

Overhaul and more oversight needed in Town's bylaw department: resident

By Brock Weir

Aurora's bylaw department needs a significant overhaul, along with alternative ways of resolving disputes, according to a local resident.

Denis Van Decker, whose family has been involved in an ongoing dispute with the Town's Bylaw Department over alleged property standards issues on his Odin Drive property, made his comments as a delegate to last week's General Committee meeting.

The property, which Mr. Van Decker contends should be seen as a "model of sustainability" boasts multiple solar panels, fruits and vegetables grown in the front lawn, and several composters. It has been at the centre of a years-long dispute and recent court hearings over its current state.

Last Tuesday, with members of the York Regional Police in attendance, Mr. Van Decker appeared at Council with several suggestions on how the "prosecutorial" bylaw department can be improved to the benefit of the taxpayer.

Although his concerns were not addressed by municipal staff members in attendance, they received a degree of support from some Council members.

"I'm calling it [being] a victim of IIL "It's In Legal," said Mr. Van Decker. "We have a bylaw department that is IIL. The core issue here is that it is a police force. That is what we have here. It's a police force that has extraordinary powers, more than normal police. They can enter a backyard without a warrant. I have actually asked 20 different residents of Aurora and nobody knows this. It is a surprise that they have this sort of power.

"There is no political oversight. Any time I have talked to you (Councillors) over the last 3.5 years at many community events, you have always told me it's in legal. There is minimal to no management. Your hands are tied and everybody's hands are tied in this lovely circle of IIL. There is no internal affairs on this police department and no complaint about process."

Mr. Van Decker estimates that over \$100,000 has been spent on his individual case, and "taxpayers should be demanding" a review. To that end, he suggests quarterly public disclosures on the bylaw department, including actions, posted on the Town's website as the first step in "accountability."

Their budget also needs to be reduced, he said, "by \$500,000, cutting out and getting rid of the spurious and ridiculous persecutions that are happening."

"The first thing that has to happen "my prescription on how to cure your IIL-ness " is to allow open information and questioning by yourself, the Councillors," he said, saying too many complaints are addressed by IIL. "You've got to stop that. This isn't litigation with a developer over tens of millions of dollars of property; this is a resident where they came in our back yard, self-represented in court, and we're already at a major disadvantage. We need help, not the further turning of a blind eye. Throwing this into court with an unlimited budget, which effectively is a moral hazard, that is what we have going on here.

"There needs to be some sort of complaints process or internal investigation. I suggest [the property standards committee would] be the right place to have some sort of remediation. Don't just have the 30-day [process where] you have to do an appeal. The courts are way too expensive, way too adversarial, more at your expense than ours, quite frankly."

Mr. Van Decker then took aim on the right of the bylaw officers to come onto the property of an individual. Citing recent positions taken by Aurora Council calling for reforms on the powers and structure of the Ontario Municipal Board, he said here too it was time for Aurora to take a stand, and "be a leader" for change.

"There are only five provinces in Canada that allow this," he said, suggesting a pilot program to address 50 per cent of bylaw disputes through alternative dispute resolution outside of the courts. "Set clear bylaw on narrow complaint-driven investigations only."

Addressing his concerns, Councillor Tom Mrakas, who has previously questioned the issue of "right to access" said he raised some "valid points."

"I agree that many residents probably don't realise they can enter into your property without a warrant," said Councillor Mrakas, with a note of caution. "You said Council [turns] a blind eye to it and we say it is in legal. I would just like to say for myself, and I think the rest of my colleagues here that we do a lot of things. Even though we can't speak to something specifically with the resident due to the fact it is in legal, we do investigations, we do talk to staff, and look at pursuing things. We just can't speak to that publically due to the fact it is in legal and we hope that residents appreciate the fact that we do do the work that is needed to be done behind the scenes to make sure that we can affect policy changes and make things better for all of our residents."

A similar view was expressed by Councillor Sandra Humfries.

?I can hear that you have been frustrated for a few years and I just hope things go better moving forward,? she said. ?There are some good points in here and I think I should take a look at it.?

Speaking to The Auroran following the delegation, Aurora CAO Doug Nadorozny said some of the ideas presented by the delegate would be considered, but alternative dispute resolution mechanisms could pose a challenge.

?[Reports from the Province] said it is not as casual as you would expect or hope,? said Mr. Nadorozny

on alternative dispute resolution mechanisms. ?There is still a judge there?and what they [found was] they were basically going through the same process twice. I know there are challenges with alternative dispute mechanisms as a resolution and whether or not it really is more effective for these smaller kinds of items.?

?I think most of [Council's] interest was around if there is a better way of hauling people into court. We'll certainly consider some of those ideas and see if there is a place for them, but the biggest one was alternative dispute resolution and from a prosecution perspective, that is kind of out of our hands. That part of the process is regulated by the Province and actually performed by the Region.?