

# Town of Whitby

## Staff Report

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### Report Title: Review of the Noise Enforcement Pilot Program 2022

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** LS 03-23

**Department(s) Responsible:**

Legal and Enforcement Services

**Submitted by:**

Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Andre Gratton, Manager of Enforcement  
Services

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#### 1. Recommendation:

1. That Report LS 03-23 be received for information;
2. That Council approve the continuation of the pilot after-hours parking and by-law enforcement program, as outlined in Report LS 03-23, at a cost \$17,558 funded from incremental 2023 parking infraction revenue and the Parking Reserve;
3. That Item GG-0014 be removed from the New and Unfinished Business List.

#### 2. Highlights:

- Option # 2 of Report LS-05-22 recommended that Enforcement Services implement a pilot program to respond to afterhours noise concerns from May-November of 2022.
- An Enforcement Services Officer was hired and implemented on 16<sup>th</sup> of May 2022 which responded to after hour concerns and assisted with parking enforcement for a six (6) month period until November 14th, 2022.
- Enforcement services set up an afterhours phone system which allowed residents to speak directly with an Officer who was on duty Thursday-Sunday nights from 9pm-3am.

- Staff also implemented a communication strategy to promote and educate the community on the existence of the new program.
- The seasonal enforcement service officer was responsible for issuing \$26,000 in Parking infraction revenue during the six (6) month pilot.
- In staff's view, the pilot project was successful, and Staff recommend continuing the seasonal Enforcement Services Officer project for 2023.
- Staff will investigate the feasibility of including a seasonal Enforcement Services Officer as a permanent position as a part of the 2024 budget.

### 3. Background:

On April 11, 2022, Council adopted the following motion:

#### **Resolution # GG-0013**

Legal and Enforcement Services Department Report, LS 05-22 Re: Noise By-law Review and Proposed Amendments

4. That Staff report back to Committee on the success/outcome of the pilot project by Q2 of 2023.

This report is to provide an update to Council regarding the outcome of the pilot project and next steps.

#### **The Pilot Project was introduced to address Council and Community concerns related to noise enforcement.**

As noted in Report LS 05-22, Staff recognize that operations within the Enforcement Services Division need to be modified to better accommodate the needs of the community and its residents, and in particular services provided outside of the core operational hours of the Enforcement Services (i.e., 8:30am to 4:30p.m.). As Durham Regional Police typically consider municipal by-law matters as lower priority, staff recognize the need to address the needs of our residents related to noise matters after hours.

Staff have reviewed the metrics associated with noise concerns, which illustrate that the majority of after-hours noise complaints occur between 7p.m. and 2a.m. from May to October, and primarily on weekends.

Report LS 05-22 also reviewed programs in similar sized municipalities within the Region, the Town of Ajax, City of Pickering, and City of Oshawa and noted that all have resources in place to address after-hours matters. The Town of Ajax has a stand-by system, which supports after-hours noise by-law concerns. The City of Pickering addresses noise related matters in a similar fashion to the pilot project. The City of Oshawa is able to address complaints 24 hours a day as staff rotate a 3-shift rotation as contained in their Collective agreement.

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**4. Discussion:****Highlights of 2022 pilot project**

Report LS 05-22 recommended the implementation of a pilot project for a seasonal enforcement officer. A temporary Officer was hired who worked from Thursday evening to Monday morning every weekend from May 16<sup>th</sup>, 2022 to November 14<sup>th</sup>, 2022. A phone tree system was implemented that allowed residents to speak directly with the enforcement Officer from 9:00 p.m. to 3:00 a.m. This pilot project did not impact current operations, nor affect current service levels.

In addition to making observations for noise infractions (both reported and as a result of formal complaints), the Officer issued parking infractions and assisted with managing overnight parking complaints.

The dual responsibilities of this position demonstrated how the position costs can be fully mitigated through parking infraction revenue. It also assisted the parking operations with an additional option of assistance. The 2022 pilot project fully mitigated the financial impacts as the parking enforcement responsibilities of the Officer generated \$26,000 in parking infraction revenue. Staff are of the view that the 2022 revenue is on the low end of expected revenue on an annual basis and anticipate greater revenue numbers annually. The anticipated costs calculated as part of Report LS 05-22 was \$18,000 to \$22,000 which utilized 2022 Legal and Enforcement Services salary savings.

**Staff recommend that the seasonal pilot program continue for 2023 and will investigate implementing the program on a permanent basis as a part of the 2024 budget.**

As noted in Report LS 05-22, staff have reviewed the operational challenges of addressing after hours noise concerns and do not believe it can be affectively addressed utilizing current staffing. Attempting to re-deploy existing staff just adds further pressure on existing operations, which will lead to service level delays.

As noted, the pilot project was successful in addressing noise and parking complaints within the community. Additionally, the seasonal position demonstrated its ability to mitigate any financial impacts as the cost of the program was offset by parking infraction revenue.

Legal and Enforcement Services continues to review its operations and will investigate the feasibility of implementing this program on a permanent basis for the 2024 budget cycle.

**5. Financial Considerations:**

Staff anticipate that the cost of a seasonal Enforcement Services Officer, to continue the pilot program in 2023, to be approximately \$17,558, including benefits. The costs associated with this option may be mitigated by incremental parking infraction revenue based on results from the 2022 pilot program. Further, for the 2023 pilot, it is recommended that any net costs of the position be funded from the Parking Reserve to avoid any property tax impacts.

**6. Communication and Public Engagement:**

Staff have worked and will continue to work collaboratively with Communications and Creative Services to develop an appropriate communication strategy to promote awareness of the enhanced service.

**7. Input from Departments/Sources:**

Legal and Enforcement Services worked collaboratively with both the Financial Services and Communications and Creative Services Department for this report.

**8. Strategic Priorities:**

The recommendations contained in Report LS 03-23 support the Corporate Strategic Plan objective to “continually improve how we do things by fostering innovation and focusing on making our processes better”.

**9. Attachments:**

None.