

Bylaw Enforcement Procedures Policy

Policy Number	PR-003		
Approval Date	May 19, 2026	Resolution No.	140- 2026
Amendment Date		Resolution No.	

Document Revision History

Amendment Date	Amendment Summary

Policy Statement

Respecting the rights of our neighbours and preserving the quality of life in the Town are important aspects of community living. The goal of any proactive Bylaw Enforcement program is to achieve voluntary compliance with reasonable standards through increased public education and awareness of our regulations and rationale for them.

While certain areas of enforcement that are health and safety related may require proactive enforcement, the majority of our regulations are enforced on a complaint only basis. The Bylaw Enforcement Committee of Council may investigate complaints received from the public about alleged violations of various regulatory bylaws and regulations such as property maintenance, excessive noise, animal and dog control and land use issues.

Some complaints may be considered either a civil dispute between property owners, such as storm drainage, or as a minor non-enforceable issue such as trees overgrowing property lines. These will not be acted upon the Bylaw Enforcement Committee or Town staff.

In all cases, the Town supports balancing accountability and confidentiality among the parties in the bylaw enforcement process.

Purpose

The Town has limited resources to proactively review or inspect properties on a regular basis in order to determine which various bylaws are being complied with at all times. Given this, it is the

policy of the Town to also rely on written citizen complaints as a means of enforcing regulatory bylaws. Information regarding the complainant is kept confidential and is protected under the *Local Authority of Freedom of Information and Protection of Privacy Act* unless consent is obtained from the person who supplied the information or ordered to do so by a higher authority.

The Town has no duty to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion based on need and urgency.

The purpose of this policy is to provide guidance to staff, elected officials and members of the public on receipt of complaints and initiation of investigation and enforcement proceedings as they relate to contravention of designated Town regulatory bylaws.

ROLES AND RESPONSIBILITIES

1. Councils:

- a. Adopts bylaws and policy and amendment thereto. Regulatory bylaws shall identify the enforcement jurisdiction and the person and/or agent authorized to enforce those regulations.
- b. The Council shall consider all enforcement matters that may require Supreme Court decision or Direct Enforcement action. Direct Enforcement action is referred to cases where the Town requires a person to take action to comply with a bylaw, and if not completed, the Town will complete the action and then recover compliance costs (as per *The Municipalities Act*).
- c. The Council shall hear and make decisions on valid appeals of enforcement actions.
- d. All Council inquiries related to bylaw enforcement shall be directed to the Chief Administrative Officer. Individual members of the Council shall not sanction, direct, investigate or assess a complaint unless a member of the Bylaw Enforcement committee of Council as appointed by the Mayor.

2. Chief Administrative Officer, or designate, shall:

- a. Enforce regulatory bylaws, make recommendations to Council for policy amendments and shall keep the Council advised of any significant enforcement actions.
- b. Direct enforcement functions relating to voluntary compliance and quasi-criminal proceedings in Provincial Court
- c. Consider the validity of appeals prior to authorizing a Council hearing of the appeal. The validity of an appeal may be based on the following factors:
 - i. That the Town has a bylaw that deals with the subject issue
 - ii. That the subject issue is not a civil matter
 - iii. That the subject issue is not frivolous and may have an impact to a person's enjoyment of their personal property or well-being.

3. Bylaw Enforcement Committee of Council:

- a. The Bylaw Enforcement Committee of Council shall coordinate all regulatory bylaw enforcement actions with the Chief Administrative Officer or designate
- b. The Bylaw Enforcement Committee of Council shall attend at site to investigate complaints and carry out enforcement actions
- c. Where a Bylaw Enforcement Committee member has reasonable and probable grounds to believe and does believe that a violation exists, he or she may enter upon private property to further an investigation or resolve any violation. The Town will take all reasonable steps to notify the owner or occupant before a member conducts an on-site inspection. Members will only conduct business on the property related to the issue of the complaint.
- d. Bylaw Enforcement Committee members shall maintain a detailed reporting of enforcement activity and provide reports on enforcement activity to the Chief Administrative Officer or designate for the enforcement file and a monthly report to Council. See ***Schedule 25-001 B***

