

Enforcing property-related by-laws

Municipalities can pass property maintenance by-laws under the *Municipal Act, 2001* and enforce them against property owners. As a best practice, every municipality should develop a **written policy, adopted by council and posted publicly**, that explains:

- The distinct roles of council and staff with respect to by-law enforcement;
- How the public can submit property-related complaints and how they will be documented;
- The steps for responding to a complaint, including when and how the property owner will be notified;
- Guidelines for staff about how they should exercise their discretion during each stage of the enforcement process, and when to update council on the status of an investigation or complaint;
- A process to address complaints about by-law enforcement and charges; and
- The right to appeal a by-law enforcement order.



Fees charged by municipalities to recover the costs of property maintenance by-law enforcement and administration **should be predictable and set out clearly in a by-law**. The by-law should also set out the circumstances in which an inspection or other fee will be charged.

By-law enforcement officers should keep **detailed records** of all complaints, inspection activities, and enforcement measures taken.

Municipalities that use **other parties** or municipalities to conduct by-law enforcement should ensure a **formal agreement** is in place about by-law enforcement and costs.

Questions? info@ombudsman.on.ca

Independent Impartial Confidential Free

www.ombudsman.on.ca

1-800-263-1830

 @Ont_Ombudsman

 OntarioOmbudsman