



**City of Kingston
Information Report to Council
Report Number 26-097**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Kyle Compeau, Director Licencing & Enforcement
Date of Meeting: June 2, 2026
Subject: Enhanced Property Standards

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

At its meeting of November 14, 2025, Council passed a motion directing staff to view the City's by-laws regulating property standards and report back in Q2, 2026 with opportunities to improve public awareness, understanding, and potential refinements to enhance property standards requirements, while ensuring the City does not become unnecessarily involved in private disputes between neighbours.

This report provides:

- An overview of the City's existing property standards and related by-laws;
- A summary of common complaint themes and operational challenges;
- An assessment of public awareness gaps;
- Potential refinements to improve clarity and enforcement efficiency; and
- Recommended next steps.

Staff's review concludes that while the City's property standards framework is generally effective and aligned with provincial legislation, improvements can be made in three key areas:

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1. Public education and communication.
2. Clarification of enforcement thresholds; and
3. Administrative modernization to improve consistency and transparency.

Recommendation:

This report is for information purposes only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Jenna Morley, City Solicitor	
Ian Semple, Commissioner, Transportation & Infrastructure Services	Not required

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Options/Discussion:

On November 18, 2025, Council passed the following motion:

Moved by: Councillor Hassan

Seconded by: Councillor Tozzo

Whereas the City has a number of By-Laws in place that are intended to maintain safe, clean and respectful neighbourhoods; and

Whereas the City has produced a Good Neighbour Guide, which offers an overview of City services, By-Laws, and information for Kingston residents; and

Whereas City Councillors have received ongoing complaints about the impact of certain property conditions on neighbouring properties; and

Therefore Be it Resolved That Council direct staff to review the City's By Laws that regulate property standards and report back to Council in Q2 2026 on opportunities to improve public awareness and understanding of the City's By-Laws and potential refinements to existing By-Laws to enhance property standards requirements, while ensuring the City does not become unnecessarily involved in private disputes between neighbours.

Following the motion, staff have undertaken a review of the City's existing by-laws that regulate property standards, as well as related public education tools, in order to respond to Council's direction and to assess whether targeted refinements to existing by-laws are warranted.

Background

The City maintains several by-laws intended to support safe, clean, and respectful neighbourhoods. These include:

- Property Standards By-law
- Yards By-law
- Nuisance and Community Standards By-laws
- Building Code enforcement (under provincial authority)

In addition, the City has developed a Good Neighbour Guide, which provides residents with an overview of municipal services, enforcement processes, and community expectations, as well as a By-law Enforcement Policy, which outlines the City's approach to by-law enforcement.

Over the past several years, Members of Council have received ongoing complaints regarding the impact of certain property conditions on neighbouring properties. These complaints often involve:

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- Exterior property maintenance concerns
- Fencing disputes
- Vegetation overgrowth
- Drainage impacts
- Accumulation of materials
- Visual disorder concerns

Council's motion directed staff to review existing by-laws and identify opportunities to improve public awareness and potential refinements, while ensuring the City does not become unnecessarily involved in private disputes between neighbours.

Legislative Framework

Property standards enforcement is primarily governed by:

- The *Ontario Building Code Act, 1992*
- The *Municipal Act, 2001*
- Applicable municipal by-laws

Under provincial legislation, municipalities may regulate standards for maintenance and occupancy but must remain within prescribed authority. Matters such as property line encroachments, civil trespass, or purely aesthetic disagreements between neighbours typically fall outside municipal jurisdiction and into private civil law.

Maintaining this distinction is critical to managing legal risk and ensuring enforcement resources are appropriately allocated.

Current State Assessment

Complaint Trends

Enforcement Services receives a significant volume of property-related complaints annually. A review of complaint data indicates:

- A majority involve maintenance standards clearly defined in by-laws;
- A notable portion involve neighbour disputes framed as by-law complaints;
- Many complainants are unaware of thresholds required for enforcement action.

Operationally, officers must regularly assess whether a complaint meets objective by-law standards or constitutes a private civil matter.

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Public Awareness Gaps

While the Good Neighbour Guide provides helpful information, staff identified several awareness gaps:

- Limited understanding of what qualifies as a “property standards violation”;
- Misconception that the City can intervene in all neighbour conflicts;
- Lack of clarity regarding enforcement timelines and evidentiary thresholds.

These misunderstandings can contribute to frustration, increased service demand, and reputational challenges.

