

The Corporation of the Municipality of Brockton



By-Law 2021-130

Being a By-Law to Adopt a By-Law Enforcement Complaint Policy for the
Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts a By-Law Enforcement Complaint Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt By-Law Enforcement Complaint Policy By-Law".

Read, Enacted, Signed and Sealed this 28th day of September, 2021.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Clerk – Fiona Hamilton

By-Law Enforcement Complaint Policy

Department:	All Departments	Policy Number:	P01-1000-21
Section:	Building Department/By-Law	Effective Date:	September 28, 2021
Subject:	By-Law Complaint Policy	Revised Date:	
Authority:	By-Law 2021-130		

1. Title

The Policy may be cited as the “By-Law Enforcement Complaint Policy” of the Municipality of Brockton.

2. Purpose

The purpose of this policy is to enable the Municipality to promptly and effectively address by-law related concerns raised by the public. The policy provides general guidance for staff and assists in providing excellent service to the public.

3. Interpretation

In this policy:

- a) “CAO” means the appointed Chief Administration Officer employed by the Municipality of Brockton
- b) “Complainant” means the individual filing the complaint with the Municipality of Brockton
- c) “Complaint” mean alleged municipal by-law infraction
- d) “O.P.P.” means the Ontario Provincial Police
- e) “Officer” means By-Law Enforcement Officer as appointed by the Council of the Municipality of Brockton, or other duly appointed individual.
- f) “Municipality” means the Corporation of the Municipality of Brockton

4. Filing a Complaint

All alleged complaints shall be directed to the Officer for further investigation. While the Municipality will make every effort to assure the privacy of the complainant, a complainant may be required to present evidence in support of the complaint in any hearings of Appeal Committee or any Court of Law of Ontario. If staff is in the opinion that complaints are frivolous or the complaint results in staff expending resources on a single issue, the Municipality reserves the right not to respond unless new information is provided. A matter that directly relates to the immediate threat or safety of the public, an Officer may be proceed to investigate in the absence of a complaint form.

Complaints are to be submitted on the Complaint Form provided on Schedule A. In the event the form cannot be used, it is at the discretion of the Officer what method of submission will be accepted, on the condition that the information as outlined below, is provided. All complaints will be received courteously, investigated and acted upon fairly and in timely manner. The following information is required to initiate an investigation:

- a) The name, phone number, email address and the mailing address of the individual submitting the complaint.
- b) The nature of the complaint including the name, address, date of offence, and time (if applicable).

5. Animal Control

When a complainant reports a dog at large and the dog is restrained the Officer shall respond in absence of a complaint form.

6. Parking

Staff may provide proactive and reactive parking enforcement to ensure public safety, traffic flow, accessibility, effective customer parking in business areas and allow the Municipality to adequately manage its maintenance standards.

7. Property Standards

Tenants filing a complaint related to property standards matters will be required to produce written documentation addressed to the property owner that gives notice of the property standards matter. The tenant shall provide the property owner the appropriate time required to address the matter prior to filing a complaint.

8. Receipt of Acknowledgement

The Officer shall acknowledge within five (5) business days a receipt of the complaint being received by the Municipality. This acknowledgement can be in the form of letter, email, phone, fax or any other preferred method of contact indicated by the complainant.

9. Investigation

The Officer shall review the issues identified by the complainant and in doing so may:

- a) Review relevant municipal and provincial legislation;
- b) Review the Municipality's relevant policies and procedures;
- c) Review any existing file documents;
- d) Interview employees or members of the public involved in the matter;
- e) Identify actions that may be taken to address the complaint or improve municipal operations.

Resolution of complaints through voluntarily compliance rather than formal action should always be the preferred solution. The By-law Enforcement Officer may seek cooperation of the respondent and allow reasonable time for compliance.

10. Enforcement Proceedings

Enforcement proceedings will commence where and when voluntary compliance cannot be achieved to rectify the by-law violation(s). Any formal action proposed by staff to address an infraction that may have financial or legal implications for the municipality, shall first be reviewed by the CAO.

11. Assistance for Enforcement of Municipal By-Laws

Complaints may be directed by the Municipal Officer to the O.P.P. for assistance in enforcement of Municipal By-Laws as established by agreement between the O.P.P. and the Municipality. A Municipal Officer will assess and follow standard staff procedures when requesting assistance from the O.P.P for By-law enforcement matters.

12. Monitoring, Tracking and Reporting

All complaints and correspondence will be tracked and filed. All personal information collected in carrying out this policy will be dealt with in a confidential manner in accordance with the Municipal Freedom and Protection of Privacy Act, RSO 1990, c M.56.



**Schedule "A" to By-Law Complaint Policy
Complaint Form**

If you wish to lodge a complaint, you may write your own letter or use this form. Please complete as many areas as you can and provide as much detail and information as possible. You must provide full contact information including your full name, address and telephone number where you can be reached during regular office hours.

All complaints will be received courteously, investigated and acted upon fairly. You should be aware that while the Municipality of Brockton makes every effort to assure privacy of the complainant, you may be required to present evidence in support of this complaint at any hearings of Appeals Committee or Court of Law of Ontario.

_____ Last Name First Name

_____ Address (civic address and mailing address)

Contact Telephone Number(s): _____
(home) (other)

Complaints Lodged Against/Location of Complaint:

Address:	Name:
Date of Offence:	Time (if applicable):
Nature of Complaint:	



**Schedule "A" to By-Law Complaint Policy
Complaint Form**

Statement of Complainant:

I hereby make this statement of complaint believing it to be true and for no improper or vexatious purpose. I hereby further declare that if required, I will provide or present evidence in support of this complaint at any hearings of Appeals Committee or Court of Law of Ontario.

Date

Signature of Complainant

Personal Information contained on this form is collected under the authority of the Municipal Act for the purpose of responding to and tracking complaints. This information will be kept confidential.