

POLICY	
Name of Policy: Public Conduct Policy	Policy Number: 016
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Administrative Responsibility: ADMINISTRATION	Next Review Date: September 2024

This Policy was developed by reviewing various public conduct policies from different Ontario-based municipalities. The Municipality of Callander would like to acknowledge the use of the City of Ottawa’s Public Conduct Policy as a template, where many sections have been used in the formation of this Policy.

Policy Statement

The Municipality of Callander aims to provide exemplary services to all members of the public and to address service requests and complaints equitably, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace for Members of Council, officers and employees of the Corporation, and the public. In order to achieve these objectives, members of the public who engage in unreasonable behaviour and/or make frivolous and/or vexatious complaints or requests may need to be limited as to the provision of services or access to municipal premises in a manner that is clear, consistent, reasonable, and proportional to the individual’s action(s).

Purpose

This policy contributes to the Municipality’s objective of dealing with all residents in ways that are consistent and fair while acknowledging that there may be a need to protect staff, Members of Council and residents of the Municipality of Callander from unreasonable behaviour and frivolous and/or vexatious actions.

Some situations arising from unreasonable behaviour may cause concern for the reasonable safety of other individuals on municipal premises. Other situations may compromise the enjoyment of municipal facilities for all users. Vexatious, frivolous and/or unreasonably persistent requests may consume a disproportionate amount of Member and/or staff time and resources and can compromise their ability to provide assistance or deliver good customer service efficiently and effectively to all ratepayers. Such requests may also impede staff from attending to other essential issues. These situations and requests may require the Municipality to put restrictions on the contact that some individuals have with the Municipality.

This policy is not intended to deal generally with difficult clients and individuals. It applies to members of the public whose behaviours and actions are unreasonable, frivolous and/or vexatious. Determining whether particular behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise that requires all circumstances of a particular case to be taken into account. In many cases, the key question is whether the behaviours or actions are likely to cause distress, disruption, or irritation, without proper or justified cause.

The decision to classify someone's behaviour as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual, including restricting their access to Members, City staff, services and/or property. As such, this policy provides clear examples of behaviours and actions, as well as clear steps for staff to follow. Any restrictions made under this policy and the related Corporate Trespass to Property – Procedures are dependent on particular circumstances, and there is an opportunity for the affected individual to have any restrictions reviewed and/or appealed.

Definitions

- Vexatious Complaint:** The complaint or request for service is initiated with the intent to embarrass or annoy the receipt, or is part of a pattern of conduct by the complainant of requestor that amounts to an abuse of the complaint process or request for service.
- Frivolous Complaint:** The complaint is one that has no serious purpose or value, about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.
- Unreasonable:** Unreasonable behaviour involves conduct that is unacceptable in all circumstances – regardless of how stressed, angry, or frustrated an individual is, because it unacceptably compromises the health, safety and security of staff, other service users or the individual themselves. Further, requests or complaints that are incomprehensible, inflammatory or based on conspiracy theories are also considered unreasonable.

Legislative & Administrative Authorities

Municipal Act, 2001

Municipal Freedom of Information and Protection of Privacy Act

Policy Requirements

Application

This policy, and the related Corporate Trespass to Property – Procedures, are to be implemented if

- Public meetings;
- Written communication;
- Telephone communication;
- In-person communication;
- Electronic communication, including email and social media; and/or
- Interactions at municipal property, parks or facilities.

Examples of Unreasonable Behaviour

Examples of what might be considered unreasonable behaviour are shown below. The list is not

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Changing the basis of the complaint/request as the matter proceeds;
- Denying or changing statements made at an earlier stage;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails

- Refusing to accept the decision/repeatedly arguing points with no new evidence;
- Persistently approaching the Corporation through different routes about the same issue;
- Causing distress to staff, which could include use of hostile, abusive or offensive language, or an

- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to

- Engaging in aggressive, disrespectful or intimidating behaviour, bullying, harassment or using

- Loitering, causing a disturbance or acting under the influence of drugs and alcohol while

