



## The Corporation of the Township of King Report to Council

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**From:** Corporate Services Department - Clerk's Division  
**Report Number:** COR-CLK-2024-013  
**Date:** Monday, December 9, 2024  
**Title:** **Public Conduct and Video Surveillance Policies**

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### Recommendation

1. That Report Number COR-CLK-2024-013 be received; and
2. That Council approve COR-POL-158 - Public Conduct Policy included as Attachment '1' to Report COR-CLK-2024-013 in a final form and content satisfactory to the Township Clerk and Township Solicitor; and
3. That Council approve COR-POL-157 - Video Surveillance Corporate Policy included as Attachment '2' to Report COR-CLK-2024-013 in a final form and content satisfactory to the Township Clerk and Township Solicitor; and
4. That Council approve By-law 2024-104 to amend By-law 2024-096 being a By-Law authorizing the Fees and Charges for 2025 to add a \$200 appeal fee in accordance with the proposed Public Conduct Policy.

### 1. Report Highlights

- The Public Conduct Policy will assist Township Staff and Members of Council with addressing unreasonable behaviour and frivolous and vexatious requests by empowering Senior Leadership to impose restrictions on individuals found in violation of the policy.
- The Public Conduct Policy provides guidance for issuing trespass notices under the *Trespass to Property Act*.
- The Video Surveillance Policy supports the use of security cameras in public locations to provide a safe and secure environment for customers, staff, and property while protecting the individual's right to privacy.

### 2. Purpose

The primary purpose of this report is to propose and seek approval for two (2) Corporate Policies: the Public Conduct Policy (Attachment 1) and the Video Surveillance Policy (Attachment 2). These policies aim to address and manage inappropriate behavior from the public and to regulate the use of surveillance cameras by the Township.

### 3. Background

As a public service provider, the Township must occasionally address difficult or inappropriate behavior from members of the public. Unwanted behaviour includes verbal or physical harassment, frivolous or vexatious requests, and vandalism or trespassing. Such behaviour may occur in multiple settings including in-person, electronically and by phone and, may target members of the public, members of Council, Township Staff or Township property. The frequency of incidents has increased in the post-pandemic era causing interference in service delivery and increasing potential for threats to the safety and well-being of members of the public, Council and Township Staff.

Per guidance from the [Ontario Ombudsman](#), when municipalities face difficult or unreasonable conduct from members of the public, they can choose to restrict their access to municipal property or staff. Municipalities can respond to inappropriate conduct via a service restriction, such as limiting all communication to a particular staff person, or to writing only.

In addition to this guidance, the Township has a general duty under the *Occupiers' Liability Act* to ensure that persons entering Township premises, and the property brought on Township premises, are reasonably safe. The Township has further duties under the *Occupational Health and Safety Act* and the *Criminal Code of Canada* to address workplace violence and harassment.

One of the enforcement mechanisms which the Township may use to further its statutory and common law duties as owner and occupier of premises, as well as an employer and a workplace, is to exclude persons from the premises. This would be done using a trespass to property notice in accordance with the *Trespass to Property Act*. This authority also extends to the King Township Public Library (KTPL) for the specific properties occupied by the KTPL.

Despite these broad authorities, the Township does not have a process in place to guide staff on how and when service restrictions and trespass notices might be issued. Furthermore, the Township does not have a policy to regulate and administer the use of surveillance cameras in its facilities. The use of surveillance cameras is critical in ensuring the safety of facility staff and attendees, and the security of property, while directly complementing any introduction of a policy regulating public conduct.

In 2023, the Ombudsman recommended that every municipality should develop and publicize a policy on service restrictions and trespass notices (see "[Tips for Municipalities](#)" by the Ontario Ombudsman). The Ombudsman noted the policy should set out:

- Clear expectations for the conduct of members of the public, and clear measures for the municipality's response to problematic behaviour;
- Examples of circumstances that could result in a notice or restriction;
- Procedures for issuing and serving notices and restrictions, including the appropriate delegation to staff, and the supporting documentation required (e.g., complaint and investigation records);
- Time limits for notices and restrictions; and,
- The right of affected individuals to request a review or appeal.

