

V.2.

**Application of the *By-law Concerning
the Sanitation, Maintenance and
Safety of Dwelling Units***



Vérificateur général
de la Ville de Montréal

TABLE OF CONTENTS

1.	INTRODUCTION.....	65
2.	AUDIT SCOPE	68
3.	FINDINGS, RECOMMENDATIONS AND ACTION PLANS.....	69
	3.1. Locating and Addressing Non-Compliant Rental Housing in Montréal.....	69
	3.2. Follow-Up on Activities	80
	3.3. Objectives, Performance Indicators and Reporting	103
4.	APPENDIX	112
	4.1. Comparative Analysis of Enforcement Strategies Adopted by Various North American Cities	112

LIST OF ACRONYMS

CBFVM	consolidated by-laws of the former Ville de Montréal	SMVTP	Service de la mise en valeur du territoire et du patrimoine
SCH	Service du capital humain	SSIM	Service de sécurité incendie de Montréal
SDO	Service du développement et des opérations		

V.2. APPLICATION OF THE *BY-LAW CONCERNING THE SANITATION, MAINTENANCE AND SAFETY OF DWELLING UNITS*

1. INTRODUCTION

Housing conditions constitute a key issue in the orientations and strategies adopted by the Ville de Montréal (the city) to improve Montréalers' housing and living environment. The city must deal with situations where housing conditions pose a threat to the health and safety of occupants and the general public, thereby adversely affecting their quality of life.

Under the *Municipal Powers Act* (RSQ,¹ chapter C-47.1), the city has jurisdiction over sanitation and the authority to adopt relevant by-laws. After the 2002 municipal restructuring, therefore, a new by-law entitled the *By-law concerning the sanitation, maintenance and safety of dwelling units* (03-096) (the By-law) was adopted by city council on June 16, 2003, following a public study. This By-law, which replaced the by-law in effect within the former Ville de Montréal and by-laws adopted by certain boroughs created from the former suburban municipalities, applies on a city-wide basis. It targets all residential properties and their outbuildings, e.g., sheds, balconies, garages, car shelters.

Sanitation refers to all the conditions that make a dwelling fit to live in. The By-law specifies minimum standards for maintenance, floor area, lighting, ventilation, plumbing fixtures, plumbing, electrical systems and heating. It is intended to eliminate problems such as uncleanliness; vermin, insects and rodents; noxious odours and toxic fumes; water infiltration and moisture; and deterioration to the dwelling. The By-law empowers municipal representatives, namely inspectors, to rectify a situation that endangers the health or safety of occupants or the general public (e.g., missing guard rail, unstable staircase, unsafe wall or vacant building that needs to be barricade). It specifically authorizes the city to crack down more effectively by imposing considerable fines, by

¹ Revised Statutes of Québec.

ordering the evacuation of a dwelling unit or building or by carrying out work in place of a building owner.

The *By-law concerning the delegation of city council powers to borough councils* (02-002) delegates to each of the 19 borough councils the responsibility to enforce the aforementioned By-law (03-096). In most of the boroughs, enforcement is administered by the Division des permis et des inspections of the Direction de l'aménagement urbain et des services aux entreprises.

The former Service de la mise en valeur du territoire et du patrimoine (SMVTP) was responsible for supporting the boroughs' By-law enforcement activities, in particular by:

- delivering training to key stakeholders (e.g., training inspectors on the provisions and application of the By-law)
- providing expertise upon request for more complex cases where special measures were required (e.g., work carried out in lieu of a landlord)

The SMVTP was abolished in spring 2010, and its housing-sanitation responsibilities were subsequently transferred to the Direction de l'habitation (Division de la salubrité) of the Service du développement et des opérations (SDO).

Three years after this By-law came into force, the city administration sought to assess its impact. As a result, in fall 2006, it asked city council's [TRANSLATION] *Municipal council Standing Committee on Development, Urban Planning and Public Transportation*² to hold public hearings on the SMVTP's 2003–2006 report on the application of the By-law. The results of these hearings revealed that in 2006, people were still forced to live in unsanitary housing conditions, despite the fact that the city had adopted a by-law in 2003 outlining clear standards and granting extensive powers to the boroughs to improve housing quality in Montréal. A recommendation was therefore made to Montréal's executive committee and city council to set aside the necessary human and financial resources to ensure the strict application of the By-law, so all Montréalers have access to adequate housing.

² Now known as the « Commission sur le développement économique et urbain et l'habitation ».

V. Value-for-Money and Information Technology Audit
V.2. Application of the *By-law Concerning the Sanitation, Maintenance and Safety of Dwelling Units*

Consequently, the city administration prioritized municipal efforts to reach its housing condition goals, and the SMVTP was mandated to implement an action plan to help boroughs apply the By-law. As a result, on June 13, 2007 the city executive committee adopted the [TRANSLATION] *Action Plan to Improve Housing Safety*, which outlined the SMVTP's level of involvement in enforcing the By-law and earmarked \$1 million a year for the duration of the action plan (July 2007 to July 2010). Among the items that were to be covered by the annual \$1-million budget were the salary of the inspection team, the cost of relocating tenants and the cost of carrying out work in place of a landlord (roughly \$300,000). This action plan determined, among other things, that the SMVTP would oversee the application of the By-law in complex situations, such as those involving extreme unsanitary conditions requiring action that would exceed the boroughs' normal enforcement capacity because of the number of dwellings to be inspected, the magnitude and nature of the problems identified, uncooperative landlords or other similarly challenging considerations. A formal agreement (memorandum of understanding) with the boroughs involved outlined the corresponding roles and responsibilities and allowed the SMVTP to conduct systematic inspections of a series of dwellings and apartment buildings specifically targeted in this agreement, i.e., those exhibiting severe unsanitary conditions. The SMVTP was initially to inspect up to 10,000 dwellings during the three-year operation. At the time of our audit, memoranda of understanding had been reached with 14 boroughs for 581 apartment buildings, representing a total of 10,587 dwellings to be inspected within three years. Although the [TRANSLATION] *Action Plan to Improve Housing Safety* expired in July 2010, SDO budget documents confirm that the Direction de l'habitation will continue to inspect all dwellings for which an agreement was signed with a borough in 2011 and perform any necessary reinspections. Consequently, an annual inspection target of 2,000 new dwellings has been set for 2011–2013.

Year after year, economic and social factors continue to exacerbate habitability problems in Montréal, where 66% of households are renters. Two trends are emerging in this regard. First, low-income households account for a growing percentage of renters.³ Second, because very few rental properties have been built in Montréal in recent years, the city's rental housing stock is aging, fuelling a steady increase in rent

³ *Profil statistique en habitation de l'agglomération de Montréal*, Direction de l'habitation, SMVTP, May 2009, p. 4 and 16.

prices (cumulative rent price increase in excess of 30% since 2000, compared with a roughly 20% inflation rate for same period⁴). An increasing segment of the population is therefore becoming more vulnerable, as their housing options dwindle and living conditions deteriorate. Although the By-law is not the only means of improving Montréalers' housing and living environment, it is nevertheless a significant source of leverage in compelling landlords to take action to improve the condition of their properties, especially rental properties. This is why it is important for the By-law to be strictly enforced.

2. AUDIT SCOPE

The purpose of this audit was to ensure that the relevant business units have implemented appropriate measures for the By-law and corresponding action plan to meet their goals of enforcing a minimum standard of living conditions and improving overall housing quality.

Our audit focused particularly on rental housing and examined:

- the location of rental housing in Montréal that poses problems because of insufficient sanitation, maintenance or safety, and the proposed strategies for ensuring compliance with the By-law
- inspection follow-up
- objectives, performance indicators and accountability

Our audit work was conducted in the Division de la salubrité of the Direction de l'habitation of the SDO and in the Division des permis et des inspections of the Direction de l'aménagement urbain et des services aux entreprises in the following boroughs: Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension. Although they did not fall within the scope of our audit, the Service de sécurité incendie de Montréal (SSIM) and the Service du capital humain (SCH) also provided information that was taken into consideration in this report. The audit began in June 2011 and focused on the period from January 2007 to August 2011, and incorporated additional

⁴ *Canadian Housing Observer, Housing Market Indicators*, Montréal, 1990–2009, Canada Mortgage and Housing Corporation, 2010.

information submitted to us up until December 16, 2011. Some information predating this period was also used for comparison purposes.

3. FINDINGS, RECOMMENDATIONS AND ACTION PLANS

3.1. LOCATING AND ADDRESSING NON-COMPLIANT RENTAL HOUSING IN MONTRÉAL

3.1.A. Background and Findings

To effectively reach city administration objectives to improve housing conditions and quality in Montréal, it is important to implement measures to provide key municipal stakeholders with a comprehensive overview of the situation that allows them to locate and characterize substandard rental housing in their respective communities. Identifying the location of these properties and the scope of their sanitation or safety problems is essential to channel actions towards the priorities, therefore contributing to better living conditions for tenants. Ultimately, an accurate picture of housing conditions in the city, combined with an effective strategy for dealing with substandard housing, should make it possible to assess the long-term impact of the efforts made in this regard.