By-law Clarity

The current Property Standards and Yards By-Law provisions are generally effective; however, opportunities exist to:

- Clarify minimum compliance standards;
- Improve alignment between by-laws to reduce duplication;
- Enhance clarity around enforcement discretion.

Analysis

The review of the City’s property standards framework confirms that existing by-laws provide a solid regulatory foundation to address objective health and safety concerns. However, a recurring challenge is not necessarily the absence of authority but rather public misunderstanding of what municipal authority includes and, importantly, what it does not.

Property standards enforcement sits in-between municipal regulation, provincial legislation, and private civil relationships. Many concerns brought forward by residents arise not from clear violations of minimum standards, but from disputes between neighbours or between tenants and landlords where expectations exceed the City’s legal authority.

This distinction is critical.

Public Expectation vs. Municipal Authority.

A consistent theme in complaint analysis is that residents often interpret the City’s property standards by-laws as mechanisms to resolve:

- Aesthetic disagreements;
- Personal conflicts between neighbours;
- Lifestyle incompatibilities;
- Civil boundary or encroachment issues;
- Interpersonal tenant-landlord conflicts.

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However, the City's authority under the *Building Code Act* and *Municipal Act* is limited to regulating minimum standards of safety, structural integrity, sanitation, and property maintenance. The City is not empowered to arbitrate disputes or enforce subjective standards of preference.

In many cases, enforcement officers must explain that:

- A condition may be undesirable but is not in violation of a by-law;
- A disagreement may be civil in nature and properly addressed through private legal remedies;
- The City cannot compel aesthetic conformity where no health or safety issue exists.

This gap between expectation and authority contributes to frustration and repeated service requests. Enhancing clarity in public-facing materials will be essential to narrowing this gap.

Tenant and Landlord Disputes

A significant portion of property standards complaints arise in rental housing contexts. These matters can involve overlapping issues relating to property maintenance and landlord-tenant relationships. It is therefore important to distinguish between:

- municipal enforcement of property standards under the City's by-laws; and
- rights and obligations between landlord and tenants, governed by the *Residential Tenancies Act, 2006*, S.O. 2006, c.17 (the "RTA").

The City's role is limited to enforcing minimum standards respecting the maintenance and condition of properties. The City does not have jurisdiction to address matters arising from landlord and tenant relationships, including rent disputes, lease agreements, or eviction proceedings, as these matters fall within the scope of the RTA. Maintaining this distinction is important to ensure that the City's by-law enforcement framework remains focused on objective property standards and does not extend into the resolution of private disputes between parties.

Many municipalities across Ontario continue to face challenges in balancing property standards enforcement with matters that ultimately fall within private civil disputes between neighbours, landlords, tenants, or businesses. While municipalities can regulate issues that contravene applicable bylaws, there are limitations to what can be enforced where concerns are primarily civil in nature.

Staff researched approaches used by other municipalities and found a strong emphasis on public education, including enhanced website resources, compliance guides, explanatory materials outlining municipal versus civil matters, proactive communication campaigns, and increased focus on voluntary compliance before formal enforcement action.

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Common Areas of Confusion

Staff regularly encounter situations where:

- Tenants request that the City compel cosmetic upgrades rather than repairs required to meet minimum standards;
- Landlords allege tenant-caused damage but seek municipal enforcement as leverage in private disputes;
- Tenants believe a property standards order will automatically invalidate rent obligations;
- Either party expects the City to interpret lease provisions.

In these scenarios, the City's role remains limited to assessing whether a property meets the objective minimum standards proscribed in by-law and provincial legislation.

Vegetation Maintenance (Long Grass and Weeds) and Freedom of Expression Considerations

Vegetation maintenance provisions, including regulations related to long grass and weeds, are common components of municipal yard and property standards by-laws across Ontario. These provisions are typically established to address objective concerns related to health, safety, pest control, fire risk, and the general maintenance of neighbourhood environments. Municipal authority to regulate such conditions is primarily derived from the *Municipal Act, 2001*, which permits municipalities to pass by-laws respecting the health, safety, and well-being of residents, as well as the maintenance and cleanliness of lands.

Within this authority, municipalities often establish a clear threshold for vegetation height or the accumulation of weeds to ensure properties are maintained at a minimum standard that does not negatively impact surrounding properties or the broader community. These regulations are not intended to dictate aesthetic preferences but rather to address objective conditions that may give rise to safety hazards, pest infestation or fire concerns.

At the same time, municipalities must remain mindful of evolving legal arguments related to expressive activity on private property. Property owners have occasionally asserted that naturalized yards, pollinator gardens, or intentionally unmanaged vegetation represent a form of expression protected under section 2(b) of the Canadian Charter of Rights and Freedoms. Ontario courts have considered such arguments in cases involving municipal yard maintenance standards.

