



BY-LAW NO: 23-68

**Being a bylaw to adopt the By-Law Enforcement Complaints Policy for
The Corporation of the Township of The North Shore**

WHEREAS Section 5(1) of the Municipal Act S.O. 2001, c.25, as amended, grants that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 5(3) of the Municipal Act 2001 S.O. 2001, c.25, 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 unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 5(4) subsections (1) to (3) of the Municipal Act S.O. 2001, c.25, as amended, apply to all municipal powers, whether conferred by this Act or otherwise;

AND WHEREAS the Council of the Corporation of the Township of the North Shore deems it appropriate to adopt a By-Law Enforcement Complaints Policy;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE HEREBY ENACTS AS FOLLOWS:

1. That the By-Law Enforcement Complaints Policy attached hereto as Schedule "A" be adopted.
2. That the Complaint Form known as Schedule "A" of the By-Law Enforcement Complaints Policy attached hereto as Schedule "B" be adopted.
2. That Schedules "A" and "B" be declared to form part of this by-law.
3. This By-Law shall come into force and take effect on the date of passing thereof and its short title is "By-Law Enforcement Complaints Policy By-Law".

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND FINALLY PASSED THIS 1st DAY OF NOVEMBER 2023.



Tony Moor, Mayor



Rachel Jean Schneider, Clerk

THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE

POLICY MANUAL

POLICY TITLE:	SUBJECT:
By-Law Enforcement Complaints	Complaints regarding By-Law related concerns raised by the public.
POLICY SECTION: C	POLICY NO: 12
EFFECTIVE DATE: October 18 th , 2023	ENACTED BY: Resolution, By-Law 23-68

1 – PURPOSE

The Township of the North Shore is committed to a consistent and uniform process to respond to complaints received from members of the public relating to by-law related concerns promptly and effectively.

The following policy establishes guidelines and standards for the efficient handling and resolution of complaints and assists in providing excellent service to the public.

2 – DEFINITIONS

- (1) “**Complaint**” means alleged Municipal by-law infraction
- (2) “**Complainant**” means the individual filing the complaint with the Township of The North Shore
- (3) “**Clerk**” means the appointed Municipal Clerk employed by the Township of The North Shore
- (4) “**O.P.P.**” means the Ontario Provincial Police
- (5) “**Officer**” means the By-Law Enforcement Officer as appointed by the Council of The Township of The North Shore, or duly appointed individual
- (6) “**Township**” means the Corporation of the Township of The North Shore

3 - GENERAL PRINCIPLES

- (1) The Township will deal with all complaints promptly, courteously, impartially and professionally. All complainants will be treated with respect and will not receive adverse treatment or any form of reprisal.
- (2) Anonymity will be maintained between the complainant and the alleged offender, except where necessary in a court of law. However, should this complaint proceed to court, you may be required to give evidence as a witness and your name, and your filed complaint will become a matter of public record.

(3) 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.

(4) The policy applies to formal By-Law Enforcement complaints that are received by the By-Law Enforcement Officer or at the Municipal Office in writing, by e-mail, by mail or by fax.

(5) A matter that directly relates to the immediate threat or safety of the public, an Officer may proceed to investigate in the absence of a complaint form.

4 – FILING A COMPLAINT

Complaints are to be submitted on the Complaint Form provided (Appendix A).

- If the person making the in-person complaint cannot complete the form themselves, the person receiving the complaint shall do so on their behalf and review the completed form with them for their signature (note: the complainant must sign and date the Complaint Form for the complaint to proceed).
- In the event the form cannot be used, it is at the discretion of the Officer what method of written 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.
- All complaints received will be forwarded to the Clerk and the By-Law Enforcement Officer.

The following information is required to initiate an investigation:

- (a) details of incident
- (b) location of incident
- (c) when incident happened
- (d) who was involved
- (e) what was said or done
- (f) have the authorities been notified/involved
- (g) what kind of resolution is being sought

The policy applies to formal By-Law Enforcement complaints received from members of the public relating to by-law related concerns that are received by the By-Law Enforcement Officer or at the Municipal Office in writing, by e-mail, by mail or by fax.

