



## **Township of Essa** **Policy – By-law Violations and Complaints**

### ***Re: Frivolous & Vexatious Complaints***

<b>Created by:</b>	<b>Clerk</b>	<b>Approval Date</b>	<b>August 2024</b>
<b>Procedure No:</b>	<b>BL-002</b>	<b>Revision Date:</b>	<b>N/A</b>

#### **1. PURPOSE**

- 1.1 To establish a standard for the enforcement of by-law violations and responding to by-law complaints for the Township of Essa.

#### **2. SCOPE**

- 2.1 This policy shall apply to all staff involved in the administration and enforcement of municipal by-laws.

#### **3. DEFINITIONS**

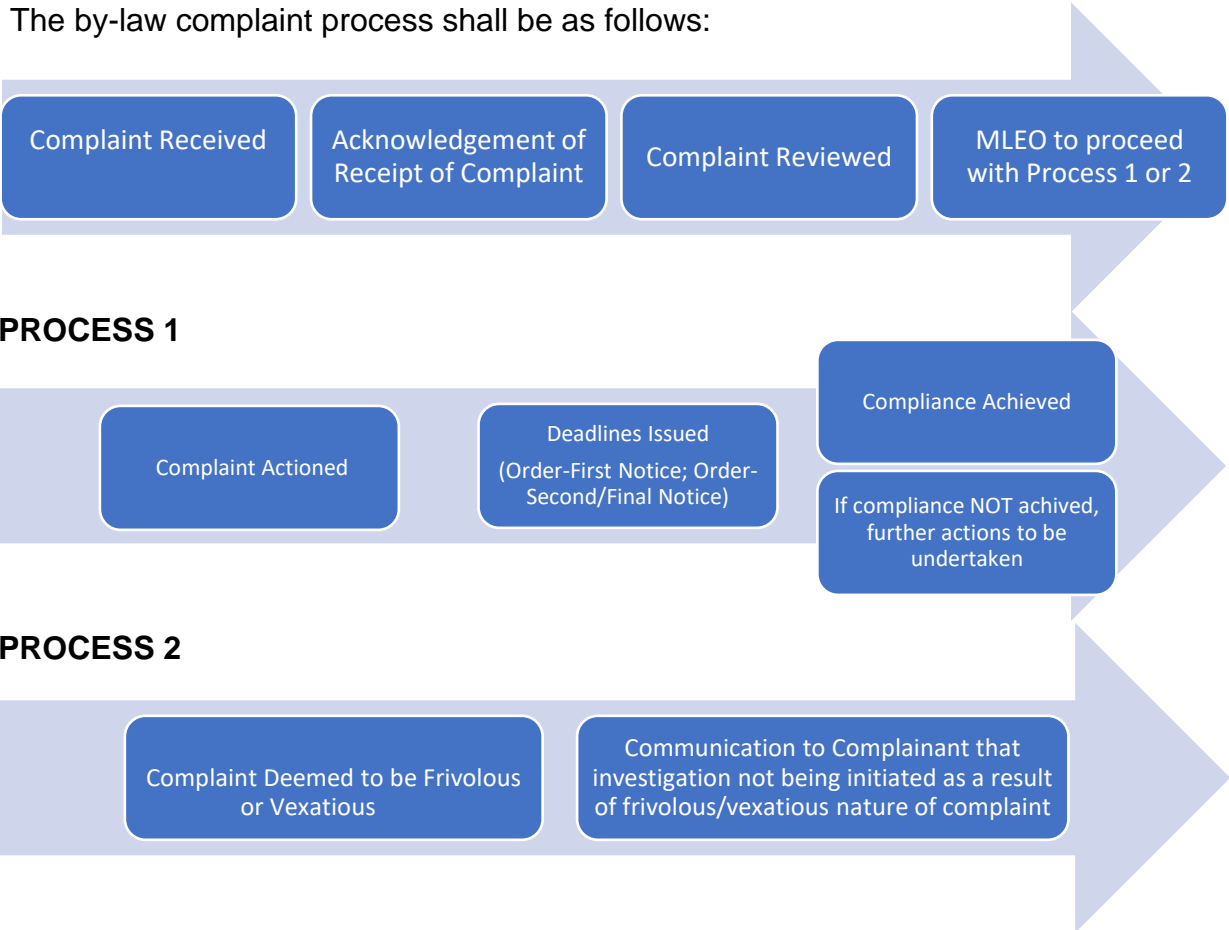
- 3.1 Corporation: The Corporation of the Township of Essa.
- 3.2 Council: Council for the Corporation of the Township of Essa.
- 3.3 Department Head: The appointed head of each department or their designate as identified in the Township of Essa's organizational chart or through delegation.
- 3.4 Frivolous: not having any serious purpose or value.
- 3.5 Municipal Law Enforcement Officer: A member of staff appointed by By-law as a Municipal Law Enforcement Officer per the *Police Services Act*.
- 3.6 Vexatious: denoting an action or the bringer of an action that is brought without sufficient grounds for success, purely to cause annoyance to the other party

#### **4. PROCEDURE**

- 4.1 That any inquiries or concerns of Council may be directed to the applicable Department Head.
- 4.2 That by-law infractions will be enforced through the Municipal Law Enforcement Officers under the direction of the Department Head.
- 4.3 That per the *Municipal Freedom of Information & Protection of Privacy Act*, the complainant and complaint shall not be revealed as they are deemed to be confidential.

- 4.4 That enforcement shall be carried out in good faith and in the public interest and shall not be carried out in a discriminatory manner.
- 4.5 That all By-law violation complaints to the Township contain the following information at a minimum:
  - a) Date
  - b) Time
  - c) Complainant Name
  - d) Complainant Mailing Address
  - e) Complainant Phone Number(s)
  - f) Complainant E-Mail Address
  - g) Address of Concern
  - h) Reasons for Concern

4.6 The by-law complaint process shall be as follows:



**5. FRIVOLOUS AND/OR VEXATIOUS COMPLAINTS:**

- a) By-law complaints deemed to be frivolous and vexatious shall not be investigated.
- b) A complaint may be deemed to be frivolous and/or vexatious by the Clerk and/or the Chief Administrative Officer.

- c) Should a customer's behaviour be unreasonable to the point where their behaviour is deemed to be frivolous and vexatious, the customer shall receive written notification that:
- Details what actions staff have taken and why
  - Explain the implications of what it means for the customer's interaction with respect to future and current by-law enforcement complaints
  - Advise how long the restrictions will last and when the decision will be reviewed
  - Advise the customer as to how they may appeal the restrictions
- d) Frivolous and/or Vexatious shall include but is not limited to the following:
- Submission of obsessive requests with very high volume and frequency of correspondence
  - Complaints or additional/repetitious complaints that the complainant has already submitted or new complaints with the clear intention to reopen issues that have already been considered and deemed resolved.
  - Where responding to the complaint, would impose a significant burden on the Corporation in terms of expense, and that negatively impacts our ability to provide service to others
  - Harassing the Corporation; this could include a very high volume and frequency of correspondence, or mingling by-law complaints with accusations and complaints about staff
  - When the matter is a civil litigation issue between individuals