
Policy: Municipal By-Law Enforcement Customer Service Policy

Department: By-law Enforcement

Effective Date: September 7, 2021

Revision Date:

Review Date: September 7, 2025

1. Policy Statement

The objective of the Municipal By-law Enforcement Customer Service Policy is to obtain compliance with municipal by-laws through effective enforcement based on consistency, education, and fairness. This policy describes the procedures related to By-law enforcement, including the issues of confidentiality as set out in the Municipal Freedom of Information & Protection of Privacy Act, the setting of priorities for action, and includes provisions for further enforcement.

2. Purpose

The purpose of this policy is to provide guidance to Staff, elected officials and the general public regarding by-law enforcement policies and practices in the receipt of complaints and initiation of investigation and enforcement proceedings related to regulatory by-laws of the Township of Tyendinaga.

Council has the sole discretion of deciding which by-laws to enact and enforce. By-laws have a profound and direct impact on the quality of life, health and safety and the reputation of our community. Council must weigh the impacts of non-enforcement to that of the expectations of the members of the community and the level of risk exposed for non-enforcement versus the benefits of cost saving measures.

3. Definitions

"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. to 4:00 p.m. Monday through Friday. A business day excludes weekends, public holidays and when the Municipal Office is closed (i.e. for inclement weather).

"Discretion" means the freedom to decide what should be done in a particular situation given all the available information.

"Frivolous" complaint means one that has no serious purpose or value, is about a matter so trivial or one so meritless on its face that any investigation would be disproportionate in terms of the use of resources.

"Municipality" means the Corporation of the Township of Tyendinaga.

"Municipal By-law" means a by-law enacted by the Township of Tyendinaga Council.

"Municipal By-Law Enforcement Officer (MLEO)" includes a provincial offenses officer

or an employee, agent appointed by Council of the Corporation of the Township of Tyendinaga to enforce the municipal by-laws of the Municipality.

“Patrol Service Level mean a MLEO” tasked with periodic or routine patrols through all or parts of Municipality to seek out violations. By-law cases with proactive status are the high priority.

“Proactive Service Level” means a violation observed during course of duties where a MLEO will take necessary steps to correct the violation. By-law cases with patrol status are medium priority.

“Reactive Service Level” means a MLEO will initiate an investigation upon notification of a valid complaint from the public. By-law cases with patrol status are low priority.

“Vexatious” complaint means that the complaint is initiated with the potential intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

“Valid Complaint” means a complaint that describes the location and general nature of a potential by-law contravention, which includes the complainant’s name, address and telephone number, and which is not a vexatious complaint.

“Violation of High Priority” means a violation highly likely to cause health & safety issues to the public.

“Violation of Medium Priority” means a potential to cause health & safety issues to public; negatively impact the community or environment.

“Violation of Low Priority” means a potential violation unlikely to cause health & safety issues to public; negatively impact the community or environment.

4. Background

Our goal is to make Tyendinaga a great place to live, work and play. By-laws are a core part of the structure in place to achieve this goal as they promote safety, create standards to support good neighbour interactions, and prevent behaviours that undermine the quality of life in our community, such as litter, graffiti, noise and unsightly properties.

In supporting this goal, the Municipality’s By-law Enforcement Policy is to achieve voluntary compliance with Municipal by-laws in all instances and to provide proactive enforcement through optimum solutions as needed to maintain community standards.

This By-law Enforcement Policy is based on the following four principles:

- i. Avoid arbitrary or inconsistent decisions;
- ii. Ensure similar cases are treated in a similar way;
- iii. Provide By-law Enforcement Staff with guidance on, and limits to, exercising discretion; and
- iv. Provide the public with clarity and details on how and why enforcement decisions

have been made.

4.1. Administrative Fairness

Administrative fairness refers broadly to an overall approach to administrative decision-making that is transparent, fair and accountable. With respect to By-law Enforcement, administrative fairness is characterized by:

- by-laws that are authorized by, and consistent with, Council direction and legislation
- a written policy for fairly and reasonably exercising discretion when enforcing by-laws
- written standards and expectations of conduct by By-law Enforcement Staff when they interact with the public
- clear, consistent and available public information regarding by-laws and enforcement practices, and how to make complaints and appeal decisions
- a process for receiving, assessing and responding to complaints in a timely manner
- a consistently applied and well-documented investigative process that establishes a clear factual basis for enforcement
- adequate notice to affected persons before any enforcement is taken
- enforcement decisions that are authorized by applicable legislation and by-laws
- enforcement decisions that are consistent with policy and with other similar decisions, are equitable, and are proportionate to the problem being addressed
- reasons for enforcement decisions that are appropriate, that set out the basis for the enforcement and that provide information about how to appeal; and
- appeal processes that are accessible and fair, and that are communicated to affected persons in a timely manner.

