



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Valerie Petryniak, Town Clerk & Director of Legislative Services

DATE: August 28, 2024

REPORT NO.: ADMIN-2024-017

SUBJECT: New Enforcement Policy

RECOMMENDATION:

THAT Report No. ADMIN-2024-017 dated August 28, 2024 regarding a New Enforcement Policy be received;

AND FURTHER THAT Council approve and adopt the New Enforcement Policy as outlined in this report and attached as Appendix A;

AND FURTHER THAT Council direct staff to develop and deliver a broad communication to the community highlighting the new policy and how to best access Enforcement Services.

KEY POINTS:

The following are key points for consideration with respect to this report:

- An effective Enforcement Policy will establish clear expectations and processes for by-law enforcement complaints.
- It helps maintain high standards of fairness, ensuring that all individuals are subject to the same rules and procedures.
- Administrative fairness is the backbone of integrity in decision-making processes, guaranteeing that actions are taken with transparency and equity.
- A broad communication program will inform the community related to Enforcement Services.

BACKGROUND AND DISCUSSION:

The *Municipal Act, 2001* grants municipalities the authority to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence. By-laws serve as a framework for maintaining order and quality of life within a community and are enforced to ensure public safety, regulate land use, and preserve the well-being of residents. The Town's Municipal Law Enforcement Officers are responsible for the enforcement of the Town's By-laws. Staff have always treated all persons involved in enforcement complaints, both alleged offenders and complainants, in a fair equitable manner however the implementation of an Enforcement Policy will be a significant step towards demonstrating and fostering a culture of fairness and equality. It serves as a clear guideline for behaviour and decision-making, ensuring that all individuals, regardless of their status, are subject to the same rules and consequences. This not only boosts public trust but also reinforces the integrity of the organization, as staff and Council members are held to a standard that promotes transparency and accountability in all actions.

Enforcement officers face challenging and often underappreciated roles. Their duties require them to uphold various by-laws and regulations often in difficult and stressful situations. In these situations, it's not uncommon for individuals to feel unfairly treated or targeted. This perception can be influenced by a variety of factors, including societal tensions and personal experiences. Implementing an Enforcement Policy will help standardize procedures, and eliminate bias to help ensure all individuals feel they are being treated equally.

The Enforcement Policy attached as Appendix A, streamlines our enforcement procedures ensuring that complaints are processed in a systematic and timely manner based on their level of priority. It also provides clear guidelines for the dismissal of baseless or repetitive grievances. Most importantly the policy underscores the importance of impartiality, explicitly stating that external pressures or interference from Council will not bring a faster resolve to any matter.

The Policy Identifies the following:

Administrative Fairness

Administrative Fairness is crucial for ensuring that administrative decisions are made in a transparent, equitable and responsible manner with officers following due process. By outlining the processes followed when complaints are received, how the complaints are prioritized and other key factors in the enforcement process, we avoid unfair surprise to every individual or entity under investigation. It helps maintain public trust in the regulatory process and ensures our enforcement actions are effective.

Enforcement and Education

The first step to public understanding of our enforcement process is to understand what types of enforcement there are. The policy explains Reactive enforcement, where an investigation begins with the receipt of a complaint, is the primary form of enforcement the used at the Town. This is in contrast to Proactive enforcement where MLEOs proactively look for violations, usually by attending locations of frequent infractions and

known incidents. It is challenging to monitor and enforce by-laws due to limited staff and financial resources, so community involvement plays a significant role by reporting violations. In all types of enforcement, staff strive for compliance of by-laws through information, education and voluntary compliance. If staff are unsuccessful in gaining compliance through the education and information approach, staff may pursue additional means of compliance through the issuance of violation notices, penalty notices through the Administrative Monetary Penalty System, prosecution or civil proceedings.

Complaint Process

All by-law complaints are required to be submitted in writing through the Town's online portal which are then tracked through our AMANDA system. Those who are unable to complete the online form can still register a complaint through written correspondence via email, letter or by speaking with the Enforcement Coordinator. Complainants must provide their full name and address and details of the complaint. No anonymous complaints will be acted upon. Personal information of every complainant is kept strictly confidential, however they must understand they could be summonsed to testify before a court or hearing tribunal.

Council Involvement

To ensure effectiveness for investigating complaints and potentially issuing penalty notices or prosecutions, Council Members will ensure to not interfere with an MLEO in the exercise of their duties. It is important the public understand that Council has no role in enforcement investigations or making decisions on who shall be investigated to ensure that enforcement actions are based on objective criteria and not influenced by political considerations. This supports the provisions in the Council Code of Conduct, Council/Staff Relations policy and the Municipal Act, 2001. Council's involvement is focused on policy approval and defining levels of service through the budget process.

The new Enforcement Policy sets the guideline for members of the public, staff and Council to ensure the public have confidence in the work we do and that all complaints are treated in the same fair manner.

STRATEGIC PLAN ALIGNMENT:

This report identifies a safe and welcoming community as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature. The new Policy if approved by Council will be placed in the Enforcement Section on the Town's website for public viewing, as well as broad communications to the community.

INTERNAL CONSULTATION:

The Manager of Enforcement Services, Senior Municipal Law Enforcement Officer and the Municipal Law Enforcement Officers were consulted in the drafting of the Policy. The Town's Solicitor will review the policy prior to Council adoption.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Chris Mills, Chief Administrative Officer