According to the most recent statistics compiled by the Direction de l'habitation (May 2009), 487,605 of the 743,235 dwelling units listed in the city are rental units. Of these, 434,724 are privately owned rental housing units and 52,881 are social and community housing. The latter group includes low-income housing, such as the properties owned by the Office municipal d'habitation de Montréal (OMHM) and the Société d'habitation et de développement de Montréal (SHDM), and cooperative housing.⁵

Currently, some 80% of the city's rental housing stock is more than 30 years old and is affected by numerous renovation needs. The latest Statistics Canada census, in 2006, indicated that 11% of dwellings in Montréal required major repairs (e.g., faulty plumbing or heating systems; leaks and mould; deteriorating wall, floor or ceiling structure that

⁵ *Profil statistique en habitation de l'agglomération de Montréal*, Direction de l'habitation, SMVTP, May 2009.

endangers the safety of tenants and the general public), which is approximately 2% higher than the previous census results (2001).⁶

We wanted to examine the strategy used by the business units targeted by our audit to enforce the By-law and, simultaneously, the extent to which this strategy was in line with information on housing conditions in the city and the characterization of dwellings with sanitation or safety issues.

It is important to remember that the Direction de l'habitation's Division de la salubrité provides support to boroughs in such matters as the inspection of dwellings specifically identified in memoranda of understanding between the city and the boroughs (in accordance with the action plan adopted in 2007). The cases in which the central department's involvement is required are generally highly complex, in the magnitude of the issues involved or the number of units to be inspected, and call for action that sometimes exceeds the boroughs' normal enforcement capacity (e.g., insufficient number of inspectors to provide follow-up, need for specialized expertise). Consequently, all cases involving substandard housing conditions addressed by the Division de la salubrité come directly from the boroughs.

The information we gathered indicates that the cases transferred by the boroughs to the Division de la salubrité, as well as those the boroughs process themselves, are almost entirely the result of public complaints or reports filed by agencies such as the SSIM, the Service de police de la Ville de Montréal or local community service centres (CLSC).

Whether they are handled by the Direction de l'habitation or one of the boroughs, reported cases are assigned to an inspector, who manages the file and performs inspections, issues notices of non-compliance to encourage the landlord to address the identified defects and, as required, initiates the corresponding penal procedures (statements of violation) stipulated in the By-law. Should a landlord fail to take the specified corrective action, the By-law (section 2, article 17) provides for special measures to be imposed, including the execution of work in place of the landlord, and at

⁶ *Idem.*

the landlord's expense. The scale of spending for these types of actions is nevertheless modest.

In the boroughs we audited, however, we found that none of the enforcement activities carried out were done in connection with a preventive inspection program or any other method that would identify and address substandard housing (e.g., an investigation in the form of a public survey followed by a visit, neighbourhood walkthroughs). As we read through the working document [TRANSLATION] *Application of the By-law concerning the sanitation, maintenance and safety of dwelling units* (April 2003), prepared by the Direction de l'habitation in preparation for the standing committee's public study of the new by-law, we discovered that each borough was supposed to adopt a plan for applying the By-law that would include a preventive strategy as well as complaint resolution procedures. To date, however, it would appear that all actions taken to enforce the By-law are almost exclusively in response to a complaint rather than part of a proactive management approach. According to the officials we interviewed, the heavy workload imposed on borough inspectors, who have a large number and variety of by-laws to enforce, and the high turnover among inspectors are at least partially to blame for the fact that enforcement activities are limited to addressing the complaints and reports received.

Similarly, we observed that after inspectors have taken action—especially in the more serious cases administered by the Direction de l'habitation—there are no specific follow-up procedures in place to ensure that housing conditions remain at acceptable levels, despite the high risk of recidivism among violators.

Consequently, although the outcomes of inspections performed in response to complaints or requests provide information on housing quality, we found that neither the boroughs we audited nor the Direction de l'habitation has a comprehensive and up-to-date overview of the situation indicating the precise location of substandard housing and the nature of the various sanitation or safety problems.

We also briefly reviewed information compiled by the SSIM. Given its function in public safety and fire prevention, the SSIM is also concerned with buildings in the boroughs. It

V. Value-for-Money and Information Technology Audit
V.2. Application of the *By-law Concerning the Sanitation, Maintenance and Safety of Dwelling Units*

is responsible for enforcing by-laws such as the *By-law concerning fire prevention* (CBFVM,⁷ c. P-5.1) and the *By-law providing for certain fire prevention and public safety measures* (CBFVM, c. M-3). Our audit revealed that the SSIM has a record of 358 properties that possess structural problems or fire hazards.⁸ These buildings are classified as vacant, hazardous or high-risk and have been assessed for structural stability, quality of exterior cladding and fire resistance. In our opinion, the SSIM information could be used by the boroughs to improve their databases with details on building locations and conditions and direct their priorities for action. We therefore asked officials in the audited boroughs to find out if they had this information. We discovered that four boroughs had a list of vacant or hazardous buildings within their respective communities. However a comparison of this information with SSIM records showed that the boroughs' lists at the time of the audit were incomplete and out of date. We therefore feel that greater effort could be invested in ensuring that boroughs regularly receive updated information about buildings identified as unsafe or in poor condition from the city's other business units. In short, we found that the boroughs have very little information to help determine their priorities for action and be more effective in enforcing the By-law.

It is worth pointing out that the Direction de l'habitation did attempt to broaden its knowledge of the location and scope of sanitation and safety problems in the residential housing sector. Although the results are no longer current, a study conducted in 1991⁹ showed that between 1% and 1.5% of Montréal's rental dwellings were located in buildings classified as poorly maintained. Another study was carried out in 2004¹⁰ in conjunction with the Direction de santé publique of the Agence de la santé et des services sociaux de Montréal to update information on the condition of the city's rental housing stock in order to more accurately determine the types of deficiencies that exist, the types of buildings that present the highest risk and the areas most affected. Although the study did shed some light on the matter, it did not yield a comprehensive overview of housing conditions in Montréal. A new study is currently underway to provide, among other things, a detailed picture of living conditions for tenants in

⁷ *Consolidated by-laws of the former Ville de Montréal.*

⁸ Information provided by the SSIM on October 17, 2011.

⁹ *L'état du parc résidentiel locatif de Montréal*, INRS-Urbanisation, Francine Dansereau, October 1991.

¹⁰ *Localisation et ampleur des conditions d'habitation problématiques à Montréal*, joint pilot project between the Direction de santé publique de Montréal and Direction de l'habitation de la Ville de Montréal, June 2004.

Montréal, specifically sanitation, safety and nuisances. Based on the information we received, the results of this study—a joint initiative with the Société d'habitation du Québec—are slated to be released in the first half of 2012.

The information we compiled appears to indicate that, in general, most actions taken by city boroughs are in response to a complaint or a report of some kind. We therefore compared the number of rental dwellings that were inspected by one of the city's business units between 2007 and 2010 with the total number of rental dwellings in the city and found that the city inspected only about 5% (26,084 inspections¹¹ for 487,605 rental dwellings). This leads us to conclude that the current response strategy employed by the boroughs and the Direction de l'habitation restricts the effects of the By-law and will make it difficult, even impossible, to reach the city administration's objectives for improving the quality of living conditions in Montréal over a specific period.

Finally, to obtain a more accurate comparison of the situation in Montréal and other North American cities, we took a closer look at the strategies adopted by Los Angeles, New York, Boston, Vancouver and Toronto, all of which have housing sanitation and safety by-laws in place.

A comparative analysis highlighted some interesting differences. Compared with Montréal:

- The city of New York, following surveys of 18,000 rental households conducted over several years, has developed an overview of its housing situation that allows it to quantify the number of dwellings within the city that have serious maintenance problems (e.g., defective heating systems, water leaks, rodent infestations). This information is updated every three years.
- The city of Toronto, following a 2010 survey involving 4,000 buildings, also has access to information that allows it to assess housing quality and focus on cases that cause the most concern. City officials plan to update the survey data on an ongoing basis.

¹¹ Division de la salubrité: 9,494 inspections. Boroughs: 16,590 inspections. Total: 26,084 inspections.

- All five cities charge fees that are used to cover all or part of the cost of their response strategy (e.g., inspection and reinspection fees and permit fees for rental units) (See Appendix 4.1).
- Four of the five cities—Los Angeles, New York, Boston and Toronto—engage in preventive inspections in addition to inspections performed in response to a complaint. The city of Los Angeles routinely inspects apartment buildings every four years (see Appendix 4.1), and the city of New York runs an ongoing program designed to ensure housing meets cleanliness and maintenance standards.
- Three of the cities—Los Angeles, Boston and Vancouver—have adopted a more aggressive approach to exert pressure on non-compliant landlords (e.g., the city can seize a portion [up to a maximum of 50%] of rental income if a non-compliant landlord does not carry out required repairs; landlords must apply yearly for a permit to operate a rental property, which may be revoked if adequate housing conditions are not provided) (See Appendix 4.1). In addition, Los Angeles, New York and Toronto publish inspection reports on their website.

In conclusion, the imposition of a regulatory framework to address housing sanitation, maintenance and safety problems endows Montréal's business units with the necessary powers to improve housing conditions within the city. However, to maximize the effectiveness of this incentive, ensure responses are consistent with priorities and make it possible to evaluate the impact of this approach to the housing situation, we feel it is necessary to have an overview of the situation to identify the scope of the housing problem within the city and determine the geographical location and condition of dwellings in poor condition. The city's response strategy should therefore foster stricter enforcement of the current By-law.

3.1.B. Recommendations

To ensure responses are in line with priorities and eventually be in a position to assess the long-term effectiveness of the measures undertaken to enforce the *By-law concerning the sanitation, maintenance and safety of dwelling units*, we recommend that the Direction de l'aménagement urbain et des services aux entreprises in the boroughs of Ville-Marie, Montréal-Nord, Le Sud-Ouest and

Villeray–Saint-Michel–Parc-Extension, in conjunction with the Direction de l’habitation:

- A) take all necessary measures to acquire a comprehensive and up-to-date overview of the housing situation, indicating the location of non-compliant housing within their respective areas and the nature of the corresponding sanitation and safety problems
- B) obtain and regularly update information from other city business units on the condition of buildings identified as unsafe or in poor condition

In order to strengthen the impact of the By-law, we also recommend that the Direction de l’aménagement urbain et des services aux entreprises in Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension carry out the necessary analyses to re-evaluate their response strategy and incorporate additional measures such as a preventive inspection program, ongoing monitoring to ensure continued compliance with sanitation criteria and solutions to offset inspection costs.

