
POLICY TITLE:	Enforcement Services Policy
POLICY #:	2024-xxxx
CATEGORY:	Office of the CAO/Clerks/Enforcement Services
AUTHORITY:	
POLICY APPROVED BY:	Report ADMIN-2024-017
EFFECTIVE DATE:	October 7, 2024
APPLICABLE TO:	Enforcement Staff/Council

1. Purpose

This policy aims to provide guidance to staff, elected officials, and the public about Enforcement Services' approach to receiving complaints and initiating investigations and enforcement proceedings related to the regulatory by-laws of the Town of Halton Hills. By-laws create standards to support the health, safety, economic, social and environmental well-being of the community.

Enforcement Services aims to attain compliance through information, education, and voluntary compliance. If this is not reasonably attainable, then enforcement services will take appropriate action such as the issuance of "Notices of Violation", "Orders to Comply", Administrative Monetary Penalties ("AMPs"), or the laying of charges under the *Provincial Offences Act* ("POA"), as deemed necessary. In certain circumstances, it will also be necessary to enter onto private property and act to remedy, remove, or resolved non-compliance situations at the property owner's expense, where authorised by law.

2. Definitions

"By-law Enforcement" is the process of promoting compliance with the Town's regulatory by-laws that are established to safeguard and improve the health, safety and well-being of the public and community.

"Business Day" means a day in which normal business operations are conducted and is generally considered to be between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding weekends, public holidays and when the Town may be closed for inclement weather.

"Insignificant, Frivolous or Vexatious Complaint" includes a complaint that is assessed to be (a) without reasonable or probable cause; (b) without merit or substance; (c) malicious; (d) intended to embarrass, annoy or harass; (e)

intended to be a nuisance; (f) motivated by personal animus; (g) retaliatory, or (h) trivial or insignificant in nature or (i) repeat, (j) or otherwise forms part of a pattern of conduct that amounts to an abuse of the infraction reporting process.

“**MLEO**” means a Municipal Law Enforcement Officer appointed by Council for the Town of Halton Hills to enforce **Relevant Law**.

“**Relevant Law**” means any Municipal By-law, Building Code Act, or Provincial Legislation, for which the Municipality has a responsibility to enforce or prosecute.

3. **Types of Enforcement**

Typically, By-Law Enforcement will take one of the following forms:

Reactive enforcement is the primary form of enforcement in the Town of Halton Hills and most Ontario municipalities. The Town has limited enforcement resources spread across a vast area comprising 276.26km². Like most Ontario municipalities it does not have the capacity to actively patrol this area looking for any and all by-law compliance issues. Instead, Town investigations are for the most part a complaint driven process. When a complaint is received, an MLEO will prioritise the complaint and investigate based on the priorities set out in this policy.

Proactive enforcement is a supplementary form of enforcement which generally occurs in one of three scenarios: (a) when **MLEOs** conduct routine patrols through the municipality for parking enforcement and similar programs; (b) when MLEOs happen to make direct observations of by-law violations in the course of their duties; and (c) when certain types of violations rise to a level that they have broader implications for the community and require a more active approach.

4. **General Provisions**

To ensure consistency and fairness to all residents, business owners and landowners within the Town of Halton Hills, the following general provisions and guidelines will be followed by **MLEOs**:

- a) The highest priority will be to respond to complaints regarding health and safety as well as complaints regarding violations that have broader implications for the social, economic or environmental well-being of the community.
- c) It is not possible to actively ensure that all the Town’s various regulatory by-laws are being complied with at all times. Enforcing the Town’s own by-laws is, therefore, a discretionary, priority-based program.
- d) The Town of Halton Hills promotes a progressive enforcement philosophy that generally first seeks to obtain voluntary by-law compliance, which is often achieved through education, information, and non-penalty

enforcement, including providing a reasonable time frame to comply. However, MLEO's have the discretion to determine when and if voluntary compliance approaches will have a reasonable probability of success.

