

THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NO. 2640-12

Being a by-law to adopt policies and procedures governing the processing of complaints related to Municipal By-laws.

**Recitals:**

- a) The Municipality of Shuniah deemed it expedient to adopt and establish policies and procedure governing the processing of complaints related to Municipal by-laws.

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS:**

1. That the Policy governing the processing of complaints related to Municipal by-laws within the Municipality of Shuniah attached hereto and marked as Schedule "A" is hereby adopted.
2. That Schedule "A" be an integral part of this by-law.
3. That this By-law shall come into force and take effect upon final passage hereof.

READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF November 2012

Chris Harding  
Reeve

[Signature]  
Clerk

READ A THIRD TIME AND FINALLY PASSED TIME THIS 10<sup>th</sup> DAY OF December 2012

Chris Harding  
Reeve

[Signature]  
Clerk

Front Line Staff: is an employee of the Corporation receiving a Formal Complaint.

Corporation: is the Corporation of the Municipality of Shuniah.

Official Complaint Form: is a form issued by the Municipality of Shuniah which shall include the prescribed information about the complainant, the nature of the complaint and any information pertaining to the dissatisfaction with an event, service, person or action and any information regarding those accused and shall be signed by the complainant prior to any action being taken by the Municipality.

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## POLICY PROCESURES

<b>Job Title</b>	<b>Work Steps</b>
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Front Line Staff	Upon receipt of a complaint, staff will enter all relevant data and information on a complaint form and records the formal complaint in a Complaints Log and in a complaint database. In all cases the complaint form must be signed by the complainant.
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Assures the complainant that their name and any personal information provided by them will remain in the strictest confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will not be revealed to anyone unless so ordered by a Court or other tribunal or body of competent jurisdiction.

CAO	Receives the formal complaint from the Front Line Staff for preliminary review and assigns the formal complaint to an investigator.
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*\*\* In the absence of the CAO, the Municipal Clerk is mandated to receive complaints.*

Investigator	Conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in the Municipal records.
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Calls the complainant, when necessary, for further details or to confirm or clarify information provided on the formal complaint form.

Conducts an on-site inspection to determine the complaint validity and possible violations.

In the case of situations wherein Council has established set fines for violations, an investigator may, upon confirmation of the existence of a violation, immediately issue an offence notice/ticket.

Upon determining that there is a violation of a municipal by-law (excluding set fine situations and situations of documented, chronic violations or where otherwise warranted), shall proceed to the enforcement stage by providing an initial warning in writing to the suspect/violator. The warning may be issued :

- (a) In person;
- (b) Ordinary Mail;
- (c) Registered Mail

In all cases, the investigator shall identify a suspected violation and the laws having jurisdiction during an initial warning stage and shall notify the suspected violator as a part of the initial warning of a time limit in which voluntary compliance is expected.

Where provided for by by-law or otherwise, an investigator may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat to health or safety.

After the time limit has expired, the investigator shall return to the site to determine if compliance has been accomplished.

Upon discovering that the warning has been complied with, notifies the complainant in writing of the results, enters the complaint finalized date on the complaint form and returns the complaint form to the Clerk.

If the suspected violator has not complied with the warning, the investigator shall review the non-compliance with the CAO (also applicable in cases of documented, chronic by-law infractions or where otherwise warranted).

Shall notify any internal departments and outside agencies that may be required to assist (i.e. Fire Department, Ministry of Environment, Ministry of Natural Resources, Thunder Bay District Health Department).

CAO

Decides, based on discussions with the investigator, whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal by- laws or otherwise.

- If a second written warning or formal order is to be issued, the CAO instructs the investigator to proceed and give a final time period in which to comply.
- If legal action is decided, the CAO advises the Clerk with a recommendation to proceed with legal action when it appears obvious compliance is not forthcoming.
- At any stage of the enforcement process, if, in the opinion of the CAO or the Clerk, the matter is of significant consequence, the matter may be brought before Council for direction.

Clerk/Investigator

Keeps the complainant informed of the progress as may be appropriate in all circumstances and in all cases provides a report of the results of the process to the complainant.

Provides regular monthly reports to Council, via summary of complaints as received from the investigators.

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## EFFECTIVE DATE OF POLICY

This policy shall take effect on the date of approval by Council of the Municipality of Shuniah.

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## Attachments

- Sample Official Complaint Form
- Sample Monthly Report Form



## The Corporation of the Municipality of Shuniah

### By-law Enforcement Complaint Policy

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#### **PURPOSE**

To provide a formal policy and procedure governing the processing of complaints related to Municipal by-laws.

To ensure thorough, prompt and courteous receipt, processing, investigation and resolution of formal complaints within the Municipality of Shuniah and ensure appropriate reporting to the Chief Administrative Officer and Council.

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#### **APPLICATION OF THE POLICY**

This policy shall govern actions of complainants, Municipal staff and Shuniah's By-law Enforcement Officers.

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#### **POLICY STATEMENT**

The Council of the Municipality of Shuniah is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of formal complaints within a reasonable amount of time in accordance with established policies and procedures.

Due to financial and staffing constraints, the Municipality of Shuniah will only respond to formal complaints received from a complainant in writing.

A failure to comply with a provision of this policy shall not invalidate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law or provincial or other legislation.

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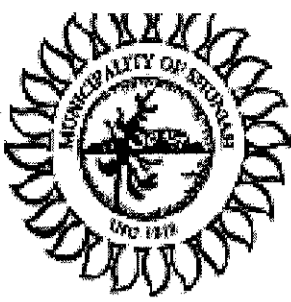
#### **DEFINITIONS**

**Formal Complaint:** A formal complaint shall contain the name, address and telephone number and the nature of the complaint which shall describe the dissatisfaction with an event, service, person, or action, setting forth the claim on which relief is sought.

**Clerk:** is the Municipal Clerk of the Municipality of Shuniah

**CAO:** is the Chief Administrative Officer for the Municipality of Shuniah.

**Investigator:** is a person appointed by the Municipality of Shuniah for the purposes of Municipal By-law Enforcement including, but not limited to, Weed Inspector, Building Inspector, Property Standards Officer and Municipal By-law Enforcement Officer.



Municipality of

# SHUNIAH

## MUNICIPAL BYLAW

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Thunder Bay, ON  
P7A 1X8  
Phone: (807) 693-4545  
Fax: (807) 693-6982  
Email: [shuniah@shuniah.on.ca](mailto:shuniah@shuniah.on.ca)  
Website: [www.shuniah.org](http://www.shuniah.org)

### COMPLAINT INTAKE FORM

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Type:  Bylaw  Provincial Statute  General Query  Other

#### Complainant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Alternate #: \_\_\_\_\_

Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### Subject of Complaint

Name: \_\_\_\_\_

Address/Location: \_\_\_\_\_

Telephone: \_\_\_\_\_

Other Information (Plate Number, Dog Breed, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



File Number: \_\_\_\_\_

## BY-LAW ENFORCEMENT MONTHLY REPORT

Date: \_\_\_\_\_

ANIMAL CONTROL				
No.	Date Received	Description	Location	Status

PROPERTY STANDARDS COMPLAINTS				
No.	Date Received	Description	Location	Status

MISCELLANEOUS COMPLAINTS				
No.	Date Received	Description	Location	Status