5 - RECEIPT OF ACKNOWLEDGEMENT

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

6 - 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 Township'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.

7 - 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 Township, shall first be reviewed by the Clerk.

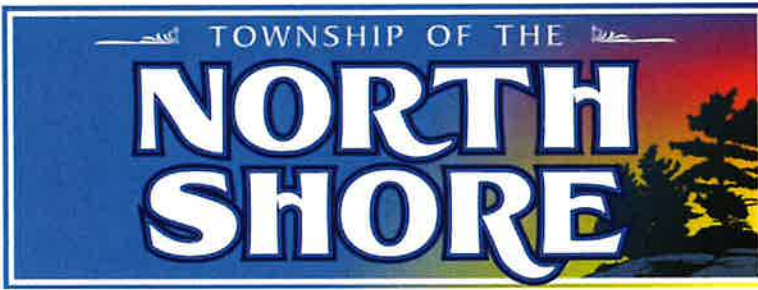
8 - ASSISTANCE FROM THE ONTARIO PROVINCIAL POLICE

Complaints may be directed to the O.P.P. for assistance if the complaints cannot be resolved by the By-Law Enforcement Officer or are not By-Law related. The O.P.P. may also be called for assistance if a matter escalates to the point where safety concerns are raised.

9 - 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.



Anonymity will be maintained between the complainant and the alleged offender, except where necessary in a court of law. However, should this complaint proceed to court, you may be required to give evidence as a witness and your name, and your filed complaint will become a matter of public record.

APPENDIX A - COMPLAINT FORM

Date:

Time:

Name of Complainant:

Mailing Address:

Municipal Address: (if different than above)

Tel: #

Email:

VIOLATION/COMPLAINT DETAILS

- ☐ Access of Services ☐ Programs ☐ Facilities ☐ Staff Conduct ☐ Timeliness of Services
☐ Processes or Procedures ☐ By-Law Infraction ☐ Property Standards ☐ Animal Control ☐ Other

Incident Date and Time: _____

Location of incident (Address): _____

Property Owner/Tenant Name: _____

Contact Information: Telephone/Email: _____

Nature of Complaint: *Please include what happened, where it happened, who was involved, what has been said or done, if the authorities have been notified/involved.*

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

Please Note: Personal information collected on this form is intended to be used for investigation and related activities, and in contacting you regarding your complaint if necessary. All information collected on this form is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. The Township of the North Shore considers a complainant to be a confidential source in respect of law enforcement matters and every effort will be made to protect the identity of the complainant.

If you have questions regarding the collection, please contact the Municipal Clerk at 705-849-2213, 1385 Hwy 17 Box 108, Algoma Mills, ON, P0R 1A0.



COF

Resolution # 354

PO Box 108, Algoma Mills, ON P0R 1A0
(705) 849-2213 (705) 461-1821

REGULAR COUNCIL MEETING

MEETING DATE: November 1st, 2023

AGENDA ITEM(S):

9a7

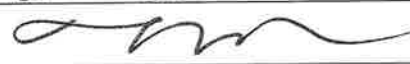
MOVED BY:

T. Simon

SECONDED BY:

L. Menard

BE IT RESOLVED: That Council for the Corporation of the Township of The North Shore approve By-Law 23-68 being a by-law to adopt the By-Law Enforcement Complaints Policy for the Corporation of the Township of The North Shore be read a first, second and third time enacted and passed.

Conflict of Interest disclosed by :		Ward 1	Ward 2	Ward 3	At Large	Mayor
Seat Vacated : Y N		Recorded Vote Requested by :				
Recorded Vote : (Y) ea, (N) ay,		Ward 1	Ward 2	Ward 3	At Large	Mayor
DEFEATED	DEFERRED	CARRIED	✓			

MAYOR or CHAIR or (Acting)