Examples of Vexatious or Frivolous Requests

Examples of what might be considered to be vexatious or frivolous are provided below. The list is not

- Submission of obsessive requests with very high volume and frequency of correspondence;
- Requests for information the requester has already seen, or clear intention to reopen issues that

- Where complying with the request would impose significant burden on the Corporation in terms



- Where the request lacks any serious purpose or value. An apparent lack of value would not
- Harassing the Corporation, which could include very high volume and frequency of

Furthermore, a pattern of conduct occurs when on several occasions an individual engages in one or

1. Brings complaints concerning an issue that staff have already investigated and concluded;
2. Brings complaints concerning an issue that is substantially similar to an issue that staff have
3. Engages in unreasonable conduct which is abusive of the request for services or complaints

Process

The decision to classify someone's behaviour as unreasonable, or to classify a request or complaint as

The decision may be as a result of a repeated pattern of conduct when, on several occasions, a person

If an incident presents an immediate threat, contact 9-1-1.

Course of Action

1. Information Review:

Based on the information provided by staff, supervisors and managers, a review shall be

- a. The individual's personal circumstances, level of competency, literary skills, etc. that may be
- b. If applicable, whether the request or complaint has been dealt with properly and in line with



- c. If applicable, whether staff have made reasonable efforts to satisfy or resolve the request or
- d. If applicable, whether the individual is presenting new material or information about the

2. **Notice:**

Upon determination that an individual's behaviour is unreasonable or to classify a request or

- a. Send a letter of warning to the individual indicating that the behaviour/requests are a
- b. Send a letter of notification to the individual indicating that the matter has been reviewed
 - i. a summary of the matter which has led to the restrictions;
 - ii. a summary of the interactions with the individual;
 - iii. a description of the restrictions that are to be applied; and
 - iv. the rationale for applying the restrictions.

3. **Potential Restrictions:**

Restrictions should be tailored to deal with the individual circumstances. Actions available to the

- a. Limiting the individual's correspondence with staff to a particular format, time or duration;
- b. Limiting the individual to a particular point of contact;
- c. Requiring any face-to-face interactions between the individual and staff to take place in the
- d. Requiring the individual to make contact with the municipality only through a third party,
- e. Limiting or regulating the individual's use of municipality's services;
- f. Refusing the individual access to a municipal facility except by appointment or specific
- g. Requiring that the individual produce full disclosure of documentation or information before
- h. Instructing staff not to respond to further correspondence from the individual regarding the



- j. Closing the complaint or request for service;
- k. Instructing staff not to investigate any complaints regarding an issue that has already been
- l. Instructing staff to severely reduce or completely cease responses to further complaints or
- m. Pursuing legal action including issuance of a Notice of Trespass in accordance with the

In all cases, the restrictions imposed cannot prevent the individual from receiving regular service

4. Restriction Review:

The letter of notification shall advise of a review date for the matter, depending on the severity

The affected individual will be invited to participate in the review process by providing a written

Prior to the review date, staff and the Senior Municipal Director shall meet and review the

- Whether the individual has had any contact with the Municipality during the restriction
- The individual's conduct during the restriction period;
- Any information/arguments put forward by the individual for review;
- The effect that continuing the restriction may have on the individual; and
- Any other information that may be relevant in the circumstances.

5. Appeals

The individual shall have the ability to appeal any decision to impose restrictions by contacting

In the event that the issue cannot be resolved through this policy, the individual may submit a

Responsibilities

All users of this policy are required to **document** the actions of the individual, and their own actions, in

Certain situations involving unreasonable behaviour on municipal property, parks or facilities may

For situations involving unreasonable behaviour that does not require such immediate action, as well as

Employees

- If a staff member experiences or witnesses any incident or behaviour that makes the staff
- If a staff member believes that a request or a complaint is unreasonable, frivolous or vexatious,
- Staff are responsible for advising their Supervisor or Manager of the steps that have been taken
 - Length of time that staff have been in contact with the individual and the history of



