



POLICY: By-law Violations & Complaints

Created By:	Clerk	Approval Date:	12/02/2020
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PURPOSE

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

SCOPE

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

POLICY

General

- 3.1 Any Provincial Act or applicable regulation, Federal Act or applicable regulation, County of Simcoe By-law that is in force at the municipality's level, or Township of Severn By-law shall prevail if they conflict with this Policy.
- 3.2 By-law infractions will be enforced through the Municipal Law Enforcement Officers under the direction of the Department Head;
- 3.3 As 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 unless permission to release such information is provided by the complainant in writing or the complainant is required as a witness in Court or at a hearing or tribunal;
- 3.4 That enforcement shall be carried out in good faith and in the public interest and shall not be carried out in a discriminatory manner.
- 3.5 That any inquiries or concerns of Council regarding by-law violations and complaints are to be directed to the applicable Department Head;

Complaint Process

- 3.6 The municipality will only respond to Formal Complaints received from complainants who provide their full name, telephone number, address as well as the address of the alleged violation and details regarding the nature of the complaint.
- 3.7 Anonymous calls will be documented, but no formal action will be taken unless the complaint concerns are an immediate threat to health or safety.
- 3.8 An Officer may also undertake an investigation on their own initiative upon observation of a possible by-law violation where the matter is of an immediate threat to health or safety.

3.9 The By-law complaint process shall be as follows:

Complaint received → correspondence sent acknowledging receipt of complaint → complaint reviewed, then follow Process 1 or 2

Process 1 – Complaint actioned → deadlines issued → compliance received (if compliance not reached, further actions be undertaken)

Process 2 – Complaint deemed to be frivolous or vexatious → letter sent to complainant

Repeat Offenders/Proactive Enforcement

3.10 Generally, by-law enforcement is done on a reactive basis only; however, proactive enforcement will take place for repeat offenders.

More specifically, with the exception of Section 3.11, a Municipal By-law Enforcement Officer will proactively inspect and monitor a property if on three or more separate dates within two years, any Officer has found a violation at the property, and the ownership has not changed during that two-year period.

3.11 Short-term Rentals

In the event that a complaint is received respecting a Short-term Rental, and staff confirm it's use as a Short-term Rental, then a Municipal By-law Enforcement Officer will proactively inspect and monitor the property until such time as the ownership changes.

Priority of Response

3.12 An Officer may also undertake a proactive investigation upon observation of a possible situation or a by-law violation that is deemed to be an immediate threat to health and safety.

Immediate threats include the following:

- Unsafe swimming pools
- Unsafe residential rental units that lack vital services to be provided by a landlord
- Health and safety concerns related to snow and ice removal
- Structures not in accordance with Building Code
- Any other by-law violation that could cause injury or even death, or pose a serious safety hazard.

Frivolous and Vexatious Complaints

3.13 In situations:

- a) That by-law complaints deemed to be frivolous and vexatious shall not be investigated.
- b) That a complaint may be deemed to be frivolous and/or vexatious by the Municipal Law Enforcement Officer only after consultation with their Department Head, and CAO.
- 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

DEFINITIONS

- 4.1 Anonymous: A complaint submitted with no complainant details including name, phone number or address.
- 4.2 Corporation: The Corporation of the Township of Severn.
- 4.3 Council: Council for the Corporation of the Township of Severn.
- 4.3 Department Head: The appointed head of each department or their designate as identified in the Township of Severn organizational chart or through delegation.
- 4.4 Formal Complaint: A complaint received in writing (via email or form or other manner of correspondence) by staff wherein the complainant provides their full name, address, phone number and compliant property information and details that can be verified by the Officer.
- 4.5 Frivolous: not having any serious purpose or value.
- 4.6 Municipal Law Enforcement Officer or Officer: A member of staff appointed by by-law as a Municipal Law Enforcement Officer for the Township of Severn.
- 4.7 Short-term rental: Short-term rentals are when all or part of a dwelling unit is used to provide sleeping accommodations for any rental period that is less than 28 to 30 consecutive days in exchange for payment.
- 4.8 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 or with the intent of malice and may include retaliatory complaints or neighbour disputes.