



Schedule 'A' to Bylaw Number 2020-089

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Bylaw Enforcement Department			POLICY #:
POLICY: Bylaw Enforcement Complaints Policy			
DATE: Nov 18/20	REV. DATE:	COVERAGE: The Municipality of Hastings Highlands	PAGE #: 1-4

Purpose:

To provide a formal policy and procedure governing the handling of municipal bylaw complaints by the Municipality and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof. This policy is intended to apply to both municipal bylaws and provincial statutes, which the Municipality is responsible for enforcing.

Policy Statement:

The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance with municipal bylaws through education and enforcement.

Scope:

The Municipality shall generally operate on a reactive complaint-based process regarding municipal law enforcement except for a violation that is an immediate threat to health or safety.

Title:

This Policy shall be called 'Bylaw Enforcement Complaints Policy'.

Definitions:

Bylaw Enforcement Officer means a person appointed by the Municipality for the purposes of municipal law enforcement including, but not limited to a Building Official, Bylaw Enforcement Officer, Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer and a person authorized by Council or assigned individual with the responsibility for enforcing and administering this policy.

Complaint means a complaint received by the Municipality, wherein the complainant provides their full name, address, telephone number and nature of complaint that can be verified by the Bylaw Enforcement Officer, in writing using the required form submitted to the Municipality.

Discretion means the freedom to decide what should be done in a situation given all the available information.

Municipality means The Municipality of Hastings Highlands.

Municipal Bylaw means a bylaw enacted by the Municipality of Hastings Highlands.

Reactive Complaint-Based means a Bylaw Enforcement Officer will initiate an investigation upon notification of a valid complaint from the public.

Frivolous and Vexatious Complaint means a complaint submitted with ill-will or with intention of malice towards another person and may include retaliatory complaints and civil disputes.

Section 1: Bylaw Investigation and Enforcement Procedure

- 1.1** The Municipality shall only respond to complaints received from a complainant who provides their full name, address, telephone number and nature of the complaint in writing. Anonymous and/or incomplete complaints shall not be investigated.
- 1.2** A Bylaw Enforcement Officer may undertake an investigation on their own initiative should they or a member of staff observe a possible situation of a bylaw violation where the matter is of a public or environmental safety concern.
- 1.3** The name and any personal information provided by the complainant shall remain in the strictest confidence in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 1.4** A Municipal Law Enforcement Officer may conduct a preliminary review of the Complaint to verify the information provided and research any supporting documentation which may be available in municipal records.

- 1.5** A Bylaw Enforcement Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal complaint.
- 1.6** A Bylaw Enforcement Officer may attend the site to investigate the activity to determine if a municipal bylaw contravention exists.
- 1.7** If a Bylaw Enforcement Officer is unclear of a possible contravention, they may seek the advice of the appropriate municipal staff member and may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
- 1.8** Where a violation of a municipal bylaw is determined by a Bylaw Enforcement Officer, excluding documented, chronic violations or where otherwise warranted, a Bylaw Enforcement Officer may provide an initial warning to the person by any of the following four (4) methods:
 - a) In person;
 - b) By telephone;
 - c) Email; or
 - d) In writing.
- 1.9** Bylaw Enforcement Officer may, upon confirmation of the existence of a violation, issue a Provincial Offence Notice or a Monetary Penalty Notice.
- 1.10** Where provided for by municipal bylaw or otherwise a Bylaw Enforcement Officer may issue an emergency order to remedy a violation in lieu of an initial warning when such a violation poses an immediate threat to health or safety.
- 1.11** When compliance with the warning and/or order is confirmed, a Bylaw Enforcement Officer shall enter the complaint finalized date in the Bylaw matters database and close the file.
- 1.12** If the warning and/or order has not been complied with within the specified time, a Bylaw Enforcement Officer may review the non-compliance and determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal bylaws or otherwise.
- 1.13** Frivolous and Vexatious Complaints shall managed in accordance with the 'Unreasonable Customer Behaviour Policy'.
- 1.14** Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal bylaw, provincial or federal legislation.

- 1.15** In addition to municipal law enforcement options by the Municipality, persons also have independent legal rights, which may be explored and pursued by said persons.
- 1.16** The Ontario Provincial Police are responsible for emergency situations and should be contacted to deal with issues, including but not limited to loitering, trespassing, noise-related neighbour or domestic disputes, possible drug activity, vandalism or other criminal activity.

Section 2: Level of Involvement

- 2.1** A Bylaw Enforcement Officer has the discretion to determine the appropriate response to a complaint. This may include decisions to act on some, all or none of the complaint and assign priority between complaints. This discretion is to be exercised based on the following criteria:
- a) Safety factors;
 - b) History of attempts for compliance made by a Bylaw Enforcement Officer;
 - c) Available resources, including financial resources;
 - d) Coordinating involvement with other relevant agencies;
 - e) Likelihood of achieving compliance;
 - f) Municipal jurisdiction and authority;
 - g) Other enforcement avenues including civil processes.
- 2.2** Complainants and persons who are the subject of a complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant will be kept completely confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a court or other tribunal body of competent jurisdiction.
- 2.3** Once a complaint has been filed, other than acknowledgement of receipt of the Complaint, no follow up, involvement, information or correspondence regarding the complaint shall be provided to the complainant as the process is protected by *the Municipal Freedom of Information and Protection of Privacy Act*.