

Bill No. 233
2023

By-law No. CPOL.-_____

A by-law to enact a new Council policy entitled
“Municipal Compliance Services”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a new Council Policy entitled “Municipal Compliance Services”;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Municipal Compliance Services”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on July 25, 2023 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – July 25, 2023
Second Reading – July 25, 2023
Third Reading – July 25, 2023

Schedule “A”

Municipal Compliance Services

Policy Name: Municipal Compliance Services

Legislative History: Enacted July 25, 2023 (By-law No. CPOL.-_____) to replace Enforcement of City Personnel

Last Review Date: July 25, 2023

Service Area Lead: Manager, Community Compliance and Animal Services

1. Policy Statement

A policy to establish the goals, objectives, and expectations for Municipal Compliance Services

2. Definitions

None

3. Applicability

The policy applies City-wide, to all by-laws that have been delegated for enforcement to the Director, Municipal Compliance, or their designate.

4. The Policy

- 4.1 The goal of Municipal Compliance Services is to achieve compliance with Municipal By-laws and applicable Provincial legislation. This shall be achieved by employing the most efficient and effective means, independent of political or other external influences.
- 4.2 The actions of Municipal Compliance Staff are determined by the availability of personnel and budgeted funds, the complexity of the anticipated enforcement, the period of time in which enforcement is to be carried out, and the degree of compliance likely to be achieved.
- 4.3 Investigations of alleged or potential infractions may be initiated:
 - a) in response to public concerns or complaints;
 - b) through referrals from partner agencies including but not limited to:
 - i. London Police Service;
 - ii. London Fire Department;
 - iii. Alcohol & Gaming Commission of Ontario;
 - c) Middlesex London Health Unit.
 - d) by Officers through active enforcement (i.e. observations made in the course of duty);
 - e) through identified and/or focused community enforcement actions;
 - f) as the Director, Municipal Compliance deems appropriate or necessary.
- 4.4 The Director, Municipal Compliance, or their designate, reserves the right not to respond to:
 - a) anonymous complaints;
 - b) complaints about multiple addresses from the same complainant; and
 - c) complaints which are trivial, frivolous, vexatious, or made in bad faith.
- 4.5 Complaints forwarded by a Councillor on behalf of a constituent will be accepted, provided the constituent’s name and contact information is also provided. The Director, Municipal Compliance, or their designate, may accept complaints without full complainant contact information if there are perceived unsafe conditions, or if the complainant fears possible reprisal related to the submission of a complaint.

- 4.6 The identity of a complainant is protected under the Municipal Freedom of Information and Protection of Privacy Act.
- 4.7 For the purposes of independent investigations and fairness, the status of complaints will not be publicly released. This includes information regarding an investigation or actions any taken, recognizing that some actions may involve the posting of orders or notices on a property visible to the public.
- 4.8 Where inspection fees are invoiced to property owners, such fees shall be calculated on an hourly basis per Officer attendance.
- 4.9 Where potential health and safety risks are identified, Municipal Law Enforcement Officers (MLEOs) may be directed to attend inspections in pairs and follow enhanced health and safety protocols.
- 4.10 Investigations of complaints will typically be conducted by Municipal Law Enforcement Officers, however it may be necessary to include staff from other divisions, partner agencies, agents, or contractors, depending on the nature of the investigation and/or subsequent action(s).
- 4.11 Voluntary compliance with any municipal by-law is the initial and preferred focus of compliance staff. However, health, safety, or liability concerns, and/or recurring violations may necessitate more immediate and escalated enforcement actions.
- 4.12 Priority of response will be given to complaints that pose potential public health or safety risks including but not limited to unsecured pools, unsafe buildings, and Vital Services.
- 4.13 Depending on the type of alleged or confirmed violation being investigated and/or acted on, a Municipal Law Enforcement Officer may take compliance actions based on their evaluation of the situation and discretion including, but not limited to:
 - a) Verbal warnings,
 - b) Notice(s) of Violation(s);
 - c) Administrative Monetary Penalties;
 - d) Orders or Work Orders;
 - e) Inspection fees;
 - f) Remedial Work, including work by 3rd parties;
 - g) Commencing a proceeding under Parts I, II, or III of the Provincial Offences Act;
 - h) Referral to the City Solicitor for applicable relief by way of action, or application, in the Superior Court of Justice.