



POLICY: By-law Violations & Complaints

Created By:	Clerk	Approval Date:	12/02/2020
Policy No.:	C-4	Last Revised	

PURPOSE

- 1.1 To establish a standard for the enforcement of by-law violations and responding to by-law complaints for the Township of Severn.

SCOPE

- 2.1 This policy shall apply to all staff involved in the administration and enforcement of by-law enforcement.

POLICY

- 3.1 That any inquiries or concerns of Council may be directed to the applicable Department Head;
- 3.2 And that By-law infractions will be enforced through the Municipal Law Enforcement Officers under the direction of the Department Head;
- 3.3 And that per the *Municipal Freedom of Information & Protection of Privacy Act*, the complainant and complaint shall not be revealed as they are deemed to be confidential;
- 3.4 And that enforcement shall be carried out in good faith and in the public interest and shall not be carried out in a discriminatory manner.
- 3.5 That all By-law violation complaints to the Township be in a written form and contain the following information at a minimum:
- a) Date
 - b) Time
 - c) Name
 - d) Mailing Address
 - e) Phone Number(s)
 - f) E-Mail Address
 - g) Address of Concern
 - h) Reasons for Concern
- 3.6 The By-law complaint process shall be as follows:

Complaint received → correspondence sent acknowledging receipt of complaint → complaint reviewed, then follow Process 1 or 2

Process 1 – Complaint actioned → deadlines issued → compliance received (if compliance not reached, further actions be undertaken)

Process 2 – Complaint deemed to be frivolous or vexatious → letter sent to complainant

3.7 Frivolous and/or Vexatious Complaints:

- a) That by-law complaints deemed to be frivolous and vexatious shall not be investigated.
- b) That a complaint may be deemed to be frivolous and/or vexatious by the Municipal Law Enforcement Officer only after consultation with their Department Head, and CAO.
- c) Should a customer's behaviour be unreasonable to the point where their behaviour is deemed to be frivolous and vexatious, the customer shall receive written notification that:
 - Details what actions staff have taken and why
 - Explain the implications of what it means for the customer's interaction with respect to future and current by-law enforcement complaints
 - Advise how long the restrictions will last and when the decision will be reviewed
 - Advise the customer as to how they may appeal the restrictions
- d) Frivolous and/or Vexatious shall include but is not limited to the following:
 - Submission of obsessive requests with very high volume and frequency of correspondence
 - Complaints or additional/repetitious complaints that the complainant has already submitted or new complaints with the clear intention to reopen issues that have already been considered and deemed resolved.
 - Where responding to the complaint, would impose a significant burden on the Corporation in terms of expense, and that negatively impacts our ability to provide service to others
 - Harassing the Corporation; this could include a very high volume and frequency of correspondence, or mingling by-law complaints with accusations and complaints about staff
 - When the matter is a civil litigation issue between individuals

DEFINITIONS

- 4.1 Corporation: The Corporation of the Township of Severn.
- 4.2 Council: Council for the Corporation of the Township of Severn.
- 4.3 Department Head: The appointed head of each department or their designate as identified in the Township of Severn organizational chart or through delegation.
- 4.4 Frivolous: not having any serious purpose or value.
- 4.5 Municipal Law Enforcement Officer: A member of staff appointed by by-law as a Municipal Law Enforcement Officer per the Police Services Act.
- 4.6 Vexatious: denoting an action or the bringer of an action that is brought without sufficient grounds for success, purely to cause annoyance to the other party