## **4. Analysis**

The Township is committed to ensuring a safe and respectful environment for everyone. The Township owns or occupies a variety of different properties and buildings which members of the public or employees may access. These premises are accessed for a variety of purposes, including work, recreation and cultural activities, learning, and for accessing municipal and other programs and services, along with furthering public discourse and participating in democratic processes and values protected under the *Charter of Rights and Freedoms*.

Following the recommendation from the Ombudsman, staff have prepared a suite of policies and procedures to guide staff encountering unwanted behaviour and managing surveillance of Township properties. The proposed Public Conduct Policy enables staff to issue service restrictions and trespass notices while the proposed Surveillance Policy speaks to the use of surveillance cameras and footage in municipal facilities.

### **4.1. Input from Other Sources**

To determine the best solution for King, a jurisdictional scan was conducted to assess how other municipalities have implemented similar policies. A comprehensive review of municipalities within York Region, including the Region itself, revealed that more than half have already introduced comparable programs including Aurora, Markham, Newmarket, Vaughan, Richmond Hill, and Georgina. A further scan of municipalities across the province yielded programs which have seen significant success in both implementation and enforcement. Municipalities view the program as essential for managing challenging situations.

Key internal stakeholders, including the Senior Leadership Team, indicated agreement that a program for King is necessary and aligns with the Township's corporate values. The Clerk's Division worked with the Community Services Department, Human Resources Division and Township Solicitor to draft the proposed policies, ensuring they bolster King's commitment to service excellence and community safety in a manner that is fair and consistent. The Public Conduct Policy was also reviewed by King's Integrity Commissioner. The King Township Public Library was also consulted to ensure similar policies can be implemented by the library that will compliment the proposed policies for the Township.

### **4.2. Public Conduct Policy**

This policy contributes to the Township's objective of dealing with all members of the public in a consistent and fair manner, while acknowledging that there may be a need to protect staff, Members of Council, and members of the public from unreasonable behavior and frivolous and/or vexatious actions.

Unreasonable behavior includes actions which unacceptably comprise the health, safety, or security of staff, other service users, or the individual themselves. Frivolous requests are those which have no serious purpose or value or are about a matter so trivial that investigation would be disproportionate in terms of time and costs. Vexatious requests are likely to embarrass or annoy the recipient or demonstrate a pattern of conduct by the complainant or requestor, that amounts to an abuse of the complaint process or request for

service. Frivolous or vexatious requests may consume a disproportionate amount of Council Member and/or staff time/resources and can compromise their ability to provide assistance or deliver good customer service efficiently and effectively. Such requests may also impede staff from attending to other essential issues.

These situations and requests may require the Township to put restrictions on the contact that some individuals have with the Township. Based on the guidance from the Ombudsman and the results of the jurisdictional scan, staff are recommending a public conduct policy to:

- Set clear expectations for accountability among staff and the public across all departments, facilities, and programs;
- Clearly define authority for decision-making and issuing restrictions in response to inappropriate behavior;
- Minimize ambiguity and prevent arbitrary actions when responding to unreasonable behaviour and frivolous or vexatious requests;
- Enable the Township to address inappropriate behavior in a suitable, proportionate, and equitable manner;
- Integrate principles of natural justice into decision-making and appeals processes;
- Reduce risks associated with infringing on individual rights, arbitrary actions; and, potential court challenges.

The proposed Public Conduct Policy applies to interactions including public meetings, written, phone and electronic communications and any interactions on Township premises. The policy includes potential limitations on access for individuals who engage in unreasonable behaviour or make frivolous or vexatious requests. Restrictions may also include issuing a Trespass to Property Notice under the *Trespass to Property Act*. For situations involving violence or criminal activity, York Regional Police will be contacted immediately.

