

<p style="text-align: center;">Corporate Policy & Procedure</p>	 <p>WOOLWICH TOWNSHIP</p>	<p>Policy No.: Pages: 5 Effective Date: November 26, 2013 Supercedes: None</p>
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Section: Public Relations

Subject: By-law Enforcement Policy

Purpose

To provide a formal policy governing the handling of by-law complaints by the Township of Woolwich and to ensure thorough, prompt and courteous receipt, processing, investigation and resolution thereof.

Definitions

Anonymous means a complaint submitted with *no* complainant details including name, phone number and address.

Director means the Clerk/ Director of Council and Information Services of the Township of Woolwich.

Formal Complaint means a complaint received by Staff, wherein the complainant provides their *full name, address, phone number and complaint property information* and details that can be verified by the Officer.

Officer means a person appointed by the Township of Woolwich for the purposes of Municipal By-law Enforcement including, but not limited to, a Building Inspector or Municipal Law Enforcement Officer.

Staff means front line staff receiving and documenting the progress of the complaint.

Supervisor means the Senior Municipal Law Enforcement Officer for the Township of Woolwich.

Township means the Township of Woolwich.

Vexatious means causing or tending to cause annoyance, frustration, or worry.

Vexatious Complaint means a complaint filed in ill will or with the intent of malice towards another person and may include retaliatory complaints and neighbour disputes.

Policy Details

eDoc #47229

1. General Complaints

The Township will only respond to Formal Complaints received from complainants who provide their *full name, telephone number, address* as well as *the address of the complaint and details regarding the nature of the complaint*. Anonymous calls will be entered into the Nordat complaint system but no formal action will be taken unless the complaint concerns an immediate threat to health or safety. An Officer may also undertake an investigation on his/her own initiative upon observation of a possible by-law violation where the matter is of an immediate threat to health or safety in accordance with section 3 of this policy.

An identified complainant's personal information will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, unless permission to release such information is provided by the complainant in writing or the complainant is required as a witness in court or at a hearing or tribunal.

2. Vexatious Complaints

Vexatious complaints will be entered into the Nordat complaints system but not investigated unless deemed by the Officer or Director to be an immediate threat to health and safety.

In situations whereby multiple complaints are received from a single person at one time, or where a single person continuously submits a variety of complaints on an ongoing basis, By-law Enforcement Staff, with confirmation from the Director, are given the discretion to decide on an appropriate level of response to such complaints. The level of response by staff may include a decision to act on some or all of the complaints, to not act on some or all of the complaints, or to assign priority to some or all of the complaints. If a decision not to act is reached, this will be conveyed to the complainant in writing.

In making their decision on the appropriate level of response to such complaints, staff will have regard to the following criteria:

- Safety factors;
- Available resources;
- Potential impact on the complainant;
- Potential impact of not responding;
- Impact on the immediate neighbourhood;
- Complaints that appear to result from a form of vendetta or retribution, or are otherwise deemed to be frivolous and vexatious;
- Offer for formal remediation;
- Coordinating involvement with other relevant agencies.

That, in situations where By-law Enforcement Staff are involved in a dispute between two or more people, where it has become obvious that staff's involvement will not be able to achieve a reasonable resolution to their dispute, staff are given the discretion to decide, upon consultation with the Director, on an appropriate level of further involvement. The level of involvement may include a decision to suspend further involvement or take no further action in the dispute and will be conveyed to the complainant in writing.

In making their decision as to the level or further involvement with the dispute, staff will have regard to the following criteria:

- Safety factors;
- History of attempts to mediate by staff;
- Offer for formal mediation;
- Coordinating involvement with other relevant agencies;
- The number of unfounded complaints;
- Apparent attempts to purposely aggravate the situation;
- The number of complaints or concerns registered that do not fall within the jurisdiction of the Township of Woolwich by-laws.

