



Purpose:

This policy will 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 thereof.

Complainants 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, the public or media, unless the complaint leads to a prosecution whereby the *complainant* agrees to provide evidence.

Definitions:

“Applicable law” means all laws, statutes, acts, codes, and other relevant regulations to which the Township of Zorra has enforcement oversight.

“By-law” means a by-law passed by council

“BCA” means the Building Code Act S.O. 1992, Chapter 23

“CAO” means the Chief Administrative Officer for the Township of Zorra.

“Clerk” means the Director of Protective Services/Clerk for the Township of Zorra.

“Complainant” means a person who resides or owns property within the boundaries of the Township of Zorra who has made a complaint. If a complaint is received from someone who does not reside within the boundaries of the Township of Zorra, the Officer will use discretion to decide on an appropriate level of response to such complaint.

“Contravention” means a violation to a by-law or other applicable law to which the Township of Zorra has enforcement oversight.

“Enforcement Action” means an action wherein an Officer has determined that a *formal complaint* is received, qualified, and an action to address the *contravention* is taken. *Enforcement action* includes but is not limited to: Inspections; Communications by way of in person meetings, telephone calls, email or letters, issuance of Provincial Offences Act charges, summonses and providing evidence in court and hearings.

“Formal Complaint” means a complaint received by Staff using the *Required By-law Complaint Form*. The complaint is considered a *formal complaint* wherein the *complainant* provides their full name, address and phone number that can be verified by the Officer, and provides brief detail into the nature of the complaint, that when reviewed is determined by an Officer to be a *contravention* of a Township By-law or *applicable law* that is under the jurisdiction of the Township of Zorra. Complaints will be accepted over the telephone to the By-law Enforcement department, in person at the Township office (163 Brock Street, Thamesford) or via email at admin@zorra.ca. However, the



required By-law Complaint Form shall be used if the complaint is qualified as a *formal complaint*, and *enforcement action* is required.

“Officer” means a person appointed by the Township of Zorra for the purposes of Municipal By-law Enforcement including but not limited to a Municipal Law Enforcement Officer or designate.

“POA” means the Provincial Offences Act, R.S.O. 1990, c. P.33"

“Required By-law Complaint Form” means an on-line formal by-law complaint form located at <https://forms.zorra.ca/By-Law-Complaint-Form>.

“MFIPPA” means the Municipal Freedom of Information and Protection of Privacy Act R.S.O 1990, c. M.56

“Parent” As defined in the Provincial Offences Act, R.S.O 1990, c P. 33 means when used with reference to a young person, includes an adult with whom the young person ordinarily resides.

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

“Township” means the Corporation of the Township of Zorra.

“Vulnerable Persons” means a person who, because of a moderate to severe mental or physical disability, illness or infirmity, whether temporary or permanent and whether actual or perceived,

(a) is unable to express or act on their wishes or to ascertain or exercise their rights, or

(b) has difficulty in expressing or acting on their wishes or in ascertaining or exercising their rights.

“Young Person” As defined in the Provincial Offences Act, R.S.O 1990, c P. 33 means a person who is or, in the absence of evidence to the contrary, appears to be, twelve years of age or more, but under sixteen years of age

Policy:

1.0. Policy Statement

1.1. The Township of Zorra is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of *Formal Complaints*.

1.2. The purpose of this policy is to affirm that enforcement is at the discretion of and is, at its core, a matter of policy, to achieve compliancy by promoting public education and voluntary compliance and, guiding officers' actions, including determination of the appropriate *enforcement action* to achieve compliance.



- 1.3. By-law Enforcement shall be fair and free of bias or prejudice and, ensure that enforcement operate independently and free from political intervention.

2.0. Complaints

- 2.1. The Township will respond to *Formal Complaints* received from a *complainant* who provides their full name, telephone number and address using the *Required By-law Complaint Form*. Anonymous complaints will not be investigated. The municipality will offer assistance and direction with respect to a by-law concern over the telephone, in person, via email or in writing. If a complaint is determined to be a *formal complaint*, the municipality will offer assistance with completing *required by-law complaint form* when needed.
- 2.2. *Complainants* are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every *complainant* will be kept completely confidential and not be divulged to any member of Council, the public or media.
- 2.3. An exemption to *MFIPPA*, where it has been determined by an Officer that a *formal complaint* will result in *enforcement action* by way of the issuance and prosecution of a Part 1 or Part 3 Provincial Offences Act charge(s), the Officer shall notify the *complainant* that they may be required to provide evidence in the event of a trial. The *complainant* shall agree that their personal information may be on a public record and disclosed to the defence and that an agreement be received prior to the service of any POA charge.

3.0. General

- 3.1. A failure to comply with a provision of this policy shall not vitiate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law or *applicable law*.
- 3.2. Council is encouraged to direct residents with a by-law complaint to the By-law Enforcement Department or to fill out the *required by-law complaint form*.

