

May 9, 2023

This summary note captures salient points arising from WSCS Consulting Inc's interviews with members of Markham Council. The information is presented in four parts and formulated based on general themes and focused areas of interest.

The interviews of Council were conducted on the following dates:

- June 15th, 2022, Ward 4 Councillor Karen Rea
- June 17th, 2022, Ward 6 Councillor Amanda Yeung Collucci
- June 20th, 2022, Deputy Mayor Don Hamilton
- June 27th, 2022, City/Regional Councillor Joe Li
- June 28th, 2022, Ward 8 Councillor Isa Lee
- June 29th, 2022, Ward 3 Councillor Reid McApline
- August 9th, 2022, Ward 5 Councillor Andrew Keyes
- August 12, 2022, Ward 2 Councillor Alan Ho
- August 26th, 2022, Mayor Frank Scarpitti
- October 3rd, 2022, Ward 1 Councillor Keith Irish

Despite making several attempts through city staff as well as the offices of the individual council members we were unable to connect with Ward 7 Councillor Khalid Usman and City/Regional Councillor Jim Jones.

Our interviews were scheduled for one hour. The shortest interview lasted 45 minutes and the longest interview was a few minutes shy of 2 hours. The questions were focused on all three projects, By-law Enforcement: Infill Development and AMPS implementation. The hi-lights are provided by each of the projects.

GENERAL OBSERVATIONS:

Individual Council Members each brought a different level of interest to the topics of conversation. Most of their views and comments were supported by personal and political experiences. We noted those Council Members whose wards contained the more established/older areas of the communities there was more engagement and interest in all three topics. Generally, the newer areas of the community are not facing the same level of infill development so the feedback they provided was more anecdotal as opposed to real-life experience.

Overall, it was not difficult to engage Council in these discussions as they generally appeared to appreciate the opportunity to discuss issues related to Markham. We noted more of the Council Members had announced their re-election plans by the time we engaged them in these interviews.

We also noted through our discussions with Council that there was a keen awareness that the changing demographics in the community will continue to impact future municipal service delivery.

One of the overarching themes emerging from our conversations indirectly related to the three core areas of interest was the importance for enhanced and more proactive communication efforts. In some cases, individual Council Members were taking on that challenge through their efforts to reach out to their constituents. Almost unanimously, there was a sense that communication efforts needed to be more consistent across the municipality.

One of the points raised with us was the fact that managing the public's expectations is one of the most challenging roles for elected officials. The need for more public education could help to alleviate this challenge. We noted that during our conversations the issue of public education and communication were a factor that a few Council Members were attempting to tackle on an individual basis, through their own newsletters and social media. The Markham website was mentioned several times in our conversations with Council. Many were critical of the site's functionality and expressed concerns associated with navigating the website. Several mentioned they have abandoned the use of the website search tool in favour of doing basic Goggle searches.

BY-LAW ENFORCEMENT SERVICES:

1. New Management

Council identified the fact that there is a new management team in the department which is bringing about a sense of optimism and confidence. The change in management is viewed as positive and there is evidence that is demonstrating greater responsiveness in the eyes of many Council Members. Councillors are also sensing a greater level of accountability and improved levels of communication. The management changes have sparked a more professional image and given the Department a higher public profile.

2. Enforcement approach (Reactive vs. Proactive)

The Public expectations and the nature of enforcement was raised by several council members. There was a mixed comments respecting the aspect of reactive enforcement vs. proactive enforcement. Some identified concerns that repeat offenders (*property related issues*) should be flagged for proactive enforcement to prevent them from lapsing. A few indicated that the reactive approach based upon complaints is because there are simply not enough staff to be proactive.

The public expectations are a challenge to manage as the public expects more proactive measures of enforcement. There was some sense that some neighbours are using the by-laws as a blunt instrument against their neighbours and there is a need to be aware of those types of situations. There were several council members who expressed the view that there was a general understaffing of the enforcement needs of the community.

