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Report 2025-071

Report Title: Illegal Land Use Enforcement

Committee Name: Economic Development, Tourism and Planning

Committee Meeting Date: April 2, 2025

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Corporate Services

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Approved by: Jennifer Moore, CAO

Council Meeting Date: Select Council Meeting Date

Strategic Plan Priorities: Innovate for Service Excellence
 Ignite Economic Opportunity
 Foster a Thriving Community
 Propel Sustainable Growth
 Champion a Vibrant Future

Information Report

“That the Economic Development, Tourism, and Land Use Planning Committee receive Report 2025-071 ‘Illegal Land Use Enforcement’ for information; and

Further That the Committee recommend that County Council receive this report for information.”

Purpose

This report provides information about correspondence received on Illegal Land Use Enforcement as was requested by County Council.

Background

In November 2023, County Council received correspondence from the Town of Cobourg and Township of Puslinch supporting a Town of Caledon resolution requesting the Province to

strengthen municipal enforcement powers. The correspondence was sent to the Province and a copy was sent to all municipalities in Ontario. County Council received the correspondence for information and directed staff to report back to Committee and Council.

Consultations

N/A

Legislative Authority / Risk Considerations

N/A

Discussion / Options

As a response to illegal parking and storage of commercial vehicles, the Town of Caledon has taken a proactive approach to enforcement, including establishing an illegal land use task force that has had some success cracking down and prosecuting illegal uses. In 2023 Caledon expanded its task force to include other illegal non-trucking uses such as event centers, institutional uses and places of worship. Caledon is also calling on the Province to amend the Municipal Act and the Planning Act to increase penalty amounts to aid in enforcement, as well as introduce the power to bar entry onto properties where such illegal land uses are found to be occurring similar to provisions that exist in the Cannabis Control Act with respect to premises being used for the unauthorized sale of cannabis products.

As noted above, advocacy for increased penalties primarily relates to illegal use of land for commercial purposes. It was noted in the related staff report to the Town of Caledon's Council that increased fines are sought on the basis that current fines may be insufficient to deter illegal activity because the high profitability of certain uses may exceed the amount of the fines and can be absorbed as a "cost of doing business". Similarly, the power to bar entry to property is sought because owners or occupiers of land who are using the land illegally, or sanctioning or permitting such illegal uses, may continue to allow (and profit from) illegal uses while attempts to prosecute or seek injunctions take time to work their way through the Courts, resulting in ongoing environmental damage and degradation of the property.

Council resolutions from the Township of Puslinch and Town of Cobourg echoed the Caledon advocacy for provincial changes to strengthen municipal enforcement powers.

In Northumberland, property zoning enforcement is in the local municipality's sphere of jurisdiction. In accordance with the Planning Act, County Official Plan policies indicate that local municipalities zone land to permit legally existing uses. Zoning enforcement is a local municipal responsibility. County staff are not aware of any lasting illegal uses in the community that require enhanced enforcement efforts. Staff will continue to monitor land use and zoning activities and work in coordination with local municipal planning teams and advise of any ongoing illegal uses that warrant prosecution.

Financial Impact

N/A

Member Municipality Impacts

County Planning will continue to work alongside member municipal planning teams to ensure land use policies and zoning enforcement align.

Conclusion / Outcomes

This report summarizes staff review of correspondence from the Town of Cobourg and Township of Puslinch supporting a Town of Caledon resolution requesting the Province to strengthen municipal enforcement powers as they relate to illegal land uses. As this approach to enforcement relates primarily to the enforcement of zoning by-laws at the local municipal level, it is appropriate for County Council to receive the correspondence for information.

Attachments

N/A