

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **TRCA ENFORCEMENT AND COMPLIANCE DURING COVID-19**

KEY ISSUE

An update on enforcement and compliance at TRCA parks and facilities.

RECOMMENDATION

IT IS RECOMMENDED THAT the TRCA Enforcement and Compliance during COVID-19 report, be received.

BACKGROUND AND RATIONALE

TRCA Enforcement Officers play an integral role in the management of natural hazards and natural heritage features within our watersheds and in the preservation and protection of TRCA's valuable parks and greenspace lands. Their primary responsibilities include the inspection of construction and development projects to ensure compliance with approved permit drawings and conditions relating to works approved under the Regulation, responding to stakeholder complaints and violations occurring within TRCA's regulatory jurisdiction and responding to unlawful activities reported on our landholdings.

The Enforcement and Compliance Unit is currently comprised of 5 Enforcement Officers, including the Manager, and currently has a vacant position required to be filled. Officers are responsible for significant geographical areas comprised of several municipalities per officer within our watersheds.

Albeit small, the business unit has proven extremely effective in its compliance efforts. Over the past three years, the team annually conducted on average 4700 permit compliance inspections, issued 106 Notices of Violations, addressed 279 stakeholder complaints, conducted 557 inspections relating to complaints and violations, successfully resolved 38 violations and were deployed to assist our Conservation Parks on strategic weekend shifts throughout the summer months.

Under normal operating circumstances, the business unit is working at capacity to ensure that our regulatory responsibilities are being adequately managed. With the onset of the Covid-19 pandemic, TRCA's enforcement responsibilities were dramatically increased to provide for an ongoing presence and deterrent at our parks and trails.

COVID-19 Response

Following the issuance of the Provincial Emergency Declaration on March 17, 2020, on March 25, 2020, the Solicitor General of Ontario designated Provincial Offences Officers within Ontario for the purposes of the enforcement of offences under the *Emergency Measures and Civil Protection Act* (EMCPA) and the Regulations and Orders made pursuant to the *Act*. This designation included all TRCA officers appointed under the *Conservation Authorities Act*, through the *Provincial Offences Act* class designation.

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In response to the Emergency Orders made under the EMCPA regarding Organized Public Events – Certain Gatherings (O. Reg 52/20) on March 28, 2020, and the Closure of Outdoor Recreational Amenities (O. Reg. 104/20) on March 30, 2020, TRCA officers began conducting ongoing patrols of TRCA landholdings. Initial patrols confirmed that public parking areas were at capacity, and in many cases, exceeding it. As a result of the ongoing community concerns and an effort to reduce exposure risks to the public and TRCA staff, the parking areas were closed between the period of March 28, 2020 to April 1, 2020 and continue to remain closed. The closure of TRCA parking areas were conducted in consultation with our municipal partners in response to the COVID-19 outbreak, and included the necessary TRCA signage to advise the public on the restrictions at our facilities.

Collaboration with TRCA Business Partners

TRCA enforcement staff resources are limited, and TRCA Enforcement Officers are reliant on the established partnerships with our member municipalities, police resources and provincial agencies. At the onset of the Covid-19 crisis, our municipal partners continued to provide invaluable assistance, resources, and collaboration to TRCA and its officers.

In order to improve public safety associated with parking, the Regional Municipality of York, in conjunction with the City of Vaughan and TRCA, installed a series of parking restrictive barrel cones along Rutherford Road at our trailhead to the William Granger Pathway, and installed large electric “no parking signs” along Rutherford Road and Islington Avenue, near the access to Boyd Conservation Area.

The Regional Municipality of Peel installed “no parking signs” along our Regional Road 50 access to Claireville Conservation Area and Albion Hills Conservation Area, in conjunction with our closure of those parking areas, and installed a series of parking restrictive barrel cones along Airport Road at Glen Haffy Conservation Area. In addition, the City of Brampton installed a series of parking restrictive barrel cones at the front access to Heart Lake Conservation Area to support TRCA efforts.

The City of Vaughan, City of Brampton, Town of Caledon and the Caledon Detachment of the Ontario Provincial Police have been proactively enforcing safety related parking restrictions adjacent to our facilities, while the City of Vaughan and City of Brampton are also enforcing their Emergency Management By-Law’s regarding social distancing on public lands.

