylaws. As indicated, the rapid expansion of ROP has greatly increased the bylaw workload. It would be valuable to ensure that there is a standard practice of identifying bylaw enforcement impacts of new policies and programs before those policies and programs are approved by Council

Recommendation	Priority	Comment
<b>All new bylaws and programs that might require enforcement should be reviewed by staff and the enforcement impacts identified for Council before the bylaws and programs are approved</b>	Medium	This has not been consistently done in the past

## Reconsider the planned implementation of permit parking

It is not clear that switching from Resident Only Parking to permit parking, as proposed in the Parking Strategy, will simplify enforcement. Additional administrative support will be required, a fee will need to be charged and processed, renewals may be needed, and there is little evidence that it will significantly improve parking in residential areas.

Task	Priority	Comment
<b>Undertake a more thorough assessment of the pros, cons and costs of switching to permit parking</b>	Medium	It is not clear that the change from ROP to permit parking will create efficiencies, or improve enforcement

## Consider the Use of Mediation Services in the Enforcement Process

It is recommended that the Bylaw enforcement consider the use of mediation for protracted bylaw disputes between two parties, such as neighbour disputes or ongoing disputes between conflicting types of uses land. Other municipalities have successfully used mediation, and some use it as a final step before abandoning enforcement activities for unresolvable issues. In this case the Township can either pay for mediation, which is sometimes less expensive than continuing to deal with an intractable dispute. In other cases, municipalities will provide the parties with information about community-based resources for dispute resolution and leave the parties to pay the cost of the mediation.

Recommendation	Priority	Comment
<b>Consider the use of mediation for protracted bylaw disputes between two</b>	Low	Examples of policies for the use of mediation can be found from many other municipalities

<b>parties, such as neighbour disputes or ongoing disputes between conflicting types of uses land</b>		
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