3.1.C. Action Plans of the Relevant Business Unit

1.A) • VILLE-MARIE BOROUGH

[TRANSLATION] “A report entitled [TRANSLATION] Housing Sanitation Issues in Ville-Marie Borough will be drafted in summer 2012 to obtain an overview of the state of housing conditions in the borough.

Databases will be georeferenced. They will include information on vacant buildings, hazardous buildings, real estate assessment roll figures, complaints, sociodemographic data and risk coverage (the SSIM). Other databases deemed relevant will be correlated to develop a geographic information indicator. Thematic maps will be updated and analyzed.

We will work closely with the Direction de l’habitation on the survey it proposes to develop and administer city-wide. Data relevant to this survey will be shared and transmitted on a regular basis.” (Planned completion: September 2012)

- **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “Based on what we have learned from the borough’s 1,225 enforcement responses for housing sanitation, maintenance and safety over the past five years, we now have a fairly accurate idea of which dwelling units are potential sources of this type of problem. Our findings indicate that most problems arise in multi-residential buildings with more than 11 dwellings. These 1,080 buildings represent a total of 7,500 units.

We will make this type of building our priority. We will carry out a detailed analysis of the nature of the problems encountered and use this information to draw up a list of preventive measures to be implemented.” (Planned completion: March 2012)

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Launch an operation to update our databases on housing sanitation as well as buildings classified as vacant or hazardous. Close inactive projects and clean up databases for a realistic idea of inspectors’ actual workload. (Planned completion: December 2012)

The first step will involve preparing a map, using information from our databases, showing the location of buildings with unresolved sanitation issues, as well as buildings categorized as vacant or hazardous. This map should be updated regularly and shared with other partners, such as CLSCs and the SSIM. (Planned completion: December 2012)

The second step will be to build a map-based database that keeps a chronological record of housing sanitation cases and cases related to vacant or hazardous buildings. (Planned completion: March 2013)

The borough will hire an inspector and an administrative employee on a temporary basis in 2012 to improve the information it has on the buildings located in the borough.” (Planned completion: December 2012)

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “Using the city’s existing technological tools, cross-reference the following information, and plot on a map:

- building age
- social and economic characteristics of households
- housing-related complaints over the past five years.

This map would make it possible to focus on problem areas where sanitation issues are concentrated.” (Planned completion: September 2012)

- **DIRECTION DE L’HABITATION**

[TRANSLATION] “Develop and administer a tenant survey, depending on the funds required and whether the boroughs can and want to contribute, to determine:

- overall condition of rental properties in Montréal
- maintenance needs
- renovation needs. **(Planned completion: First surveys to be conducted in May 2013)**

The survey:

- Sample size should be large enough to ensure the resulting housing condition overview for each borough is reliable.
- Sample size and number of questions in the survey will determine the cost of the operation (estimation underway).
- To document changes in rental housing conditions, the same survey will need to be repeated at a frequency to be determined.”

- 1.B) • **VILLE-MARIE BOROUGH**

[TRANSLATION] “An action plan on rooming houses has been in effect since October 2010 with a number of stakeholders, including the Service de police de la Ville de Montréal, CLSCs, the Office municipal d’habitation de Montréal and tenant associations. Ville-Marie borough inspectors are called in to handle the more serious cases.” **(Planned completion: September 2012)**

- **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “In order to complete the overview and prepare a more complete list of high-risk buildings, the borough will commit to share information gathered by various local stakeholders (the SSIM, CSSSs, etc.).

Bearing this in mind, the borough is putting the finishing touches on a unique memorandum of understanding with the local CLSC to pool our knowledge of the milieu. Among other things, this agreement will determine the conditions for future updates.” **(Planned completion: May 2012)**

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Development of a memorandum of understanding between the SSIM and the Direction de l’aménagement urbain et des services aux entreprises of Le Sud-Ouest borough. One of the sections of the agreement will need to focus on better data sharing regarding building safety.” **(Planned completion: December 2012)**

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “Attach the SSIM’s list of problem buildings to the aforementioned map, as well as the upcoming results from the survey conducted by the Direction de l’habitation and the Société d’habitation du Québec. The resulting composite map should be updated annually.

Meet with city IT officials to exchange relevant information, especially information from the SSIM.” **(Planned completion: September 2012)**

2) • **VILLE-MARIE BOROUGH**

[TRANSLATION] “Only 30% of the buildings in Ville-Marie are residential, and housing-related reports represent a mere 8% of all reports received. Nevertheless, a follow-up program will be set up, in line with the recommendations of this report, and an awareness campaign will be initiated. **(Planned completion: November 2012)**

Enforcement strategies will be developed and implemented in 2012 and re-evaluated in 2013 with a view to optimize procedures.” (Planned completion: March 2013)

- **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “The vast majority of cases currently being investigated are the result of complaints filed with the borough. The borough plans to institute preventive action to increase the annual number of inspections by 20% and devote one person-year to the task.

A detailed report will be prepared at the end of every year, to include an update on prevention and follow-up activities.” (Planned completion: April 2012)

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Initiate a detection program to identify substandard housing in the borough.” (Planned completion: December 2012)

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “Besides continuing to handle complaints on a case-by-case basis, the borough will also focus its strategy on tracking down housing problems. Target geographical areas will be analyzed to detect key sanitation-related problems. These areas would be identified in a service agreement with the Direction de l’habitation for conducting preventive inspections. On-site inspections of these areas might be staggered over a period of two to four years.

The memoranda of understanding will require an implementation plan that outlines the steps for inspection, follow-up, legal proceedings where necessary and the respective roles of the business units involved.” (Planned completion: March 2013)

3.2. FOLLOW-UP ON ACTIVITIES

As previously mentioned, inspectors are responsible for enforcing compliance with applicable municipal housing standards in terms of sanitation, maintenance and safety. When they receive a complaint or report, they inspect the premises in question to assess compliance and determine the necessary corrective action to be taken. Following their inspection, inspectors may issue a statement of violation. However, they generally start by issuing a notice of non-compliance to provide violators with a reasonable opportunity to remedy a problem within a specified timeframe. Inspectors must then follow up to ensure the corrective action is taken, negotiate extensions if more time is needed to complete the repairs and initiate penal procedures for uncooperative offenders.

To carry out these and other tasks, Ville-Marie borough has nine inspectors on staff, Montréal-Nord five, Le Sud-Ouest four and Villeray–Saint-Michel–Parc-Extension seven, and the Direction de l'habitation has nine. All of these business units use the computer application known as *Gestion du territoire – Permis* to record the details of inspection-related activities for every case, including the address, a brief description of the reported problem, the name of the violator, the name of the party filing the complaint, the name of the inspector assigned to the case, the start and end date of the actions taken and notes or observations made by the various parties, if appropriate.

For the sake of maximum clarity, it is important to reiterate that the cases administered by the boroughs are generally in response to a complaint or report about a specific dwelling unit (rarely more than one unit at a time), except those involving emergencies that pose a threat to tenants' well-being (e.g., a building evacuation). The number of violations in these cases tends to be low (e.g., fewer than 10 per case). In comparison, the cases processed by Direction de l'habitation inspectors, under the [TRANSLATION] *Action Plan to Improve Sanitary Conditions in Housing*, usually involve buildings of up to 72 units, which requires a comprehensive inspection of the whole building. These properties are sometimes in a state of major disrepair, with as many as 800 violations throughout the building. We feel it is important, however, to put this information into perspective and, under the circumstances, we believe that the Direction de l'habitation's

responses require additional effort (e.g., visiting a building three times to complete an initial inspection report and determine the required corrective action). Given the number of violations identified in these cases, there is no doubt that the amount of time required for the violator to remedy the situation and for inspectors to follow-up will be greater.

During our audit, we wanted to make sure that the complaints and other reports filed with the boroughs were all promptly transferred to an inspector. We then assessed how thoroughly the audited boroughs and the Direction de l'habitation followed up with violators who received notices of non-compliance to ensure corrective action was taken and how consistently statements of violation were issued to uncooperative offenders.

To substantiate our findings, we chose a random sample of 10 cases from between 2008 and 2011 in each of the four audited boroughs, for a total of 40 cases. A random sample of 30 Direction de l'habitation cases processed between 2007 and 2011 was also chosen.

3.2.1. RESPONSE TIME FOR COMPLAINTS AND REPORTS RECEIVED BY THE BOROUGHS

3.2.1.A. Background and Findings

Various factors can influence the prioritization of complaints and reports filed with the boroughs, including the degree of urgency of a situation with respect to occupants' health or safety. No matter what the nature of a report, however, we feel it must be addressed within a relatively short timeframe. We therefore analyzed the response time for complaints and reports received.

Our audit of the four selected boroughs showed that 90% (36/40) of the cases in our sample were assigned to an inspector within 2 to 15 days. Of the remaining 10% (4/40 cases), 2 cases (28 days and 114 days) were from Villeray–Saint-Michel–Parc-Extension borough, 1 case (105 days) from Le Sud-Ouest borough and 1 case (220 days) from Ville-Marie borough. According to the explanations we obtained, delays in assigning cases to an inspector were primarily attributable to staffing problems (high inspector turnover), where cases had to be reassigned to other inspectors.

