



# Corporate Policy & Procedure

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**Policy Title: Level of Service - By-law Services/Enforcement**

**Policy Number: 2023**

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Section: **Corporate Administration**

Effective Date: **May 8, 2023**

Approved by: **CAO**

Subsection: **By-Law**

**Services/Enforcement**

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Contact: **Corporate Services Department**

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## 1. Policy and Purpose

- 1.1 The purpose of this policy is to establish a formal procedure governing the handling of *Township by-law requests, calls for service*, and investigations while outlining levels of service.
- 1.2 The *Township* is committed to the delivery of Municipal Law Enforcement Services in a standardized, transparent, consistent, and accountable manner.
- 1.3 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. Definitions

- 2.1 “By-Law” means a municipal by-law created and passed by the Council of the Corporation of the Township of The Archipelago.
- 2.2 “Call for Service” means an occurrence which requires an *Officer* to initiate contact for investigative purposes made by a member of the public.
- 2.3 “Discretion” means the *Officers* freedom to decide what should be done in a particular situation based on knowledge, experience, and educated judgement.
- 2.4 “First-Hand Knowledge” means information or situations that are directly experienced by a person.
- 2.5 “Hours of Service” means the hours the Municipal Law Enforcement Department is open during any given *operational day* as outlined in section 6.



# Corporate Policy & Procedure

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- 2.6 “Invalid Request” means a *request* that does not include all the necessary information outlined in section 4 and may fall under the description of a frivolous, vexatious, or retaliatory request described in section 8.
- 2.7 “Officer” means a Municipal Law Enforcement Officer appointed by the *Township* to enforce *Township by-laws* or the Manager of Corporate Services while exercising By-law management duties.
- 2.8 “Operational Day” means any given calendar day that the *Township* Municipal Law Enforcement Department is operational as outlined in section 6.
- 2.9 “Request” means a complaint received by the *Township* from a member of the public alleging a *by-law* has been contravened.
- 2.10 “Requestor” means the person who initiated the *request*.
- 2.11 “Respondent” means a person, corporation or company alleged to have contravened a *by-law*.
- 2.12 “Township” means the Corporation of the Township of The Archipelago.
- 2.13 “Valid Request” means a *request* that includes all the necessary information as outlined in section 4.

## 3. Roles and Responsibilities

### Reporting

- 3.1 Any person who believes a contravention of a *by-law* has occurred can initiate a *request* to the *Township*.
- 3.2 A person who initiates a *request* may be summonsed to testify before a court or tribunal in relation to the matter in which they *requested*.

### Township Officers

- 3.3 *Officers* will screen *calls for service* to determine priority within the Priority of Calls Continuum.
- 3.4 *Officers* may screen *requests* to determine if the subject matter of the *request* falls within the enforcement jurisdiction of the *Township*.



# Corporate Policy & Procedure

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- 3.5 Upon receipt of a valid *request*, *Officers* may initiate an investigation into the matter.
- 3.6 *Officers* may undertake an investigation on their own initiative based on patrol observations or evidence received in the course of a separate investigation.
- 3.7 *Officers* are required to report any conflicts of interest directly to their supervisor as soon as possible.

## Council

- 3.8 Council members who believe that an infraction of a *by-law* has occurred can initiate a *request* to the *Township*.
- 3.9 *Requests* made by a member of council must be based on *first-hand knowledge* of the alleged infraction.

## 4. Administration and Submission of Requests

- 4.1 A *request* may be submitted to the *Township* through various methods including the online reporting tool “E-Service Request”, phone, email, in writing, or in person.
- 4.2 In order for a *request* to be valid, it must contain the following information:
  - a) Name of *requestor*;
  - b) Address of *requestor*;
  - c) Contact information of *requestor* (e.g., phone number or email);
  - d) Details regarding the issue (e.g., who, what, when, why and how);
  - e) Issue location (e.g., where).
- 4.3 Anonymous or incomplete *requests* shall generally not be investigated.
- 4.4 Upon receiving a *valid request* through verbal or in person communication, an *Officer* will transcribe the nature of the *request* and relevant information into their notebook and *Township* records.
- 4.5 All information received during a *request* can be used in the course of an investigation and subsequent court or tribunal hearings.
- 4.6 If a *request* is received outside of the *hours of service*, and all the information in section 4.2 is present, it will be investigated based on priority on the first *operational day*.
- 4.7 If an incomplete *request* is received, the *Officer* will attempt to gather more details from the *requestor* to complete the *request* before deeming it an *invalid request*.



# Corporate Policy & Procedure

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## 5. Investigations, Procedures, and Compliance Tools

- 5.1 All investigations will be conducted on a case-by-case basis with an emphasis on compliance through the most efficient and effective means independent of political and other external influences.
- 5.2 Under the *discretion* of an *Officer*, investigations may be concluded with the following determinations:
- a) There is insufficient evidence to proceed with enforcement in response to the *request*;
  - b) The *request* is invalid or falls under section 8 of this policy;
  - c) The nature of the *request* falls under the scope of a different authority having jurisdiction over the matter.
  - d) There is a determination of no violation;
  - e) The subject of the *request* has been brought into compliance with the *by-law*;
  - f) The matter or subject of the *request* should be enforced, and enforcement action will be taken based on the compliance tools in sub-section 5.3.
- 5.3 Compliance Tools:
- a) *Officer* presence and interaction;
  - b) Education and voluntary compliance;
  - c) Letter to owners/respondent;
  - d) Notices of Violation and recorded verbal warnings;
  - e) Orders;
  - f) Commencement of remedial work by the *Township*;
  - g) Commencement of a proceeding pursuant to the Provincial Offences Act or other relevant legislation.

