



By-Law Enforcement Complaint Policy

Township of Fauquier-Strickland

1. Purpose

To provide a formal policy and procedure governing the handling of municipal by-law complaints received by the Municipality and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution of the complaints.

This policy is intended to apply to both municipal by-laws and provincial statutes which the Municipality is responsible for enforcing.

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

The Municipality shall generally operate on a reactive complaint based process in regards to municipal by-law enforcement with the exception of a violation that is an immediate threat to health or safety.

2. Definitions

“Administrator” means the Clerk Treasurer Administrator of the Corporation of the Township of Fauquier-Strickland.

“Complaint” means a complaint received by the Municipality where the complainant provides their full name, address, phone number and detailed nature of complaint that can be verified by the By-Law Enforcement Officer, in writing using the required form submitted to the Municipality.

“By-Law Enforcement Officer” means a person appointed by the Council of the Corporation of the Township of Fauquier-Strickland for the purposes of by-law enforcement.

“Municipality” means the Corporation of the Township of Fauquier-Strickland.

“Spite Complaint” also known as **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. A Spite Complaint may also be defined as a complaint that is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process. Such a pattern occurs when on three (3) or more occasions a complaint comes forward on a matter that a By-law Enforcement Officer has already dealt with. After discussion with the Administrator, the determination of a complaint being a Spite Complaint shall be at the discretion of the By-Law Enforcement Officer.

3. By-law Investigation and Enforcement Procedure

- 3.1 The Township will rely on public complaints as the primary means of initiating the enforcement of its by-laws.
- 3.2 The Municipality shall only respond to complaints received from a complainant who provides their full name, telephone number, address and nature of the complaint in writing. Anonymous and/or incomplete complaints shall not be investigated. Complaints may be submitted to the municipal office by mail, by fax or by email.
- 3.3 During the regular course of their duties, a By-Law Enforcement Officer may undertake an investigation on his/her own initiative upon observations of a by-law violation where the matter is considered to be in the public interest or of a risk to public health or safety.
- 3.4 A By-Law Enforcement Officer may undertake an investigation into a by-law violation at the request of another law enforcement agency (such as the OPP) without requiring the submission of a Complaint Form.
- 3.5 Municipal Staff may assist the public by providing by-law information, but will not provide opinions regarding the appropriateness of any proposed activity.
- 3.6 Council members are encouraged to direct residents with by-law violation complaints to complete and file a Complaint form available at the Municipal office or on the Township of Fauquier-Strickland's website.
- 3.7 Individual members of Council and employees of the Municipality wishing to make a complaint of an alleged by-law violation shall submit the same Complaint form.
- 3.8 Complainants are protected under the *Municipal Freedom of Information and Protection of Privacy Act*. Personal information provided by a complainant will remain in the strictest of confidence and will not be revealed to anyone except where required by law or for court purposes.
- 3.9 Where someone is unable to submit a written complaint due to disability or difficulty with reading or writing, he or she may verbally submit a complaint to a municipal staff member who shall transcribe the complaint on the complainant's behalf, including the complainant's name, telephone, address and detailed description of the complaint.
- 3.10 Anonymous, incomplete or vexatious complaints will not be investigated except when the matter may pose an immediate risk to public health and safety.
- 3.11 All written complaints received by the Municipality shall be forwarded to the By-Law Enforcement Officer for investigation, who shall endeavor to investigate and resolve the matter within a reasonable amount of time.
- 3.12 The By-Law Enforcement Officer shall endeavor to keep complainants apprised of the status of their complaint.

4. Enforcement of By-Laws

- 4.1 Enforcement of by-laws shall be primarily through voluntary compliance and public education.
- 4.2 If voluntary compliance is not reached, compliance may be sought through enforcement and legal action.
- 4.3 Based on the severity or nature of the violation, some instances may warrant fines being imposed or other action being taken without warning. This is to be done at the discretion of the By-Law Enforcement Officer.
- 4.4 Enforcement of by-laws shall be done in a fair and impartial manner.
- 4.5 Due to limited resources, it may not be possible for the Township to act upon all complaints or achieve compliance in the case of each violation. Consideration will be given to such matters as the scale, number and duration of infraction(s), the current, short and long-term impacts caused by the infraction, the potential for precedents and the resources available to resolve the matter.

5. Keeping of records

Records and correspondence related to by-law complaints shall be kept and stored in accordance with the requirements of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the municipal records system of the Township of Fauquier-Strickland.