Demonstrating a commitment to administrative fairness increases the public's confidence in our By-law Enforcement Program, and provides Council confidence that we are treating everyone in a fair manner.

By-law enforcement practices based on administrative fairness principles is beneficial in several important ways, including the following:

1. Abiding by principles of administrative fairness assist Staff to reduce conflict in matters of by-law compliance and enforcement. By-law Enforcement Staff interact with the public, sometimes in high conflict situations when enforcing Municipal by-laws. Enforcement decisions often affect people on their property or in their home. When enforcement decisions are seen to be reasonable and appropriate, conflict may be reduced.
2. Establishing and promoting fair by-law enforcement processes can assist to reduce both the number of complaints received and resolve issues more quickly and effectively, thus saving time and money. By-law enforcement processes that are clearly laid out and accessible to all involved enable Staff not only to work more efficiently in dealing with complaints, but also to be consistent in the actions taken when problems arise. This clear, open approach can lead to fewer by-law complaints. Furthermore, a fair enforcement framework can also assist with limited resources and maintain enforcement capacity.
3. Adopting a consistently fair and reasonable approach to by-law enforcement can assist to build stronger community relationships where it is demonstrated clearly a commitment to administrative fairness of being responsive, transparent and

accountable.

5. Scope

This policy applies to all employees of the Township of Tyendinaga and members of the public.

6. By-law Enforcement Policy

6.1. General Provisions

6.1.1. To ensure consistency and fairness to all residents, business owners and landowners within the Municipality, the following general provisions and guidelines will be followed by Municipal By-law Enforcement Officers:

- a) In responding to complaints, except in cases related to public health and safety, the highest priority will be to respond to valid complaints.
- b) During the regular course of their duties, the MLEO may seek out by-law infractions for issues of public health and/or safety or other by-law violations.
- c) It is not possible to actively ensure that all of the Municipality's various regulatory by-laws are being complied with at all times. Enforcing the Municipality's own by-laws is, therefore, discretionary and not mandatory in most instances.
- d) The Municipality promotes an enforcement philosophy that seeks voluntary by-law compliance, which is often achieved through education, information, and non-penalty enforcement, including providing a reasonable time frame to comply.
- e) Compliance may be encouraged through notification of fines and other enforcement measures associated with the offence.
- f) Council is not involved in any way with the sanctioning of an investigation or making a decision on who shall be investigated.
- g) Some complaints may be considered either as a civil dispute between property owners, such as storm drainage, or as a minor non-enforceable issue, such as trees overgrowing property lines. These will not be acted upon by By-law Enforcement Staff.

Enforcement Options

6.1.2. Municipal Law Enforcement Officers, at their discretion, may use the following enforcement options:

- a) prosecution under the Provincial Offences Act
- b) by-law offence notice, "Notice of Violation"
- c) direct enforcement
- d) civil proceedings

6.2. Confidential Information

6.2.1. Personal information collected by the Municipality as a result of a written complaint and any information collected during a By-law investigation is protected under the authority of the [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M-26](#).

- 6.2.2. Municipal Staff shall keep confidential any and all personal information it collects from its citizens and the public.
- 6.2.3. Municipal Staff will only collect personal information that is necessary for the monitoring and enforcement of a by-law infraction.
- 6.2.4. The identity of the requestor and the written complaint will not be disclosed to the alleged offender or any member of the public. It is not necessary for the requestor to request confidentiality. Likewise, the response of the alleged offender will not be disclosed to the requestor, whether it is in writing or made orally.
- 6.2.5. Persons reporting the alleged infractions of Municipal by-laws are to be advised that their identity and any personal information they provide will be kept confidential unless they are required to testify in court or it is part of an audit or a similar process.
- 6.2.6. The anonymity and confidentiality given to requestors and alleged offenders cannot be assured if the investigation results in court, an audit, or similar proceedings.
- 6.2.7. Requestors and alleged offenders are to be advised that any personal information that they provide about other parties is subject to disclosure by order of the Information and Privacy Commissioner of Ontario.
- 6.2.8. While the investigation is ongoing or while a resulting matter is before the courts, no information regarding the matter will be made available to the public or the requestor.