## 6. Hours of Operation

- 6.1 The Municipal Law Enforcement Department will address *requests* and investigations during *operational days*. If making a *request* outside of the *operational day*, *Officers* will respond at the next available time and *operational day* based on the Priority of Calls Continuum.
- 6.2 If an emergency situation arises outside of the *operational day*, an *Officer* will respond as soon as possible.



# Corporate Policy & Procedure

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- 6.3** The Municipal Law Enforcement Department follows these prescribed *operational days* and *hours of service*:
- Summer (May 1<sup>st</sup> – October 31<sup>st</sup>)**
- a) *Operational Days*: Monday-Sunday;
  - b) *Hours of Service*: 0900-1800 (9:00am to 6:00pm).
- Winter (November 1<sup>st</sup> – April 30<sup>th</sup>)**
- a) *Operational Days*: Monday-Friday
  - b) *Hours of Service*: 0900-1700 (9:00am to 5:00pm)
- 6.4** *Officers* may work random weekends and evenings depending on the need for service and prevention patrols.

## 7. Priority of Calls Continuum

- 7.1** Once a *call for service* is received it will be forwarded to an *Officer* to be assessed based on priority. Initial response times will follow the Priority of Calls Continuum and the maximum (5) calendar day acknowledgment of receipt response time.
- 7.2** Once the priority is established and an investigation has commenced, it will be conducted in accordance with operational policies, procedures, and timelines.
- 7.3** The Priority of Calls Continuum is as follows in descending order of priority:
- a) Emergency – this category involves matters of public safety needing immediate action from an *Officer*. *Officers* will respond as soon as possible;
  - b) High – this category involves time sensitive issues or matters that have a high potential for aggravation impacting multiple residents. Repeat offences are included in this category. *Officers* will respond at the first available opportunity based on call load and *operational days*. Other factors may impact response times as indicated in subsection 7.4;
  - c) Low – this category involves routine or long-term issues that are not time sensitive. *Officers* will respond within the five (5) day response period and action will be initiated based on call load. Other factors may impact response times as indicated in subsection 7.4;
  - d) Informative – this category involves inquiries and non-*call for service* related concerns. *Officers* will respond within the five (5) day response period and action will be initiated based on call load. Other factors may impact response times as indicated in subsection 7.4.



# Corporate Policy & Procedure

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- 7.4 Other factors impacting response time include:
- a) Emergency situations;
  - b) *Calls for service* already in attendance based on the Priority of Calls Continuum;
  - c) Court preparation and appearance;
  - d) *Township* and special events where *Officers* will be in attendance;
  - e) Special projects and patrols;
  - f) Administrative duties, other duties, and revisions;
  - g) Holidays and vacation time;
  - h) Illness;
  - i) Staff shortages or vacancies;
  - j) Road closures and other travel related restrictions.

## 8. Frivolous, Vexatious, and Retaliatory Requests

- 8.1 For the purpose of this policy, frivolous and vexatious refers to any action or *request* made with the intention to embarrass or annoy the recipient or *respondent*. This can also include conduct intended to abuse the infraction reporting process.
- 8.2 For the purpose of this policy, retaliatory *requests* refers to *requests* made to an *Officer* in response to an investigation or neighbour dispute that does not follow the *request* process and can include groundless *requests*.
- 8.3 Frivolous, vexatious, or retaliatory *requests* also include:
- a) Harassment, verbal abuse, intimidation or bribery towards *Officers* or *Township* staff members;
  - b) Initiating multiple *requests* across different *Township* departments simultaneously while the *request* is already in the process of being investigated;
  - c) Repetitious *requests* of a similar nature once an investigation has been completed;
  - d) Unreasonable refusal to accept the outcome of an investigation or that an issue is outside of the enforcement jurisdiction of the *Township*;
  - e) Insisting *requests* and investigations be concluded within an unreasonable timeframe or demanding special treatment from staff;
  - f) *Requests* involving statements that the *requestor* knows or ought to know are intentionally incorrect or misleading;
  - g) Refusal to cooperate with the investigative process or failure to provide the necessary details to initiate an investigation;
- 8.4 Notwithstanding a determination that a *request* falls under section 8, a *request* may be re-opened in the future where new evidence or reason creates a situation to do so.



# Corporate Policy & Procedure

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## 9. Communication Regarding Investigations and Calls for Service

- 9.1 Upon receiving a valid *request*, an *Officer* will provide acknowledgement of receipt through the *requestors* preferred mode of communication within five (5) days.
- 9.2 Once an investigation has been initiated, the actions of *Officers* and the steps taken to resolve the issue will become confidential. The *Officer* will not provide personal information or investigative techniques to the *requestor* or the *respondent*.
- 9.3 If a follow up is requested, the *Officer* will update the *requestor* of progress after it is made and upon closing of the investigation.

## 10. Privacy and Confidentiality

- 10.1 An *Officer* shall not disclose any confidential information or personal information received during the course of their duties except as required for prosecution purposes or otherwise legally authorized.
- 10.2 Should any matter proceed to court, the name of the requestor and any witness will become part of the public record.
- 10.3 Once a *request* is received the information provided by the *requestor* and any other information regarding the investigation including witnesses, notes, photos, communications, and other material shall be maintained on an internal *Township* database. Access to this database is limited to staff members who require access in the performance of their duties.