Cases for which the response time was closer to the 15-day mark can be explained, or partially explained, by the fact that some boroughs have adopted an “express” system for processing complaints in situations where tenant health and safety risks are low (e.g., clutter problem, extermination required). Under this system, when a reported is received, the borough immediately issues a notice instructing the violator to perform the repairs required to comply with the By-law within a specified timeframe (generally 10 days). A copy of the notice is sent to the party that filed the complaint along with a reply card that can be returned to the borough if the matter is not resolved by the deadline. An inspector is assigned to a case only if the reply coupon is sent back. The advantage of this approach is that it prevents inspectors from being dispatched unnecessarily for unfounded complaints and encourages matters being settled without their involvement.

Based on the results of our audit, we found that by and large the boroughs assigned incoming complaints and reports to an inspector within a reasonable timeframe, although in 10% of cases we found the response time to be excessive.

For this aspect of the process, we obviously have no comments to make concerning the Direction de l’habitation since it only gets involved in cases where a formal memorandum of understanding has been signed with a borough for the systematic inspection of specifically identified buildings.

3.2.2. FOLLOW-UP FOR CASES ADMINISTERED BY THE BOROUGHS

3.2.2.A. Background and Findings

Once a complaint or report is filed with a borough, one of two things can occur: either a systematic inspection is initiated, or the express process was put into motion, in which case an inspection will be carried out only if the party filing the complaint sends the reply card back indicating that the problem has not been resolved.

A notice of non-compliance will be issued once the required inspections have been performed, except if the report proves unfounded or if necessary corrective action has been taken. Based on our observations, these notices of non-compliance generally take

the form of a letter sent to the violator, accompanied by a list of the violations found on the premises. The notice clearly indicates the amount of time the violator has to take the necessary corrective action for each violation. Although each business unit has its own procedures and these timeframes may change, the length of time allotted is generally left to the discretion of the inspector, who will adjust it based on the urgency of the situation, the nature of the work to be carried out and the landlord's history. The information obtained from the business units we audited showed that these timeframes generally vary from 10 to 60 days. Immediate corrective action may be imposed, however, if the situation represents a health or safety hazard for tenants or the public.

The process entails issuing a notice of non-compliance rather than immediately serving a statement of violation. We observed that notices of non-compliance served violators clearly indicate that:

- The necessary corrective action to address the reported violations must be carried out by the specified deadline.
- Each violation of any provision in the By-law is subject to a fine of \$200 to \$10,000 in the case of an individual, and \$400 to \$20,000 in the case of a corporation.
- Failure to comply with the notice may result in legal proceedings being instigated against the violator without any further notice or delay.

We understand that this approach requires more thorough follow-up by the business units, not only to rectify substandard housing conditions promptly but also to avoid sending the message that a notice of non-compliance is not to be taken seriously because there will be no follow-up and, ultimately, no consequences for violators who do not respond by the specified deadline.

Our audit therefore examined how rigorous the follow-up was for notices of non-compliance if a violator does not adhere to the deadline determined following the initial inspection. In most cases, these follow-ups require the inspector to return to the premises (reinspection). However, in some situations, follow-up action may be carried out over the telephone (e.g., the party who filed the complaint confirms that the work has been done) or with documentation (e.g., invoices, contracts or other proof that the work has been done).

The findings for the cases in our sample from the audited boroughs are presented in Table 1.

Table 1—Reported Cases and Response Time

Borough	Number of cases for which a notice of non-compliance was not issued	Cases requiring a notice of non-compliance		Total number of cases audited
		1st reinspection or 1st follow-up action 15 days or less after the indicated deadline	1st reinspection or 1st follow-up action more than 15 days after the deadline	
Ville-Marie	6	4	0	10
Montréal-Nord	1	9	0	10
Le Sud-Ouest	2	4	4	10
Villeray–Saint-Michel–Parc-Extension	1	8	1	10
Total	10	25	5	40
Percentage	25%	62%	13%	100%

NOTICE OF NON-COMPLIANCE NOT ISSUED (10 CASES)

Issuing notices of non-compliance was not required in these 10 cases because:

- The party who filed the complaint did not return the reply coupon sent out as part of the express treatment process (1 case: Ville-Marie).
- The complaint proved unfounded (2 cases: Ville-Marie and Villeray–Saint-Michel–Parc-Extension).
- The reported problem was resolved during the inspector’s follow-up (corrective action taken or supporting documents received) (6 cases: Ville-Marie and Le Sud-Ouest).
- A statement of violation was issued on the spot to the offender because of a long history of housing violations (1 case: Montréal-Nord).

NOTICE OF NON-COMPLIANCE ISSUED (30 CASES)

Given the many variables that can have an impact on planning the issue of notices of non-compliance (e.g., high number of complaints and reports received, lack of access to

the premises to be inspected, staff turnover), we feel that a 15-day timeframe between the response deadline indicated on the notice and the date of the first reinspection or follow-up action (e.g., telephone call) is reasonable.

Moreover, the first follow-up action or reinspection in 25 of the 30 cases for which a notice of non-compliance was issued (out of a total of 40 in our sample) was performed fairly close to the initial deadline given to the violator to take the necessary corrective action, i.e., within 15 days. In the remaining 5 cases, however, no action was taken for over a month following the response deadline given to the violator, and in one case for close to 5 months. See Table 2 for details.

Table 2—Cases Where the Time Between the Response Deadline and the First Follow-Up Action Exceeded One Month

Borough	Number of cases observed	Number of days between the response deadline and the 1st follow-up action
Ville-Marie	0	–
Montréal-Nord	0	–
Le Sud-Ouest	4	35, 36, 65 and 147 days
Villeray–Saint-Michel–Parc-Extension	1	60 days
Total	5	

We found no notes in the file or any further explanations to justify the delays for these 5 cases, other than the fact that the deadline given to the violator to take the necessary corrective action (generally 10 days) may not have been realistic based on the nature of the problem.

It seems clear that putting a shorter response deadline in the notice of non-compliance may help exert pressure on the violator to take immediate action and address a problem situation. However, when these deadlines are not realistic given the nature of the corrective action required, this approach can have the opposite effect and undermine the credibility of the process. We therefore feel that it would be to the boroughs' advantage to adopt clear guidelines for inspectors on establishing reasonable deadlines.

V. Value-for-Money and Information Technology Audit
V.2. Application of the *By-law Concerning the Sanitation, Maintenance and Safety of Dwelling Units*

In addition, we noted that only 4¹² of the 30 cases were settled immediately following the first reinspection or first follow-up action by the inspector, and only 1 case, in the Villera y–Saint-Michel–Parc-Extension borough, resulted in a statement of violation. In other words, in the remaining 25 cases (30 – 4 – 1), the violator was not served with a statement of violation, despite the warning to this effect on the notice of non-compliance. We obtained a detailed breakdown of the number of statements of violation issued between 2007 and 2010 for each of the audited boroughs. This information is presented in Table 3.

Table 3—Number of Statements of Violation Issued under the By-law

Borough	2007	2008	2009	2010	Total
Ville-Marie	3	10	10	0	23
Montréal-Nord	39	31	11	10	91
Le Sud-Ouest	6	6	1	1	14
Villera y–Saint-Michel–Parc-Extension	21	13	29	15	78

This breakdown shows that the overall number of statements of violation issued by the audited boroughs over this four-year period is low. We also listed the number of new cases opened by the audited boroughs under the By-law for 2009 and 2010 to compare this figure with the number of statements of violation served. Our findings are presented in Table 4.

¹² Ville-Marie (1 case), Montréal-Nord (1 case), Le Sud-Ouest (1 case) and Villera y–Saint-Michel–Parc-Extension (1 case).

**Table 4—Number of New Cases Opened Annually
 Compared with Number of Statements of Violation Issued**

	Ville-Marie		Montréal-Nord		Le Sud-Ouest		Villeray–Saint-Michel–Parc-Extension	
	2009	2010	2009	2010	2009	2010	2009	2010
Number of new cases (complaints or reports) opened under the By-law	204	228	168	128	196	145	386	375
Percentage of statements of violation issued in relation to the number of new cases opened (complaints or reports ¹³)	5%	0%	7%	8%	0.5%	0.7%	8%	4%

We found that when applying the By-law, the percentage of statements of violation issued in relation to the number of new cases opened is in fact very low. However, based on the information we obtained, it appears that the city’s business units favour an approach wherein they attempt to negotiate with a violator to bring about the necessary corrective action rather than immediately issuing a statement of violation.

We feel that this a worthwhile strategy, especially considering that going through the courts will not necessarily result in a faster resolution for tenants living in unsanitary or unsafe living conditions. Nevertheless, we feel a balance must be struck between the administrative efficiency of efforts required by city inspectors to convince landlords to take the corrective action required (e.g., the number of reinspections and other necessary follow-up actions) and an acceptable tolerance level for imposing the penalties provided for under the By-law. We therefore feel that the boroughs would be well advised to adopt guidelines inspectors can follow when deciding whether or not to issue a statement of violation.

For the 25 cases cited, inspectors were required to take further action to ensure the reported problems were addressed. Consequently, we took a more in-depth look at the length of time required to bring cases to a final resolution, as well as the nature of the extensions given by inspectors to violators at each step of the process.

¹³ Based on the assumption that only one statement of violation is issued per complaint or report.

The time elapsed between the initial deadline indicated in the notice of non-compliance and the date the case for each of these 25 cases was eventually resolved is presented in Table 5.

