

VILLAGE OF DRAKE			
POLICY: ENFORCEMENT COMPLAINTS POLICY			Policy NO.
DATE APPROVED:	Resolution #: <i>189/2023</i>	REV. DATE:	GG - 003

Purpose:

To provide a formal policy and procedure governing the handling of municipal bylaw complaints by the Village and to ensure standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof. This policy is intended to apply to both municipal bylaws and provincial statutes, which the Village is responsible for enforcing.

Policy Statement:

The Village is committed to the delivery of municipal law enforcement services in a timely and effective manner. The goal of these services is to achieve compliance with municipal bylaws through education and enforcement.

Scope:

The Village shall generally operate on a reactive complaint-based process regarding municipal law enforcement except for a violation that is an immediate threat to health or safety.

Title:

This Policy shall be called 'Bylaw Enforcement Complaints Policy'.

Definitions:

**Investigator** means a person appointed by the Village, (in most cases the Administrator) for the purposes of municipal law enforcement including, but not limited to a Building Official, Provincial Offences Officer, Police Officer and a person authorized by Council or assigned individual with the responsibility for enforcing and administering this policy.

**Complainant:** The person who is dissatisfied and filing a complaint. Anyone who uses or is affected by the Village's services can make a complaint.

**Complaint** means a complaint received by the Village, wherein the complainant provides their full name, address, telephone number and nature of complaint that can be verified by the Investigator, in writing using the required form submitted to the Village.

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

**Enquiry** is defined as a request for information.

**Feedback** Input/suggestion that is neither positive or negative.

**Reactive Complaint-Based** means an investigator will initiate an investigation upon notification of a valid complaint from the public.

**Resolution** The final stage of the complaint process in which the complaint is considered “closed” and resolved and complainant contacted in “writing”.

**Village or The Village** means Village of Drake

**Village Bylaw** means a bylaw enacted by the Village of Drake

## **Section 1: Bylaw Investigation and Enforcement Procedure**

- 1.1 The Village shall only respond to complaints received from a complainant who provides their full name, address, telephone number and nature of the complaint in writing. Anonymous and/or incomplete complaints shall not be investigated.
- 1.2 An Investigator may undertake an investigation on their own initiative should they or a member of staff observe a possible situation of a bylaw violation where the matter is of a public or environmental safety concern.
- 1.3 The name and any personal information provided by the complainant shall remain in the strictest confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act and shall not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a Court or other tribunal or body of competent jurisdiction.
- 1.4 An Investigator may call the complainant, when necessary, for further details or to confirm or clarify information provided within the formal complaint.
- 1.5 An Investigator may attend the site to investigate the activity to determine if a municipal bylaw contravention exists.
- 1.6 If an Investigator is unclear of a possible contravention, they may seek the advice of the appropriate municipal staff member and may provide the information required to the appropriate party so that an informed determination can be provided and where necessary the appropriate actions initiated.
- 1.7 Where a violation of a municipal bylaw is determined by an Investigator, excluding documented, chronic violations or where otherwise warranted, an Investigator may provide an initial warning to the person by any of the following four (4) methods:
  - a) In person;
  - b) By telephone;
  - c) Email; or
  - d) In writing.

- 1.8 Investigator may, upon confirmation of the existence of a violation, issue a Fine as per schedules in each respective Bylaws.
- 1.9 Where provided for by municipal bylaw or otherwise an Investigator may issue an emergency order to remedy a violation in lieu of an initial warning when such a violation poses an immediate threat to health or safety.
- 1.10 When compliance with the warning and/or order is confirmed, the investigator shall enter the complaint finalized date in the Village database and close the file.
- 1.11 If the warning and/or order has not been complied with within the specified time, an Investigator may review the non-compliance and determine whether to attempt a second written warning or proceed with the actions necessary to address the situation in accordance with municipal bylaws or otherwise.
- 1.12 Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document or order in a proceeding otherwise in
- 1.13 The RCMP are responsible for emergency situations and should be contacted to deal with issues, including but not limited to loitering, trespassing, noise-related neighbour or domestic disputes, possible drug activity, vandalism, or other criminal activity.

