

	MANUAL – General Government	POLICY # - RESOLUTION# - 178-2023
	SECTION: Administration	Original effective Date: September 12, 2018
	TITLE: Complaint Policy	Last Review Date: November 8th, 2023
POLICY/PROCEDURE		APPROVED BY:

1. PURPOSE

The Town of Kyle is committed to a consistent and efficient process to respond to complaints of the public. This policy statement establishes guidelines and standards in handling and resolving complaints made to the municipality in order to address concerns raised and improve services.

2. DEFINITIONS

- Complainant:** The person who is dissatisfied and is filing the complaint.
Anyone who uses or is affected by Town services can make a complaint.
- Complaint:** Expression of dissatisfaction or concern related to Town of Kyle programs, facilities, services, Town employee(s) or operational procedures, or under Town of Kyle bylaws or policies.
- Enquiry:** Is defined as a request for information.
- Feedback:** Input/suggestions that is neither positive, nor negative.
- Investigator:** A municipal employee, a member of Council, bylaw enforcement officer or other designated or authorized third party charged with investigating any part of the complaint.
- Resolution:** The final stage of the complaint process in which the complaint is considered “closed” and resolved and complainant contacted in writing with the resolution.
- Service Request:** A request made to the Town of Kyle for a specific service. Examples include: Requesting that the Town repair a street surface, report a diseased tree, damaged municipal property, etc.

3. TYPES OF COMPLAINTS

This policy applies to complaints that are received from members of the general public.

This policy does not address:

- Enquiries;
- Requests for service;
- Feedback;
- Internal employee complaints or;
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

Outside boards and agencies;
Closed meeting investigations.

4. PROCEDURE

4.1 The Town of Kyle does not accept verbal complaints or anonymous complaints.

A formal complaint must be in writing, reporting only on one address (if your complaint involves multiple addresses please discuss this with the Town office as each address will require a separate report), and filed by hand delivery, mail, fax or email. It shall include the following components:

- a) Contact details (including name, phone number, civic and mailing address) of the Complainant;
- b) Type of complaint;
- c) Details of complaint (location, persons involved, resolution requested, enclosures, date complaint submitted);
- d) Complainant Signature and date submitted.

4.2 The Personnel who received the complaint will date and sign it received, log the complaint and assign a reference number to track it. Administration may contact the complainant in writing or through a phone call to request clarification about the complaint, if needed.

- a) If the complainant is filing a barking/howling complaint, they must specify and they will be asked to complete a “Barking/Howling Log” as attached FM-01 to this policy, which can be picked up at the Town Office. You can begin recording the nuisance barking or howling prior to receiving the formal documents and you can later transfer this information to the formal documents once they are received.
- b) The key to filling out the log is proving through detailed notes that the nuisance barking or howling has occurred, these logs may require you to record two to three days or more, dependent on the occurrences of the nuisance barking or howling.
- c) You must complete the documents in their entirety following all instructions and submit them back to the Town Office.

4.3 All complaints will be forwarded to the Administrator. The Administrator will assess and forward the complaint to the appropriate Investigator or department.

4.4 Following the submission of your documentation and completion of Town of Kyle’s investigation for Barking/Howling complaints, the Bylaw Officer would then issue a warning or a ticket, or have a further conversation with the complainant. The Town may also issue a court summons. The Town of Kyle’s course of action varies dependent on the situations as listed below:

Clear Cases of Nuisance Barking or Howling:

- The Town receives a complaint and the necessary recorded documentation from a complainant.

- An investigation is completed and evidence available clearly supports a charge under the Bylaw. As requested by the complainant; a warning or ticket would be delivered to the owner along with educational information on the Bylaw. To follow-up, the complainant would give the defendant time to make corrective actions and if needed contact the Town Office again if the nuisance barking or howling is not corrected.

Cases Requiring Additional Evidence:

- The Town receives a complaint and some of the necessary recorded documentation from the complainant.
- The Town determines that the matter requires further evidence to support a charge, the complaint would be advised of such and suggested to provide further details or additional logged notes of the perceived nuisance barking or howling.

Cases Where a Nuisance Barking or Howling Bylaw Infraction Has Not Been Proven:

- The Town receives a complaint and the evidence provided does not support immediate action of a warning or a ticket. Rather based on the circumstances, the Town would inform the complainant that dogs and cats can bark or howl sometimes but may not be considered a bylaw infraction as certain qualifiers as detailed in Section 10 of the Animal Control Bylaw must be met.