**Table 5—Time Elapsed Between the Initial Deadline
in the Notice of Non-Compliance and the Resolution Time**

Borough	Less than 1 month	Between 1 and 3 months	Between 3 and 6 months	Between 6 and 12 months	More than 1 year	Total
Ville-Marie	0	1	1	0	1	3
Montréal-Nord	1	3	2	2	0	8
Le Sud-Ouest	1	2	1	2	1	7
Villeray– Saint-Michel– Parc-Extension	3	2	2	0	0	7
Total	5	8	6	4	2	25

Our analysis reveals that the resolution time in nearly 50% (12/25) of these cases extended beyond three months and even past one year. For 2 of these 12 cases, however, the lengthy resolution times are partially attributable to delays in closing the file in the computer program, which needlessly adds to the total time. However, given that the reported problems involved unsanitary or unsafe housing conditions, we feel the delays for the remaining 40% (10/25) are abnormally long and could, in some instances, be detrimental to tenants' well-being.

According to the information we received from most of the people we interviewed, these weaknesses in the follow-up process may be explained in part by a high turnover rate among borough inspectors in recent years. These inspectors are responsible for enforcing a large number of by-laws (i.e., between 20 and 40 by-laws) for their business unit, which translates into a heavy workload and staff problems. As a result, new recruits do not necessarily receive adequate guidance and training.

A more in-depth analysis of each of these cases revealed several facts:

- For all of the cases we examined in the four audited boroughs, we almost never found evidence in the file concerning extensions granted to violators to take the necessary corrective action after each successive follow-up (e.g., reinspection).

Consequently, relatively long periods of time occasionally elapsed between two follow-up actions, without any justification.

- None of the boroughs we audited used management reports to assess and track the amount of time elapsed after a response deadline. We feel this type of tool would allow managers who oversee the process to more easily identify situations where follow-up is difficult and intervene more rapidly to ensure the necessary corrective action is taken. The *Gestion du territoire – Permis* program that records the details of the actions taken in each case has a [TRANSLATION] “scheduled” field that could be used to enter the next follow-up date after an established deadline (e.g., 30 days). We noted, however, that inspectors almost never complete this field, which makes it more difficult, and less transparent, to track the extensions they grant.
- As previously mentioned, we noted that several resolved cases were not promptly recorded as closed in the computer application. The resolution time indicated for these files therefore appears longer than it actually was. To avoid distorting the statistics on case resolution time, clear guidelines should be given to inspectors in this regard, and monitoring measures should be implemented to periodically check that cases are identified as closed in the computer application as soon as they have been resolved.

Finally, to return to the issue of the high turnover rate among inspectors assigned to this activity, we were informed that in December 2009 the boroughs had raised concerns with the SCH about the difficulty in retaining inspectors on their work teams and the negative repercussions of this situation, particularly in terms of heavier workloads and the need to constantly train new recruits. The discussions that ensued revealed that too many job categories in the “inspection” family (roughly 30) had been created over time, with the result that there are currently many similarities in the various positions from one borough to the next, although the corresponding pay scales and job descriptions are not necessarily on par. On top of this, the SCH has classified the position of building inspectors as a high-vulnerability job (e.g., due to retirements). The SCH therefore proposed a new job structure to the boroughs in October 2010 to reduce the number of categories in the “inspection” family from 30 to roughly 6. According to the information we obtained from the SCH, subsequent discussions were initiated with borough

representatives to reach agreement on the proposed position structure and salary levels. The matter was then put on the back burner for various reasons and not revived by the SCH until June 2011. The information we obtained from the SCH indicates that the matter is well on its way to being resolved. The executive in charge at the SCH has indicated that the next steps in implementing the proposed job structure are:

- Obtain support from all stakeholders for the job structure
- Draft the required job descriptions
- Determine the salary levels
- Submit the file to the Comité conjoint d'évaluation des emplois des cols blancs for approval (union and employer)

In our opinion, the changes in the “inspection” family job structure should help stabilize borough work teams and make workloads practicable. Considering that the matter is still pending after a little more than two years, we strongly urge the SCH to continue its efforts to hasten the process and adopt an action plan and implementation schedule to finalize the initiative.

3.2.2.B. Recommendations

To improve support for enforcement activities and encourage violators to take prompt corrective action, we recommend that the Direction de l'aménagement urbain et des services aux entreprises in the boroughs of Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension adopt clear guidelines that:

- **help inspectors establish reasonable, realistic deadlines for corrective action**
- **determine the conditions under which issuing a statement of violation could represent a more effective solution than granting violators an extension**

To avoid undermining the credibility of the notices of non-compliance served to violators and ensure thorough follow-up on the specified corrective action, we recommend that the Direction de l'aménagement urbain et des services aux entreprises in the boroughs of Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension take the necessary measures to ensure inspectors follow up promptly when deadlines are not met by violators.

To enable managers to monitor operations more closely and identify instances of insufficient follow-up, we also recommend that the Direction de l'aménagement urbain et des services aux entreprises in the boroughs of Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension undertake the necessary measures to:

- encourage inspectors to use the designated computer program to record all information related to their activities and specifically details on extensions granted to violators to take the necessary corrective action
- encourage inspectors to enter the next follow-up date after an established deadline in the [TRANSLATION] “scheduled” field in the computer application
- stress to inspectors the importance of closing cases in the computer application as soon as possible after they are resolved to avoid distorting resolution times
- use management reports to assess and track the amount of actual time elapsed in relation to response deadlines granted to violators by inspectors

Finally, to promote stability within work teams in the relevant administrative units, we recommend that the Service du capital humain:

- continue its efforts to move forward with reforming the building inspection and permit delivery job structure
- adopt an action plan and an implementation schedule to finalize the initiative as soon as possible

3.2.2.C. Action Plans of the Relevant Business Unit

1) • **VILLE-MARIE BOROUGH**

[TRANSLATION] “Management will prepare and implement clear guidelines to help inspectors determine how much time to give violators to complete the required corrective action and when to issue a statement of violation. This will involve a chart for analyzing the factors involved (severity/impact of the case, tangible efforts made by the landlord, repeat violations).” (Planned completion: November 2012)

- **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “The borough plans to prepare a set of guidelines and procedures on the enforcement of the By-law concerning the sanitation, maintenance and safety of dwelling units and update the inspector training program in this regard.

We feel that the current approach to setting corrective action deadlines for violators is suitable. Clear guidelines will be drafted to ensure this practice is applied consistently to all violators.” (Planned completion: May 2012)

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Draft clear guidelines on inspection follow-up activities and strategies for legal action.

Provide training to inspectors with regard to these guidelines and strategies.

Share information with other boroughs to identify best practices.” (Planned completion: November 2012)

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “Draft administrative guidelines to categorize various timeframes for corrective action, depending on the nature of the problem and the scope of the work involved.

The most commonly encountered situations over the past 12 months will be analyzed, and inspectors will be asked for critical assessment for determining the type of situation where statements of violation should be issued earlier in the enforcement process.” (Planned completion: June 2012)

2) • **VILLE-MARIE BOROUGH**

[TRANSLATION] “The reference tables in the Gestion du territoire – Permis computer program (Oracle) will be changed to take into account the nature of a violation. A [TRANSLATION] ‘scheduled date’ field will need to be completed

for each violation-related follow-up, thereby making it possible to better administer deadlines specified by the inspector and manager and identify the target date for issuing a statement of violation.

The department head will monitor case loads, sorted by deadline and inspector, to ensure these guidelines are applied.” **(Planned completion: November 2012)**

- **MONTREAL-NORD BOROUGH**

[TRANSLATION] “Inspectors will receive supplemental training on the use of the Gestion du territoire system.

To make the statement of violation system more credible, the length of time involved in instituting legal proceedings must be reduced.” **(Planned completion: June 2012)**

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Assess the possibility of improving inspectors’ productivity by providing them with electronic tablets so they can track and document their cases in the field using Oracle inspection grids. **(Planned completion: May 2013)**

Retrieve management data on unresolved housing cases on a weekly basis.” **(Planned completion: June 2012)**

- **VILLERAY-SAINTE-MICHEL-PARC-EXTENSION BOROUGH**

[TRANSLATION] “Use the existing computer system to routinely enter response deadlines and available deadline reminder reports; hold a training and awareness session for employees. Draft administrative guidelines.” **(Planned completion: April 2012)**

3) • **VILLE-MARIE BOROUGH**

[TRANSLATION] “Inspectors will receive training to improve their documentation practices and provide them with guidelines on the type of content they are expected to provide.

A field indicating the date a statement of violation is received by the violator will be completed by a court bailiff communications clerk. Depending on the contents of the notice issued by the inspector, the information in this field will determine the target date for a subsequent inspection.

The Division des permis et des inspections will produce general housing inspection guidelines. It will emphasize the importance of closing cases in the computer program once the corrective action has been completed.” (**Planned completion: November 2012**)

• **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “Inspectors will receive supplemental training on the use of the management system.

Every inspection report will be checked by the manager to ensure the quality of both its contents and the proposed follow-up action.

The head of the Division des permis et des inspections will report to the director on a quarterly basis.” (**Planned completion: June 2012**)

• **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Organize an advanced training session on the use of the Gestion du territoire database system with the other boroughs. (**Planned completion: December 2012**)

Assess the possibility of improving inspectors’ productivity by providing them with electronic tablets so they can track and document their cases in the field using Oracle inspection grids. (**Planned completion: May 2013**)

Retrieve and validate management data related to the follow-up of the cases administered by each inspector on a weekly basis.” **(Planned completion: June 2012)**

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “All of the points mentioned in this recommendation will be implemented with the inspection team, via training and guidelines, and checked on an individual basis by way of a quarterly report with the employees involved. **(Planned completion: May 2012)**

A meeting will be set up with the Service des technologies de l’information to modify the current computer system so that it can generate management reports that track deadlines issued to violators.” **(Planned completion: September 2012)**

4) • **SERVICE DU CAPITAL HUMAIN**

[TRANSLATION] “First, we would like to stress that the main purpose of the initiative to reform inspection positions is to reduce the number of white-collar jobs to simplify management and minimize internal transfers.