The Municipalities within the York Region established a Covid-19 Regional Enforcement Task Force, initiated by the City of Vaughan, which includes the City of Markham, City of Richmond Hill, Town of Newmarket, the Town of Whitchurch-Stouffville, the Township of King, the Town of East Gwillimbury, the Town of Georgina, the Town of Aurora, TRCA, Lake Simcoe Region Conservation Authority, York Regional Police Service (YRP), and York Region Public Health. The weekly conference calls have been an invaluable resource to all parties involved to identify ongoing compliance issues and to provide a coordinated effort in addressing the challenges of this pandemic. An example of this collaboration is YRP police presence and assistance to TRCA around our Bond Lake and Oak Ridges Corridor Conservation Reserve (ORCCR).

Prior to the opening day of fishing season on April 25, 2020, and in response to community concerns regarding physical distancing and gathering opportunities, TRCA Enforcement and Compliance has been coordinating our response and communication with the Aurora Enforcement Unit of the Ministry of Natural Resources and Forestry and our member municipalities, including the City of Toronto with respect to our management agreement properties.

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TRCA Enforcement and Compliance and our Conservation Parks staff coordinated the opening of seasonal camping with the City of Mississauga and the Town of Caledon By-Law Enforcement, associated with our Indian Line and Albion Hills Campground facilities, as well as advising them of the amended Emergency Order permitting the activity as an essential business, in an effort to curb unnecessary community complaints being initiated and investigated.

From the beginning of this crisis, TRCA officers and staff within other internal business units have made a concerted effort to establish and maintain positive contacts with our member municipalities, and continue to liaise with and monitor the status of our municipal partners and surrounding conservation authority parks and trails.

Monitoring of TRCA Parks and Trails

Consistent with the messaging from the Province, TRCA has not restricted passive use access to our conservation areas and trails, which are extremely popular destinations.

TRCA operates 7 conservation areas, 2 campgrounds, 1 golf course, 4 education centres, and hundreds of kilometres of trails on 25 passive use properties, including 137 trail access points comprised of 29 parking lots, and 108 road-side trail access points.

The redeployment of Enforcement Officers to focus on TRCA landholdings, due to COVID-19, was essential to maintain an enforcement presence, monitor public gathering limitations and physical distancing recommendations, to deter undesirable behaviours, and to address non-compliance issues associated with our properties. TRCA Enforcement Officers have been providing coverage 7 days per week, with rotating weekend shifts since April 4, 2020, while focusing development regulation efforts on higher priority files.

TRCA Conservation Parks currently has 9 staff members designated as Provincial Offences Officers, with 3 additional staff members with pending appointments. These staff members are full time park supervisors and have been providing essential coverage on rotating weekend schedules to support TRCA compliance initiatives within our conservation areas, and to provide additional support to TRCA Enforcement Officers. The primary responsibility for these designated staff members is park operations and maintenance, and not intended to be enforcement focused. As weather conditions continue to improve, these staff resources will be returning to the park maintenance program in preparation for the potential lifting of restrictions associated with outdoor recreational facilities, similar to the recent announcement of the opening of Provincial Parks and Conservation Reserves on May 9, 2020. This will ultimately result in a reduction of additional staff support to Enforcement and Compliance demands. The closure of TRCA parking areas at our more urban conservation areas and trailheads that have an active municipal safety parking enforcement program (e.g., Boyd CA, Heart Lake CA, Albion Hills CA, William Granger Pathway) has had the desired outcome in reducing community concerns and non-compliance challenges. TRCA Enforcement Officers are now seeing a marked increase in public use at our more rural landholdings in Uxbridge and north Pickering, and at our passive use properties in Richmond Hill.

During the coordinated closure of TRCA parking facilities, an internal TRCA Lands and Trails working group consisting of Enforcement, Restoration and Resource Management - Conservation Lands and Trails, and our Conservation Parks business units was formed to discuss ongoing public use of our facilities, resources and maintenance requirements, and staffing requirements. During the weekend of May 2nd and 3rd, when temperatures reached

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seasonal highs, additional TRCA staff members from Conservation Lands and Trails and Conservation Parks were deployed as “parks and trails ambassadors” at locations in Uxbridge and Richmond Hill to provide for additional TRCA presence, and to provide education and outreach to the public on TRCA expectations on the use of our trails, including gathering limits and physical distancing recommendations. TRCA also established an after-hour private security presence at the Bond Lake facility during improved weather conditions.