6.3. Applying Principles of Proportionality, Equity and Consistency

- 6.3.1. By-law Enforcement Staff will apply principles of proportionality, equity and consistency in by-law enforcement decisions by:
 - a) Considering whether an enforcement measure is proportionate to the harm caused by the violation
 - b) Considering whether a person's circumstances would make enforcement unjust; and
 - c) Considering whether an enforcement measure is consistent with policy and practice.

Proportional Enforcement

- 6.3.2. By-law enforcement action will be proportional to the nature of the violation. That is, enforcement measures should appropriately address the harm that is caused by the violation. For example, large fines are likely not an appropriate response to a minor by-law violation.

Equitable Enforcement

- 6.3.3. By-law enforcement action will be equitable – that is, applied in a way that is just in light of a person’s circumstances. This means that Staff will consider a person’s circumstances and ability to comply before determining whether enforcement is appropriate and what enforcement tools they should use.
- 6.3.4. This does not mean that by-laws cannot be enforced against disadvantaged individuals. Rather, equity is a principle of fairness in By-law Enforcement Staff discretion to decide whether and how to enforce Municipal by-laws.

Consistent Enforcement

- 6.3.5. Consistency is also an important part of a fair By-law Enforcement process and in the application of determinative principles and standards. Similar cases will be treated in a similar matter by following a generally consistent approach to by-law enforcement.
- 6.3.6. By-law Enforcement Staff are not required to follow the same approach in every case, however, if they enforce the same by-law differently in similar circumstances, their decisions may appear to be arbitrary. When deciding what action is appropriate, a MLEO should consider whether there is a compelling reason given the circumstances to deviate from policy and past practice.
- 6.3.7. When By-law Enforcement Staff do deviate from policy or practice, they will explain to the individual who is affected. For example, a different enforcement approach may be justified if an individual has a past history of non-compliance, the violation is more severe than other cases, or the circumstances would make enforcement in the usual way unjust.

6.4. Making, Receiving and Recording Complaints

Method of Making a By-law Complaint

- 6.4.1. All by-law complaints are required to be submitted in writing by way of the prescribed complaint form, by letter, email or an online form on the Municipal website.
- 6.4.2. Complainants shall provide their full name, their civic address, preferred method of contact and/or contact information and a brief description of the nature of their complaint.
- 6.4.3. Verbal complaints will only be received in instances of serious health and safety or environmental concerns.
- 6.4.4. All complaints shall be processed in priority of the Council approved **“Service Level Matrix”**.

Receiving a Responding to a By-law Complaint

- 6.4.5. By-law Staff will acknowledge the receipt of a valid By-law complaint to the complainant no later than 5 business day (“next business day”).

- 6.4.6. The complainant will be provided with an overview of the next steps and when to expect a response on the status of their concerns.
- 6.4.7. The complainant will be provided a case number to reference in future correspondences with By-law Staff.
- 6.4.8. By-law Staff will communicate to the complainant that some by-law matters will take a lengthy time before being resolved and may be deemed a civil matter in some instances.

Recording a By-law Complaint

- 6.4.9. By-law Staff shall record the following information in the Municipality's records management system:
 - The date the complaint was received
 - The location in question
 - The complainant's information
 - The details of the complaint
 - The potential By-law being violated; and
 - All action and steps to resolve a by-law matter by By-law Enforcement Staff.

6.5. Responding to Frivolous, Repeat or Multiple Complaints

- 6.5.1. Repeat complaints on similar issues will be assessed on their merits, even if numerous, to determine the appropriate response and action, if any.
- 6.5.2. Previous attempts by By-law Enforcement to address a repeat issue and steps taken will be reviewed.
- 6.5.3. Where compliance with a potential by-law infraction has been confirmed, further action on a repeat or frivolous complaint may not be acted upon unless new information is provided by the complainant.
- 6.5.4. Restricted contact to a repeat complainant on a same issue or a frivolous complaint will be considered by the Chief Administrative Officer or the By-Law Enforcement Services Board on after carefully assessing the circumstances.
- 6.5.5. The Chief Administrative Officer will clearly communicate to the complainant, in writing, the nature of the restrictions, the reasons for them and circumstance when they may be reconsidered.
- 6.5.6. The restricted communication on a By-law enforcement matter does not prevent or limit other necessary contact with Municipal Staff that is unrelated to the person's complaints.
- 6.5.7. Where multiple complaints are received from different people about the same issue, Staff may assess and determine a response for the complaints as a whole rather than individually. In doing so, however, Staff must consider any

nuances of the different complaints and respond to each issue received from each complainant.

