

By-Law Enforcement: Complain only if you dare

Everyone wants the unfettered right to do what they think is appropriate with their property: I get that. But sometimes in a society you need to set some rules which are designed to ensure that the broader community meets certain standards, particularly on something as visible to others as your real estate. Or that those natural resources like lakes, rivers and forests are still providing joy to future generations.

So we have local by-laws, and lots of them. Often they are a reflection of direction by upper levels of government at the county, province or federal level, who also have lots of laws.

Now one thing that amuses me is the tendency for our legislators (council members) to believe that setting laws will change behaviour, even when it is obvious to constituents they have no way to enforce the law. I use as an example:

- In Toronto it is illegal to hold more than two garage sales a year.
- Don't try getting fancy on your bike in Ottawa because taking your feet off the pedals while riding is illegal.
- In Etobicoke, it's illegal to have more than 3.5 inches of water in your bathtub.
- It is illegal to remove a band aid in public in Canada (federal law, seriously)

The only thing these kinds of laws do is encourage people to ignore all of the laws. And this is compounded where there are no consequences if the law is broken. Most municipal by-laws are completely silent on penalties. Imagine if this were the case for speeding, drunk driving, firearms etc. Behaviour changes when folks know the penalties and the risks of getting caught. It just makes common sense to pay attention to these laws.

But municipalities, particularly smaller ones like ours, know that they can't enforce the hundreds of laws they have on the books...they would need many more by-law enforcement officers and council would surely be thrown out of office by the ratepayers at the next election.

So decades ago they decided to only enforce by-laws where there has been a complaint. If your neighbour is in flagrant violation of the property standards by-law, do you turn her in? Not if you are also in violation. And this approach pits neighbour against neighbour in by-law enforcement which is clearly a bad way to get community harmony or improvement. While no one enjoys policing activity, surely it is the responsibility of those who develop the laws (municipal council) to carry through with enforcement/penalties.

Take the case of the buffer zone by-law common on our lakes. It's in our by-laws, our county Official Plan and general Provincial direction in their PPS. The science is unassailable: if all waterfront properties left a 15 metre natural zone between their lot development and the lake (excepting docks and boathouses) lake water quality would be much better protected. Hundreds of studies prove the value of natural vegetation on shorelines compared with lawns, gabions, sand beaches etc.

But if your neighbour clear cuts to the water's edge and dumps a load of sand in the water are you going to turn him in? You don't know what the penalties are for violation of this by-law, you can be assured your complaint is not anonymous (the form you complete for HH says you may be required to present your case in court), and you may want your neighbour to turn a blind eye to your shed which violates the set back by-law or your recent septic system problems that waft odors over several properties in your area

Fewer laws plus intelligent enforcement by council equals the rule of law for all

And we are a long way from that goal

Bill Cheshire Baptiste Lake