

TOWNSHIP OF LAKE OF BAYS PROCEDURE MANUAL			
Chapter:	Building/By-law	Index No.	BY 1.1
Section:	Applications	Effective Date:	Mar 26/97
Subject:	Municipal By-law Enforcement	Revision Date:	Dec 18/12
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1 PURPOSE

- 1.01 To provide formal policy and procedure governing the handling of "Request for Service" as it relates to by-law enforcement.
- 1.02 To ensure thorough, prompt and courteous receipt, processing, investigation and resolution thereof.

2 POLICY

- 2.01 The Township is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of Request for Service.
- 2.02 Failure to substantially comply with any provision of this policy shall not negate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law or provincial or other applicable law.

2.03 DEFINITIONS

- a) **By-law enforcement Officer:** a Township employee authorized to enforce municipal by-laws
- b) **CAO:** Chief Administrative Officer or his/her designate
- c) **Defendant:** person, company or corporation alleged to have contravened a by-law.
- d) **Investigator:** means a Township employee.
- e) **Part 1:** Is a Certificate of Offence (a ticket) issued by an Enforcement Officer pursuant to the provisions of the Provincial Offences Act with a set fine, determined by the set fine schedule in the relevant by-law(s).
- f) **Part 3:** Is a Summons and Information which are laid upon an individual, company and/or a corporation which must be heard in front of a Justice of the Peace. These offences are under numerous statutes and regulations such as:
 - i) Planning Act
 - ii) Building Code Act
 - iii) Municipal Act (by-laws)
- g) **Request for Service:** means a complaint received by staff, either verbal or in writing wherein the complainant provides their full name, contact information and the nature of complaint

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3 ADMINISTRATION

- 3.01 The Township shall respond for Request for Service received from a complainant who provides their full name and contact information. An investigator may also undertake an investigation on his/her own initiative upon observation of a possible situation of a by-law infraction(s) and where there are reasonable and probable grounds to believe that the matter is immediate threat to the environment (such as vegetation removal), this fact will be noted on a "Request for Service" form for tracking purposes.
- a) Upon receipt of a Request for Service, staff shall record the formal complaint of the Request for Service form (schedule "A") and the database maintained by the Building/By-law Services (if related to a property). In all cases, staff shall encourage the complainant to describe the matter in their own words, detailing the "who", "what", "why", "where", "when" and "how" of the situation;
 - b) The collection of evidence the investigators should;
 - i. Review the Townships records;
 - ii. Should a site visit be required the investigator shall identify him/herself to the resident(s) or defendant (if present);
 - iii. Inform the resident that he/she is there for the collection of evidence for enforcement purposes;
 - iv. If no one is present, and the property is not municipal land, the investigator shall leave a business card on site in a location that the resident(s) or defendant will observe;
 - v. The investigator (if necessary) shall collect the required evidence by means of, but not limited to :
 - a) Photographs (dated and signed);
 - b) Gathering names, address, vehicle licence plate number;
 - c) Draft a site sketch; and
 - d) Other documentation or evidence as required; and
 - vi. If compliance can be achieved at the time of the inspection, the investigator shall inform the residents what needs to be completed to gain compliance. Provide time line to achieve compliance and inform them that a re-inspection may be required.
 - c) The investigator may notify any internal departments, By-law Enforcement Officer and outside agencies that may have jurisdiction or may be required to assist with or rectify the situation (i.e. Fire Department, Public Works Department, Ministry of Environment, Ministry of Natural Resources, Regional Health Department, OPP);

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- d) The By-law Enforcement Officer may issue a Part 1 Provincial Offence Notice(s) (tickets) if he or she determines the contravention is appropriate for the offence; and
- e) The information collected is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

3.02 REPORT to SUPERVISOR (Part III)

- a) Having assembled as much factual information as possible, the By-law Enforcement Officer shall report his/her findings to his/her supervisor. The supervisor shall:
 - i) Review all gathered information to determine if it is in the public interest to prosecute under the Provincial Offences Act or deem the matter closed;
 - ii) Should the supervisor wish to pursue the case, he/she may attempt to make one final contact with defendant who contravened the by-law requesting their co-operation and compliance;
 - iii) Failing to gain compliance or if the supervisor deems it in the public interest to commence proceedings under the Provincial Offences Act, he/she shall report his/her findings and recommendations to the Chief Administrative Officer (CAO); and
 - iv) The CAO shall consider whether or not it is in the public interest to pursue prosecution pursuant to the Provincial Offences Act he/she can direct the By-law Enforcement Officer to issue a Part III Summons or deem the matter closed.

3.03 Report to COUNCIL (Part III)

- a) The CAO shall inform Council of the issuance of Part III in a timely manner.

3.04 COUNCIL DECISION (Other Legal or Administrative Options)

- a) Should the CAO consider it in the public interest to pursue prosecution (other than Part III) under the applicable Act, he/she shall report (i.e. Application to the Courts, injunction, by-law to have a structure removed) to Council with estimated legal costs.

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- b) Other than Part III proceedings, upon receipts of a report or a summary of the facts including recommendations from the staff and/or the Township solicitor, Council shall (by resolution) determine whether it is in the public interest to approve staff's recommendation or take no further action.
 - c) Should enforcement be approved by Council, staff shall retain a solicitor to act on behalf of the municipality.
- 3.05 **NON – ENFORCEMENT**
- a) Should Council decide to take no enforcement measures, the complainant may be advised that he/she can attempt to enforce the by-law(s) at his/her own expense and no further action will be taken by the municipality.

4 REVISION CONTROL

Revision Date	Revision	Effective Date

5 ATTACHMENTS:

5.01 Request for Service form

Resolution #

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Schedule "A"

Request for Service

	Occurrence # _____
I	
Individual Reporting Concern:	Subject Property:
Name _____	Owners Name _____
Address _____	Address _____
_____	_____
Telephone # _____	
E-Mail _____	Property Roll # _____
Nature of Concern	

FOR OFFICE USE ONLY

Date Received _____	Department _____
Received By _____	Assigned To _____
Required Action _____	Completion Date _____

“Personal information is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act* for the purpose of investigating by-law complaints.”

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Request for Service

Additional Information

<p>Subject Property:</p> <p style="text-align: center;">Occurrence # _____</p> <p style="text-align: center;">Owners Name _____</p> <p style="text-align: center;">Roll # _____</p>
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Comments:

Staff Signature _____

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