#### **4.2.1. Imposing Service Restrictions**

For incidents involving non-violent unreasonable behavior, or frivolous or vexatious requests, appropriate service restrictions may be applied. The proposed Public Conduct Policy authorizes the Chief Administrative Officer (CAO), Township Clerk, and Directors to impose service restrictions.

The Public Conduct Policy outlines the service restriction process as follows:

1. When Township Staff or Members of Council encounter unwanted behaviour, they shall report the incident(s) using a standardized form. Staff may consult with their direct supervisor. Council may consult with the Integrity Commissioner prior to reporting the incident(s).
2. Where a report has been made by Staff, the Director for the reporting member of staff will review the report and determine whether the behaviour is unreasonable, frivolous or vexatious. Where a report has been made by a Member of Council, the Township Clerk will similarly review the report and decide.

3. If the behaviour is determined to be in violation of the Public Conduct Policy, the Director or Township Clerk will issue a warning or impose restrictions on the individual. The Public Conduct Restrictions Procedure, to be developed, will assist with selecting restrictions applied to ensure consistency and fairness. Notice of any restrictions will be provided to the individual which will include reasons for the decision and the details and timing of the restrictions imposed, if applicable.
4. A review date will be set to re-evaluate the restrictions no more than a year after they are imposed. The review will have the authorized staff member who imposed the restrictions decide if the restrictions need to be altered, removed or maintained based on the individual's behaviour following the restrictions.

Potential restrictions include, but are not limited to:

- Limiting the individual to communicating with the Township through a particular point of contact (i.e., a specific member of Township Staff).
- Requiring any face-to-face interactions between the individual and Township Staff to take place in the presence of another staff member.
- Requiring the individual to contact the Township only through a third party, such as a solicitor.
- Limiting or regulating the individual's use of Township services.
- Refusing the individual's access to a Township facility except by appointment or specific permission.
- Requiring that the individual produce full disclosure of documentation or information before Township Staff will further investigate a complaint.
- Instructing Township Staff not to respond to further correspondence from the individual regarding the complaint or a substantially similar issue.
- Instructing Township Staff to severely reduce or completely cease responses to further complaints or requests and correspondence from the individual.

#### **4.2.2. Issuing Trespass Notices**

Where individuals are behaving in a manner that requires immediate expulsion from Township premises, they may be refused service and asked to leave the premises immediately. In this instance, a verbal notice of trespass is given, advising the individual they are trespassing and must leave the premises immediately.

The proposed policy requires such incidents to be reported, just as unreasonable behavior incidents would be reported. A Staff member's Director will then review the incident and decide whether to issue a written trespass notice. This decision, as well as the length of the notice, will be made by Staff in accordance with the Guidelines for Issuing a Trespass to Property Notice, to ensure consistency.

Verbal trespass notices in effect for 72 hours or less can be issued by any Staff member. Written trespass notices in effect for periods longer than 72 hours can be issued by the CAO, Township Clerk and/or Directors. The Library CEO may also issue

written trespass notices specific to premises occupied by the King Township Public Library. Only the CAO may issue trespass notices lasting longer than two (2) years.

### **4.2.3. Right to Appeal**

Individuals who have received a Township notice of restriction or are the subject of a written trespass notice may appeal the decision to the Township Clerk within ten (10) business days of its issuance. The Township Clerk will conduct a review and consider multiple factors. These factors include whether the policy and procedures were followed, whether an alternative measure could be used, and whether all information relevant to the incident has been considered. The Township Clerk may decide to uphold, rescind or alter the restrictions or trespass notice.

When a Member of Council has reported behaviour and the Township Clerk has subsequently imposed restrictions or issued a trespass notice, any appeal will be reviewed by the CAO. Results of a restriction review and verbal trespass notices cannot be appealed.