We believe that this reform may also help achieve your objectives of improving housing conditions in Montréal.

The next steps in this process:

- Make workplace observations. **(Planned completion: April 2012)**
- Prepare draft job descriptions. **(Planned completion: May 2012)**
- Have job descriptions approved by Inspections et permis division heads. **(Planned completion: May 2012)**
- Submit job descriptions to the Comité conjoint d’évaluation des cols blancs. **(Planned completion: June 2012)**
- Create jobs. **(Planned completion: July 2012)**
- Apply job descriptions.” **(Planned completion: August 2012)**

3.2.3. FOLLOW-UP FOR CASES ADMINISTERED BY THE DIRECTION DE L'HABITATION

3.2.3.A. Background and Findings

Since implementation of the [TRANSLATION] *Action Plan to Improve Housing Safety* in 2007, Direction de l'habitation inspectors have stepped in to support the boroughs with inspections and follow-up for a series of specific buildings and dwellings identified and itemized in a memorandum of understanding with the boroughs.

Direction de l'habitation Inspectors follow the same procedures as their borough counterparts. If a violation of the By-law is found during a first inspection, the violator is served a notice of non-compliance (which includes a list of the violations observed and a deadline for addressing each). Inspectors subsequently follow up to ensure the necessary corrective action has been taken and, ultimately, a statement of violation is issued to uncooperative offenders. The specified timeframe for corrective action generally ranges from 30 to 60 days. Given the greater number of units in the buildings under the purview of the Direction de l'habitation (e.g., 24, 40, 62 and 72 dwellings), it is not uncommon for an inspector to visit the premises five times on average simply to determine the necessary corrective action to be taken, this does not include the subsequent inspections and follow-up to monitor the progress being made. At the time of our audit, there were nine inspectors on staff at the Direction de l'habitation to ensure the implementation of the [TRANSLATION] *Action Plan to Improve Housing Safety*. Unlike their borough counterparts, inspectors in this business unit are not responsible for enforcing any other municipal by-laws.

Information obtained at the end of July 2011 from the Direction de l'habitation indicated that it signed a memorandum of understanding with 14 of the 19 boroughs to assume responsibility for certain non-compliant buildings within their jurisdictions.

An overview of inspection activities conducted by the Direction de l'habitation to implement the [TRANSLATION] *Action Plan to Improve Housing Safety*, up until the end of July 2011, is presented in Table 6.

**Table 6—Annual Overview of Division de la Salubrité Activities
to Implement the [TRANSLATION] *Action Plan to Improve Housing Safety***

	2007*	2008	2009	2010	2011#	Total
Number of buildings	52	114	258	110	47	581
Number of units inspected in these buildings	1,197	2,000	3,298	2,999	1,093	10,587
Number of violations reported	10,364	16,369	17,642	14,827	3,596	62,798
Number of statements of violation issued	482	1,306	151	352	204	2,495

* Figures for the last six months of 2007 (action plan came into effect in July 2007).

Figures for the first seventh months of 2011 (January 1 to July 31).

Although we know now that actions related to the [TRANSLATION] *Action Plan to Improve Housing Safety* will continue over the coming years, the above information shows that the original goal, which was to inspect 10,000 units during the initial three-year period of the action plan (July 2007 to July 2010), was achieved and even exceeded during the first seven months of 2011.

As for the 2,495 statements of violation issued between July 2007 and July 2011, a cursory review shows that they were limited to 104 (18%) of the 581 buildings inspected by the Direction de l'habitation. Using an approach similar to that of the boroughs, the Direction de l'habitation prefers negotiating the implementation of corrective action with violators. As long as violators remain cooperative and the percentage of corrective action taken increases, inspectors tend to grant extensions rather than initiate penal procedures that could interrupt or stall work.

As for the Direction de l'habitation's follow-up of their cases, we substantiated our findings concerning the 30 buildings in our sample by reviewing two key factors. First, as we did in the boroughs, we examined how promptly and thoroughly inspectors followed up on notices of non-compliance once the deadlines for corrective action set after the initial inspection had passed. Second, we reviewed subsequent follow-up action taken and the amount of time elapsed between the deadlines initially indicated in the notice of non-compliance and the resolution of the case as of August 29, 2011, just before our audit wrapped up. The results of our analyses are presented below.

FOLLOW-UP ON NOTICES OF NON-COMPLIANCE AFTER INITIAL RESPONSE DEADLINES

In 15 of the 30 cases in our sample, the violations identified were addressed and the cases resolved at the time of our audit. The cases for the other 15 buildings were still active. The proportion of violations addressed to violations reported as of August 29, 2011 varied from case to case, ranging between 2.6% and 96.3%. In more specific terms, for 11 out of 15 buildings, more than 65% of the reported violations were addressed.

Given that the notices of non-compliance in our sample showed a rather high number of reported contraventions (between 15 and 822) and that different deadlines can be applied to each deficiency depending on the scope of the corrective action required, we chose to focus our analysis on the longest deadline, i.e., 60 days. Consequently, for the purpose of assessing the promptness of inspectors' follow-up after the initial response deadline in a notice of non-compliance has passed, we considered that a 15-day timeframe between the end of the 60-day deadline and the first follow-up action was reasonable.

Table 7—Time Elapsed Between Violators' Initial Deadline and Inspectors' First Follow-Up

First follow-up action taken in response to the notice of non-compliance	Active cases	Resolved cases	Total
Within 15 days following the 60-day deadline	8	9	17
More than 15 days following the 60-day deadline	7	6	13
Total	15	15	30

We therefore observed that slightly more than half of the cases we reviewed, or 57% (17/30), were followed up within 15 days after the 60-day deadline had passed. The first follow-up action for the other 43% (13/30) was carried out by the inspector more than 15 days after the specified deadline. For all but 2 of the 13 buildings, for which the first follow-ups took place on the 17th and 18th day following the 60-day deadline, it took a considerably longer time to follow up on the reported violations: in 5 cases, the first follow-up took place between 33 and 44 days following the initial 60-day deadline; in another 5 cases, the first follow-up took place between 88 and 94 days; and in 1 case,

the delay was 256 days. We feel these initial follow-up times are long, and it was difficult, or even impossible, to confirm the exact reasons for the follow-up delays, because these details were not documented in the *Gestion du territoire – Permis* application. However, based on the information obtained from the manager responsible for this activity at the Direction de l'habitation, some of these delays were exacerbated by a variety of factors, including the departure of an inspector assigned to a case prior to its resolution, the initiation of administrative procedures to obtain a building renovation subsidy and logistical considerations that led to the postponement of required reinspections in cases where one landlord had received notices of non-compliance for more than one building. The aforementioned 256-day response time arose as a result of this latter situation. In this particular instance, the landlord in question owned four buildings in the same neighbourhood, all of which had been identified under the [TRANSLATION] *Action Plan to Improve Housing Safety*. An agreement was worked out to perform the corresponding reinspections in a sequential manner (one building at a time), and the building in our sample was last in the series.

TIME ELAPSED BETWEEN THE INITIAL NOTICE OF NON-COMPLIANCE DEADLINE AND CASE RESOLUTION

Table 8—Time Elapsed Between the Initial Notice of Non-Compliance Deadline and Resolution

Length of time	Active cases	Resolved cases	Total
0–3 months	0	4	4
3–6 months	0	2	2
6–9 months	3	2	5
9–12 months	3	2	5
12–18 months	4	1	5
18–24 months	2	0	2
24–36 months	3	4	7
Total	15	15	30
	30		

We continued our analysis with a review of the subsequent follow-up actions taken and the time elapsed between the initial deadline specified in the notice of non-compliance

and the resolution of the case, as of August 29, 2011, just before our audit wrapped up. To reiterate, our analysis focused on resolution times for notices of non-compliance with the longest response deadline (i.e., 60 days).

Our findings showed that, in 80% (24/30) of the cases we examined, the resolution time following the initial 60-day deadline exceeded six months. We appreciate that the level of complexity of certain cases (e.g., a large number of dwellings to be inspected, high number of violations reported) may require a considerable amount of time for inspectors to address—up to 12 months in some instances. However, we noted in a significant percentage of cases, i.e., 47% (14/30), the resolution time following the initial 60-day deadline exceeded 12 months:

- In five cases, the resolution time was between 12 and 18 months. Based on our observations, apart from two cases where various extension requests were granted, the other three cases can be explained as follows: one of the buildings had been accepted for a subsidy under the Major Residential Renovation Program, and the two others, both owned by the same landlord, were given an extension following a decision made by the inspector to allow the landlord to carry out the necessary corrective action in one building at a time.
- The resolution time for two cases ranged from 18 to 24 months. In one case, the delays were attributable to the initiation of municipal court proceedings. In the other, the delay was exacerbated by various circumstances beyond the control of the Direction de l'habitation, including administrative delays while waiting for a response to a landlord's application for a renovation subsidy, which was ultimately rejected; the time required by the landlord to obtain bids for large-scale projects; and delays caused by the departure of inspectors and the resulting increase in workload for the inspector assigned to the cases.
- The resolution time for seven cases extended beyond 24 months, even up to 36 months. Based on the information we obtained, these delays can be explained as follows: criminal proceedings were launched against one building in municipal court; two buildings applied for subsidies under the Major Residential Renovation Program; and four buildings applied for assistance under the Renovation *à la carte* program. Both of these programs are administered by the Direction de l'habitation.

