

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Brent Larmer, Director, Legislative Services, Municipal Clerk, Legislative Services Division <a href="mailto:blarmer@cobourg.ca">blarmer@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	January 24, 2022		
<b>Report No.:</b>	Legislative Services-002-22		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Proposed By-law to establish a Licensing By-law for the use of a Model Dwelling Unit, Land Development Sales Trailer or Construction Office for Land Development Sales within the Town of Cobourg.

## RECOMMENDATION:

THAT Council receive the report for information purposes; and

FURTHER THAT Council authorize the approval at a Regular Council Meeting a By-law to license the use of a Model Dwelling Unit, Land Development Sales Trailer or a Construction Office for Land Development Sales within the Town of Cobourg.

## 1. STRATEGIC PLAN

Not applicable.

## 2. PUBLIC ENGAGEMENT

Not applicable.

## 3. PURPOSE

The purpose of this report is to provide Council with a regulatory by-law for consideration to require Owner(s) that wish to use a Model Dwelling Unit, Land Development Sales Trailer or Construction Office for Land Development Sales within the Town of Cobourg, a requirement to register and apply for a license at

the Legislative Services Office and adhere to specific rules during the licensing term to maintain these structures on properties within the Town of Cobourg.

#### 4. ORIGIN AND LEGISLATION

Pursuant to the *Municipal Act, 2001*, Section 151, a municipality may provide for a system of licences with respect to a business and may,

- a. prohibit the carrying on or engaging in the business without a licence;
- b. refuse to grant a licence or to revoke or suspend a licence;
- c. impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d. impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e. impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- f. license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

The proposed licensing by-law that is attached to this report for Council consideration is intended to address concerns over various Model Dwelling Unit, Land Development Sales Trailers and Construction Offices for Land Development Sales within the Town of Cobourg that have been subject to complaints from residents over the past several years. This licensing system will help to enforce and allow for the Town to manage these structures and their presence in the community.

#### 5. BACKGROUND

The Town of Cobourg Municipal By-law Enforcement and Licensing provides both proactive and reactive levels of by-law enforcement services to the residents of the Town of Cobourg. The most common type of enforcement is reactive enforcement, and this includes responding to written complaints as they are submitted by members of the public and or staff and Council. The second level of enforcement that the Town provides is proactive enforcement which involves the Municipal By-law Enforcement Officer proactively enforcing the Town By-laws, and issues that involve the health and safety of residents and property owners within the Town of Cobourg.

Over the past several years, Municipal By-law Enforcement Staff, Cobourg Police, and Members of Council have received numerous amounts of complaints related

to these types of structures that have been placed in various areas within the boundaries of the Town of Cobourg. Complaints have ranged from property maintenance and standards, appearance within a residential neighborhood, reports of these structures being abandoned for many years without purpose and being a place for individuals to trespass and shelter which can be dangerous when structures are not maintained and intended to be a legal dwelling.

Municipal Staff are bringing forward to Council for consideration an option to help assist reoccurring by-law complaints, as well as to address the By-law Officers time being dedicated each year to enforce these types of structures to the various regulatory by-laws that are currently in place. This licensing by-law will help to control these types of structures by providing for an upfront set of regulations that need to be followed during the entire licensing term when a structure is in place and allow for specific compliance measures for these structures to be enforced, revocation of a license and removal of a structure if warranted.

## 6. ANALYSIS

Traditionally within the Town of Cobourg, residential, commercial and condominium development sites have erected and constructed structures that help to advertise and promote to the community potential properties for residents and visitors to purchase. In addition, when developments are within the construction phase, employees and trades need a project management site to act as a point of contact for a development project, so they erect structures for this purpose. At times, developments can be slow moving and at the pace of the developer which can mean that on occasion these types of structures such as a Model Dwelling Unit, Land Development Sales Trailer or a Construction Office can become abandoned for time periods of months or years. When these types of structures become vacant and unused, they can become derelict, weather damaged, and/or surrounded by noxious weeds and rodents which can become a nuisance for neighbouring residences and areas such as Local Business Improvement Areas.

The intention of the proposed By-law is to manage and proactively license owners who are erecting these types of structures, to maintain them good repair and free from health, fire and accident hazards so as to prevent an unsafe condition and an unsightly appearance around Town. This By-law is also intended to deal with long term structures that have sat vacant on properties within the Town and have been subject to various Property Standards complaints over several years.

The following will be the requirements to attain a license by an Owner:

4. *No Licence shall be issued until a complete application is received to the satisfaction of the Clerk, which application shall include but not be limited to:*
  - a) *a complete application form as provided by the Clerk;*
  - b) *the address for the Development from which the Land Development Sales will be carried out;*
  - c) *a full Licence Fee as set out in Schedule "A";*

- d) *a list of all Land Development Sales Trailers, Model Dwelling Units and Construction Offices on the Development for which the Licence is being applied; and*
- e) *the name and contact information for the applicant.*

It is important to note that this by-law is not intended and does not interfere with the Planning and Building Code process. Section 6 and Section 28 reference this point.

If Municipal Council approved this by-law, those existing structures that meet the by-law definitions within the Town of Cobourg will have three (3) months from the effective date of this By-Law to comply with the licensing provisions and contact the By-law Enforcement Office to attain a license and pay the required fee.

As part of the proposed By-law, the Town may revoke a License at and time to enforce the provisions of the By-law and as well as remove the structure from a property which is not meeting compliance and has been vacant for such time.

## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

There is no direct financial or budget implications related to this report other than Staff time to administer, educate and enforce the provisions of this by-law. Attached to the draft by-law is a schedule of licensing fees that would be required for each application by an Owner.

The following are the proposed licensing fees:

### **SCHEDULE “A” – FEES**

- 1. Licence Fee.....\$1000.00
- 2. Renewal Fee.....\$250.00
- 3. Transfer Fee.....\$500.00

The purpose of these licensing fees is to account for the administration of the Licensing By-law through receiving and processing applications, annual inspections by Officers for compliance, and any other enforcement related activities that may occur related to the introduction of this by-law in the Town of Cobourg.

## **8. CONCLUSION**

Staff is recommending that Council authorize the approval at a Regular Council Meeting the recommended By-law to license the use of a Model Dwelling Unit, Land Development Sales Trailer or a Construction Office for Land Development Sales within the Town of Cobourg.

## Report Approval Details

Document Title:	<b>Proposed By-law to establish a Licensing By-law for the use of a Model Dwelling Unit, Land Development Sales Trailer or Construction Office for Land Development Sales within the Town of Cobourg..</b>
Attachments:	-
Final Approval Date:	January 14, 2022

This report and all of its attachments were approved and signed as outlined below:

**Tracey Vaughan, Chief Administrative Officer – Jan 14, 2021 - 6:23 PM**