As TRCA staff health and safety is paramount, measures are adapting to this fluid situation based on recommendations from our public health officials and our Human Resources Division. The Enforcement and Compliance unit is taking every precaution to amend our procedures to maintain business continuity, and to assist in alleviating additional enforcement responsibilities to our member municipalities and police resources. TRCA Enforcement Officers are providing for safer environments within our facilities and greenspaces and providing assurances to our stakeholders that we are committed in maintaining our regulatory responsibilities.

TRCA officers and staff monitoring our parks and passive use trail access points have observed that the vast majority of individuals have been respecting public gathering limits and physical distancing recommendations, and have been appreciative of TRCA efforts to maintain outdoor passive use of our properties, and respectful to staff, their personal space and safety. To date, TRCA Enforcement have issued 8 verbal warnings for contraventions of EMCPA Orders, and numerous reminders of the importance of physical distancing. There have been no charges initiated for non-compliance with the EMCPA Orders.

Challenges

With improving weather conditions, certain TRCA facilities are being inundated with members of the public looking for outdoor destinations, increasing public gathering and physical distancing opportunities. The ability for TRCA enforcement to promote our messaging and be effective in proactively addressing compliance is becoming increasingly challenging. During the month of April, park and trail use was manageable, however, during the first weekend in May, the volume of vehicles parked along Yonge Street at the height of the day at Bond Lake was observed to be more than 70 vehicles alone, with several hundred people utilizing both Bond Lake and the Oak Ridges Corridor Conservation Reserve lands.

The ability to effectively patrol the interior of our facilities, with our current enforcement resources, is becoming increasingly difficult as foot patrols are time consuming and require two officers to focus on a single facility or trail network, which limits an effective deterrent to our other busy TRCA properties. We are now becoming more reliant on conducting exterior perimeter patrols to establish a high visibility presence at our landholdings.

During the Covid-19 period between March 26, 2020 to May 12, 2020, TRCA Enforcement and Compliance received 147 stakeholder complaints regarding issues associated with our regulatory jurisdiction. This is a significant 258 % increase over the same period in 2019. Complaints associated with Covid-19 make up 25 % of the total number, while 36 % are associated with other unlawful activities occurring on our landholdings such as the use of off-road vehicles, harvesting of resources (e.g., fiddleheads, leaks), while the remaining 39 % are associated with our development regulations.

As additional essential businesses relating to construction and earthworks are being permitted, and weather conditions improve, the requirement for permit compliance inspections and to address unauthorized development activities is increasing. This is generally the period where construction activity begins to heighten, and TRCA Enforcement and Compliance begins to

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receive a significant volume of stakeholder concerns regarding development activities within our jurisdiction. This is also the period where unauthorized development activity commences, requiring increased attention to higher priority violation files, negotiations, and investigations. Recognizing that Ontario has developed *A Framework for Reopening our Province*, which lays out the government's approach to the next chapter in the ongoing fight to defeat COVID-19, it is evident that the reopening of businesses, services and public spaces will be in gradual stages. Both Parks operations and Enforcement staff will be required to continue and maintain the current level of response and monitoring for the unforeseen future. As the reopening plan for Ontario evolves, it is also inevitable that the "pre-COVID-19" services for Enforcement and Compliance will have considerable pre-existing work pressures. There will be an exceptional backlog of development permits and inspections requiring attention, coupled with the commencement of the development season. Additional support on weekends for our Conservation Parks and trails during the summer months will be required. The ability to balance the necessary workload and expectations of our service delivery over the coming months will be difficult to satisfy, due to the modest size of the Enforcement and Compliance business unit.

Next Steps

In order to meet the increased demands on TRCA's Enforcement staff as the weather improves and as the Province moves to the next phase of reopening, the Enforcement and Compliance Section will be looking at internal redeployment opportunities for the business unit to have a designated administrative coordinator assigned to screen complaints, correspond with stakeholders and internal business units, and to provide data input support for officers relating to complaints and inquiries. TRCA will also commence the recruitment and training to fill the vacant Enforcement Officer position. In an effort to effectively address increasing pressures on the business unit, stakeholder expectations and work volume, TRCA will undertake a comprehensive review of the program and develop a business case over the next month that will identify staffing needs, budgets and explore tools and resources that can be implemented to meet the future needs of the program.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 9 – Measure performance

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