SUBMISSION OF A COMPLAINT

1. All bylaw enforcement complaints are required to be made in writing and all complaints are to be submitted by the complainant to the Administrative Office of the Town.
2. Each individual complaint shall be in writing – a letter, an email or the Town’s Bylaw complaint form (***see schedule 25-001 A***) – and shall contain the complainant’s:
 - i. Name;
 - ii. Address;
 - iii. Phone number; and
 - iv. A description of the nature and location of the alleged infraction as well as its impact on the complainant.
3. Complaints will be prioritized on the basis of the date the complaint was received, unless the complaint is determined to involve a matter that may adversely impact the environment or the health, safety and security of citizens or may result in a liability incurred by the Town
4. The Bylaw Enforcement Committee may commence an investigation without written complaint where:
 - i. Notification of bylaw violations related to Animal Control or Noise Bylaw is directed to a Bylaw Enforcement Committee members;
 - ii. Bylaw violations are observed by an employee of the Town;
 - iii. Involves a matter that may adversely impact the environment or the health, safety and security of citizens or may result in a liability incurred by the Town;

- iv. A notification or referral is received from an external agency that identifies bylaw violations on a subject property;
 - v. Advertisements for uses believed to be illegal have been observed; and
 - vi. Correspondence and/or communications undertaken with the Town that identify a bylaw violation (i.e. property and zoning inquiries, etc.)
- 5. Anonymous complaints or observed infractions will not be acted upon unless the alleged infraction is a life, safety or health matter.
 - 6. A complainant may be requested to sign an affidavit and/or be prepared to stand as a witness should an enforcement proceed to court.
 - 7. All written complaints are to be acknowledged of receipt within five (5) business days by Administration.

PROCESSING PROCEDURE – WRITTEN COMPLAINTS

- 1. The procedures contained within this section apply to all regulatory bylaws, except those that contain specific procedures for processing complaints within the bylaw, as well as the pet, building, and noise bylaws. In all cases, procedures provided in a bylaw will take precedence over those provided in this policy.
- 2. All bylaw enforcement complaints shall be directed to the Administration office to be logged, recorded and acknowledged. On receipt of a written complaint, a preliminary review of the complaint is undertaken to ensure that the complaint is well founded.
- 3. If upon preliminary review it is determined that a complaint is not well founded and/or that no violation exists, Administration will advise the complainant of such within a written letter format with reasons provided for making this determination.
- 4. If Administration determines the alleged violation may be in relation to the Building Bylaw, the complaint will be forwarded to a Building Inspector for assessment, investigation and enforcement of the Building Bylaw provisions.
- 5. If Administration determines that the alleged violation may be in violation of a regulatory bylaw, it will be passed to the Bylaw Enforcement Committee members to confirm the infraction and to provide a report of findings. The Bylaw Enforcement Committee members' report will be provided to Administration for comments and provision of options to rectify.
- 6. Upon receipt of the completed Bylaw Enforcement Committee report, the content will be reviewed by Administration who will determine the appropriate action in accordance with this policy and the applicable bylaw.
- 7. If no action is determined, a letter will be provided to the complainant that describes any additional steps taken to assess the complaint (i.e. on-site inspections), the reason for no enforcement, and provide any other relevant information to the complainant.

8. If action is initiated, the process as set out in Section 6.0 Investigation and Enforcement will be implemented.
9. When exercising discretion for determining a course of action, the following factors shall be considered:
 - i. The scale, number and duration of the infraction(s);
 - ii. The immediate, short and long-term impacts caused by the infraction;
 - iii. Frivolous, repeat and/or multiple complaints of an alleged infraction;
 - iv. History of non-compliance on the property or by the contravenor;
 - v. The potential for precedent;
 - vi. Potential risk to public health and/or safety;
 - vii. Potential costs and liability associated with enforcement actions; and,
 - viii. Likelihood of obtaining the desired results.

The Town retains the right to not commence enforcement proceedings in accordance with one or more of these criteria.

