



Township of Bonfield

Policy name: **Municipal By- law Enforcement Complaint and Service Request Management Policy**

Purpose:

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

Definitions:

- a) **Anonymous:** means a complaint submitted with no complainant details including name, phone number and address.
- b) **CAO:** means the Chief Administrative Officer for the Township of Bonfield.
- c) **Complaint/Service Request Form:** The Township's prescribed form attached hereto as "Appendix A" to this policy.
- d) **Formal Complaint:** means a complaint received in writing by staff wherein the complainant provides their full name, address, phone number, signature and complaint property information and details that can be verified by the Officer.
- e) **Officer:** means a person appointed by the Township of Bonfield for the purposes of Municipal By- law Enforcement including, but not limited to, the Chief Building Official, a Building Inspector or Municipal By-Law Enforcement Officer.
- f) **Service Request:** A request from the public for Township official to address a concern on a public property or related to a service the Township provides to the community.
- g) **Staff:** means any Township of Bonfield staff receiving or documenting the status of a complaint.
- h) **Township:** means the Corporation of the Township of Bonfield.
- i) **Vexatious:** means causing or tending to cause annoyance, frustration or worry.
- j) **Vexatious Complaint:** means a complaint filed in ill will or with the intent of malice towards another person and may include retaliatory complaints and neighbor disputes.

Policy:

1. General Application

Any Provincial Act or applicable regulation, Federal Act or applicable regulation, Township of Bonfield By-law that is in force shall prevail if they conflict with this Policy.

2. General By-law Enforcement Complaints

The Township will only respond to Formal Complaints in writing on a prescribed form received at the Township office in person from complainants who provide their full name,

telephone number, address and signature as well as the address of the complaint and details regarding the nature of the complaint.

Anonymous calls will not be documented, and no formal action will be taken unless the complaint's concern is an immediate threat to health or safety.

An Officer may also undertake an investigation on their 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 5 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 or the complainant is required as a witness in Court or at a hearing or tribunal.

3. Vexatious By-law Enforcement Complaints

In situations where 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, the Officer is given the discretion to decide on the appropriate level of response to such complaints. The level of response by the Officer 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 of all of the complaints.

In deciding on the appropriate level of response to such complaints, the officer 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 retribution, or are otherwise deemed to be frivolous and vexatious;
- Offer for formal mediation;
- Coordinating involvement with other relevant agencies.

In situations where By- law Enforcement Staff are involved in a dispute between two or more individuals, and 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 in consultation with the Chief Administration Officer, 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. This decision will be communicated to the complainant.

In deciding as to the level of further involvement in 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 received;
- Apparent attempts to purposely aggravate the situation;
- The number of complaints or concerns registered that do not fall within the jurisdiction of the Town.

4. Receipt and Confirmation of Complaint:

Upon receipt of a Formal Complaint, described in Section 2, staff shall open an enforcement file and forward it to the Officer who will register the complaint in a digital file folder. Staff shall encourage complainants to describe, in as much detail as possible, the matter in writing and in their own words, detailing who, what, why, when and where and the nature of the situation.

Staff should assure the complainant that their name and any personal information provided by them to the Township 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 ordered by a Court or other body of competent jurisdiction.

Upon receipt of the complaint, an Officer will conduct a preliminary review of the complaint to verify the accuracy of the information provided and research any supporting documentation which may be available in Township records. An Officer shall contact the complainant to reassure him that the complaint has been received by the Officer and that an investigation into the allegations will begin.

The Officer may contact the complainant at any time, if necessary, for further details or the matter or to clarify information that was provided in the Formal Complaint.

5. Priority of Response:

An Officer will respond to Formal Complaints on a reactive basis. An Officer may also undertake a proactive investigation upon observation of a possible situation or a By-law violation that is deemed to be an immediate threat to health and safety. Immediate threats include the following violations and will be given top enforcement priority:

- a) Unsafe swimming pools
- b) Unsafe residential rental units that lack vital services to be provided by a landlord
- c) Health and safety concerns related to snow and ice removal
- d) Structures not in accordance with zoning bylaw or building code
- e) Any other By-law violation 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- law, and including a decision made in consultation with the Chief Administration Officer may, at any time, be revisited.

6. Investigation:

An Officer shall attend the site to witness and record the occurrence to determine if a By-law contravention exists. If the Officer determines the occurrence is not a contravention of any By- law or any other statute that the Town is responsible for enforcing, staff will advise the complainant, and the file will be closed.

