



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Clerk & By-law Enforcement Branch & Development Services

Title / Subject: By-Law Enforcement Policy

Date of Report: June 15, 2023

Date of Meeting: June 26, 2023

Report No: 2023-PS-011

1.0 Issue / Origin

This report is provided for Council's consideration and enactment of a By-law Enforcement Policy.

The proposed By-law Enforcement Policy will promote consistency, effectiveness and will assist in managing Council, staff and public expectations with a goal of continuous improvement in the delivery of By-law Enforcement services.

2.0 Background / Analysis

The purpose of the proposed By-law Enforcement Policy is to:

1. Establish clear expectations and process for By-law Enforcement complaints.
2. Manage public expectations while promoting transparency and accountability.
3. Ensures similar cases are being treated in a similar and consistent manner.
4. Provides Staff with general guidance on, and limits to, exercising discretion; and
5. Provides the public with clarity and detail on enforcement decisions.

By-law Complaint Process

A high-level overview of a By-law complaint process includes the following:

- All by-law complaints are required to be submitted in writing by way of the prescribed complaint form found online on the Township website. All by-law complaints will be submitted and tracked through the on-line system.
- Those residents unable to submit their complaint online can provide a written complaint via mailed letter, email, phone call or walk-in to the Municipal Administration Building. Upon receiving a complaint in this format, staff will transcribe the written complaint in the online form.
- It is important to note that a person who reports an infraction may be summonsed to testify before a court or tribunal in the prosecution of an alleged contravention of a Relevant Law.

- Complainants shall provide their full name, their address, contact information and a detailed description of the infraction/complaint. Any supporting evidence such as pictures or videos may be uploaded along with the online complaint form and may be used as evidence in any prosecution. All noise complaints must be accompanied by the required noise log found online.
- Upon the receipt of a valid complaint, each complaint is logged into the Case Management Database system with such information collected as the location, type and general description of the complaint.
- Once logged, a By-Law Enforcement Officer contacts the complainant within 48 hours and an investigation is commenced.
- By-law Enforcement is administered by issuing warnings, orders, tickets, fines and finally, if required, Court action.
- All complaints will be processed in priority of the “Service Levels” as set out in the policy.
- Incomplete or anonymous complaints will not be accepted, and no investigation will be conducted.

Education versus Enforcement

The initial step in by-law enforcement is obtaining voluntary compliance. This involves education and outreach to ensure the public is aware of by-laws that apply to them and the reason(s) why they apply. It is essential to begin compliance efforts with education and/or outreach since it is often the most successful means of ensuring long-term compliance and is generally less time-consuming and less resource intensive than conducting an investigation and laying charges.

Promoting compliance can take various forms including:

- Providing education information pamphlets or material to businesses and residents including web-based information and social media.
- Meeting with residents, resident groups, and businesses to discuss compliance.
- Speaking at public venues or schools.
- Referring appropriate matters to external agencies.

Fair, Reasonable, Transparent and Proportionate Enforcement

The investigative process is based on reasonable, transparent, and proportionate enforcement. By-Law Enforcement Officers involved in any investigation should ensure that their actions and reactions are reasonable and based on legal authority. By-Law Enforcement Officers must clearly understand applicable regulations and possible outcomes should evidence prove a violation has occurred. Finally, By-Law Officers must ensure that enforcement measures are proportionate with the alleged violation.

Service Level Priorities

The following criteria will be used by By-Law Enforcement Officers to identify and classify violations to help establish priorities for enforcement efforts:

High Priority: High priority investigation on matters that are highly likely to pose a substantial health & safety risk to any member of the public.

Medium Priority: A medium priority investigation includes matters which have a potential to pose a moderate, indirect, or cumulative negative impact to our community and the environment, and there are no immediate health & safety issues.

Low Priority: A low priority investigation includes matters that are generally routine, have no negative impact to the community or the environment, and no health & safety concerns.

Council Involvement

To ensure effectiveness for investigating complaints and laying potential charges, Council Members will ensure to not interfere with a By-law Enforcement Officer in the exercise of their duties or attempt to influence the actions of a By-law Enforcement Officer.

Council Members will refrain from relying on second-hand information as the basis of their complaint. If information about the alleged infraction originates from a third party, the Council Member should explain the complaint procedures as outlined in the policy.

3.0 Related Policies / Procedures

The following existing policies were considered in drafting the By-law Enforcement Policy: Employee Code of Conduct AP21, Customer Service Policy AP34, and Council Code of Conduct AP36.

4.0 Financial / Budget Assessment

There are no financial implications to this report.

5.0 Climate Change Impacts

There are no climate change impacts to this report.

6.0 Communications

This report is presented to Council on a public agenda and available for public review through the electronic agenda website or the livestreaming of the virtual meeting. In addition, upon adoption of the By-law Enforcement Policy, the website page to report a by-law complaint will be updated to link to the policy as well as social media postings.

7.0 Conclusion

The By-law Enforcement Policy will help to ensure that proper and professional operations are in place for by-law complaint process.

8.0 Recommendation

BE IT RESOLVED THAT report 2023-PS-011 entitled "By-Law Enforcement Policy, be received; and THAT Council adopt the By-Law Enforcement Policy attached as Appendix "1" to report 2023-PS-011.