

Bylaw Enforcement Policy

Department: Legislative Services

Approved by: CAO

Effective Date: May 14, 2025

1. Purpose

The purpose of this policy is to establish a formal procedure for handling bylaw complaints within the Municipality of West Grey. This policy ensures thorough, prompt, and courteous receipt, processing, investigation, and resolution of formal complaints. It aims to provide a professional, consistent, and fair treatment of the public and staff members where a complaint has been lodged.

2. Policy Statement

The Municipality of West Grey is committed to enforcing its bylaws in a manner that is fair, consistent, and respectful of the rights of all individuals. The enforcement process is complaint-driven, relying on community members to report alleged bylaw violations. The Municipality will respond to complaints promptly and take appropriate actions to investigate and resolve them in accordance with this policy.

3. Scope

This policy applies to all complaints received regarding violations of Municipal bylaws within the jurisdiction of the Municipality. It covers the procedures for filing, investigating, and resolving complaints, as well as the roles and responsibilities of Municipal staff, Bylaw Enforcement Officers, and complainants.

4. Definitions

For the purposes of this policy:

“Municipal” or “Municipality” means the Municipality of West Grey and a reference to the Municipality is a reference to the geographical area or to The Corporation of the Municipality of West Grey as the context requires; and

“Officer” means a Bylaw Enforcement Officer of the Municipality.

5. Application

- 5.1 Complaints regarding alleged bylaw violations can be filed by any member of the public. Complaints must be submitted in writing and include sufficient detail to identify the nature and location of the alleged violation.

- 5.2 Complaints made based on second-hand information, or complaints made on behalf of someone else will not be accepted.
- 5.3 Upon receipt of a complaint, the Municipality will assign a Bylaw Enforcement Officer to investigate the matter. The Officer will conduct a thorough investigation, which may include site visits, interviews, and review of relevant documentation. The Officer will document the findings and determine whether a bylaw violation has occurred.
- 5.4 If a violation is confirmed, the Municipality will take appropriate enforcement actions. Officers shall foster compliance with Municipal regulatory bylaws through education, awareness, promotion, advice, and enforcement by way of a warning, fee, order, certificate of offence, or laying an information under oath before a justice as deemed appropriate by the Officer.
- 5.5 Officers shall provide support to other enforcement agencies leading enforcement activities for:
- a. federal and provincial legislation;
 - b. bylaws enacted by other jurisdictions, Grey County or another body through Council's delegated authority.
- 5.6 Any person filing a bylaw complaint may expect:
- a. A prompt response acknowledging receipt of the complaint, and a response when the file is deemed closed; and
 - b. That their identity and personal information will be kept confidential and used only for the purposes of communicating with Municipal staff about the complaint.
- 5.7 The Municipality is committed to protecting the confidentiality of complainants and the details of complaints. Information will be handled in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Personal information related to complaints will not be disclosed to unauthorized individuals and will be used solely for the purpose of bylaw enforcement.
- 5.8 All regulatory bylaws passed by Council will be enforced on a complaint basis except infractions observed by the Officer where the Officer deems it necessary to enforce due to an immediate threat to health and safety.
- 5.9 Unless an Officer deems a complaint to be an immediate threat to health or safety, the Officer shall not respond to complaints which:

- a. are hypothetical, or have yet to occur;
- b. are overly general, i.e. complaint about all neighbourhood properties;
- c. are anonymous;
- d. are publicly posted or published but not sent directly to the Municipality, including an opinion or editorial, website or posting on social media;
- e. lack sufficient detail to begin an investigation or a way of contacting the complainant for additional information; or
- f. involve a private dispute where there is no violation of a Municipal bylaw.

5.10 Where the subject of an alleged bylaw violation is lands, structures or objects for which ownership cannot be determined, the Officer may:

- a. assign responsibility for resolving the violation to the property owners abutting the subject of the violation; or
- b. decline to respond to the complaint.

6. Council Involvement

- 6.1 Council Members will respect and abide by the legally recognized principle that Bylaw Enforcement Officers have a duty to enforce and prosecute relevant laws in a manner that is fair and impartial and in a manner that is independent of political direction.
- 6.2 Council Members will respect that Bylaw Enforcement Officers have an independent discretion to make enforcement decisions based on their knowledge, experience, and educated judgement.
- 6.3 Council Members will acknowledge that the independence of a Bylaw Enforcement Officer includes, for example, the discretion to investigate (or not) and to issue a ticket or fine (or not).
- 6.4 Council Members will not interfere with a Bylaw Enforcement Officer in the exercise of their duties or attempt to influence the actions of a Bylaw Enforcement Officer.
- 6.5 Consistent with the provisions of the Code of Conduct for Members of Council, no member shall use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties.

- 6.6 As with any other person, a Council Member who has reason to believe that an infraction of a relevant law has occurred and has direct (firsthand) knowledge of the infraction, may report the matter to Bylaw Enforcement through the submission of a bylaw complaint form.
- 6.7 Council Members will refrain from relying on second-hand information as the basis of their complaint. If information about the alleged infraction originates from a third party, the Council Member should explain the complaint procedures as outlined in this policy.
- 6.8 Upon submitting a complaint, a Council Member shall be treated with the same courtesy, and with the same restrictions on access to information, as would any other complainant.
- 6.9 Council Members shall refrain from forwarding third party communications or complaints to a Bylaw Enforcement Officer for a response.
- 6.10 With respect to enforcement of Relevant Laws, Council may:
 - a. From time to time, establish, amend, or repeal Municipal bylaws; and
 - b. Establish the budget for and policies related to the enforcement of Municipal bylaws.

7. Review and Amendments

This policy will be reviewed periodically to ensure its effectiveness and relevance. Amendments may be made as needed to improve the enforcement process and address emerging issues.