



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

TITLE: Bylaw Enforcement - Receipt of Complaints	NO. ADMIN - 23
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POLICY:

1. Receipt of Complaints

(1) Written Complaints

Complaints with respect to the following bylaws will be investigated when received in writing and signed by the complainant:

- Zoning Bylaw
- Maintenance and Safety of Property Bylaw

(2) Verbal Complaints *[deleted by Council Resolution, August 27, 2007]*

(2) Exception

- (a) Notwithstanding (1) above, whenever a Bylaw Enforcement Officer becomes aware of a violation of a bylaw, the result of which may adversely affect the environment or the health, safety or security of citizens or may result in a liability incurred by the Municipality, they may proceed to enforce the provisions. *[Amended by Council Resolution, August 27, 2007]*
- (b) Similarly, administrative provisions of bylaws (licence fees, permit fees, etc.) may be enforced.

2. Confidentiality

(1) Identity of Complainant

The identity of the party providing information regarding bylaw infractions is to remain in confidence with the Municipality and is not to be disclosed to anyone for any purpose without the written consent of the complainant.

Note: Sections 15 and 22 of the *Freedom of Information and Protection of Privacy Act* provide for refusal to disclose information when related to a law enforcement matter or disclosure may be harmful to personal privacy. Alternatively, it provides that the complainant must give consent to release his/her identity.

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(2) Release of the Substance of the Complaint

Notwithstanding (1) above, when requested by an applicant under the provisions of the *Freedom of Information and Protection of Privacy Act* the substance of the complaint may be released, if in the opinion of the Head under the provisions of the *Freedom of Information and Protection of Privacy Act*, such release will not be harmful to law enforcement. In certain circumstances this information may not be released.

3. Advice to Complainants

When complaints are received by staff, complainants are to be advised that their identity will remain in confidence in compliance with this policy and the *Freedom of Information and Protection of Privacy Act*.

In each case, it is preferable to provide this assurance in writing to the complainant; if not possible, verbal assurance of confidentiality shall be provided and documented by a note to file.

4. Bylaw Complaint Record

For each *bonafide* complaint received, a Bylaw Complaint Record shall be completed by the Bylaw Enforcement Officer in general compliance with the attached Bylaw Complaint Record Form.

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