



Building Markham's Future Together  
**Journey to Excellence**

# **In-fill Construction By-law Presentation**

General Committee

June 26, 2018





# Topics to be Discussed

1. Background
2. Proposed In-Fill Construction By-law
  - General Provisions
  - Enforcement Powers
  - Advantages of the Proposed By-law
  - Process
3. Conclusions
4. Next Steps





# 1. Background

- A number of developed & mature Markham communities - including Thornhill, Unionville & the Village of Markham - have seen a “boom” in the number of residential in-fill projects over past three years.
- These projects can result in serious issues & disruptions for the existing residents during construction, including: 1) noise; 2) garbage & debris, 3) parking; 4) obstructions; 5) illegal tree-cutting; & 6) dust.
- By-law & Regulatory Services as well as other City Departments including Building, Engineering, Operations & Forestry, receive complaints about in-fill projects.
- To facilitate an efficient response to these complaints, staff have worked together to create an In-fill Construction By-law to address all of the above-noted concerns within a single by-law.



## 2. Proposed In-Fill Construction By-law

### General Provisions

- The proposed In-Fill Construction By-law will address the following concerns raised by residents including:
  - Dust created by the dry-cutting of stone & concrete
  - Improper or absent hoarding for protected trees
  - Site maintenance (garbage & debris)
  - Containment of garbage & debris on the property
  - Site security (proper fencing)
  - Parking
  - Damage to City property, including the boulevard
  - Tracking of mud & dirt onto the roadway
  - Potential fire & accident hazards
  - Illegal cutting of trees



## 2. Proposed By-law (Cont'd)

### Enforcement Powers

- These powers & authorities are conveyed through the Municipal Act:
  - Right of inspection & entry onto a property
  - Issuance of Work Orders & Notices to Discontinue Activity
  - Ability to perform the work where compliance is not received
  - Cost of the enforcement can be invoiced to the permit holder
  - Opportunity to use Administrative Monetary Penalties
  - Cost of work any unpaid penalties can be can be applied to the property tax
  - Inclusion of a Presumptive clause that hold the property owner responsible for any violation related to the construction





## 2. Proposed By-law (Cont'd)

### Advantages

Practice	Current	Proposed	Comments
By-laws	5	1	More efficient tool for staff with all the violations in one by-law.
Prosecution	Court	Court/AMPs	Court time is limited - AMPs is a more effective mechanism.
Fine Collection	No	Yes	Limited mechanisms under current process to collect unpaid fines – this By-law makes this easier.
Performance of Work	Yes	Yes	Depending on the nature of the work the Letter of Credit may have to be cashed.
Collection of Enforcement Costs	No	Yes	New authority to charge back enforcement costs to property owner in addition to any penalties.



## 2. Proposed By-law (Cont'd)

### Process





# Conclusions

The proposed In-Fill Construction By-law will have the following benefits to the City:

- Staff will be better able to respond to complaints from residents affected by in-fill construction – the by-law provides a more efficient tool
- It addresses public concerns about the dry-cutting of stone & concrete
- It provides staff with additional powers of inspection
- It enables the recovery of enforcement costs
- Administrative Monetary Penalties can be used to address violations
- Unpaid costs & fines can be placed on municipal taxes for collection
- It sends a strong message to in-fill builders & encourages them to respect residents throughout the construction project





## Next Steps

- The proposed In-Fill Construction By-law (linked to this presentation) will be placed on the June 26<sup>th</sup> Council meeting agenda for adoption.
- A cross-Commission protocol is under development by Staff to ensure an integrated approach to in-fill construction management in the City.
- Information about the new In-Fill Construction By-law will be disseminated to builders as part of the planning process, and to the construction industry & the public more broadly, via the City portal, social media, councillor newsletters etc.



# Questions?

