

POLICY

	Policy:	By-law Enforcement		
	Department:	Office of the CAO		
	Division:	Licensing and Enforcement	By-Law No.:	
	Administered By:	Manager of Licensing and Enforcement	Approval Date:	July 13, 2026
	Replaces:	By-law Enforcement – February 5, 2013		
	Attachment(s):	N/A		

1. **POLICY STATEMENT**

The Corporation of the Town of Amherstburg is committed to making our community safe, healthy and enjoyable for everyone. The Town's By-law Enforcement Officers work with residents, businesses, and property owners to ensure they are meeting the requirements of a variety of Town By-laws.

2. **PURPOSE**

- 2.1. This policy provides a framework for the by-law enforcement process in the Town of Amherstburg.
- 2.2. This policy defines the roles and responsibilities for By-law Enforcement Officers to ensure consistent, fair, and transparent application of Town By-laws.

3. **SCOPE**

- 3.1. This policy applies to all residents and owners of real property within the Town of Amherstburg, members of Council, and Town Staff.
- 3.2. This policy excludes the task of retrieving dogs within the Town of Amherstburg.
- 3.3. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. **DEFINITIONS**

- 4.1. **Compliance Work** refers to the Town exercising its authority to perform tasks on a non-compliant property for the sole purpose of rendering the property free of By-law violations. The work can be carried out by Town employees or by an authorized contractor employed by the Town. The work includes, but is not limited to, removing debris/waste, grading land, cutting grass/weeds, eliminating a dangerous situation, demolishing structures, and providing essential services to an occupied dwelling.
- 4.2. **Formal Complaint** refers to a complaint received wherein the complainant provides their full-name, address, and phone number and nature of complaint in writing using the required form.
- 4.3. **Officer** refers to a person appointed by the Town of Amherstburg for the purposes of Town By-law Enforcement including, but not limited to, By-law Enforcement Officers and Police Service Officers.

- 4.4. **Notice** refers to the communication of a By-law contravention including, but not limited to, verbal, email, written, and/or phone communication.
- 4.5. **Order to Comply** refers to written notice issued by the Town which serves as a mandatory directive. An Order to Comply specifies the By-law contravention that requires remedy and includes a date being a deadline for compliance. Service of an Order to Comply includes carrier mail, registered mail, personal service, and email.
- 4.6. **Part I Offence** also referred to as a ticket, is an approved set fine that serves as a minimum penalty option. This type of fine is typically used for first time offenders and/or minor offences.
- 4.7. **Part III Offence** is a summons to court which may result in a significant fine upon conviction. This type of fine is utilized when there is no option for a Part I Offence, for serious offences, or for situations where previous Part I fines have not succeeded in deterring reoccurring offences.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. GENERAL CONDITIONS

6.1. Formal Complaint Process

- 6.1.1. During the regular course of their duties, an Officer may engage in proactive by-law enforcement, where warranted.
- 6.1.2. The Town will only respond to Formal Complaints received from a complainant who provides their full name, address, telephone number, and email through the appropriate channels. Anonymous complaints will not be investigated.
- 6.1.3. Formal Complaints may be submitted using the Town's online portal or in writing using the By-law Enforcement Complaint Form available at Town Hall. Written complaints will be populated into the Town's online portal system for progress monitoring and reporting.
- 6.1.4. Council is encouraged to direct residents and property owners with issues regarding By-law Enforcement to complete and file a Formal Complaint or the Council member may contact the Manager of Licensing and Enforcement for those matters that are of an immediate threat to health or safety. Individual members of Council wishing to make a complaint of an alleged By-law infraction may submit a Formal Complaint.
- 6.1.5. Council is not involved in any way with the sanctioning of an investigation or the decision on who shall be investigated.

- 6.1.6. Frivolous or vexatious complaints, or complaints made in bad faith or in an abuse of process will not be accepted unless deemed by the Manager of Licensing and Enforcement or Officer to be an immediate threat to health or safety.

6.2. Confidentiality

- 6.2.1. Anonymity will be maintained between the complainant and the alleged offender, except where necessary in a court of law. However, should a complaint proceed to court, a complainant may be required to give evidence as a witness and their name and filed complaint will become a matter of public record.
- 6.2.2. Personal information collected on the complaint form is intended to be used for investigation and related activities, and in contacting complainants regarding a complaint if necessary. All information collected on the form is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, 1990. The Town of Amherstburg considers a complainant to be a confidential source in respect of law enforcement matters and every effort will be made to protect the identity of the complainant.

6.3. Investigation

- 6.3.1. Upon receipt of a Formal Complaint, an Officer will assess the complaint and if warranted, will conduct an investigation.
 - 6.3.1.1. If it is determined that the matter is not a contravention of any By-law that the Town is responsible for enforcing, the Officer will advise the complainant and close the file.
 - 6.3.1.2. If it is determined that the matter is a contravention of a By-law, the Officer will proceed with the necessary steps towards compliance.
- 6.3.2. The priority of By-law Enforcement complaints shall be at the discretion of the Manager of Licensing and Enforcement.

6.4. Enforcement

- 6.4.1. Compliance can be sought by the following measures, at the discretion of the Officer:
 - 6.4.1.1. Notice;
 - 6.4.1.2. Order to Comply;
 - 6.4.1.3. Fines (Part I Offence); and/or,
 - 6.4.1.4. Part III Offence, in consultation with the Manager of Licensing and Enforcement.
- 6.4.2. Remedial Action

- 6.4.2.1. Where an owner has not brought the property into compliance by the established deadline as outlined in the Order to Comply, the Officer may perform and/or arrange the necessary work required to bring the property into compliance, where the by-law grants the authority.
- 6.4.2.2. In the absence of any Notice or Order to Comply, an Officer has the authority to perform and/or arrange compliance work in exigent circumstances in accordance with the authority granted under the applicable By-law and/or legislation.
- 6.4.2.3. All costs associated with performing and/or arranging for compliance work may be recovered in accordance with the applicable By-law and as outlined under the Municipal Act, 2001.

7. **RESPONSIBILITIES**

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Adopt the By-law Enforcement policy.
 - 7.1.2. Appoint By-Law Enforcement Officers to enforce the Town's by-laws.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Ensure appropriate oversight is in place within respective areas of responsibility to ensure compliance with the policy.
- 7.3. The **Manager of Licensing and Enforcement** has the authority and responsibility to:
 - 7.3.1. Engage in proactive by-law enforcement, where warranted.
 - 7.3.2. Determine if complaints are frivolous, vexatious, made in bad faith, or in an abuse of process.
 - 7.3.3. Determine the priority of By-law enforcement complaints received.
 - 7.3.4. Determine if a Part III Offence should be issued.
 - 7.3.5. Ensure policy is followed and where clarification is required, provide to ensure policy compliance.
 - 7.3.6. Establish procedures in accordance with this policy, applicable legislation, and best practices.
- 7.4. **By-Law Enforcement Officers** have the responsibility to:
 - 7.4.1. Engage in proactive by-law enforcement, where warranted.
 - 7.4.2. Investigate formal complaints and determine the appropriate mechanism to achieve compliance.
 - 7.4.3. Perform and/or arrange the necessary work required to bring a property into compliance in accordance with this policy.
 - 7.4.4. Perform and/or arrange compliance work in exigent circumstances in accordance with this policy.
 - 7.4.5. Engage in proactive by-law enforcement, where warranted. Ensure their understanding and compliance with the policy and seek clarification where needed to follow the policy expectations.

8. **LEGISLATIVE REFERENCES**

- 8.1. Provincial Offences Act, 1990
- 8.2. Municipal Act, 2001