## Section 2: Level of Involvement

- 2.1 An Investigator has the discretion to determine the appropriate response to a complaint. This may include decisions to act on some, all or none of the complaint and assign priority between complaints. This discretion is to be exercised based on the following criteria:
  - a) Safety factors;
  - b) History of attempts for compliance made by a Investigator;
  - c) Available resources, including financial resources;
  - d) Coordinating involvement with other relevant agencies;
  - e) Likelihood of achieving compliance;
  - f) Municipal jurisdiction and authority;
  - g) Other enforcement avenues including; civil processes.
- 2.2 Complainants and persons who are the subject of a complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every complainant will be kept completely confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a court or other tribunal body of competent jurisdiction.

- 2.3 If a complainant asks to be a delegate at a Regular meeting of Council, this complainant needs to be aware that council meetings are public meetings unless council chooses to have meeting "in camera" as per the *Municipal Freedom of Information and Protection of Privacy Act* the complaint is no longer private or anonymous. Otherwise, the council and/or the investigator will keep all private information confidential.
- 2.4 Once a complaint has been filed, other than acknowledgement of receipt of the Complaint, no follow up, involvement, information or correspondence regarding the complaint shall be provided to the complainant as the process is protected by *the Municipal Freedom of Information and Protection of Privacy Act*.

# Making a Bylaw Complaint

People deserve a clean, safe and healthy place to live; bylaws help achieve this. Our Bylaw Inspectors investigate reports of violations. Please use the form below to submit a bylaw concern.

## What you can expect from us

Your submission will be thoroughly investigated to assess if a bylaw has been broken, or if a violation exists and who is responsible.

If there is a violation, the person(s) responsible will be contacted and asked to voluntarily comply with the bylaw. Voluntary compliance is the most common outcome of bylaw violations. The Village will try to achieve voluntary compliance with each complaint; however, appropriate enforcement will be taken where additional action is required.

If voluntary compliance is not achieved, an Order to Remedy letter may be issued to the person(s) responsible, giving a specific number of days to remedy the situation. This process allows the person(s) responsible to appeal against the order within a specified period of time (if an appeal is made, Council may decide to confirm, modify, or repeal the order). If there is no appeal, the person(s) responsible will be allowed a specific number of days to remedy the situation, and the Village will follow up to ensure the violation has been remedied. If the situation has been remedied, the file will be closed.

If the situation remains, the Village may initiate legal action, including prosecution (summoning the defendant to court to deal with the situation) or cleaning up a property; cost recovery methods are also initiated.

Not all matters are regulated by bylaws; some may be regulated by Provincial or Federal acts and enforced by other authorities, or, in civil matters, not regulated at all.

Bylaw complaints may be made in writing or completing the "Form A" to the Village of Drake.

Village of Drake  
117 Francis Street  
Drake SK, S0K 1H0  
villageofdrake@sasktel.net

The Village Administrator will follow up on the complaint. When making a complaint, please include the following:

Address/location of the complaint -Date/times when the violation occurred

A detailed description of the violation (if a vehicle is involved: make, model, colour, license plate)

Your name, address, and phone number

## How you can help us

Often complaints are resolved amicably between neighbours. It is recommended that each resident of Drake attempt to resolve their issues before contacting the Village for assistance. Some issues are considered a civil matter between property owners.

These issues may include trees on property lines, fence disputes and property line disputes. The Village is not able to respond to complaints that are considered to be a civil matter.

# COMPLAINT FORM

Office Use Only

File No:

Date Received:

Email all Bylaw complaints at [villageofdrake@sasktel.net](mailto:villageofdrake@sasktel.net)

Personal information contained on this form is received by the Village Municipal office in confidence. Confidentiality cannot be guaranteed if the complaint proceeds to court or presented at a council meeting. Release of this information is governed by the provisions of the Local Authority of Freedom of Information and Protection of Privacy Act.

## Complainant:

Name:

Address:

City/Town:

Postal Code:

Phone:

Email:

## Incident Information:

Address (of alleged bylaw violation):

Name of alleged violator (if known):

Name of property owner (if known):

Details of bylaw infraction (attached details and/or photos as separate sheet if required):

Date(s) and Time(s) of alleged bylaw infraction:

## Declaration:

By signing this complaint form, I confirm that I understand that the Village of Drake will be unable to guarantee confidentiality of the above information if this matter results in court action, presented at a regular meeting or an order from the Saskatchewan Information and Privacy Commissioner.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

## To be completed by Administrator

Violation Corrected:

Violation not Corrected:

Further Action Required:

Comments: