



**RPT 20-412**

**TITLE:** Response to Residential Neighbourhood Development Cleaning

**DATE:** September 25, 2020

**TO:** City Council

**PUBLIC:** X

**INCAMERA:**

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**RECOMMENDATION:**

That the request to establish a bylaw that would require a Developer to clean or fix any damage caused by development be received as information and filed.

**TOPIC & PURPOSE:**

The purpose of this report is to provide information to City Council regarding an outstanding issue tracking item, CORR 20-57 (attached), requesting that the City create a bylaw to require that the Developer of a site clean or fix any damage sustained by neighbouring properties as a result of the development.

**PROPOSED APPROACH AND RATIONALE:**

This request dates back to the development of River Breeze, a Residential Care Facility (formerly considered Senior Housing) located at 658 River Street East. As part of the permit process, City Council received a number of letters of concern and responses were provided. Since then, conversations with an abutting property owner have continued as needed and this particular request has been raised again.

In the correspondence previously submitted to Council, the issue identified was the presence of dust (in excess) and the need to continually wash walls, clean duct work, etc., in order to keep the dust from building up (continuing issue). At the time, it is our understanding that the contractor for River Breeze worked with the property owner to help mitigate this issue, such as having their duct work cleaned. The property owner has since indicated that the issue persists, but, unfortunately, a new bylaw (or a bylaw amendment) will not remedy the problem.

Speaking to the development of a bylaw or a bylaw amendment to manage this issue, Administration will not be pursuing either option for two reasons:

1. Any property damage caused by a Developer as a result of construction is considered a civil matter; neither *The Planning and Development Act, 2007* or *The Cities Act* grant a city the authority to regulate civil matters – a bylaw in this regard is not possible.

2. Disallowing businesses of this nature in residential areas would not remedy the issue at hand and the inclusion of these types of businesses (uses), Residential Care Facilities, is actually recommended in residential neighbourhoods.

Going forward, Administration will consider this particular issue more closely during the development permit review process and make any necessary recommendations for nuisance mitigation at that time.

Administration will follow up with the property owner and advise that the above noted request will not be pursued at this time. Should they require any additional information, we will provide it.

**PUBLIC NOTICE:**

Public Notice pursuant to Public Notice Bylaw No. 24 of 2015 is not required.

**ATTACHMENTS:**

1. CORR 20-57

Written by: Kristina Karpluk, Planning Manager

Approved by: Director of Planning and Development Services & City Manager