- Amount of correspondence that has been exchanged with the individual;
 - Number of requests that the individual has brought and the status of each;
 - Nature of the individual's behaviour and the amount of time that has been consumed;
 - Maintaining detailed records of staff interactions with individuals in order to justify any
- If applicable, ensure compliance with any relevant duties and procedures outlined in the

Supervisors and/or Managers

Review the information provided by staff and determine if the individual's behaviour warrants the

- Work with staff to determine appropriate restriction(s), including how to inform the individual
- Determine a proposed review date for removing, modifying or continuing the restriction(s);
- Meet with the Senior Municipal Director and outline the situation, including the proposed
- If applicable, ensure compliance with any relevant duties and procedures outlined in the

Senior Municipal Director

- Make the determination to classify an individual's behaviour as unreasonable or to classify a
- Determine the restriction(s) to be imposed on the individual and communicate these restrictions
- Maintain all documentation related to the review and determination of restriction(s);
- Conduct reviews of any restriction(s) and communicate the outcome to the individual; and
- Advise the municipal legal representative in writing when restriction(s) are placed on an
- If applicable, ensure compliance with any relevant duties and procedures outlined in the

Members of Council

- The appeal mechanism for any restriction(s) placed on an individual through the procedure for

Clerk

- Review the policy every two years through the City's regular governance reviews;



- Forward appeals to Council for review of any appeals and confirm, rescind or amend the
- If applicable, ensure compliance with any relevant duties and procedures outlined in the



Attachment 1: Corporate Trespass to Property Procedures

Objective

The purpose of this procedure is to provide staff clear direction and requirements regarding the

Background and Process Overview

The Municipality of Callander is committed to ensuring a safe and respectful environment for everyone.

The Municipality has a general duty under the *Occupiers' Liability Act* to take such care as in all the

One of the enforcement mechanisms [see *Bracken v. Fort Erie (Town)*, 2017 ONCA 668 (CanLII), at para.

Individuals who fail to abide by municipal policies, including the Public Conduct Policy, or who otherwise

For non-violent incidents, issuance of a Trespass to Property Notice may be considered to prevent future

For any incidents where acts of violence are imminent, or for incidents of a crime in progress, Ottawa

Delegated staff members who can issue Trespass to Property Notices on behalf of their department are

Practices and Procedures

The following provides the steps to be taken when issuing a Trespass to Property Notice.



1. Document the incident within 72 hours of the incident occurring and submit to Senior Municipal
2. The Department submitter will receive an acknowledgement along with a Case Number that
3. Consult Appendix A of this Procedure to determine who can issue the Trespass to Property
4. If the Trespass to Property Notice is to be issued, it will be issued in accordance with the

Given the diverse range of services, resources and programming available at the Municipality, the

Request for Review Process

Individuals who have received a written Trespass to Property Notice (Notices issued for period of 72

Requests for Review may be submitted by email to clerk@callander.ca or by mail to:

280 Main St N

All requests for a review received within the prescribed period shall be forwarded to Council, along with

A request for a review does not stop the operation of the Trespass to Property Notice.

The Clerk may contact the individual requesting the review in order to obtain any further information

The Clerk shall communicate Council's decision on the review to the Requester within 10 business days

In conducting a review, Council may uphold, modify, or withdraw all or part of the Trespass to Property

Monitoring/Contraventions



Failure to complete all requirements outlined in this Corporate Trespass to Property procedure will be

Definitions

In this Procedure, unless otherwise stated:

Municipal premises include the buildings, and all adjacent municipal property, which is attached to the

Trespassing or trespass carries the same definition as used in Subsection 2(1) of the *Trespass to*

2 (1) Every person who is not acting under a right or authority conferred by law and who,

(a) without the express permission of the occupier, the proof of which rests on the defendant,

(i) enters on premises when entry is prohibited under this Act, or

(ii) engages in an activity on premises when the activity is prohibited under this Act; or

(b) does not leave the premises immediately after he or she is directed to do so by the occupier of the

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Verbal Notice – a Trespass notice for a duration 72 hours or less.