3. Need to update Policies/By-laws

On the By-law or Policy side of the equation, we did hear several comments respecting the concern that it may be time to undertake a wholesale review of the by-laws to make sure that they are reflective of community standards and expectations. There were some, albeit minor comments about the need to consider the implications of passing by-laws and not ensuring that the mechanism for enforcement is addressed. Some Council members felt the by-laws simply lacked enforceability (not enough teeth) and perhaps this was an opportunity to revisit them and make them effective and enforceable.

With the by-law review component there was the suggestion that public education would need to be a major part of the implementation process for any updated or new by-laws. In some cases, our by-laws have fallen behind the times and we're trying to enforce things that may be negatively impacting people's lives (i.e., no street parking, single car/extended driveways, multi-generational living, etc.). Sometimes poor planning is contributing to the increased number of problems and complaints. Provincial Policies may be adding to some of the problems we are facing. Certain by-laws should consider a compressed timeframe for actions – like grass cutting not being addressed for upwards of 30 days is problematic – should be done within 2 weeks. The rules need to be clear and understandable- using photographs and infographics can help people understand the nature of the rules. As new by-laws are considered there should be some analysis to identify the impact upon resources to make sure we are reasonably resourced.

4. Eyes on the Street- Ambassadors

By-law enforcement staff are now in uniforms and give the appearance of being professional and representatives of the municipality. Staff need to continue to be given the ability to exercise their discretion in the enforcement of the by-laws. Training and staying current on community expectations and being “helpful – ambassadors” rather than simply being an enforcement arm. Council members saw the enforcement staff as the “eyes on the street” and that they should be the conduit back to City Hall for other issues that the municipality needs to address. The issue of being eyes on the street was especially focused on the parking enforcement group. Some members felt that these resources should be coached to be focused on issues that are emerging in the community to be more responsive rather than the perception of “it's not my job” attitude. If you see it, then report it. We should be tougher on repeat offenders. Newer residents/Canadians may need a bit more leniency and more education.

5. Contact Centre

Council Members acknowledged the large role played by the Contact Centre in the support of the public inquiries and complaints. There was some question as to the possibility of expanding upon the technology to make tracking of complaints more seamless, especially for Council Members who may be tracking the issues with their own spreadsheets and methods. Councillors are at a disadvantage and don't get access into the City's contact centre system to be able to track the efforts of the staff. Would be nice to have some mechanism to support council in their constituency efforts – One team approach! Not having access means we or our staff are making inquiries and likely adding to the workload.

There were a couple of comments respecting the need to grow the capacity of the contact centre vis-a-vis languages given the growth and diversity of the community.

6. Changing Community – Intensification – Overlapping jurisdictions

Certain members identified the fact that the community itself is undergoing a significant transformation and the proliferation of high-rise residential dwellings will create greater challenges around social interactions. Intensification will bring with it new challenges which may require some different training, skills, and de-escalation approaches. One issue that was raised was the overlap of jurisdictions, i.e., health unit vs. business licensing vs. by-law enforcement etc.

In addition, some discussion respecting the hours of operation surfaced during these interviews. It was raised that once the university expansion occurs that the demand outside of the traditional office hours will create some challenges for staff. The need for the City to become more in tuned to the types of issues facing college/university communities otherwise known as the “town and gown” interactions will become critically important otherwise things will get out of hand quickly.

IN-FILL DEVELOPMENT

7. Neighbourhood impacts

Several Council Members are placing a great deal of faith in the Comprehensive Zoning by-law to help to preserve existing neighbourhoods. There is a general realization that the challenges associated with in-fill development are focused largely on existing well-established communities that are facing a revitalization given that the lots are generally larger and existing municipal and supporting services such as parks/arenas/schools etc. are abundant.

Neighbours generally want to preserve the status quo. However, if in-fill construction is going to occur then they would like to see the construction process expedited with the least amount of disruption to the neighbourhood. The concerns expressed covered the gamut of protracted construction timelines (more than a year), noise beyond the by-law timeframes, cutting down trees, on-street parking with construction vehicles, road mud and construction debris and inability to contact staff when issues arise.

Real Estate values continue to rise, and new subdivisions don't offer the types of mature neighbourhoods that in-fill construction provides. One candid comment was also made respecting the “neighbourhood demographic” challenges. It was noted that a shift from the existing status quo is also adding to the tensions, albeit unrelated to the specifics of the in-fill project.