Procedure:

4.0. Receipt and Confirmation of Complaint

- 4.1. Upon receipt of a *formal complaint*, By-law staff shall keep record of the *formal complaint* in a database maintained by the By-law Department.
- 4.2. The *complainant* shall be informed 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 Privacy Act* and will not be revealed to anyone unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 4.3. The Officer shall conduct a preliminary review of the complaint to verify information and research any supporting documentation which may be available in Township records.



- 4.4. The Officer may call the *complainant*, when necessary, for further details or to confirm or clarify information provided by the *complainant* in the *required by-law complaint form*.
- 4.5. For the purposes of personal privacy, fairness and the principles of independent investigation, no additional information (such as the status of any investigation or if any charges have been issued or other *enforcement actions* taken), will be provided.

5.0. Investigation

- 5.1. The Officer shall, when necessary, conduct site inspections to witness, record and/or verify the activity to determine if a *contravention* exists.
- 5.2. If the Officer is uncertain whether the circumstances constitute a *contravention*, they may seek input from a supervisor, Municipal Prosecutor or Municipal Solicitor.
- 5.3. If the Officer determines the matter is not a *contravention* of any by-law or other *applicable law* that the Township is responsible for enforcing, the Officer shall make a notation in the complaints file and close the file.

6.0. Appropriate Enforcement Action

- 6.1. Other than Section 10.0, an Officer shall only investigate formal complaints. Wherein set fines have been established, issue a POA Part 1 offence notice. A Part 1 offence notice shall be served within 30 days. In all cases, if the Officer identifies a *contravention* they shall provide the accused a warning. The warning shall notify the accused of a time limit in which voluntary compliance is expected.
- 6.2. Upon determining that there is a *contravention*, (excluding the service of a set-fine, repeat offenders or where otherwise warranted), the Officer may proceed with *enforcement action* by providing an initial warning to the accused by at least one (1) of the following three (3) means:
 - (a) In person; or
 - (b) By telephone; and,
 - (c) In writing.
- 6.3. If the Officer has identified that other departments or outside agencies may have jurisdiction and may be required to assist with or rectify the situation (i.e. Fire Department, Public Services Department, Building Department, Ministry of Natural Resources, Ministry of Environment, Oxford County Board of Health, Ontario Provincial Police), the Officer shall notify those departments or agencies forthwith.
- 6.4. After the issued warning and subsequent compliance time limit has expired, the Officer shall conduct a secondary site visit, if required, to determine compliance.
- 6.5. Upon confirmation that the *contravention* has been corrected, By-law staff will enter the complaint compliance date and close the file.
- 6.6. In all cases, the officer shall use discretion when initiating appropriate *enforcement action* which may include but not limited to:



- i. Warnings;
- ii. Service of a POA Part 1 Offence Notice;
- iii. Service of a POA Part 2 Parking Ticket;
- iv. Service of a POA Part 3 Informations
- v. Service of a property standards order subject to the *BCA*, S. 15.2(2) and/or 15.7(1)
- vi. Service of other Orders relevant to the contravening by-law

7.0 Property Standards *Enforcement Action*

- 7.1 If a tenant/renter/occupant completes a *required by-law complaint form* with a property standards concern, the tenant/renter/occupant must provide the Officer evidence that the landlord has received notification of the concerns and provided a reasonable time for the landlord to respond and resolve the concern prior to the complaint being considered a *formal complaint* prior the initiation of *enforcement action*.
- 7.2 If a tenant completes a *required by-law complaint form* with a property standards concern, the tenant must provide the Officer evidence that the landlord has received notification of the concerns and provided a reasonable time for the landlord to respond and resolve the concern prior to the complaint being considered a *formal complaint* and the initiation of *enforcement action*.
- 7.3 When a property standards complaint to deemed a formal complaint, the Officer shall follow with enforcement action as set out in in the *BCA* S. 15 and the Township of Zorra Property Standards By-law.
- 7.4 Where a property standards *formal complaint* is investigated under S. 15.2 (1) of the Building Code Act, and the Officer determines that a there is an immediate risk to persons or the public at large, they may issue an emergency order under 15.7(1) of the Building Code Act. The Officer shall notify their immediate supervisor and the *Director of Corporate and Protective Services/Clerk* prior to serving the order.
- 7.5 The service of the emergency order shall comply with S. 15.7 (2)(5)(6) of the Building Code Act.
- 7.6 As soon as practicable after the requirements of subsection (2), (5), and (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under Subsection (1) and, the judge shall hold a hearing for that purpose.