3. Priority

Enforcement Staff will respond to **Formal Complaints** on a reactive basis. An Officer may also respond to an informal complaint where the complainant has not provided the required name, address and telephone number if he/she believes the concern to be of immediate threat to health and safety.

An Officer may also undertake a proactive investigation upon observation of a possible situation of a by-law violation where the matter is of an immediate threat to health or safety.

Immediate concerns include the following violations and will be given top enforcement priority:

- Unsafe swimming pools in violation of Section 5.11 of By-law 24-2012;
- Unsafe residential rental units in violation of Section 9.4 and 9.5 of By-law 24-2012 that lack vital services to be provided by the landlord;
- Health and safety concerns related to snow and ice removal;
- Structures not in accordance with section 6.1.1 of by-law 24-2012 in which a Property Standards Officer has doubt as to the structural condition of the building.
- Any other by-law issue that could cause injury or even death or poses a serious safety hazard.

Any decision made under this policy including a decision not to respond to complaints or enforce by-laws, and also including a decision made by the Director may, at any time, be revisited. A decision of one By-law Enforcement staff person in this respect will not bind another. Additionally, the Director may at his/her discretion require staff to respond to a complaint or enforce a by-law in spite of any previous decision to the contrary.

Procedure Details:

1. Receipt and Confirmation of Complaint

Upon receipt of a **Formal Complaint**, staff shall record the **Formal Complaint** in the Nordat Complaints Log maintained by the Department. In all cases, Staff shall encourage the complainant to describe the matter in their own words, detailing the “who”, “what”, “why”, “when” and “where” and the nature of the situation. Details must also include the complaint property.

Staff will assure the complainant that their name and any personal information provided by them will remain in the strictest of confidence, in accordance with the *Municipal Freedom of Information and*

Protection of Privacy Act and will not be revealed to anyone unless so ordered by a Court or other tribunal or body of competent jurisdiction.

The Officer conducts a preliminary review of the complaint to verify the accuracy of the information and research any supporting documentation which may be available in Township records.

The Officer or other designated staff member will contact the complainant, when necessary, for further details or to confirm or clarify information provided within the **Formal Complaint**.

2. Investigation

The Officer shall attend the site to witness and record the activity to determine if a contravention exists. If the Officer determines the matter is not a contravention of any by-law or other statute that the Township is responsible for enforcing, staff will advise the complainant, enter the resolution date and details into the Nordat Complaints Log, and close the file.

3. Enforcement – First Stage

If the Officer determines that a violation exists, he or she may proceed as follows:

- a) In the case of situations wherein Council has established set fines for violations, an Officer may, upon confirmation of the existence of a violation, at his/her discretion immediately issue an offence notice/ ticket; or
- b) Shall provide an initial warning to the violator in person, by telephone or in writing which shall provide a time limit in which voluntary compliance is expected.

The Officer shall notify any internal department and outside agencies that may have jurisdiction or may be required to assist with or rectify the situation including, but not limited to, the Fire Department, Engineering and Planning, Public Works, Regional Public Health or Ministry of Environment.

Where provided for by by-law or other statute, an Officer may issue an emergency order to remedy a violation in lieu of an initial warning if the situation poses an immediate threat to health and safety.

After the time limit has expired, the Officer shall return to the site to determine if compliance has been accomplished. Upon confirming that the warning or order has been complied with, staff will mark the complaint as resolved and document any resolution details in the Nordat complaints system and on the action log in the paper file, if required.

4. Enforcement – Second Stage

If any warning or order has not been complied with, the Officer may determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by-law or other statutes. Either:

- c) A second written warning or formal order is to be issued, in which case, the Officer will

proceed giving a final time period in which to comply; or

- d) If legal action is decided, the Officer will provide the Clerk and/or individual responsible for administering the by-law with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.

At any stage of the enforcement process, if, in the opinion of the Officer or Director that the matter is of significant consequence, the matter may be brought before Council for direction.