



CITY OF NELSON

## City of Nelson Bylaw Enforcement Complaint Form

Please answer all questions to the best of your ability.

Drop off your filled in form to City Hall 310 Ward St. or email to [bylawcomplaints@nelson.ca](mailto:bylawcomplaints@nelson.ca).

*The following information was supplied and received in confidence.*

### COMPLAINANT INFORMATION

Name of Complainant: \_\_\_\_\_

Residential address: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

Email address: \_\_\_\_\_

Phone number (Day): \_\_\_\_\_ (Cell): \_\_\_\_\_

### INCIDENT INFORMATION (Please be specific)

Location of incident or alleged offense:

Street Address: \_\_\_\_\_

Other description (if needed, or include a sketch): \_\_\_\_\_

Name of registered owner (if known): \_\_\_\_\_

Address of owner (if different from location of alleged offense or incident): \_\_\_\_\_

DETAILED DESCRIPTION OF ALLEGED BYLAW VIOLATION (Please be as detailed as possible providing names of witnesses if available and of any attending authorities):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I CONFIRM THAT I HAVE READ THE REVERSE OF THIS FORM AND UNDERSTAND THAT THE CITY OF NELSON WILL BE UNABLE TO GUARANTEE CONFIDENTIALITY OF THE ABOVE INFORMATION IF THIS MATTER RESULTS IN COURT ACTION OR AN ORDER FROM THE PROVINCIAL INFORMATION AND PRIVACY COMMISSION

DATE: \_\_\_\_\_

SIGNATURE OF COMPLAINANT: \_\_\_\_\_

**Forward to the Bylaw Enforcement Department when completed**

### TO BE COMPLETED BY CITY STAFF

COMPLAINT RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## **BYLAW ENFORCEMENT PROCEDURES**

1. The City of Nelson does not have the resources to formally review properties on a regular basis in order to determine whether or not its regulatory bylaws are being complied with at all times. Therefore, except for called inspections arising from permit applications, it is the general practice of the City of Nelson to rely on citizen complaints as a means of alerting Bylaw Enforcement to violations of its bylaws. The City of Nelson has established policies and procedures in order to encourage a balance of accountability and confidentiality among the various parties to this process. This does not preclude staff of the City of Nelson initiating investigations on their own initiative.
2. Bylaw enforcement investigation will be commenced on submission of written complaints. If the preliminary investigation determines there is basis for enforcement action pursuant to the criteria set out in section 4 below, the normal bylaw enforcement procedure will be followed. If the investigation finds there is no basis for enforcement, the complainant will be informed their complaint does not meet the criteria. Please keep in mind that certain bylaw enforcement investigations can take several months before reaching conclusion. It is not the practice of the City of Nelson to necessarily seek a final legal remedy for all alleged infractions.
3. If a residence or individual is allegedly in violation of a City bylaw/s and several neighbours deem the violation a nuisance which should be reported, each person is required to fill out individual and separate complaint forms. This assists in substantiating the alleged offenses.
4. As a matter of practice, the identity of the complainant and the written complaint itself shall not be disclosed to the alleged violator or any member of the public except as outlined in Section 5 below. In addition, the response of the alleged violator shall not be made public or disclosed to the complainant except as outlined in Section 5 below.

## **CONFIDENTIALITY ISSUES**

5. The anonymity and confidentiality given to complainants and alleged violators under Council policy cannot be assured if the investigation results in court proceedings.
6. If persons request the City of Nelson disclosure of personal information about them in complaints (and responses to the complaints) under the Freedom of Information and Protection of Privacy Act, it shall be the policy of the City of Nelson to refuse disclosure under Section 22 of the *Act* (*Law Enforcement : Public bodies may withhold information that would harm a law enforcement matter*) unless consent is obtained from the person who supplied the information and who would otherwise be assured of confidentiality under this policy. The City of Nelson however, is subject to orders issued by the Information and Privacy Commissioner under the Act and will not necessarily appeal an order for disclosure.