

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2018-055

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**BEING a By-law to adopt Policy ADM-02-2018 – By-law Complaints and Enforcement, and to repeal By-law 24-2014.**

**Whereas**, Section 270 (1) 5. of the *Municipal Act, 2001*, as amended requires that municipalities shall adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

**Whereas**, the Corporation of the Township of Georgian Bluffs supports a comprehensive planning, property standards and by-law enforcement program consistent with provincial policy and considerate of local community needs, health and heritage; and


**Whereas**, the Council of the Corporation of the Township of Georgian Bluffs deems it advantageous to adopt a policy related to the receipt and processing of by-law complaints and enforcement of by-laws;

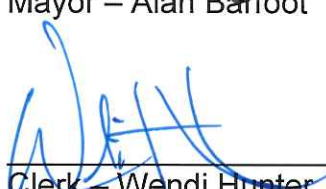
**Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:**


1. That Policy ADM-02-2018 – By-law Complaints and Enforcement, attached hereto as Schedule “A,” is adopted.
2. That By-law 24-2014 is hereby repealed.
3. That this by-law shall come into force and effect upon passing.

**Read a first and second time this 20<sup>th</sup> day of June, 2018.**

**Read a third time and passed this 20<sup>th</sup> day of June, 2018.**

  
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Mayor – Alan Barfoot

  
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Clerk – Wendi Hunter





## ***Township of Georgian Bluffs***

### **Policy – By-law Complaints and Enforcement**

#### **1. Policy Statement**

The Council of the Township of Georgian Bluffs believes that the Township's residents, property owners, business owners and visitors have the right to a safe, peaceful and attractive community.

The Township supports a comprehensive planning, property standards and by-law enforcement program consistent with provincial policy and considerate of local community needs, health and heritage.

The Township will sustain by-law enforcement consistency by maintaining up-to-date by-laws, providing training to staff and education to the public.

The Township's by-laws will be enforced without favour by the Enforcement Officer. By-law enforcement will be undertaken on a complaint basis, and on a pro-active basis when resources permit.

#### **2. Scope of Policy**

This policy applies to any Complaints or requests for enforcement received from residents, property owners or business owners within the Township, regarding any Township by-laws in effect at the time of the Complaint.

#### **3. Purpose**

The purpose of the policy is to provide clarity and understanding for the public, members of Council and staff about how Complaints and requests for enforcement will be received and followed-up on.

#### **4. Definitions**

For the purposes of this policy:

“Complaint” means a request for enforcement of Township by-laws,

“Complainant” means a person, who may be a resident, property owner or business owner within the Township, who has made a Complaint or asked for enforcement of Township by-laws,

“Compliance” means ensuring condition or use of a property is not in violation of Township by-laws,

“Enforcement Officer” means any officer appointed by the Township, including but not limited to the Deputy Chief Building Official/By-law Enforcement Officer, and Chief Building Official,

“Property Owner” means the owner of the property which is the subject of the Complaint.

“Township” means the Township of Georgian Bluffs.

## **5. Receipt of Complaints**

- 5.1. Complaints will only be received in writing, preferably on the Complaint form attached to this policy and available from the Township Offices and at the Township website.
- 5.2. Complaints must be accompanied by the Complainant's name, address, telephone number and/or email address, the address of the property where the alleged violation has taken place, and a description of the Complaint being made.
- 5.3. The identity of the Complainant will remain confidential; in other words, it will not be shared with the person against whom the Complaint has been made. If the situation is not resolved without legal action, it may be necessary for the Complainant appear as a witness in a court of law.
- 5.4. Anonymous Complaints will not be acted upon by the Township
- 5.5. Council members receiving Complaints will encourage the Complainant to submit a written Complaint through email, in person, or via the township website, or may refer the Complainant to the Enforcement Officer directly.
- 5.6. Township staff receiving Complaints by telephone will encourage the Complainant to submit a written Complaint through email, in person, or via the township website, or may refer the Complainant to the Enforcement Officer directly.

## 6. Enforcement

- 6.1. The Enforcement Officer or other Township staff will acknowledge receipt of the Complaint within 2 business days of receipt.
- 6.2. The Enforcement Officer shall maintain professional conduct, and shall interact with all parties with respect, clarity and understanding, and without favour.
- 6.3. In attempting to achieve Compliance or resolution of the Complaint, the Enforcement Officer shall:
  - 6.3.1. obtain more details regarding the Complaint from the Complainant when necessary,
  - 6.3.2. determine whether the Complaint is within the jurisdiction of the Township,
  - 6.3.3. conduct a site inspection of the subject property when necessary,
  - 6.3.4. contact the Property Owner by telephone or email in an effort to achieve Compliance without more formal processes,
  - 6.3.5. except in the cases where safety of persons is of concern, issue a courtesy letter to the Property Owner, explaining the violations to be corrected, and giving opportunity for negotiation between the Property Owner and the Enforcement Officer regarding timelines for Compliance, and
  - 6.3.6. in cases where safety of persons is of concern, take whatever action the Enforcement Officer deems necessary to correct the situation as soon as possible.
- 6.4. The Enforcement Officer may:
  - 6.4.1. request the assistance of the Ontario Provincial Police, or other enforcement authorities in order to achieve resolution of the situation, or
  - 6.4.2. refer the complainant to other enforcement authorities, or suggest the complainant seek private legal counsel, if the Complaint is outside of the jurisdiction of the Township.

### 6.5. When Compliance is Not Achieved Informally

When no response to communications described in section 6.3.4 or 6.3.5, is received from the Property Owner, or if the Property Owner has refused to correct the violations, or if the Property Owner has not taken action within an agreed upon timeline, the Enforcement Officer shall initiate legal proceedings against the Property Owner.

## 7. Administration

- 7.1 This policy shall be administered by the Legislative Services Department. Procedures and forms may be defined, and amended from time to time, by the Clerk, to address specific implementation of the policy.
- 7.2 All questions or concerns with respect to this policy should be directed to the Clerk / Director of Legislative Services.

Issued: June 6, 2018

Repealed: N/A

Amended: N/A