

Bylaw Enforcement Complaint Policy



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| Policy # | 3.7 |
| Procedure # | - |
| Replaces | - |
| Revises | - |
| Date Approved | September 14, 2020 |
| Method of Approval | Resolution #2020-454 |

Our File: 03.03.PO

1. PURPOSE

The purpose of this policy is to provide a consistent and fair process to respond to service delivery concerns and general enforcement of municipal bylaws.

This policy establishes guidelines and standards for the efficient handling and resolution of complaints made toward the municipality to address concerns raised and to improve services.

2. SCOPE

A complaint is an expression of dissatisfaction related to bylaw enforcement violations. Wherever possible, it is recommended that residents attempt to resolve their issues amicably between neighbours before contacting the City of Dauphin. The City has no duty to take enforcement action on any bylaw within the municipality. Discretion will be exercised on a case-by-case basis as outlined in this policy.

This policy is not meant to address complaints about non-municipal services, issues already addressed by legislation, a decision of Council or a decision of a committee of Council, or internal employee complaints.

3. DEFINITIONS

Designated Officer means a City of Dauphin employee named as a designated officer through bylaw of the City.

City means the City of Dauphin.

Complainant means the person who is dissatisfied and is filing the complaint. Anyone who uses or is affected by the City services can make a complaint.

City employees means all City of Dauphin employees including permanent, part-time, temporary, casual, seasonal, contract employees, and interns.

Discretion means the freedom to decide what should be done in a situation given all the available information.

Frivolous complaint means a complaint not having any serious purpose or value.

Nuisance means any conduct, activity, or condition that unreasonably interferes with a person's use and enjoyment of a public area or private property they own or occupy, or which annoys, gives trouble, or is offensive, irritating, or a pest to anyone within the city.

Valid complaint means a complaint that describes the location and general nature of a potential bylaw contravention, including the complainant's name, address, and phone number, and that is not a frivolous or vexatious complaint.

Vexatious complaint means a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

4. PROCEDURES

- Bylaw complaints may be accepted by phone, email, letter or direct interaction with appropriate City employees.
- The majority of complaints are initially received by the Bylaw Enforcement Officer (BEO), or in their absence, a Designated Officer, and can be resolved at this level with an explanation and discussion of the alleged bylaw violation.
- If the complaint requires an investigation, a preliminary review of the complaint will be conducted to ensure that the complaint is well founded and determine the level of priority for action.
- If upon investigation it is determined there is no violation, the complainant and the alleged offender may be advised, on a case-by-case basis.
- If a violation exists, administration and enforcement action will be taken to remedy the contravention in accordance with the respective bylaw, at the discretion of the City.

5. GENERAL PROVISIONS

For consistency and fairness to all residents and property owners within the City, the following general provisions and guidelines will be followed:

- In responding to complaints, except in cases related to public health and safety, the highest priority will be to respond to valid complaints.
- During the regular course of their duties, BEOs, or their designate, may patrol for bylaw infractions for issues of public health and/or safety or other bylaw violations.
- It is not possible to actively ensure that all the City's various regulatory bylaws are being complied with at all times. Enforcing the City's own bylaws is therefore discretionary and not mandatory.
- The City promotes a positive approach that seeks voluntary bylaw compliance, which is often achieved through education, information, and non-penalty enforcement, when appropriate.
- Compliance may be encouraged through notification of fines and other enforcement measures associated with the offence.
- City staff are not required to report bylaw violations observed unless it is during regular work hours and within that employee's scope of duty, and where the violation poses a risk to life, health, and/or safety. Where the violation poses a risk to life, health, and/or safety, a violation shall be reported.

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- Mayor and Council are not involved in investigations.

6. ENFORCEMENT RESPONSES

The City's response to valid complaints is generally prioritized (e.g. High Priority takes precedence over Medium Priority, which takes precedence over Low Priority). The level of enforcement responses are defined as follows:

- High Priority: Health and Safety – the alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as practicable, given the availability of staff and other resources.
- Medium Priority: Significant Negative Impact to Others – the alleged bylaw violation is significantly impacting adjacent properties or other residents in a negative manner, but it does not pose an immediate risk to the environment or public safety. The City's investigation and enforcement of Medium Priority matters is most often initiated in response to valid complaints.
- Low Priority: General Nuisance – the alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect the environment or public safety. The City's investigation and enforcement of Low Priority matters is initiated in response to valid complaints.
- Third-party Complaints: will be evaluated on a case-by-case basis. Investigations will generally proceed where there are potential safety, health, or liability issues or a clear linkage to an identifiable requestor.
- Anonymous Complaints: will not be investigated unless potential safety, health, or liability issues are identified, or at the discretion of the City.
- Frivolous or Vexatious Complaints: the City may receive multiple complaints from the same person on the same issue, which may be minor in nature and considered frivolous and vexatious. The City will review all bylaw-related complaints to determine their validity. If it is determined that all steps have been taken to resolve the complaint or issue, the complaints continue, and there is no bylaw contravention and/or it is not considered a High Priority, the City maintains the right to not respond to or seek resolution to complaints that are deemed:
 - to not be in the public interest to mitigate
 - to not be in the jurisdiction of the City
 - more appropriately managed by the complainant through their own access to civil resolution process options such as the Residential Tenancy Branch, legal action, etc.
 - to not directly impact the complainant with the exception of High Priority violations

7. CONFIDENTIALITY

- The City of Dauphin will ensure that the personal information of its clients is protected in accordance with the Freedom of Information and Protection of Privacy Act. The City will only collect personal information that is necessary for the monitoring and enforcement of a bylaw infraction, in accordance with this Policy.

| | DISTRIBUTION |
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| | Master Policy Manual |
| | Notice to Department Heads (Email) |
| | Notice to All Staff (Email) |
| | Intranet |
| | Internet (Public Information) |