If the Officer has investigated the occurrence and determines that there is insufficient evidence and/ or the absence of contravention at the time of the investigation then the Officer may either, keep the complaint file open and may make intermittent inspections or observations to collect information as necessary to for him to perform his duties or at the discretion of the Officer close the complaint file for lack of evidence or substance.

The Officer is not required to report, nor share the particulars or status of the investigation with the complainant but may do so at his discretion.

7. Enforcement:

A. First Stage

- i. The Officer shall provide a noncompliance warning to the violator in person, by telephone or in writing which shall provide a time limit in which voluntary compliance is expected, or
- ii. The Officer shall issue an Order against the violator and or the property owner and deliver the Order in person or by registered mail as regulated by the Ontario Building Code Act.
- iii. If an Officer determines that a violation exists and the violator is a repeat offender and/or if the activity on the property is a reoccurring contravention, the Officer may proceed as follows: In the case of situations where Council has established set fines and/or Administrative Monetary Penalty for violations, an Officer may, upon confirmation of the existence of a violation, and at their discretion immediately issue an offence notice/ ticket/ AMP .
- iv. 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, Planning, Public Works, Regional Public Health or Ministry of Environment.
- v. 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 achieved.

- vi. Upon compliance, the Officer will record the status of the complaint in the file and any relevant details of the resolution.

B. Second Stage

- i. If an initial warning or order has not been complied with, an Officer may determine whether to attempt a second written warning, or except for an Emergency Order, the Officer may provide the complainant with one or more compliance date extensions as he sees fit or proceed with the actions necessary to address the matter in accordance with the By-law or any other related statutes.
- ii. If an Officer determines that a violation exists and the violator is a repeat offender and/or if the activity on the property is not being rectified, the Officer may proceed as follows: In the case of situations where Council has established set fines and/or Administrative Monetary Penalty for violations, an Officer may, upon confirmation of the existence of a violation, and at their discretion immediately issue an offence notice/ ticket/ AMP or may begin usual action as required.

In determining the best course of action the Officer will determine if:

- i. Compliance date extension to the Order or letter of noncompliance; or
- ii. A second written warning or formal order is to be issued, in which case, the Officer will proceed with giving a final time period in which to comply; or
- iii. If legal action is determined, the Officer will provide the Chief Administration Officer or other staff person responsible for administering the By- law with a recommendation to proceed with legal action through the Town's solicitor, when it appears obvious compliance is not forthcoming. At any stage of the enforcement process, if in the opinion of the Officer or Chief Administrative Officer, that the matter is of significant consequence, the matter may be brought before Council for direction.

8. Timelines

For complaints that are not urgent health and safety related the Officer shall when possible:

- i. Respond to a complaint within 3 business days of receiving the formal complaint.
- ii. Commence an investigation within 7 business days of receiving the complaint.

9. Service Request

The Service Request Form is to be filled out by a resident of the Township of Bonfield to formally request that a Municipal Department address a concern on a public property or related to a service the Township provides to the community.

The Township response shall meet the provincial minimum standards for all road related matters. Department heads will strive to close a file within 90 days. When closing a file the outcome may be recorded, actioned and completed, action postponed until work aligns with municipal workplan, request for future discussions, or no actioned.

Should a request not be actioned and completed the Department head shall notify the requester in writing of the outcome.



THE CORPORATION OF THE TOWNSHIP OF BONFIELD

Formal Complaint

Occurrence #: _____

Date: _____ Time: _____

Taken by: _____

Informant name: _____

Contact information: _____

TYPE OF OCCURRENCE (check the box)

- | | | | | | |
|--------------------|--------------------------|-----------|--------------------------|----------------|--------------------------|
| Property Standards | <input type="checkbox"/> | Roads | <input type="checkbox"/> | Fire | <input type="checkbox"/> |
| Municipal By -laws | <input type="checkbox"/> | Landfill | <input type="checkbox"/> | Drainage | <input type="checkbox"/> |
| Building Code | <input type="checkbox"/> | Recycling | <input type="checkbox"/> | Animal Control | <input type="checkbox"/> |

DETAILS OF OCCURRENCE

Property Owner: _____

Address or legal description: _____

Phone number: _____

DETAILS OF OCCURENCE:

Date: _____ Time: _____

(use additional paper if required)

Date of notification of Occurrence: _____

Date of File Closed: _____

Township of Bonfield – Formal Complaint Form

Office Use:

OCCURRENCE # _____

Investigation/ actions taken by:

MLEO

PUBLIC WORKS MGR.

CBO

ANIMAL CONTROL OFFICER

FIRE CHIEF

Large area with horizontal lines for notes or investigation details.

Signature of Officer

Date: _____

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