6.6. Communicating Enforcement Decisions

- 6.6.1. By-law Enforcement Staff will provide a person affected by an enforcement decision with reasons for enforcement that:
- a) describe the concerns that led to the enforcement action and the evidence supporting those concerns;
 - b) set out the by-law section on which the decision is based;
 - c) are clear and easily understood by the person affected by the decision; and
 - d) provide information about options for review or appeal of the decision.

Discontinuing a Service

- 6.6.2. By-law Enforcement Staff will only end a service after all other options have been exhausted.
- 6.6.3. Before ending a service, By-law Enforcement Staff provide a person with:
- a) written notice of the pending enforcement decision;
 - b) reasons for the decision;
 - c) information about how the person can comply with the requirements, if that is an option; and
 - d) Information about the person's right to dispute the decision and, if applicable, make representations to Council before a final decision is made.

Notice Prior to Enforcement Action

- 6.6.4. Personal contact, save and except for parking infraction notices, will be the preferred method of communication prior to any enforcement action.
- 6.6.5. By-law Enforcement Staff will provide reasonable notice prior to taking enforcement action.
- 6.6.6. Notice includes:
- a) an explanation of the relevant by-law and how the person is alleged to have contravened it;
 - b) reasonable time limits for compliance; and
 - c) the potential consequences of failing to respond or comply within the time limits.
- 6.6.7. By-law Enforcement Staff will not take enforcement action before the expiry of the compliance time limits set out in a notice letter or verbal communication.

Reasonable Time Limits

- 6.6.8. By-law Enforcement Staff are authorized to use discretion to extend a time

limit if necessary to achieve compliance, for example, to accommodate an out-of-country resident.

6.6.9. By-law Enforcement Staff should not, however, arbitrarily shorten a time limit, except in extraordinary circumstances, and not before attempting to communicate with the resident.

6.6.10. Further, it is essential that Staff are available if the resident has questions or wants to request an extension.

Notice of Potential Consequences

6.6.11. When giving a Notice of Violation, By-law Enforcement Staff will advise the proponent of the potential consequences of not complying with a by-law; in writing and/or verbally. For example, many unsightly premises by-laws allow By-law Enforcement Staff to enter a person's property and clean it up at the owner's expense. The cost of the clean-up is then added to the property taxes if it is not paid within a specified period of time.

6.6.12. Prior to taking the above measures, By-law Enforcement Staff will follow a fair process by providing notice that explains any steps it is prepared to take if the owner does not comply.

Providing Reasons for Enforcement Decisions

6.6.13. By-law Enforcement Staff will provide a person affected by an enforcement decision with reasons for enforcement that:

- a) describe the concerns that led to the enforcement action and the evidence supporting those concerns;
- b) set out the by-law section on which the decision is based; and
- c) are clear and easily understood by the person affected by the decision; and provide information about options for review or appeal of the decision.

6.7. Complaint Priority: Service Level Matrix

6.7.1. To ensure adequate resources to investigate all complaints, a Service Level Matrix will assist By-law Enforcement Staff to prioritize the level of service for each Municipal by-law and required legislation.

6.7.2. Refer to Appendix for the "Service Level Matrix"

6.7.3. The desired level of service has been assigned a corresponding service level category of proactive, patrol and reactive (or complaint basis) with each defined as:

- a) **Proactive Service Level** means a serious violation observed during course of duties where a MLEO will take necessary steps to correct the violation. By-law cases with proactive status are the high priority.

- b) **Patrol Service Level** means a MLEO tasked with periodic or routine patrols through all or parts of municipality to seek out violations. By-law cases with patrol status are medium priority.
- c) **Reactive Service Level** means a MLEO will initiate an investigation upon notification of a valid complaint from the public. By-law cases with reactive status are low priority.
- d) **Anonymous Complaints** will not be investigated unless potential safety, health, or liability issues are identified.

Assessing Complaint Priorities

- 6.7.4. When assessing the priority of the bylaw violation, Staff will consider, but are not limited to, matters such as:
- a) potential risk to public health and/or safety;
 - b) magnitude, nature and duration of the contravention;
 - c) history of non-compliance on the property or by the contravener;
 - d) potential short and long term impact on a structure, the community and the environment;
 - e) potential for setting a precedent;
 - f) resources available to resolve the matter;
 - g) potential costs associated with enforcement action; and,
 - h) the likelihood of obtaining the desired results.