Once a nuisance barking or howling violation has been proven as outlined in the Animal Control Bylaw and a ticket has been requested by the complainant, the Bylaw Officer visits the animal’s owner and issues a ticket. If the owner does not pay the ticket, the matter will proceed to court. If the owner enters a plea of “not guilty”, the complainant will be required to testify under oath.

Following the issuance of a ticket, if the situation does not improve, as evidenced by submission of additional “Barking/Howling Log” then subsequent tickets can be issued.

4.5 A resolution will be provided to the Complainant in writing within a reasonable amount of time. If a resolution cannot be provided within 30 days, the Administrator shall contact the Complainant regarding the progress of their complaint, inform them of the delay, the reasons for the delay, and provide an estimation of time to completion.

The notice of resolution should consist of information such as:

- ♦ Overview of complaint;
- ♦ Details of how the investigation was conducted
- ♦ Summary of the facts / Outline of the findings;
- ♦ Identification of the next steps;
- ♦ Suggestions of appropriate resolution along with the rationale supporting the proposed resolution
- ♦ Information on appealing the resolution & appeal fee \$50.00.
- ♦ Complaint Number

5. MONITORING

The complaint must be tracked from its initial receipt to its resolution. This process is managed by Administration.

When action is taken on an already existing formal complaint, Administration will ensure that a record of this action is saved on the Complaint Tracking Form. All correspondence between the Town and the Complainant must be documented.

6. PRIVACY

The personal information provided on the complaint form is collected under the authority of the *Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP)*. The information provided will be used to investigate the complaint internally and potentially with third-parties for the purposes of investigation, as well as enforcement under municipal, provincial or federal laws and regulations, and used for contact purposes.

7. RECORDS MANAGEMENT

Upon resolution, the complaint shall be deemed resolved/closed and the Investigator will transfer all physical and electronic documents pertaining to the complaint to the Administration who will maintain the records according to the Town's Records Retention Schedule. No records or copies thereof shall be kept by any employee, or investigator.

8. APPEAL

Upon resolution, the complainant has the right to appeal within 30 days of the resolution. Any appeal shall be made in writing referencing the original complaint number, and the reasons for appeal. The appeal fee of \$50.00 shall accompany the appeal. The appeal fee may be waived or refunded by authorization of the Administrative Committee upon resolution or by the Administrator upon withdrawal of an appeal prior to the first scheduled meeting at which the appeal will be addressed.

Appeals shall be brought to the Administrator and shall be brought to a meeting of the Administrative Committee. The Administrative Committee shall receive all of the original details/files on the complaint.

Appellants must be prepared to come before the Administrative Committee in person at a date and time to be scheduled. If the appellant misses a scheduled meeting, or is unable to attend a meeting within 30 days of filing the appeal, the appeal will be closed and no further appeal shall be made or accepted. Resolutions/Decisions of the Administrative Committee regarding an appeal shall be considered binding.

Once the appeal is deemed resolved/closed, Investigator(s) will transfer all physical and electronic documents pertaining to the appeal to Administration who will maintain the records according to the Town's Records Retention Schedule. No records or copies thereof shall be kept by any employee, or investigator.

Barking/howling Log

Name: _____

Address: _____

Owner & Identification of animal: _____

Address of nuisance animal: _____

Action you would like taken: Warning or Ticket
(please circle)

DATE	START TIME	AM or PM (must specify)	END TIME	AM or PM (must specify)

AM-If the nuisance barking/howling occurs during the day there must be a pattern of 5 consecutive days

PM- after quiet time the barking/howling lasts 15 minutes or more

Signature

Date

Barking or Howling

15. (1) No owner of a cat or dog shall permit the cat or dog to bark or howl so as to create a nuisance.

2) For the purposes of this section, the factors for determining whether the barking or howling of a cat or dog has become a nuisance are as follows:

- (a) the proximity of the barking or howling to sleeping facilities;
- (b) the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
- (c) the time of day or night the barking or howling occurs;
- (d) the duration of the barking or howling;
- (e) whether the barking or howling is the result of provocation;
- (f) the volume of the barking or howling; and
- (g) whether the barking or howling is recurrent, intermittent or constant.

(3) Barking or howling in a residential area is deemed to be a nuisance if the barking or howling: (a) occurs between the hours of:

- (i) 11 p.m. and 6 a.m. on a day other than a Sunday or holiday; or
 - (ii) 11 p.m. and 8 a.m. on a Sunday or holiday; and
- (b) persists for a period of:
- (i) 15 consecutive minutes or longer; or
 - (ii) 1 hour or longer, intermittently.