

Active Review – Building & By-law Enforcement

Approved By: Council
Approval Date: June 16, 2020
Effective Date: June 16, 2020
Revision Date:

Policy Statement

To ensure that Council and municipal staff, other than the Building Officials/By-law Enforcement Officers, are not corresponding with individuals who are under investigation/review for an offence under the various by-laws and statutes enforced by the Building Officials/By-law Enforcement Officers.

Purpose:

To promote fair and equitable treatment of all individuals, including persons/properties who may potentially be in a position of non-compliance with any Municipal By-laws and other statutes and regulations, it is important to establish this Policy for Council and Staff to adhere to.

This policy will ensure that the review of an individual, corporation or property are not compromised by the involvement of Council, Council Members and/or Staff who are not operating under the powers, duties and obligations of a Provincial Offences Officer.

Application: This policy applies to all Staff, members of Council and Township Council.

Definitions:

Active Investigator: The Provincial Offences Officer who is involved in researching, reviewing, or otherwise investigating a contravention (alleged or actual) to any Municipal By-law, provincial or federal Statute or Act.

Conflict of Interest: A situation that can undermine a person due to self-interest and public interest.

Communication: The act of exchanging information, including verbal conversations, written correspondence, emails, etc.

Exclusions: None

References & Related Policies:

Code of Conduct – Chief Building Official P4
Code of Conduct Policy A14
Complaint Handling Policy A23

Consequences of Non-Compliance:

Disciplinary action arising from violations of this policy is the responsibility of the CAO or Mayor and will be based on the individual involved, the severity and frequency of the violation in accordance with the relevant municipal disciplinary policy and employment standards.

Staff members, Council members and/or Council may be remanded into Court proceedings should the matter be prosecuted if they do not adhere to the Policy, which could be demonstrated as an "Act of Bad Faith", meaning the Staff member, Council member may be personally liable.

Review Cycle: This policy shall be reviewed on an as needed basis.

Procedure

1. In the event a property, individual or corporation is under review, the *Active Investigator* will advise all staff/Council of this using the template email found under Appendix 'A'. The *Active Investigator* may or may not include additional information limiting the scope of the matter.
2. Staff members, Council members and/or Council should direct all *communication* to the *Active Investigator*, except as permitted:
 - a. Staff may continue to engage in all regular municipal business, for example, the processing of tax payments, or purchasing of dog licenses, however, when practical, the Staff Member should relay the business conducted with the *Active Investigator*.
3. Staff members, Council members and/or Council should not engage in *communication* specifically relating to compliance related issues, nor should they involve themselves in an attempt to resolve or mediate the situation, except as permitted:
 - a. In the event of a request for a meeting by the individual or corporation, the Staff members, Council members and/or Council may only be present under the accompaniment of the *Active Investigator* and Legal Counsel (if deemed necessary) and by the CAO (if deemed necessary).
4. The *Active Investigator* will place a copy of the email note in the Property Roll File (if applicable).
5. This policy does not subvert any other proceeding under the Municipal Act or Building Code Act for violations of Code of Conduct.

Appendix A

To: Staff, Council
CC: Lawyer

Subject: Active Review

Body:

This email is to notify you, in accordance with the Township of Douro-Dummer Policy P8 (attached), that the following individual(s), corporation(s), or property(ies) are being reviewed for non-compliance with municipal by-laws, or other statutes/regulations:

- List of individuals, corporations, properties

If you have had contact with those aforementioned, please contact the sender of this email. Please be advised that no further communication should be made with those individuals, corporations or properties except as permitted by the Policy. This would permit any regular duties to be carried on but not to discuss other matters.

If you have a conflict of interest (real or apparent) with this individual, corporation or property, please advise the sender of this email and/or the CAO immediately.