Written Notice – a Trespass notice issued in writing for periods of more than 72 hours.

Roles and Responsibilities

Senior Municipal Director

- Issue Trespass to Property Notices

Supervisors/Managers

- Communicate this procedure to all employees in their department and ensure ongoing
- Ensure compliance with the procedures outlined in this document.



Clerk

- Upon request, forwards the necessary information to Council to conduct reviews involving the

All City Staff

- To ensure we all continue to work in a safe and respectful workplace, report any incident or
- If the incident presents an immediate threat – contact 9-1-1 and Corporate Security.

Council

- When conducting a review, in addition to relevant factors to each case, consider all appropriate

Appendix A - Guidelines for Issuing a Trespass to Property Notice:

The following Table is provided as a guideline to support decision-making on next steps. Those directly

All staff who have the authority to issue notices, in accordance with this procedure, are required to

- Service delivery through alternative means such as online or by phone.
- Implementing time of day restrictions and/or scheduled supervised visits to allow for access to
- Whether programs/services are available at another location.

Due to the nature of incidents that precipitate the issuance of a Trespass Notice, two different formats

Verbal Warnings:

Issued immediately by staff working at a facility. Verbal notices remain in effect for up to and including,

Written Notices:

	72 Hours or Less (Verbal Warning Notice)	Up to 1 Year (Written Notice)	Up to 3 Years (Written Notice)	Any Timeframe Longer than 3 years (Written Notice)
Who can issue this	<ul style="list-style-type: none"> On Site Supervisory Staff Managers 	<ul style="list-style-type: none"> Senior Municipal Director Council 	<ul style="list-style-type: none"> Senior Municipal Director Council 	<ul style="list-style-type: none"> Senior Municipal Director Council
Associated Incident/ Behaviour (Types and Frequency)	Loitering	Loitering – repeat offence	N/A	N/A
Associated Incident/ Behaviour (Types and Frequency)	Causing a Disturbance: <ul style="list-style-type: none"> Noise Disturbance Profane Language Inappropriate Public Internet Usage Mischief 	Causing a Disturbance (Repeat Offence)	N/A	N/A
Associated Incident/ Behaviour (Types and Frequency)	Harassment: unwelcome jokes, remarks, innuendoes, leering	Violence / Harassment: <ul style="list-style-type: none"> Unwelcome physical contact 	Violence / Harassment: <ul style="list-style-type: none"> Physical Assault 	Violence / Harassment: Recommended by law enforcement

	72 Hours or Less (Verbal Warning Notice)	Up to 1 Year (Written Notice)	Up to 3 Years (Written Notice)	Any Timeframe Longer than 3 years (Written Notice)
		<ul style="list-style-type: none"> Persistent unwanted contact. Verbal Assault / Threats Aggressive Behaviours Altercation 	<ul style="list-style-type: none"> Indecent Exposure 	
Associated Incident/ Behaviour (Types and Frequency)	Drugs and Alcohol <ul style="list-style-type: none"> Under the Influence 	Drugs and Alcohol <ul style="list-style-type: none"> Consumption / Possession 	Drugs and Alcohol <ul style="list-style-type: none"> Sale/trafficking 	Drugs and Alcohol: Recommended by law enforcement
Associated Incident/ Behaviour (Types and Frequency)	Suspicious Activity	Suspicious Activity – Police contacted	N/A	N/A
Associated Incident/ Behaviour (Types and Frequency)	N/A	Theft – personal and City property	Theft – personal and City property	Theft – Recommended by law enforcement
Associated Incident/ Behaviour (Types and Frequency)	N/A	N/A	Break and Enter	Break and Enter – Recommended by law enforcement

	72 Hours or Less (Verbal Warning Notice)	Up to 1 Year (Written Notice)	Up to 3 Years (Written Notice)	Any Timeframe Longer than 3 years (Written Notice)
Associated Incident/ Behaviour (Types and Frequency)	N/A	Vandalism	Vandalism – Major	Vandalism – Recommended by law enforcement