- f) While Council members may report by-law violations to the Enforcement Services Division through the online by-law complaint form, Council shall not be involved with decisions on who should be investigated or how by-laws are to be enforced, except in the event that Civil proceedings are required.
- g) Some complaints may be considered as a civil dispute between property owners. These will not be acted upon by **MLEOs**.

In the course of their duties, **MLEOs** adhere to established investigative procedures and standards within the law enforcement community, always prioritizing the integrity of each investigation while gathering evidence. This diligent approach ensures that all investigations are conducted with the highest level of professionalism and ethical conduct.

5. **Enforcement Options**

The goal of an **MLEO** is to achieve compliance through information, education and voluntary compliance. If this is not achievable then the MLEO may take further enforcement action. Depending on the provisions contained within a specific By-law or statute, and at the discretion of the **MLEO**, escalated enforcement options may include the issuance of an Administrative Monetary Penalty (AMP), the laying of a Provincial Offence Notice, (PON), issuance of a Municipal ORDER, the laying of a Provincial Part III Information, or a combination of the foregoing. The Town of Halton Hills has no obligation to take enforcement action with respect to every contravention of every by-law that may be occurring within its jurisdiction.

MLEOs, at their discretion, may use the following enforcement options:

- a) By-law offence notice, "Notice of Violation"
- b) Orders and Directions
- c) Direct Enforcement, including actions to fulfil Orders and Directions, where compliance deadlines have passed
- d) Administrative Monetary Penalty Notices
- c) Prosecution under the Provincial Offences Act
- d) Civil proceedings.

6. **Utilization of AMPs v POA Charges**

When enforcement action is needed, the **MLEO** has the authority to decide which specific actions to take and whether to issue charges.

7. **Exceptions: Parking Tickets**

Enforcement of parking is conducted both on a proactive and complaint basis.

Parking infractions do not fall under the provisions of progressive enforcement. At the discretion of the **MLEO**, either a warning or Administrative Monetary Penalty notice will be issued for confirmed parking violations.

8. Civil Action

In some cases, it will be appropriate to proceed with enforcement activity by way of civil action, wherein a court order, mandatory order or injunction from the Superior Court of Justice is necessary to address complicated, ongoing or intractable problems. Where civil action is considered, the Town Solicitor will determine whether and how to proceed and will assume carriage of the file unless the solicitor declares a conflict on the matter.

9. Making, Receiving and Recording Complaints

10.1 Method of Making a By-law Complaint

- a) All by-law complaints are required to be submitted in writing by way of the prescribed complaint form found online on the Town's website.
- b) If a complainant is unable to submit the complaint on-line then staff may receive the complaint via written letter, email, telephone or in person subject to the complainant acknowledging that staff will complete the complaint on behalf with the information provided and with the understanding that the complainant may be summonsed to testify before a court of tribunal.
- c) Complainants shall provide their full name, their Halton Hills address, contact information and detailed description of the nature of their complaint. Any supporting evidence such as pictures or videos may be used as evidence in any prosecution.
- d) Incomplete or anonymous complaints will not be accepted, and an investigation will not be initiated.
- e) All complaints will be processed in priority of the service levels as set out in this policy.

10.2 Staff Response to By-law Complaint

- a) Complaints will be entered into the database base once their validity has been confirmed by staff.
- b) The complainant will receive an automatic email notification once the complaint has been entered into the system. The email will contain the MLEOs name and contact information and file number.
- c) The email will provide the complainant with an overview of the next

steps and when to expect a response on the status of their concerns.

- d) Complainants acknowledge that some by-law matters will take a lengthy time before being resolved and others may be deemed a civil matter in some instances.

