

Active Review – Building & By-law Enforcement

Approved By: Council
Approval Date: June 16, 2020
Effective Date: June 16, 2020
Revision Date: August 5, 2025

Policy Statement

To ensure that Council and ~~municipal-Township S~~ 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 ~~P~~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 ~~and~~ -members of Township 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

[Council Code of Conduct By-law 2018-53](#)

[Council-Staff Relations Policy C8](#)

Disciplinary Policy HR7

[Municipal Conflict of Interest Act](#)

[Municipal Freedom of Information and Protection of Privacy Act](#)

Social Networking Policy A24

Technology Code of Conduct Policy A3

Consequences of Non-Compliance:

Disciplinary action arising from violations of this ~~P~~policy is the responsibility of the CAO ~~and~~/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 ~~and Code of Conduct~~.

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

Procedure

1. In the event a property, individual or corporation is under review/[investigation](#), [or a party is engaged in a legal dispute with the Township](#) the *Active Investigator*, [at their discretion](#), will advise all ~~S~~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. To protect the integrity of the ongoing review and maintain confidentiality, Sstaff and Ccouncil members are prohibited from discussing any matters related to the individual, property or corporation under review. This prohibition extends to communications with the Active Investigator, with external parties, and among or between Sstaff and Ccouncil members themselves, unless express prior authorization has been granted by the Active Investigator.

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4-5. The *Active Investigator* will place a copy of the email note in the Property Roll File (if applicable).

6. This Ppolicy does not subvert any other proceeding under the Municipal Act or Building Code Act for violations of the Code of Conduct.

5-7. The Active Investigator will notify staff and Council of the termination of review using the template email found under Appendix 'B'. Reception of Tthis email will indicates that there are no restrictions on communication with the identified property, individual or corporation as imposed by the Policy.

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8. If the initial Active Investigator is no longer employed by the Township, the carriage of file will be transferred to the Chief Building Official or a designate. As such, any subsequent information/communication shall be directed to the Chief Building Official unless directed otherwise.

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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.

[Thank you for your attention to this matter.](#)

Appendix B

To: Staff, Council

CC: Lawyer

Subject: Active Review **terminated/completed**

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 no longer being reviewed for non-compliance with municipal by-laws, or other statutes/regulations:

- List of individuals, corporations, properties

Please be advised that there are no restrictions on communication with those individuals, corporations or properties under the Policy.

Thank you for your attention to this matter.