8. Desire for Architectural Consistency

Some concerns were raised about the concept of “monster homes” vs. an effort to be context sensitive to the existing neighbourhood. The trend toward more “boxy” type of house construction is diverting from the current look and feel of these existing neighbourhoods.

As more and more homes get constructed the nature of these neighbourhoods will continue to morph over time. The sense amongst some of the Council members is many of these homes are being occupied by multi generations and not the traditional family units.

9. Silo Approach to Problem Resolution

The perception amongst Council is that there is limited coordination amongst the departments dealing with the in-fill challenges. There is a recognition that some matters fall under the building code, others under property standards, others under other by-laws. There was an expressed desire to see greater coordination of these issues so that the City’s interests and more specifically the interests of the residents were being better addressed. It was also identified that the construction efforts are being taken on as one-off single projects which also adds to the challenge of coordination of the trades, suppliers, and other contractors. In some cases, the lack of experience in house construction has resulted in a protracted completion schedule. COVID also contributed to the problems respecting the timely completion of projects by impacting the supply side of the construction projects (lower construction supplies) and driving up costs.

10. Improving Communication and Public Awareness

Given the heightened level of interest of the neighbourhood, the importance of communication was clear in discussions with Council Members. Neighbours are highly engaged for the most part as they have a genuine fear of the changes to their neighbourhoods. There was a desire to see more proactive communication with all parties relative to expectations that the City has of those engaging in the process of in-fill construction as well as ensuring residents understand who to contact when issues arise. The concept of installing signage on the construction site along pre-construction on-site meetings with the builder was raised. In addition, we also heard about the desire to see some type of handout materials to aid residents by informing them of relevant by-law provisions as well as key contact information. There was some interest expressed to potentially host ward/neighbourhood meeting to discuss the infill type developments.

11. Penalties and Fines

There was some discussion that the city needed to take a stronger stance on those repeat infractions. The suggestion about escalating fines was suggested to penalize the bad actors and ensure they understand the city is serious. The perception in the public according to some Councillors is that the builders are getting away with flaunting the by-laws. The need to impose AMPS was raised as a possible deterrent given the backlog currently in the POA Courts.

12. Novice Builders/Contractors

We heard the concern about individuals building their “dream” homes without much in the way of actual building knowledge and experience. There was some concern that this lack of experience was creating a drain on City resources and pressing against the good will of the neighbourhood. Some concern was raised by Councillors that perhaps the Building Department was doing too much hand holding especially when some projects require 3 and 4 plans submissions. The steep learning curve has a real cost for the city, so putting out material in advance of the build is important to start the education process.

13. Retrospective Analysis

We heard comments about the fact that this type of service review was a valuable exercise in that it forces the municipality to look back at what worked and what didn't. Taking the time to evaluate performance against best practices helps to drive efficiency and creates opportunity. Along with that analysis was some suggestion that regular reviews of the activities and decisions of the Committee of Adjustment would be a worthwhile exercise. The minor variances can at times cause more headaches for the neighbourhoods looking at the building activity through a microscope.

ADMINISTRATIVE MONETARY PENALTIES – IMPLEMENTATION

14. Administrative Efficiency

Council Members felt that AMPS would help to streamline the by-law enforcement program and make the process for the collection of fines and penalties much smoother. Several acknowledged that the POA courts have become overburdened and inefficient as a deterrent to by-law violators. The COVID 19 challenges were noted as contributing factors to the court delays. The ongoing success enjoyed by the City's Parking Enforcement program through the use of AMPS was promoted.

15. Communication and Education

Given the cultural diversity of the community Members of Council indicated that enhanced efforts would be required to ensure materials were translated in multiple languages to help with the community education process. The translation of materials associated with the AMPS program were in addition to any by-law materials that would help to inform the community. One helpful suggestion was to include say the top 10 infractions and have an FAQ in various languages that is clear and succinct for resident education purposes.

16. Technology

One suggestion that surfaced from the conversations with Council was a desire to see ticket disputes via Zoom meetings. The thinking is that since people are busy and it could be a challenge to take time from work to dispute a ticket that the municipality could consider the use of technology to make the process more seamless through the application of technology such as Zoom.