In the cases of buildings that received renovation subsidies, the Division de la salubrité was justified in temporarily suspending follow-up procedures for notices of non-compliance while the renovations were being carried out by a third party (e.g., the Division de la gestion des programmes de logement abordable et privé of the Direction de l'habitation or a borough). It would then return when renovations were complete to ascertain that all instances of non-compliance had been corrected. It is also important to point out that dwellings may need to be vacated in some cases, depending on the scope of the required renovations, to protect tenants from harm.

All in all, given the explanations provided and the unique nature and scope of the tasks required of Direction de l'habitation inspectors, we feel it is difficult to judge whether or not the time required to resolve these cases can be considered reasonable. However, in light of our review of the files and information obtained from the people we interviewed, we feel that certain improvements could be made to the process. Our observations in this regard are as follows:

- In a few cases, some follow-ups by inspectors were not recorded in the *Gestion du territoire – Permis* application. In others, actions were recorded but inadequately described (e.g., identified as information obtained rather than details from an on-site inspection). Moreover, although the [TRANSLATION] “scheduled” field in the computer application can be used to enter the date of the next follow-up action required after a specified deadline (e.g., 30 days), we observed that this field was sometimes left blank. We therefore have no evidence in the file of extensions granted to violators to perform the required corrective action following each of the inspector’s follow-up actions (e.g., reinspections). We also noted that there were sometimes relatively long delays between follow-up actions with no reason provided. This lack of rigour affecting the information in the file makes follow-up more difficult for new inspectors subsequently assigned to a case and for the managers who oversee these activities. These omissions and record-keeping mistakes may also distort information contained in management reports generated by this computer program.
- Similar to what we observed in the boroughs, the Direction de l'habitation manager responsible for this activity does not have access to any management reports to help assess and track the length of response time that follows a given deadline. We

feel this type of tool would make it easier to identify situations where follow-up problems exist and react more rapidly to ensure the necessary corrective action is taken.

3.2.3.B. Recommendations

To avoid undermining the credibility of the notices of non-compliance served to violators and ensure thorough follow-up on the specified corrective action, we recommend that the Division de la salubrité take the measures required to ensure inspectors follow up promptly when deadlines are not met by violators.

To help managers who oversee enforcement activities monitor operations more closely and identify instances of insufficient follow-up, we recommend that the Division de la salubrité take the necessary actions to:

- encourage inspectors to enter sufficiently detailed information on their activities in the computer application they are using
- encourage inspectors to enter the next follow-up date after a deadline established with the offender in the [TRANSLATION] “scheduled” field in the computer application
- use management reports to assess and track the amount of time that passes after a response deadline granted to a violator by an inspector

3.2.3.C. Actions Plans of the Relevant Business Unit

[TRANSLATION] *“Provide inspectors with specific instructions to ensure their first follow-up inspection is carried out within 15 days after the longest deadline indicated in the notice of non-compliance has passed.*

Develop a weekly computer report to indicate when deadlines have recently expired and adjust the inspection calendar accordingly.” (Planned completion: March 2012)

“Provide inspectors with specific instructions to:

- *Document every action and piece of information involved in a case in a comprehensive and comprehensible way.*

- *Ensure that the dates associated with each new deadline are entered into the appropriate field. (Planned completion: March 2012)*

Perform random quality checks on the information on file (on a monthly basis, for example). (Planned completion: March 2012)

Produce management reports that keep track of projects for which the deadline granted to landlords by inspectors has passed (check related IT needs while project is underway).” (Planned completion: June 2012)

3.3. OBJECTIVES, PERFORMANCE INDICATORS AND REPORTING

3.3.A. Background and Findings

To assess and eventually report the extent to which By-law enforcement efforts meet city administration orientations, it is important to define clear and measurable objectives that can easily be tracked using performance indicators. Management reports must incorporate this information.

Part of our audit included reviewing the objectives that the four boroughs and the Direction de l'habitation had set to assess the effectiveness of By-law enforcement activities. We questioned the managers responsible for these activities and consulted various sources of information, including annual activity reports and budget support documents. Tables 9 and 10 summarize the main formally defined goals that we were able to identify in connection with these activities.

Table 9—Borough By-law Enforcement Objectives

Borough	Objective
Ville-Marie	No formally defined objectives
Villeray–Saint-Michel–Parc-Extension	Finalizing implementation of the inspection structure
Montréal-Nord and Le Sud-Ouest	<p>General objectives</p> <ul style="list-style-type: none"> • Continually improve working arrangements to ensure cases are effectively processed and followed up diligently • Continue developing communication tools to promote improved visibility and awareness of the By-law. <p>Sub-objectives</p> <ul style="list-style-type: none"> • Introduce By-law enforcement procedures and tools (guidelines, improved form letters, etc.) (Montréal-Nord) • Implement procedures and management tools to follow up on statements of violation (Le Sud-Ouest) • Incorporate management tools into the follow-up process • Provide more support to inspectors in the execution of their duties • Deliver quality customer service within reasonable timeframes • Monitor entries in the <i>GDC*</i> and <i>Gestion du territoire – Permis</i> on an ongoing basis • Update the website

* GDC: [TRANSLATION] Client request management.

We noted that the Ville-Marie borough had not defined any specific performance measurement objectives for this activity. Based on information obtained from the manager in charge, most reporting is done through regular meetings between inspectors and management. Any problems encountered are discussed at these meetings, and verbal instructions may be given, although there is no subsequent evaluation. The only enforcement-related information contained in the annual budget presentation and activity report process is the total number of inspections carried out. There are no comparisons with results from previous years or established objectives or targets. We feel that this type of information is decidedly insufficient in making informed decisions about the corrective action to be taken.

A similar situation was observed in the Villeray–Saint-Michel–Parc-Extension borough, where, although it is commendable, only one objective was identified. The target of this objective is vague, making it difficult to measure the success level. In addition, as was also the case in the Ville-Marie borough, reporting is done verbally during regular meetings, and annual budget support documents focus almost exclusively on

production units, i.e., the number of housing units inspected, the number of notices of non-compliance issued and the number of statements of violation issued. These findings are not compared with previous years' results or target objectives.

Montréal-Nord and Le Sud-Ouest goals are more structured and we feel they address the main problems involved to improve the performance of these activities. However, they are stated in non-measurable terms. We recommend that specific targets be incorporated so that the degree of success can be clearly measured and tracked on a comparative basis. As an example, the sub-objective "Deliver quality customer service within reasonable timeframes," could be given measurable objectives such as:

- Ensure incoming complaints and reports are assigned to an inspector within X hours
- Ensure reinspections are carried out within X weeks following the deadline for a violator to take the necessary corrective action
- Ensure instances of observed non-compliance are resolved within X days

Additionally, in our analysis of annual activity reports, we found it difficult to reconcile the achievements they contain with established objectives. Specifically as regards inspection activities, they feature information of a general nature (e.g., job appointments of inspectors and other staff, support for professional development activities, computer system upgrades), as well as a compilation of the number of reports processed during the year.

As was the case for the Ville-Marie and Villeray–Saint-Michel–Parc-Extension boroughs, the information obtained from the managers we interviewed in these two boroughs confirms that reporting is also verbal and delivered during regular meetings between inspectors and management.

Overall, we feel that the boroughs should put increased effort, to varying degrees, into setting measurable objectives and defining corresponding performance indicators to make it possible to report regularly on By-law enforcement performance and the extent to which these activities help achieve city administration priorities.

As for the Direction de l'habitation, which carries out systematic inspections of buildings for which there is a memorandum of understanding in place with a borough under the [TRANSLATION] *Action Plan to Improve Housing Safety* (adopted in July 2007), our audit identified the objectives outlined Table 10.

**Table 10—Objectives of the Direction de l'Habitation
 Regarding the Application of the By-law and the Implementation
 of the [TRANSLATION] *Action Plan to Improve Housing Safety***

Business unit	Objectives
Direction de l'habitation	<p>2008</p> <ul style="list-style-type: none"> • Sign memoranda of understanding with at least five boroughs and inspect at least 3,000 dwellings under the [TRANSLATION] <i>Action Plan to Improve Housing Safety</i> (target: 10,000 dwellings inspected in three years) <p>2009</p> <ul style="list-style-type: none"> • Inspect at least 3,000 new dwellings under the [TRANSLATION] <i>Action Plan to Improve Housing Safety</i> <p>2010</p> <ul style="list-style-type: none"> • Provide the boroughs concerned with services as stipulated in the [TRANSLATION] <i>Three-Year Plan to Improve Substandard Housing</i>: <ul style="list-style-type: none"> – Inspect all dwellings for which a memorandum of understanding was signed between a borough and the Direction de l'habitation in 2010 (target: 3 000 dwellings) and perform reinspections where necessary – Issue notices of non-compliance and statements of violation <p>2011</p> <ul style="list-style-type: none"> • Provide the boroughs concerned with the services outlined in the [TRANSLATION] <i>Plan to Improve Substandard Housing</i>: <ul style="list-style-type: none"> – Inspect all dwellings for which a memorandum of understanding was signed between a borough and the Direction de l'habitation in 2011 and perform reinspections where necessary (target: 2,000 additional dwellings inspected in addition to reinspections and follow-up actions, total for 2011–2013: 6,000 inspections) – Issue notices of non-compliance and statements of violation – Where appropriate, coordinate work in lieu of the landlord

The Direction de l'habitation has therefore defined its main objectives in line with its responsibilities. These objectives are expressed in measurable terms in the memoranda of understanding to be signed with the boroughs and the number of dwellings to be inspected during the year. We feel that these objectives are appropriate and make it possible to measure the consistency between the actions taken and the action plan and report on the outcome. However, we feel that other measurable objectives could be

incorporated to further expand reporting practices and better track the performance of the Direction de l'habitation, for example:

- Carry out the initial inspection of all dwellings in a building within X days, depending on the housing category (e.g., 8 dwellings, 24+ dwellings)
- Resolve reported violations within X days
- Correct X% of all reported violations every year

Information obtained from the head of the division in charge of these activities confirmed that reporting is an annual exercise performed during the budget preparation process. Our analysis of these documents for 2009, 2010 and 2011 led us to observe that the Direction de l'habitation reports on its achievements based on the main objectives listed in Table 10. In addition, as part of routine operations, the head of the division mentioned that he regularly meets with the inspectors under his supervision and meets monthly with the director of the Direction de l'habitation to discuss the status of various cases and any problems that have been encountered.

