

County of Essex Policy and Procedures Manual

Trespass to Property Policy

Policy Number:	2023-004
Policy Type:	Corporate Policy
Approval Authority:	Essex County Council
Office of Responsibility:	Administration
Issuance Date:	2023-05-17
Revised on Date:	N/A
Scheduled Review Date:	2025-05-03
Replaces Policy:	N/A

1.0 Introduction

The Corporation of the County of Essex (the "**County**") has implemented this Trespass to Property Policy in order to support the implementation of the County's Public Conduct Policy.

2.0 Scope

This Trespass to Property Policy pertains to:

- (1) all members of the Public who interact with members of County Council and employees of the County, including, but not limited to verbally via telephone, through written communication, and/or by attending in person at the County's administration building, located at municipal address 360 Fairview Avenue West, Essex, Ontario (the "**Administration Building**") and any and all other properties owned by the County; and
- (2) that are found to be contravention of the County's Public Conduct Policy, for which it is determined that the issuing of a Notice of Trespass is warranted.

3.0 Definitions/Glossary

Facilities:	Means all properties owned by the County.
Trespass(ing):	Means the same as "trespassing" or "trespass" as defined and used in Section 2(1) of the <i>Trespass to Property Act</i> , as amended.
Verbal Notice:	A Trespass notice of 72 hours or less.
Written Notice:	A Trespass notice in excess of 72 hours.

4.0 Purpose/Description

The County is committed to ensuring a safe and respectful environment for everyone who utilizes the County's Facilities. The County's Facilities are accessed for a variety of purposes, including for work, recreation and cultural activities, assisted residential living and nursing care, 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*.

However, the County also has a general duty under the *Occupiers' Liability Act* to take such care as in all the circumstances is reasonable for the reasonably safe use of its Facilities. The County has further duties under the *Occupational Health and Safety Act* and the *Criminal Code* to address workplace violence and harassment.

One of the enforcement mechanisms which the County may use to further its statutory and common law duties as owner and occupier of its Facilities, as well as an employer of a workplace, to exclude persons from the Facilities is through the use of a Trespass to Property Notice in accordance with the *Trespass to Property Act*.

Individuals who fail to abide by County policies, including the Public Conduct Policy, or who otherwise engage in aggressive, disrespectful or intimidating behaviour, bullying, harassment, who use coarse language or engage in criminal behaviour while accessing a County program, service, event, or the Facilities may be asked to leave the County's Facilities immediately. The issuance of a Trespass to Property Notice is one of the tools that may be considered to prevent the reoccurrence of such behaviour.

5.0 Policy

5.1 Issuance of Trespass Notice

A Trespass Notice may only be issued by the County Solicitor on instructions received from the CAO, or his or her designate, as part of the action(s) and/or restriction(s) permitted pursuant to the provisions of the Public Conduct Policy.

For a Trespass Notice of 72 hours or less, the County Solicitor will either verbally communicate the Trespass Notice to the affected individual, or, failing contact with the affected individual, shall send a letter by courier to the last known address of the affected individual.

For a Trespass Notice in excess of 72 hours, the County Solicitor will draft and send a written and formal Trespass to Property Notice by courier to the last known address of the affected individual, which written and formal Trespass to Property Notice shall indicate an expiry date of not more than 5 years from the date of issuance of the said Trespass to Property Notice.

5.2 Notice to Others

The County Solicitor shall:

- (1) Provide notice of any Trespass Notice of 72 hours or less to the managers of each of the Facilities of the County; or
- (2) Provide notice of any Trespass Notice of 72 hours or more to the managers of each of the Facilities of the County and to the appropriate police departments.

5.3 Review

There shall be no review of any Trespass Notice of 72 hours or less.

Any review of a Trespass Notice of 72 hours or more is reviewable in accordance with the provisions outlined in the County's Public Conduct Policy.

5.4 Renewal

For any Trespass Notice in excess of 72 hours, it is the responsibility of the County Solicitor to confirm, in consultation with the CAO, or his or her designate, pursuant to the provisions of the County's Public Conduct Policy, as to whether the Trespass Notice is to be renewed once it expires, and, if it is to be renewed, on what terms.

6.0 Responsibility

- 6.1** All employees are responsible for reporting any breaches of a Trespass Notice of which they are aware, to their immediate supervisor, and which supervisor is responsible for reporting same to the County Solicitor.
- 6.2** The County Solicitor is responsible for issuing and renewing Trespass Notices in accordance with instructions provided by the CAO, or his or her designate, and is further responsible for providing notice of the Trespass Notice to (1) the affected individual, (2) to the managers of the Facilities of the County, and (3) to the appropriate police departments.
- 6.3** The CAO, or his or her designate, is responsible for providing instructions to the County Solicitor as to the issuing and/or renewal of Trespass Notices along with the terms for same and only in accordance with the provisions of the Public Conduct Policy.
- 6.4** The Clerk is responsible for ensuring this Trespass to Property Policy is reviewed every 2 years, or at such earlier date as may be required.

7.0 Related Documents/Legislation

- Trespass to Property By-law
- Visitor Policy and By-law
- Public Conduct Policy and By-law

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8.0 Summary of Amendments

Date	Amendment(s)
2023-05-03	New Policy

Appendices

None