



The Town of Uxbridge COUNCIL POLICY

Policy Number:

Date of Council Approval:

Policy Selection:

Date of Latest Revision:

Policy Name:

Developed By:

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 thereof.

APPLICATION OF THE POLICY

This policy shall govern actions of complainants, Township Staff and the Uxbridge Township By-law Enforcement Officers.

POLICY STATEMENT

The Council of the Township of Uxbridge is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of formal complaints within a reasonable amount of time in accordance with the appropriate steps and procedures.

Due to financial and staffing constraints, the Township of Uxbridge will only respond to formal written complaints received from a complainant who shall provide their full name, telephone number and address. An investigator may also undertake an investigation on their own initiative upon observation of a possible situation of a by-law violation where the matter is of an immediate threat to health or safety. Members of Council and/or Staff may submit a verbal complaint but it shall be noted by the officer on a complaint form for tracking purposes.

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 provincial or other legislation.

1. DEFINITIONS

- 1.1 **Formal Complaint** means a complaint received by the By-law Department wherein the complainant provides their full name, address and phone number which will be verified by the Investigator, and nature of complaint in writing.
- 1.2 **Clerk** means the Clerk for the Township of Uxbridge.
- 1.3 **CAO** means the Chief Administrative Officer for the Township of Uxbridge.
- 1.4 **Investigator/Officer** means a person appointed by the Township of Uxbridge for the purposes of Municipal By-law Enforcement including, but not limited to, a Building Inspector, and Municipal By-law Enforcement Officer.
- 1.5 **Corporation** means the Corporation of the Township of Uxbridge.
- 1.6 **Spite Complaint** means a complaint filed in ill will or with the intention of malice towards another person and may include retaliatory complaints.

2. PROCEDURES

- 2.1 Upon receipt of a formal complaint, staff shall record the formal complaint in a Complaints Log maintained by the Department. In all cases, staff shall encourage the complainant to provide the complaint in their own words, detailing the “who”, “what”, “where”, “when” and “why” of the situation and detailing the described outcome but they may provide assistance if required.
- 2.2 The complainant shall be assured that their name and any personal information provided by them will remain in the strictest confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will not be revealed to anyone unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 2.3 The Investigator conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in Township records.
- 2.4 The Investigator calls the complainant, when necessary, for further details or to confirm or clarify information provided on the formal complaint form.
- 2.5 The Investigator shall attend the site to witness and record the activity to determine if a contravention exists.
- 2.6 If the Investigator is unclear of a possible contravention, they will seek the advise of the Municipal Prosecutor or Municipal Solicitor if required, or the Manager of Development Services if zoning related.

- 2.7 The Investigator shall provide the information required to the appropriate party so that an informed determination can be provided.
- 2.8 In case of situations wherein set fines have been established for violations, an investigator may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
- 2.9 In all cases, the investigator shall identify a suspected violation and the laws having jurisdiction during an initial warning stage and shall notify the suspected violator of a time limit in which voluntary compliance is expected.
- 2.10 Upon determining that there is a violation of a municipal by-law (excluding set fine situations of documented, chronic violations or where otherwise warranted), the investigator shall proceed to the enforcement stage by providing an initial warning to the suspect/violator by at least two (2) of the three (3) means:
 - (a) in person; or
 - (b) by telephone; and,
 - (c) in writing.
- 2.11 The Investigator shall notify any internal departments and outside agencies that may be required to assist (i.e. Fire Department, Public Works Department, Ministry of Environment, Ministry of Natural Resources, Regional Health Department).
- 2.12 Where provided for by by-law or otherwise, an investigator may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat to health or safety.
- 2.13 After the time limit has expired, the investigator shall return to the site to determine if compliance has been accomplished.
- 2.14 Upon discovering that the warning has been complied with, staff will enter the complaint finalized date on the complaint form and the database and close the file.
- 2.15 If the suspected violator has not complied with the warning, the investigator shall review the non-compliance with the Clerk (also applicable in cases of documented, chronic by-law infractions or where otherwise warranted), if warranted.
- 2.16 The Investigator, based on discussions with the Clerk, shall determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by-laws or otherwise.
 - a) If a second hand written warning or formal order is to be issued, the Clerk instructs the investigator to proceed and give a final time period in which to comply.

- b) If legal action is decided, the investigator advises the Clerk with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.
 - c) At any stage of the enforcement process, if, in the opinion of the Clerk or CAO, the matter is of significant consequence, the matter may be brought before Council for direction.
- 2.17 Spite complaints, or complaints based on neighbour disputes will not be accepted unless deemed by the investigator or Clerk to be an immediate threat to health and safety.
- 2.18 The investigator provides regular quarterly reports to Council, via the Town's Finance and Administration and Emergency Services Committee, regarding by-law enforcement activities.

EFFECTIVE DATE OF POLICY

This policy shall take effect on the date of approval by Council of the Township of Uxbridge.