1. In the case of frivolous, repeat and/or multiple complaints, each complaint will be dealt with on its own merits and according to this policy. However, Town staff and the committee will endeavour to focus on balancing fairly the interests of both the individual making the complaint and the broader community. The Town retains the right to not intervene in civil matters that are clearly disputes between individuals. The Town may consider responding to repeat complaints only where the complainant provides new information or raises a new issue.
2. Complaints not related to a Town bylaw will not be investigated and no file will be opened. Staff will make best efforts to educate complainants of the applicable regulatory agency that may address their concerns and how complainants can lodge their complaints with that agency for their information and follow-up.

INVESTIGATION AND ENFORCEMENT

1. Should a violation be determined to have occurred, the person(s) who committed the infraction (i.e. offender) and/or the property owner will be notified in writing with a warning letter or notice that can be mailed or hand delivered by the Bylaw Enforcement committee. The required elements to be included in the warning include:
 - i. Providing the relevant bylaw and an explanation of how the person is alleged to have contravened it;
 - ii. The time limit for voluntary compliance;
 - iii. Notification of fines and other potential enforcement measures associated with the offence.

2. Depending on the severity of the infraction, offenders may be given the opportunity to respond and achieve voluntary compliance before further action is taken. Offenders should cease the activity or construction immediately until the necessary action to rectify is completed.
3. The offender/property owner may be requested to take action within thirty (30) days, or a time limit as determined by the Bylaw Enforcement Committee. Additional time may be authorized by the Chief Administrative Officer upon receipt of a written request for such extension from the offender/property owner.
4. Intermediate enforcement steps may include a second field inspection or monitoring of the property following the initial time set for voluntary compliance and negotiation of further time to comply.
5. Enforcement action may be taken without providing notice where a violation requires immediate action in response to an immediate risk to health and safety. After enforcement action is taken, the affected person will be provided with a written letter explaining the reasons to commence the enforcement action.
6. Enforcement action may be taken without providing notice in cases where a previously enforced violation is on file that is similar to the current violation.
7. Where unlawful activity has not ceased or where compliance is not being actively pursued (i.e. submission of a building permit application to the Town) within the time period provided for voluntary compliance, the following action(s) may occur:
 - i. The Bylaw Enforcement committee proceeds with the enforcement action set out in the warning letter, including, but not limited to, issuing Notices for bylaws listed within the Bylaw Register.
 - ii. The Administration will prepare a report indicating that legal proceedings or direct enforcement action should be initiated. The report should identify what the proceedings will involve and if legal proceedings are recommended. The report will identify the recommended course of action and the implications.
8. If Direct Enforcement action is recommended, the report will outline the recommended action by the Town, the anticipated expense, and the process to recover the costs incurred by the Town from the offender as debt.
9. If legal proceedings are to be withheld, through resolution of the Council for cause (i.e. budget, investment of staff time, not deemed to be in the public interest etc.) the complainant and offender will be advised so in writing and the enforcement file closed.
10. If legal proceedings are approved through resolution of the Council, the file will be assigned to legal counsel with all reports, correspondence, title documents, a certified bylaw and preparation of a witness list.

11. At the end of legal proceedings or direct enforcement action, the Administration will advise the complainant and Council of the outcome and close the enforcement file once compliance has been established or the court decision renders continuing enforcement unnecessary.
12. An enforcement file may be reactivated if the Town is made aware through either the monitoring by the Bylaw Enforcement Committee members, or receipt of new information that the offender/property owner is no longer in compliance after closure of the initial investigation.

APPEALS

1. The Town will consider the inclusion of an appeals section in the review and update of all regulatory bylaws to ensure a mechanism and process for members of the public to appeal the provision of these bylaws to Council.
2. For all bylaw enforcement actions other than bylaw notices or legal proceedings (i.e. direct action, notices on title, etc) the alleged offender may appeal to the Town for reconsideration of the action by submitting a letter with reasons cited to justify reconsideration to the Chief Administrative Officer. The Chief Administrative Officer, after considering the reasons of appeal and the validity of the justification, may schedule a time for the alleged offender to appear before the Council to present their case to reconsider the action. Following the presentation and submission of any evidence, the Council has full discretion to either uphold the action or revoke it.
3. Following the hearing of an appeal, staff will prepare a letter of correspondence to the appellant to provide notice of the decision of the Council and the reasons for the decision.

