

STAFF REPORT

Department: Administration

Date: March 24, 2025

Item: Recommendation regarding Prohibited Behavior and Trespass Policy and Procedure

Recommendation: Be It Resolved That: The Corporate Services Committee Recommends to Council That: Policy #M09-01900; Prohibited Behavior and Trespass Policy and Procedure be adopted as presented.

Background: In an effort to protect municipal facilities, employees and visitors, when faced with unreasonable conduct from members of the public, a municipality can choose to restrict access to those taking part in unreasonable conduct. Under the *Trespass to Property Act*, municipalities can issue a trespass notice that may ban an individual outright from the municipal property or service. Following a discussion with the Office of The Ombudsman of Ontario, it was determined that while not a requirement, as a best practice the Town of Espanola should develop a comprehensive policy regarding the issuance of trespass notices and service restrictions.

Analysis; The policy is proposed to provide our patrons with clear expectations on unacceptable conduct while visiting municipal facilities and the expected recourse applied to those engaging in the disruptive behaviour. It further provides clear direction to employees for handling these difficult situations.

Under the recommendation of the Ombudsman Office, the policy should set:

- *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 servicing notices and restrictions, including the appropriate delegation to staff, and the supporting documentation required eg. – complaint and investigation records*
- *time limits for notices and restrictions*
- *the right of affected individuals to request a review or appeal.*

Staff has taken into consideration the above set standards and has incorporated them into the policy.

It is important to note that issuing a Trespass Notice is typically used as a last resort and it is the intention of administration to restrict access to facilities as little as possible. There have been very few notices issued over the past few years and



those that have been put in place were because of concerns of staff or patron safety or mischief.

Existing Policy: NA

Strategic Goal: Pride of Place; Quality of Life; Town Government

Financial Commitment: NA

Budgeted: **Yes** ☐ **No** ☐

Implementation: Upon adoption of resolution

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CAO/Clerk: Joseph Burke

Approval of Recommendation: **Yes** ☒ **No** ☐

Comments: