



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 6 OF 2024**

**BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AND
AFFIX THE CORPORATE SEAL TO ADOPT A BY-LAW COMPLAINT POLICY FOR
THE CORPORATION OF THE TOWN OF GODERICH**

WHEREAS the Council of the Corporation of the Town of Goderich deems it necessary and desirable to execute a policy regarding citizen complaints to By-Law Enforcement Officers;

AND WHEREAS this Policy is attached hereto and forms part of this By-Law;

AND WHEREAS the Corporation of the Town of Goderich is agreeable to the terms of this Policy;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF
GODERICH ENACTS AS FOLLOWS:**

1. That the Mayor and Clerk be and are hereby authorized to execute and affix the Corporate Seal to an adopt a By-Law Complaint Policy.

READ A FIRST AND SECOND TIME THIS 15TH DAY OF JANUARY 2024

READ A THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF JANUARY 2024


MAYOR, Trevor Bazinet


CLERK, Andrea Fisher



Corporate Policy No. 1-23 – BY-LAW ENFORCEMENT & COMPLAINT POLICY

Area: Administration **Effective Date:** January 15, 2024

Subject: By-Law Enforcement & Complaints **Revision Date:**

1. 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 by-laws through education and enforcement.

2. Purpose

To provide a formal policy and procedure governing the handling of by-law complaints within the Town of Goderich, and to ensure standardized, thorough, prompt, and courteous receipt, processing, investigation, and resolution thereof.

3. Scope

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

4. Definitions

- 4.1 Complaint** means a complaint received by the Town, wherein the complainant provides their full name, address, phone number and nature of complaint that can be verified by the Municipal Law Enforcement Officer, in writing using the required form submitted to the municipality.
- 4.2 Municipal Law Enforcement Officer referred to as “officer” throughout this policy,** means a person appointed by the Municipality by-law for the purposes of municipal law enforcement including, but not limited to a Building Inspector, By-law Enforcement Officer, Property Standards Officer, Police Officer, and a person authorized by Council or assigned individual with the responsibility for enforcing and administering this policy.
- 4.3 Municipality** means the Corporation of the Town of Goderich.
- 4.4 Town** means The Corporation of the Town of Goderich.
- 4.5 Spite Complaint, also known as a 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 an Officer has already dealt with. After discussing it with the Director of Community Services, Infrastructure and Operations, the determination of a complaint being a Spite Complaint shall be at the discretion of the Officer.

5. By-law Investigation and Enforcement Procedure

- 5.1** 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.
- An Officer may 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.
 - Municipal staff may assist the public by providing by-law information but will not provide opinions regarding the appropriateness of any proposed activity.
- 5.2** The Municipality shall only respond to complaints received from a complainant who resides, owns land, or operates a business within the geographic limits of the Town unless the nature of such complaint poses an immediate threat to health or safety.
- 5.3** 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.
- 5.4** An 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.
- 5.5** An Officer may record all information pertaining to the receipt and investigation of a complaint in a municipally approved tracking system.
- 5.6** An Officer may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal complaint.
- 5.7** An Officer may attend the site to investigate the activity to determine if a municipal by-law contravention exists.
- 5.8** If an Officer is unclear of a possible contravention, they may seek the advice of the municipal prosecutor or municipal solicitor if required, or the appropriate municipal staff member.

- An Officer may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
- 5.9** Where a violation of a municipal by-law is determined by an Officer, excluding set fine situations or documented chronic violations or where otherwise warranted, an Officer may provide an initial warning to the person by any of the following four (4) methods:
- In person;
 - By telephone;
 - Email; or
 - In writing.
- 5.10** Notwithstanding section 5.7 of this policy; in situations wherein set fines have been established for violations of a municipal by-law, an Officer may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.
- 5.11** Notwithstanding section 5.7 or 5.8 of this policy; where provided for by municipal by-law or otherwise an 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.
- 5.12** When compliance with the warning and/or order is confirmed, an Officer shall enter the complaint finalized date in the By-law matters database and close the file.
- 5.13** If the warning and/or order has not been complied with within the specified time, an officer may review the non-compliance with the Director of Community Services, Infrastructure and Operations.
- 5.14** Following discussions with the Director of Community Services, Infrastructure and Operations pursuant to Section 5.11 of this policy, an Officer 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.
- If a second written warning or formal order is issued, an Officer shall determine a final time to achieve compliance.
 - If legal action is required, an Officer shall recommend to the Director of Community Services, Infrastructure and Operations, and the Chief Administrative Officer to proceed with legal action when it appears obvious compliance is not forthcoming.
 - Notwithstanding Section 3.3 and Section 4.2, at any stage of the enforcement process, if, in the opinion of the Director of Community Services, Infrastructure and Operations, the matter is of significant consequence, the matter will be brought before the Chief Administrative Officer, and subsequently to Council for direction.
- 5.15** Spite Complaints shall not be investigated by an Officer.

- 5.16** 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 by-law, provincial or federal legislation.
- 5.17** Any decision made under this policy, including a decision not to respond to a complaint or enforce a by-law or a decision by the Director of Community Services, Infrastructure and Operations, may at any time be revisited.
- 5.18** 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.

6. Level of Involvement

6.1 Officers have, in the absence of Council direction to the contrary, discretion to determine the appropriate response to a complaint. This may include decisions to act on some, all or none of the complaints and assign priority between complaints. This discretion is to be exercised based on the following criteria:

- Safety factors;
- Available resources, including financial resources;
- Coordinating involvement with other relevant agencies;
- Municipal jurisdiction and authority;
- Other enforcement avenues including civil processes.

6.2 Complainants and persons who are 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.

6.3 Pursuant to Section 6.2 of this policy; 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.

7. Application

7.1 This policy shall come into full force and effect on the day it is adopted by the Council of the Corporation of the Town of Goderich.