

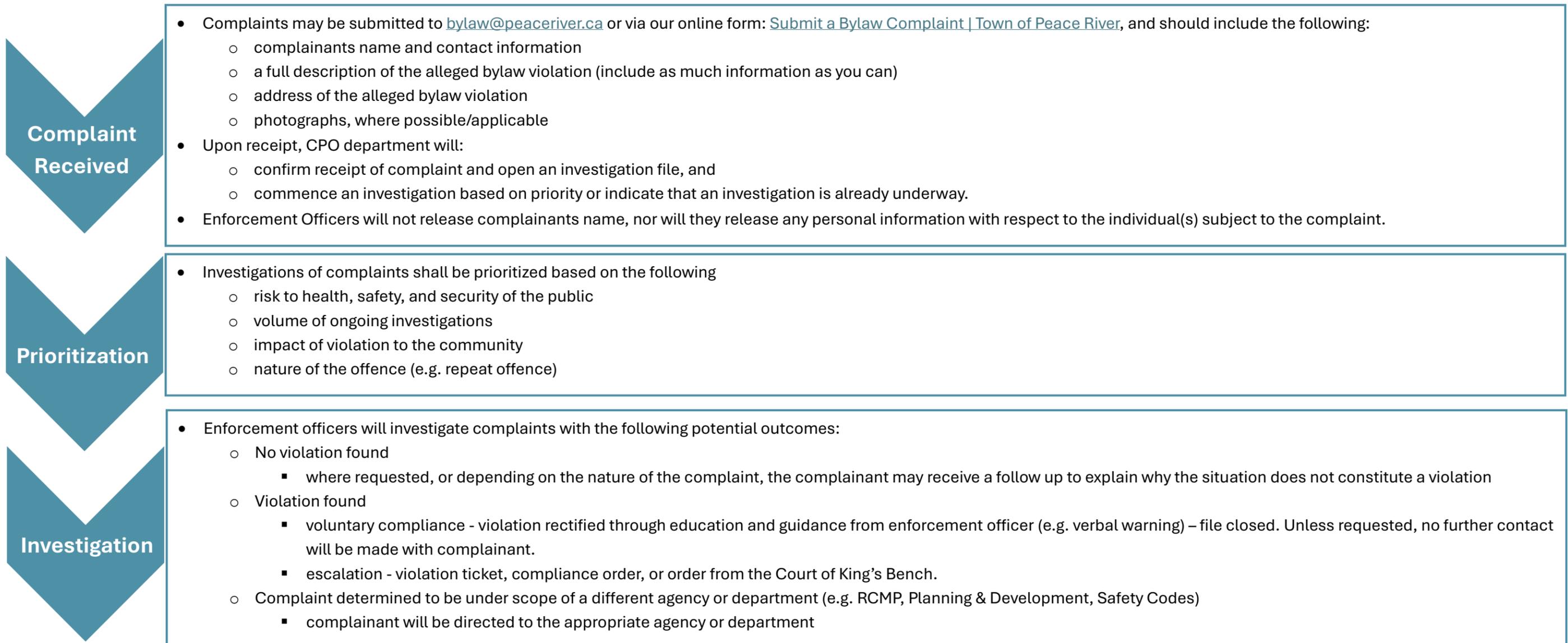
# Bylaw Enforcement Workflow

Ever wondered what happens when our CPO department receives a bylaw complaint? The below flowchart demonstrates the process our Enforcement Officers follow when investigating a bylaw infraction and the various progressive steps that are taken in pursuit of bylaw compliance.

Items to note as you work through the flow chart:

- Timelines between warnings>issuance of clean-up order>obtaining court order, will all vary from situation to situation. Is this the first infraction? Is the individual working with us but needing more time? What is the severity of the infraction and do the circumstances require prompt response for safety reasons? Etc.
- The personal information of any individual who is the subject of a bylaw investigation is protected under the *Protection of Privacy Act* s. 10 (protection of personal information) and *Access to Information Act* s. 20 (disclosure harmful to personal privacy). This is why only limited information about the status of a bylaw investigation is available to the public.
- Members of Council do not possess any more information with respect to bylaw investigations than the average member of the public. Council adopts the bylaws which Administration is then tasked to enforce. Council is not involved in day to day operational enforcement activity.

## File opening & Investigation



## **Enforcement – tickets, compliance orders, Court of King’s Bench**

### **Violation tickets/ Compliance orders**

- If a violation is found, enforcement officers may
  - issue a compliance order with a deadline to comply.
  - issue a violation ticket. If and when a violation ticket is issued will depend on the severity or type of infraction, if it is a repeat offence, whether compliance was reached within the deadline, etc.
- I am the complainant or concerned resident, what information will you give about an ongoing investigation?
  - enforcement officers will NOT share personal information regarding the individual subject to the investigation including their name or what enforcement methods have been used.
  - enforcement officers may confirm that there is an ongoing investigation.

### **Compliance Order**

- Compliance orders are issued with a deadline to comply. Possible outcomes include
  - Compliance. Violation is remedied and file closed. If requested, complainant may be told that the matter is now closed. Otherwise, no further contact will be made with the complainant.
  - Continued Violation. What happens next is situational:
    - (1) nature of the situation may require an extension, or
    - (2) Town may enter upon the lands, complete work to reach compliance, and charge costs of work to the property's tax roll, or
    - (3) Town may seek an application from the Court of King’s Bench to enter upon the lands to complete work and then charge costs to the property’s tax roll.Whether option 2 or 3 is undertaken will depend on the type and severity of infraction, along other potential mitigating factors.
- Inquirers or complainants may only be told that the investigation is still ongoing.

### **Court Order**

- If a property owner/occupant refuses to comply with a compliance order, the Town may need to apply to the Court of King’s Bench for relief. This is typical for complex compliance orders. Simple orders such as failure to cut grass, would not require a Court order.
- Once a Court order is granted the Town will proceed as instructed by the Court.
  - A Court order may grant the defendant more time to rectify the infraction before the Town may enter on the lands, execute the clean-up or necessary tasks, and charge the costs for work completed to the property’s tax roll.
- At this stage, enforcement officers may, if asked, confirm that a Court order was received. However, this will not be routinely disclosed.

### **Complete**

- The Town must always balance a person's right to protection of their privacy with an individual's right to peaceful enjoyment of their property. If we will not release information to you with respect to an investigation, it is not because we want to be difficult, it is because we have a duty to protect everyone's personal information in which we have access and control.
- Please respect our Enforcement Officer's limitations in the information they can share with you with respect to investigations.