



**NOTICE OF COMPLAINT:**

It is the policy of the Township that complaints with respect to bylaw infractions will only be pursued where:

1. The complainant has filed a complaint in writing to the Municipality.
2. There are two (2) separate complaints from two (2) separate properties filed, or the complainant resides on a property directly affected by or adjacent to the offending property where no other neighbours exist, or the complaint is reviewed by the CAO and determined to be an obvious and urgent health and safety matter.
3. There is one (1) complaint about a business operating in non-compliance with a Township of Spallumcheen bylaw.
4. The complaint has been initiated by municipal management, with consultation/consent from the Chief Administrative Officer (CAO) prior to it being referred to the Bylaw Enforcement Officer for investigation.

\*Complaints shall be made in writing and provide complete information in the form attached as Appendix 1 and forming part of this policy.

**REFERRAL OF COMPLAINT FORM:**

**Step one** – once two (2) signed complaints have been received from two (2) separate residents from two (2) separate properties, or one (1) signed complaint is received about a business operating in non-compliance with a Township of Spallumcheen bylaw, they will be referred to the CAO, or designate, for consideration of a course of action giving due consideration for risk and severity factors, prior to referring to the Bylaw Enforcement Officer.

**Step two** – once deemed appropriate, the complaint will be referred to the Bylaw Enforcement Officer for investigation and report back to the CAO or designate.

**Step three** – the CAO, or designate, will determine the preferred initial course of action e.g. initial phone call, or letter. If, in the opinion of the CAO or designate, substantial compliance has been achieved or will be done so in a timely manner with the property owner's cooperation. Administration will monitor the file and close once substantial compliance is achieved.

**Step four** – If cooperation is not achieved from the property owner, staff will prepare a report to Council requesting authority to take further action, potentially including a follow-up demand letter from the Township's lawyer. If compliance is subsequently achieved, a report is prepared to Council and file closed.

**Step five** – If, after the violator has received the lawyer's letter(s) and is unwilling to comply, a further report is prepared to Council seeking authority or direction on potential next steps (with a cost estimate) which could include but not be limited to: Notice on Title process, further legal action, or Council direction to take no further action and file closure.

THE TOWNSHIP OF SPALLUMCHEEN

**POLICY: COMPLAINT POLICY**

Policy #4000.002

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**CONFIDENTIALITY OF COMPLAINANTS:**

It is the policy of the Township that personal names, addresses and telephone numbers of complainants shall not be released on the basis of the following criteria:

- That the disclosure of the identities of the complaints would be an unreasonable invasion of personal privacy as identified in the Freedom of Information, Protection of Privacy Act (FOIPPA) Legislation.
- That the personal information has been supplied in confidence in relation to the complainant.
- That the disclosure could reasonably be expected to be detrimental to a bylaw enforcement matter.
- That it would reveal the identity of a confidential source of bylaw enforcement information.

Complainants will be advised that names and addresses will be held in confidence unless required to be revealed by any ensuing legal process or by the Freedom of Information Commissioner upon adjudicating an appeal under the Act or unless the Municipality is instructed otherwise by the complainant.

**REGULATORY BYLAWS INVOLVED:**

- Zoning Bylaw No. 1700, 2008 and amendments thereto.
- Unsightly Premises Bylaw No. 1710, 2008 and amendments thereto.
- Noise Prevention Bylaw No. 1269, 1992 and amendments thereto.
- Business Licensing and Regulation Bylaw No. 1877, 2014 and amendments thereto.
- Any other regulatory bylaw as determined by resolution of Council for enforcement.

**REPEAL:**

The Township of Spallumcheen Complaint Policy #4000.001 is hereby rescinded.

Policy #4000.002

Certified Correct:

Date: Adopted: June 17<sup>th</sup>, 2013  
Amended: October 17<sup>th</sup>, 2016

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V Chief Administrative Officer