Since the adoption of the *By-law concerning the sanitation, maintenance and safety of dwelling units* in 2003 was one of the orientations and the strategy recommended by the city administration to improve Montréalers' habitat and living environment, it is important that a broader reporting system be put into place to keep the relevant authorities informed of the resulting outcomes.

As previously mentioned in this report, three years after the By-law was adopted, the city administration sought to assess its impact. As a result, the SMVTP issued a report on By-law enforcement activities from 2003 to 2006 in October 2006. This report was subsequently submitted to a standing committee for a public study.¹⁴ During the subsequent public hearings, stakeholders asked for clarifications and additional information on aspects that had not been addressed in the report and that were deemed important to assess the activities, including:

- number and nature of enforcement activities in each borough
- number of inspectors and their mandates

¹⁴ Commission permanente du conseil municipal sur la mise en valeur du territoire, l'aménagement urbain et le transport collectif (known now as the « Commission sur le développement économique et urbain et l'habitation »).

- variance between the number of notices of non-compliance issued and the number of statements of violation issued
- municipal court statistics on By-law enforcement
- number of convictions and the amount of corresponding fines

The SMVTP therefore had to compile the missing data and respond in writing to the questions raised by stakeholders and committee members.

To follow up on the 16 recommendations made by the committee as a result of the 2006 public hearings, the SMVTP issued a second report in May 2009 on the actions taken since 2006. This report, which was also the subject of a public hearing by the committee, addressed all of the recommendations made by the committee and focused specifically on the actions of the Direction de l'habitation to implement the [TRANSLATION] *Action Plan to Improve Housing Safety*. However, the report did not touch on the boroughs' performance in applying the By-law.

We noted that the few statistics contained in both reports were not presented on a comparative basis from year to year, and there was not attempt to analyze any variances. We feel that a comparison of recent and past results would be useful for decision-making, in that it would help determine whether performance levels are stable, improving or declining. In our opinion, the information included in the reports was not sufficient to accurately assess the performance of By-law enforcement activities. Moreover, the managers we interviewed indicated that there had been no further reports on the application of the By-law.

Given that the responsibility of enforcing the By-law is shared by the 19 boroughs and one central business unit, we understand that achieving the city administration's objectives in this regard requires a coordinated combined effort. We noted, however, that no business unit has been formally assigned the task of coordinating overall reporting on a regular basis to brief the city administration on the status of the By-law enforcement activities of all business units concerned. We feel that the reporting frequency should also be defined in advance.

3.3.B. Recommendations

To assess the performance of the business units in applying the *By-law concerning the sanitation, maintenance and safety of dwelling units*, we recommend that the Direction de l'aménagement urbain et des services aux entreprises of the boroughs of Ville-Marie, Montréal-Nord, Le Sud-Ouest and Villeray–Saint-Michel–Parc-Extension:

- set specific objectives, using measurable terms and supported by performance indicators
- report regularly on the results for each of these objectives to assess and compare changes in the situation over time so that informed decisions about corrective measures can be made

For the same reasons, we recommend that the Division de la salubrité:

- add specific, measurable performance objectives to existing objectives for inspectors' activities
- report regularly on the results for each of these objectives to assess and compare changes in the situation over time so that informed decisions about corrective measures can be made

We also recommend that the Direction générale:

- formally designate a business unit to report to the Direction générale on the status of activities related to the application of the *By-law concerning the sanitation, maintenance and safety of dwelling units*
- specify, where appropriate, the anticipated frequency of these reports

3.3.C. Action Plans of the Relevant Business Unit

1) • *VILLE-MARIE BOROUGH*

[TRANSLATION] "In 2011, 70% of housing cases were resolved. The target in 2012 will be 75%. Performance will be monitored on a monthly basis. If the target is not met, additional resources may be assigned. (Planned completion: December 2013)

The annual activity report already produced by management will be adjusted to include this performance with a greater degree of precision.” (Planned completion: March 2014)

- **MONTRÉAL-NORD BOROUGH**

[TRANSLATION] “An annual inspection program will be prepared and incorporated into inspectors’ duties. Under this program, each inspector will have a specific number of inspections to perform. An inspection plan including details on all the elements to be verified will be prepared, and a form will have to be filled out for each inspection.

A quarterly report will be prepared and submitted to the manager. The report will constitute a recurring item on management committee agendas.” (Planned completion: September 2012)

- **LE SUD-OUEST BOROUGH**

[TRANSLATION] “Produce an annual report on housing conditions and unresolved sanitation issues in the borough.

Develop a more detailed management score card monitor housing conditions.

Set achievable housing inspection goals.” (Planned completion: December 2012)

- **VILLERAY–SAINT-MICHEL–PARC-EXTENSION BOROUGH**

[TRANSLATION] “Performance indicators will focus on the following aspects:

- *number of dwelling units inspected*
- *response time to complaints*
- *location of inspected dwelling units*
- *year of construction of inspected dwelling units*
- *type of buildings inspected (multiresidential property, apartment building, etc.)*

- *type of by-law violation*
- *number of reports filed that have resulted in legal proceedings.*

A report will be produced twice a year measuring each of these performance indicators. The report will be reviewed with borough management and made available to the borough's elected officials." (Planned completion: December 2012)

2) • **DIVISION DE LA SALUBRITÉ DE LA DIRECTION DE L'HABITATION OF THE SERVICE DU DÉVELOPPEMENT ET DES OPÉRATIONS**

[TRANSLATION] "Set a time limit for follow-up inspections after the longest deadline indicated in the notice of non-compliance has expired. (Planned completion: March 2012)

Add the following to existing reports:

- *monthly reports on the time elapsed between the expiry of the longest deadline and the date of the first follow-up inspection*
- *a recurring report tracking the time required to complete the necessary corrective action in each case of non-compliance" (Planned completion: June 2012)*

3) • **DIRECTION GÉNÉRALE**

[TRANSLATION] "The Direction de l'habitation will look into potential solutions with the units involved and propose the best approach for implementing the recommendation." (Planned completion: June 2012)

4. APPENDIX

4.1. COMPARATIVE ANALYSIS OF ENFORCEMENT STRATEGIES ADOPTED BY VARIOUS NORTH AMERICAN CITIES

Table A—Enforcement Strategies Adopted by Six North American Cities

City	Enforcement strategy	Enforcement mechanisms	Fees	Funding Sources
Los Angeles	Systematic inspections every four years for rental properties with more than two units	The city can seize up to 50% of rental income in properties where landlords fail to complete designated repairs. The percentage is based on the number of violations of minimum living standards.	Landlords pay a \$35 inspection fee per rental unit per year. Any subsequent reinspection is subject to a fee of \$170, plus a \$36 administrative fee.	The fees cover the entire cost of the enforcement strategy.
New York	Inspections in response to complaints and preventive inspections in selected apartment buildings	Failure to comply with city by-laws may result in prosecution, fines or prison. The city may carry out urgent repairs at the landlord's expense.	Landlords are charged a \$200 inspection fee. Subsequent reinspections are subject to a \$100 fee. Uncooperative landlords are charged a fee of \$500 per rental unit every six months, up to a maximum of \$1,000, until the required corrective action is taken.	The fees cover the entire cost of the enforcement strategy.
Boston	Permits required for all rental units Mandatory inspections whenever there is a change in tenants	Non-compliance may result in revocation of the permit and a fine. Properties without permits cannot be rented.	Inspection fees of \$50 to \$75 per rental unit are charged to the landlord.	The fees cover the entire cost of the enforcement strategy.

V. Value-for-Money and Information Technology Audit
V.2. Application of the *By-law Concerning the Sanitation, Maintenance and Safety of Dwelling Units*

City	Enforcement strategy	Enforcement mechanisms	Fees	Funding Sources
Vancouver	Permits required for all rental units	Non-compliance may result in revocation of the permit and a fine. Properties without a permit cannot be rented.	\$50 processing fee and \$60 annual permit fee per unit. \$55 annual license renewal fee per unit.	The fees cover the entire cost of the enforcement strategy.
Toronto	Inspections in response to complaints and preventive inspections in selected apartment buildings	Non-compliance may result in prosecution or fines. The city may carry out urgent repairs at the landlord's expense.	Fees charged for follow-up on non-compliance. Reinspection fee: \$94 for the first hour and \$55 for each additional hour.	The fees defray a part of the cost of the enforcement strategy.
Montréal	Inspections are carried out in response to complaints or reports	Non-compliance may result in prosecution or fines. The city may carry out urgent repairs at the landlord's expense.	N/A	The enforcement strategy is funded by the city budget.