



# TOWNSHIP OF WAINFLEET

## CORPORATE POLICY MANUAL

### 3-1 – BY-LAW ENFORCEMENT POLICY

#### a. Policy

The Council of the Township of Wainfleet is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of formal by-law complaints within a reasonable amount of time in accordance with appropriate legislative framework and operating procedures. Due to financial and staffing constraints, the Township does not have the resources to proactively patrol Township properties to monitor and enforce by-law compliance. Therefore, the Township of Wainfleet will rely on citizen complaints as the primary means of reporting municipal by-law infractions.

Complaints generally arise when a person does not comply with municipal by-laws and that non-compliance adversely affects another person's enjoyment of their property. This policy outlines framework for the receipt and handling of complaints regarding the possible non-compliance with Township by-laws.

#### b. Definitions

**By-law Enforcement Officer** means a person appointed to enforce the by-laws of the Corporation of the Township of Wainfleet including but not limited to a Chief Building Official, Building Inspector, Property Standards Officer, Municipal Law Enforcement Officer, Fire Chief, Fire Prevention Officer or a Roads Superintendent.

**CAO** means the Chief Administrative Officer for the Township of Wainfleet.

**Complaint** means any action or inaction by one person that may be required by law that negatively affects another person or property.

**Complainant** means a person who files a Complaint.

**Complaint Form** means the document filed by the Complainant outlining the details of the Complaint.

**Council** means the Council of the Corporation of the Township of Wainfleet.

**Property** means all property located within the boundaries of the Township of Wainfleet.

**Resident** means a person who owns or legally rents or leases property in the Township of Wainfleet.

**Staff** shall mean any person employed by the Township of Wainfleet.

c. Complaint Requirements and Confidentiality

Complainants must be Residents of the Township of Wainfleet. Complaints shall only be processed if submitted on the approved Complaint Form and which includes the full name, telephone number and address of the Complainant. Additional contact information, such as an email address, will also be accepted when available. Complaint Forms shall be made available to the public via the Township website and at the Township Offices. A completed Complaint Form provides the Township with the necessary information to conduct an inspection.

The Complaint Form is standardized and can be modified as required from time to time at the discretion of the By-law Enforcement Officer or other person designated by the CAO. Complaint Forms, including Complaints and the names of the Complainants, shall be kept strictly confidential and shall not be released to the public unless so ordered by a court, tribunal or other body of competent jurisdiction. As with all municipal records, Complaint Forms shall be subject to the Municipal Freedom of Information and Protection of Privacy Act.

Members of Council and Staff may file a Complaint by email or a by using a Complaint Form. Such Complaints shall be treated in the same manner as a Complaint by a Resident.

Additionally, should a By-law Enforcement Officer observe, suspect, or determine with any degree of certainty that an issue exists that may affect the health, safety or well-being of any person or that may otherwise represent a danger to life or property, the Officer may initiate an investigation into such matters with or without a Complaint Form. The safety of Residents shall take precedence over all other considerations.

Complaints based upon information obtained by trespassing on private property will not be accepted or investigated.

d. Enforcement

All Complaints submitted in accordance with this policy will be investigated to determine if any Municipal By-law has been violated.

Once an investigation is underway: no Complainant, Member of Council, Staff or other person shall attempt to influence, obstruct or hinder any investigation, or provide direction on who shall or shall not be investigated - other than through their rights in the filing of a Complaint.

In order to ensure fair and equal treatment to all residents during the investigation of a Complaint, a By-law Enforcement Officer may inspect neighboring properties to ensure compliance with all municipal by-laws,

While the public may not always feel that Complaints are being addressed quickly enough, it must be noted that investigations and enforcement practices must adhere to legally-acknowledged investigative processes and the right of all citizens to be entitled to due process. Further, when an individual does not voluntarily comply with municipal by-

laws, there are formal legal processes that must be followed, and extra time may be required to achieve compliance with municipal by-laws.

Throughout such processes, every effort will be made to keep Complainants informed of the results of investigations related to their complaints. However, in the same way that the Township is obligated under the Municipal Freedom of Information and Protection of Privacy Act to protect the personal information of Complainants, the Township is likewise obligated to protect the personal information of any persons that may be the subject of a complaint (including information about any of the dealings of the Township with the subject of the complaint). Accordingly, in most cases, communications may be limited to acknowledgement of the receipt of a complaint and a final notice advising that the investigation and enforcement action has been completed.

e. Effective Date

This policy shall take effect on the date of approval by the Council of the Township of Wainfleet, being October 22, 2019.