10.3 Prioritizing Violations

- a) In the approach to handling complaints and violations, **MLEOs** will carefully identify, categorize, and prioritize each case based on its specific circumstances. Any report or situation that poses a potential threat to health and safety or the broader social, economic or environmental well-being will receive top priority.
- b) Service standards for achieving compliance are outlined in the Enforcement Service Policy, and they are tailored to the unique circumstances of each investigation:
 - i. In cases where there is no prior history of non-compliance, **MLEOs** will consider providing assistance through education and negotiation. Additionally, they will take progressive compliance and enforcement action where necessary to encourage voluntary compliance.
 - ii. When dealing with situations involving a repeated history of non-compliance, **MLEOs** will consider whether employing progressive compliance and enforcement actions will address the issue effectively.
 - iii. In instances where there is a clear threat to health and safety or the broader social, economic or environmental well-being, **MLEOs** will take any necessary and appropriate legal action to eliminate the threat and ensure the well-being of the community.

11. Complaint Priority Service Levels

11.1 To ensure all complaints are properly investigated, the following complaint priority service levels will be assigned as follows:

- a) **High Priority:** High priority investigation on matters that are highly likely to pose a substantial health & safety risk or have the potential to significantly impact the social, economic or environmental well-being of the community.

High Priority Response Protocol

1. Respond immediately, where practicable.
2. Call in staff and other external agencies as needed to deal with the

issue.

3. Priority continues until risks have been mitigated.
4. Once the risks have been dealt with, this may be downgraded to a medium priority call if further response is required.

- b) **Medium Priority:** A medium priority investigation includes matters which have a potential to pose a moderate impact to the social, economic or environmental well-being of the community, and there are no immediate health & safety issues.

Medium Priority Response Protocol

1. **MLEOs** will seek to acknowledge the complainants concerns within **2 Business Days**.
2. Assign a file number and generally conduct an investigation within **2-5 Business Days**.

- c) **Low Priority:** A low priority investigation includes matters that are generally routine, have no significant negative impact to the social, economic or environmental well-being, and no health & safety concerns.

Low Priority Response Protocol

1. **MLEOs** will seek to acknowledge the complainants concerns within **2-3 Business Days**.
2. Assign a file number and conduct investigation within **5-7 Business Days, where resources allow**.

All of the forgoing timelines are subject to staff resources, impacts of complaint volume, complexity and gravity.

12. Insignificant, Frivolous or Vexatious Complaints

Complaints which have been identified by the Town Clerk, as Insignificant, Frivolous or Vexatious nature will not be acted upon.

In the assessment of whether a complaint is Insignificant, Frivolous or Vexatious, the factors to be considered include but are not limited to:

- a) whether the complaint concerns an issue which staff have already investigated and determined that enforcement action is not warranted, or an issue which is substantially similar to an issue which staff have already investigated and determined to be groundless (e.g. with respect to the same neighbour or same property);
- b) whether the complaint lacks legal or factual merit;

c) whether the complainant has behaved in a manner that calls into question their credibility;

c) whether the complainant engages in any unreasonable conduct or aggravating behaviour, including, but not limited to:

- i. harassment, verbal abuse or intimidation;
- ii. retaliator complaints;
- iii. making excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with staff in multiple departments and/or elected officials simultaneously) while their complaint is in the process of being investigated;
- iv. repetitious and unreasonable criticism of an investigation or outcome;
- v. repetitious and unreasonable denial that an adequate response has been given;
- vi. unreasonable refusal to acknowledge that an issue falls outside the Municipal jurisdiction;
- vii. unreasonable demands (e.g. insisting on responses to complaints and enquiries within an unreasonable timeframe);
- viii. statements or representations that the complainant knows or ought to know are incorrect, or influencing others to make such statements;
- ix. demanding special treatment from staff (e.g. ignoring established complaint protocols);
- x. shifting basis of the complaint and/or denial of previous statements made;
- xi. refusal to cooperate with the investigation process while still wanting their complaint to be resolved;
- xii. failure to clearly identify the precise issues of the complaint, despite reasonable efforts of staff to assist; or
- xiii. abusive language; and

d) whether the complaint is trivial or insignificant in nature.