A general theme emerging from the cases is that municipal regulation of yard maintenance must focus on measurable standards rather than subjective assessments of appearance. Enforcement must be grounded in clear provisions, such as defined vegetation height limits or the presence of noxious weeds, rather than personal preferences regarding landscaping choices. This approach ensures that enforcement actions remain defensible while respecting lawful forms of personal expression.

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Civil Disputes

Another recurring consideration within the property standards enforcement is the need to clearly distinguish between legitimate by-law violations and disputes that are fundamentally civil in nature. Complaints relating to long grass and vegetation are frequently intertwined with broader neighbour conflicts, where vegetation conditions become a proxy for underlying interpersonal disputes. Matters involving property line disagreements, perceived aesthetic impacts, or personal grievances between neighbours generally fall outside the City's regulatory authority and instead fall within the realm of private civil law.

Maintaining this distinction is critical to ensuring that municipal enforcement resources remain focused on objective health and safety concerns rather than being drawn into the adjudication of private conflicts. Officers must routinely assess whether a complaint meets the defined threshold of a by-law violation or whether it reflects a civil matter more appropriately addressed through private legal channels. Clear communication with residents about these jurisdictional boundaries help manage expectations and reduces the likelihood of repeated service requests based on matters outside municipal authority.

As part of this review of the City's property standards framework, staff have identified opportunities to strengthen communication practices between enforcement staff and residents when addressing property maintenance concerns, including those involving vegetation and yard conditions. A recurring course of frustration for residents is not necessarily the existence of enforcement action itself, but rather the lack of clarity regarding the process, expectations, and timelines associated with compliance.

To address this, Enforcement Services is working to enhance communication practices to improve transparency and accessibility for residents involved in enforcement matters. These improvements include strengthening callback practices when residents contact the City regarding enforcement concerns, ensuring the resident receives timely responses and clear explanations of the applicable by-law provisions and enforcement thresholds. Where an order is issued, officers will continue to provide clear written notice outlining the specific condition observed, the relevant by-law requirement, and the steps required to achieve compliance.

In addition to written notices, officers are encouraged to remain accessible to residents who may have questions regarding an order or compliance timeline. Providing opportunities for residents to seek clarification directly from enforcement staff can help reduce misunderstandings and promote voluntary compliance. Improved communication at the outset of enforcement process often prevents escalation and contributes to a more cooperative resolution of property maintenance issues.

Collectively, these communication improvements aim to enhance public understanding of the City's regulatory role while ensuring that enforcement actions are perceived as fair, transparent, and focused on objective standards. By combining clear by-law provisions with proactive communication practices, the city can better support neighbourhood maintenance objectives while maintaining appropriate boundaries between municipal authority and private civil disputes.

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Opportunities for Improvement

While jurisdiction cannot be expanded, communication can be improved. Staff recommend:

- Clear web guidance distinguishing “Property Standards Issues” from “Landlord-Tenant Issues”;
- A referral pathway to the Landlord and Tenant Board;
- Standardized correspondence templates clarifying the City’s limited authority;
- Education materials for landlords regarding minimum compliance expectations; and
- Updates to the Good Neighbour Guide regarding the matters that are (and are not) regulated by City by-laws.

Improved public education would reduce repetitive complaints and allow officers to focus on legitimate safety concerns.

Public Engagement

Public engagement for this review was primarily informed through operational experience and analysis of complaint data received by Enforcement Services. Staff regularly engage with residents through service requests, inspections, and follow-up communications, which provides direct insight into areas of confusion and concern.

While no formal public consultation was undertaken for this report, the findings reflect consistent themes raised by residents, including misunderstandings of enforcement thresholds, municipal authority, and timelines for compliance.

Moving forward, enhanced public education initiatives, including updates to the City’s website, the Good Neighbour Guide and targeted communication materials, will serve as the primary mechanism for broader public engagement. These efforts will aim to proactively address common areas of confusion and improve overall understanding of property standards requirements.

Existing Policy/By-Law

This report aligns with the City’s existing Property Standards By-Law, Yard’s By-Law and Community Standards By-Law, as well as applicable provincial legislation including the Building Code Act, 1992, and the Municipal Act, 2001.

Notice Provisions

No public notice was required for this report as it is being provided for information purposes and does not propose amendments to existing by-laws or introduce new regulatory requirements.

Financial Considerations

None

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Contacts:

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

None