Updating the Service Level Matrix

- 6.7.5. The "Service Level Matrix" appended to this Policy will be reviewed by the Chief Administrative Officer on an annual basis and will be updated from time to time as Council makes any by-law service change decisions.

7. Records Management

Upon delivery of a Decision, the By-law Complaint will be deemed resolved/closed and all physical and electronic documents pertaining to the Complaint will be maintained by the MLEO according to the Municipality's Records Retention Schedule. No copies of privileged information will be kept by any other Municipal Departments.

8. Responsibility

All Staff should have a clear understanding of how By-law Complaints are handled by the Municipality.

All Department Heads must comply with, explain this policy to their Staff, and conduct and training, which may be necessary.

The Municipality promotes the principles of accessibility through the Accessibility for Ontarians with Disabilities Act. Please refer to the Municipality's Accessibility Policy for more information.

The Municipality may make amendments to update the Complaint Policy and Forms as required.

9. Appendices

Appendix A – By-law Complaint Form (public use)

Appendix B – Service Level Matrix

Appendix "A"

By-law Complaint Form

*Mandatory Field

Complainant Contact Details

Please provide your contact information. Anonymous complaints will not be investigated.

First name *	Last name *
Email Address (considered the most prompt way we can communicate with you)	
Mailing Address *	Phone Number *
Note: If only a mailing address is provided our response timelines may be extended.	Note: We only call if we require clarification.

Subject Property Information*

Property/Address/Location (please enter description of the locality of your complaint if address is not known that will allow the officer to easily find the violation eg. Backyard):

--

Nature of Complaint:*

- | | | |
|---|--|--|
| <input type="checkbox"/> Animal Control | <input type="checkbox"/> Property Standard | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Clean Yard | <input type="checkbox"/> Snow/Ice Removal | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Signs | <input type="checkbox"/> Zoning | <input type="checkbox"/> Open Air Burn |
| <input type="checkbox"/> Barking Dog | <input type="checkbox"/> Noise | <input type="checkbox"/> Other |

Describe in detail the nature of your complaint and the alleged violation:*

--

I do hereby lay and serve complaint against the owner of the above-noted property with respect to the following conditions that are occurring and may not conform to the By-laws of Tyendinaga Township.

I HEREBY acknowledge that all complaints are confidential until such time as the complainant may be asked to testify in support of the complaint.

AND FURTHER acknowledge that if required I will attend and testify in support of this complaint at any Court of Law in the Province of Ontario.

Sign Off

Complainant's signature*
Date complaint submitted (mm/dd/yyyy)*

Timeline

The By-law Enforcement Officer or designate will contact you to acknowledge this complaint within 5 business days after receiving this completed form. Further inquiries, investigation and resolution is expected within 30 days of receipt of this complaint. If this is not possible, you will be contacted and given a reason why this timeline is being adjusted.

Notice of Collection

The personal information you choose to provide on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (*MFIPPA*). The information you provide will be used to investigate the complaint and may be used for contact purposes but is otherwise considered confidential. Questions about this collection can be directed to the Clerk, 859 Melrose Road, Shannonville, ON K0K 3A0, 613-396-1944, clerk@tyendinagatownship.com

For Internal Use Only

Date Complaint Received: (mm/dd/yyyy)	Receiver Initials:	Tracking Number:
--	--------------------	------------------

Appendix "B"

Service Level Matrix

By-law Enforcement Service Level Matrix						
	By-law or Regulation	By-law No.	Patrol	Proactive	Reactive	Priority
1	Dog Control	2021-09	x	x	x	High
2	Building Code	BCA	x	x	x	High
3	Yard Maintenance	2017-07			x	Low
4	Dog Owners Liability Act (DOLA)	DOLA	x	x	x	High
5	Noise	1982-14		x	x	Medium
6	Zoning	2003-16		x	x	Medium
7	Open Air Burn	2015-13		x	x	Medium
Service Level Criteria						
Enforcement Program/Service Level						
Patrol (High Priority): Periodic/routine patrols through all or parts of Tyendinaga to seek out violations						
Proactive (Medium Priority) : Violation observed during course of MLEO duties; MLEO will seek to correct the violations(s)						
Reactive/Complaint Based (Low Priority): Investigation initiated upon a valid complaint to confirm violation and correct issue(s).						
By-law Violation Priority Criteria						
High: Violation(s) highly likely to cause health & safety issues to the public						
Medium: Potential to cause health & safety issues to the public, negative impact to community and/or the environment						
Low: Unlikely to cause health & safety issues to the public, negative impact to the community and/or environment						