- 12.1 If an **MLEO** concludes that a complaint is **Insignificant, Frivolous, Vexatious**, the **MLEO** shall provide to the Manager of Enforcement Services any documents or other materials in support of their conclusion, together with any relevant details, including but not limited to the number of interactions with the complainant, the amount of time invested, the repetitiousness of interactions, and presence of any of the above-mentioned factors, and the Manager shall make a final determination.
- 12.2 If the Manager of Enforcement Services (“Manager”) determines that a complaint is **Insignificant, Frivolous, Vexatious**, the Manager may issue a warning letter to the complainant which may include the imposition of limitation concerning future interactions with staff (e.g. restricting

interaction with a single point of contact with the Municipality, instructing staff to not respond to further written correspondence, or ensuring no staff member is left alone in the presence of the complainant).

- 12.3 If the **MLEO**, in consultation with the Manager, determines that a complaint is **frivolous, vexatious**, or malicious in nature, the file shall be closed, the reasons for the decision documented, and the complainant shall be advised of the status. No further action will be taken on the file.
- 12.4 Notwithstanding a determination that a complaint is **frivolous, vexatious** or malicious, a file may be re-opened in the future where there is sufficient reason to do so, or the situation has changed.

13. External Influence

No Town employee or Member of Council shall attempt directly or indirectly to influence any **MLEO** or employee working within Enforcement Services in the administration of their duties. This policy is not intended to prevent or limit the ability of Members of Council or any other person to request information about Enforcement Services or its policies or procedures or to bring a complaint to Enforcement Services.

14. Council Involvement

- 14.1 Council members will respect and abide by the legally recognized principle that **MLEO's** have a duty to enforce and prosecute **Relevant Laws** in a manner that is fair and impartial and in a manner that is independent of political direction.
- 14.2 Council members will respect that **MLEO's** use independent discretion to make enforcement decisions based on their knowledge, experience and educated judgement.
- 14.3 Council Members will not interfere with an **MLEO** in the exercise of their duties or attempt to influence the actions of an **MLEO**.
- 14.4 As with any other person, a Council Member who has reason to believe that an infraction of a **Relevant Law** has occurred and has direct (firsthand) knowledge of the infraction, may report the matter to the Enforcement Services Division through the online by-law complaint form.
- 14.5 Upon submitting a complaint, a Council Member shall be treated with the same courtesy and with the same restrictions on access to information, as would apply to any other complainant.
- 14.6 Council Members will direct members of the public with complaints directly to enforcement service and 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 this policy.

- 14.7 Consistent with the provisions of the Code of Conduct for Members of Council, no member shall use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties.

15. **Complaints Against Town Staff or Elected Officials**

All **By-law enforcement** complaints filed against members of Town Council or an employee of the Town with respect to an alleged by-law infraction shall be treated in the same manner as all complaints. Care shall be given to ensure that all records in relation to a complaint against a member of Council or a Town employee remain confidential. In the case of complaints about Council members, the complainants will be directed to the Town's Integrity Commissioner.

Complaints regarding the conduct of an MLEO will be investigated by the Manager of Enforcement Services, Town Clerk or CAO when needed.

16. **Privacy and Confidentiality**

Subject to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the identity of the complainant, any personal information provided by the complainant, and the details of the complaint itself, shall be kept confidential and will not be disclosed to the alleged offender or any member of the public, except as required by law. Similarly, the response of the alleged offender, whether provided in writing or orally, shall not be disclosed to the complainant. Both the complainant and the alleged offender will be informed that their information will be kept confidential unless required by court proceedings. However, it is important to note that if the investigation results in court proceedings, the anonymity and confidentiality of the complainants and alleged offenders under this policy cannot be guaranteed.

17. **Review and Revision**

This is a new policy that will be reviewed in five (5) years, or earlier if warranted.