8.0 Vulnerable Persons Response

- 8.1 An officer, while engaged in enforcement, shall be cognizant of *vulnerable persons*. If the Officer, at any point during an interaction with a person who is the subject of enforcement, believes that the person is a *vulnerable person*, the officer shall be considerate to the following:

- (a) race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability may intersect and may impact how a vulnerable person experiences interactions with an officer or any other person in a position of trust or authority;
- (b) access to safe, culturally-responsive and respectful support services better enables a vulnerable person to comply;
- (c) interactions with a vulnerable person will be informed by the complexity of trauma and the risk of re-traumatization; and
- (d) engagement with a *vulnerable person* will ensure that the views of the *vulnerable person* are considered in key decision-making in enforcement that affects them and that a *vulnerable person* has access to information and resources on their legal rights

9.0 Young Persons

9.1 When an officer believes that a person who is the subject of enforcement is a *young person*, the officer must:

- (a) as soon as practicable, give notice of the enforcement to a *parent* of the young person; and
- (b) make reasonable efforts to take appropriate *enforcement action* that includes the participation of the *young persons parent* or *parents*.

10.0 Proactive Enforcement

10.1 An Officer may also undertake an investigation upon observation of a of a by-law *contravention* where the matter is related to the Parking by-law, Sign by-law, a Provincial Emergency Order, Animal Control By-law, Pool Fencing By-law or any other by-law that may present an immediate threat to the health and/or safety to a person(s) or the general public.

11.0 Spite Complaints

11.1 Spite Complaints will not be accepted unless deemed by the Officer or supervisor to be immediate threat to health and safety.

12.0 Level of Involvement

12.1 That, 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 on-going basis, or during the stage of verification of the complaint it is determined that the *complainant* does not reside within the boundaries of the Township of Zorra, the Officer will use discretion to decide on an appropriate level of response to such complaint. The level of response 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.

12.2 In making their decision 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;
- is the *contravention* obvious to the neighbourhood;
- 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 mediation;
- coordinating involvement with other relevant agencies.

12.3 That, in situations where the Officer or Township 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 on an appropriate level of further involvement. The level of involvement by staff may include a decision to suspend further involvement or take no further action in the dispute.

12.4 In making their decision as to the level of 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;
- complaints that are frivolous and vexatious;
- the number of complaints or concerns registered that do not fall within the jurisdiction of the Township of Zorra's by-laws.

12.5 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 supervisor, *Director of Corporate Protective Services/Clerk* or the CAO may, at any time, be revisited. Additionally, the supervisor, *Director of Corporate and Protective Services/Clerk* or CAO, may require staff to respond to a complaint or enforce a by-law in spite of any previous decision to the contrary

13.0 Reporting

- 13.1 By-law Services Staff will provide an informative quarterly report to Council regarding by-law enforcement activities.
- 13.2 The Officer will ensure that all *formal complaints* are documented and updated when necessary in a database and make the complaints available for periodic review by the supervisor or *Director of Corporate and Protective Services/Clerk*.

14.0 Duty to Report Threats

- 14.1 Any officer who, during enforcement, believes that a person's behaviour constitutes an immediate threat to any person's safety must, as soon as it is safe to do, report the threat to the Ontario Provincial Police by calling 9-1-1.

The Township of Zorra does not require, expect, encourage or condone any *enforcement action* by an officer which may, or which the officer reasonably believes may, unreasonably threaten the safety of any person

15.0 Conflicts of Interest

- 15.1 An officer, during enforcement, must:
- (a) make sufficient inquiries to determine if the officer may have a real or potential conflict of interest or if any circumstances exist that may give rise to a reasonable apprehension of bias; and
 - (b) without delay, disclose to the officer's director any such conflict of interest or circumstances.
- 15.2 For the purpose of section 15.1, an officer is deemed to have a conflict of interest with respect enforcement if:
- (a) the officer has a financial or personal interest in the outcome of the enforcement; or
 - (b) the officer has an existing or previous relationship with a person who is the subject of the enforcement.

16.0 Service Level

- 16.1 By-law personnel shall comply with all Township of Zorra customer service standards as it relates to the service of by-law enforcement as outlined in Policy 200-27. Customer service standards in general consist of prompt response times, professionalism, competence, courtesy, consistency and integrity.
- 16.2 Complainants that have been communicated via email or submitted using the required bylaw complaint form will receive a general response within two business days stating that the department has received the complaint. The Officer may call the *complainant*, when



necessary, for further details or to confirm or clarify information provided by the *complainant* in the *required by-law complaint form*.

- 16.3 For the purposes of personal privacy, fairness and the principles of independent investigation, no additional information (such as the status of any investigation or if any charges have been issued or other *enforcement actions* taken), will be provided.

Next revision date: (every five years)

November 2030

Accessible Formats:

If you require this document to be in an accessible format, please contact the Director of Corporate and Protective Services at clerk@zorra.ca or 519-485-2490 ext. 7228.

For accessibility-related definitions and further information on the Township's accessibility practices, please refer to the Township's Integrated Accessibility Standards Regulation Policy.