CONFIDENTIALITY

1. The identity of a complainant and the written complaint itself shall not be disclosed to the alleged offender or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged offender shall not be disclosed to the complainant, whether it is in writing or made orally. It is recognized that many complaints take place in the context of other disputes between neighbors and the motivation for the complaint itself may be retribution. Disclosure could serve to exacerbate the dispute and may put persons or property at risk of harm.

2. While the investigation is ongoing, or while a resulting matter is before the courts, only information regarding the matter shall be made available to the public or the complainant.
3. If persons apply to the Town for disclosure of personal information about them in complaints and responses to the complaints under the *Local Authority of Freedom of Information and Protection of Privacy Act*, the Town shall refuse disclosure unless consent is obtained from the person who supplied the information and who would otherwise be assured of confidentiality under this policy.
4. Despite the foregoing, the Town will not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - i. If the investigation results in RCMP enforcement proceedings;
 - ii. If disclosure is required pursuant to the provisions of the *Local Authority of Freedom of Information and Protection of Privacy Act*;
 - iii. If an order for disclosure is issued by the Information and Privacy Commissioner under the *Local Authority of Freedom of Information and Protection of Privacy Act*;
 - iv. As otherwise required by law.

STAFF SAFETY

The safety of staff and/or agents of the Town is of upmost importance. If a Bylaw Enforcement Committee member or other Town staff is verbally or physically threatened while administering the bylaw of the Town, then no further investigative action shall be carried out until RCMP accompanies a member of the Bylaw Enforcement Committee or other Town Staff.



POLICY No.: PR-003

"Schedule 25-001 A"

Town of Churchbridge

Box 256

Churchbridge, SK

S0A 0M0

Email: churchbridge@sasktel.net

Website: www.churchbridge.com

Date:

Received by:

Initials of Admin receiving complaint

Bylaw Complaint Form

Personal information contained on this form is received by the Town in confidence. This confidentiality cannot be guaranteed if this complaint results in court proceedings. Release of this information is governed by the provisions of the *Local Authority of Freedom of Information and Protection of Privacy Act*

COMPLAINANT	
Name:	
Address:	
City/Town:	Postal Code:
Day phone:	Cell Phone:
Email:	

DETAILS OF COMPLAINT
Address (where alleged bylaw violation is taking place):
Name of Occupier of Property (if known):
Name of Registered Property Owner (if known):
Detailed description of alleged bylaw violation and how it affects you, your property, or daily life (attach as a separate sheet if needed):
Date(s) and Time(s) of alleged bylaw violation:

DECLARATION

By signing this complaint form I confirm that I understand that the Town of Churchbridge will be unable to guarantee confidentiality of the above information if this matter results in court action or an order from the Saskatchewan Information and Privacy Commissioner.

Signature

Date

Print name

OFFICE USE ONLY

DATE OF INITIAL INVESTIGATION/REPORT: _____

DATE OF FIRST NOTICE: _____

DATE OF ORDER TO REMEDY: _____

DEADLINE TO REMEDY: _____

FURTHER

ACTION: _____



POLICY No.: PR-003

"Schedule 25-001 B"

Town of Churchbridge

Box 256

Churchbridge, SK

S0A 0M0

Email: churchbridge@sasktel.net

Website: www.churchbridge.com

Date:

Received by:

Initials of Admin receiving complaint

Bylaw Investigation Form

Personal information contained on this form is received by the Town in confidence. This confidentiality cannot be guaranteed if this complaint results in court proceedings. Release of this information is governed by the provisions of the *Local Authority of Freedom of Information and Protection of Privacy Act*

DETAILS OF INFRACTION
Address (where alleged bylaw violation is taking place):
Name of Occupier of Property (if known):
Name of Registered Property Owner (if known):
Detailed description of alleged bylaw violation:
Date(s) and Time(s) of investigation:
Recommended action:

CONFIRMATION OF INVESTIGATION

Signature of Bylaw Committee member

Date

Print name

FOLLOW UP 1

Date of Notice:

Recommended Follow-up date:

FOLLOW UP 2

Date of Order to Remedy:

Mode of Delivery of OR:

Deadline given to remedy:

FOLLOW UP 3

Picture taken of infraction still in contravention

Date:

Action taken:

Signature