A \$200 appeal fee is being proposed to cover the expense of the appeal process associated with the policy. An amending Fees and Charges By-law 2024-096 has been prepared to include this additional fee to take effect January 1, 2025.

### **4.3. Video Surveillance Policy**

The Township uses security cameras at municipally owned facilities to monitor the safety and security of people and property and to assist in identifying individuals who break the law. This policy complies with privacy regulations from the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and follows [guidelines from the Information and Privacy Commission of Ontario](#) (IPC). It applies to all video surveillance systems across Township properties and facilities.

Key takeaways of this Policy include:

- Personal information is collected as permitted by MFIPPA for the purposes of public safety, preventing illegal activities, and providing potential evidence for investigations.
- The Township will notify the public of video surveillance through standardized, visible signage at entrances or prominent areas. Signs will include information about the legal authority, purpose of the collection, and contact details of the responsible officer.
- Authorized personnel include: the CAO, Township Clerk, Manager of Facilities Operations, Manager of Information Technology, and the Supervisor of Facility Maintenance.
- Authorized personnel have the authority to review recorded video coverage and authorize the release of information for investigations.
- Live video monitors must not be viewable by the public, and recordings are only reviewed in case of incidents.

- Unrequested footage is erased after thirty (30) days, while records used for law enforcement are retained for one (1) year.
- Video records are disclosed only as permitted by MFIPPA. Public requests for access can be made in writing, and access may depend on privacy concerns. Township employees may request video for their duties, while law enforcement can access footage with proper justification and forms.

#### **4.4. Implementation**

Pending Council's approval, the Clerk's Division will continue working with partnering divisions to roll out the necessary forms and procedures to Staff and facilities. The policies and procedures will be integrated into ongoing customer service de-escalation training to ensure proper use and compliance. The policies and associated programs when implemented, will be maintained and managed by the Clerk's Division.

To provide transparency and public awareness, and in keeping with the guidance from the Ombudsman, the policies and accompanying procedures, along with tables detailing restriction and trespass provisions will be posted on the Township's website.

#### **5. Financial Considerations**

The \$200 appeal fee is not intended nor expected to produce revenue for the Township and is strictly intended as a cost recovery measure to compensate for staff time in conducting any appeals. The \$200 fee is consistent with fees charged by other municipalities which range from \$100 to \$250.

The Corporate Services training operating budget will be used to complete Customer Service and De-escalation training for 2025.

#### **6. Alignment to Strategic Plan**

The 2023-2026 Corporate Strategic Plan (CSP) was adopted by Council on June 12, 2023. The CSP reflects the priorities of utmost importance to the community and defines the obligations and commitments of the Township of King to its citizens and to the public. The CSP is aligned with the Townships long-term vision defined in the "Our King" Official Plan. The CSP also aims to ensure that staff initiatives focus on and work towards supporting King's Vision, Mission and Values.

This report is in alignment with the CSP's Priority Area(s), and/or associated Objective(s) and/or Key Results(s):

Priority Area: Service Excellence

Objective: Enhance Citizen Service Experiences.

The provisions outlined in the Public Conduct and Video Surveillance Policies aim to achieve service excellence by ensuring a safe, respectful, and efficient environment for both the public and Township staff. They provide clear guidance to staff on how to handle

inappropriate conduct in a manner that is transparent and consistent for the public and ensure that the use of surveillance cameras is both effective and respectful of privacy.

## **7. Conclusion**

In conclusion, the adoption of these policies will significantly enhance the Township's ability to manage public interactions effectively, support staff and volunteers, and maintain a safe and respectful environment for all. These policies will also provide clear guidance to staff when addressing inappropriate conduct by members of the public on Township property or during interactions with Township staff. This comprehensive approach to policy development and implementation highlights the Township's commitment to continuous improvement and exceptional public service.

## **Attachments**

Attachment 1 – COR-POL-158 - Public Conduct Policy

Attachment 2 – COR-POL-157- Video Surveillance Policy

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