

By this resolution The Lake of Bays Township Public Library Board adopts the Notice of Trespass Policy AD-2.2 of the Township of Lake of Bays as adopted by Township Council by resolution #6(e)(i)/01/19/16 on January 19th 2016 subject to the following amendments. These amendments reflect the specific business of The Lake of Bays Township Public Library and its particular governance and organizational structure.

By this resolution The Lake of Bays Township Public Library Board (the Board) further adopts the following amendments to the Township Policy noted above:

That “Township of Lake of Bays” (“Township” or “municipality”) read the “Lake of Bays Township Public Library” (“Library”)

Any reference to the **Township CAO** is read as by the Library CEO or designate.

The CEO will inform the CAO of each incident within a 48 hour period.

1 PURPOSE

1.01 The purpose of this policy is to provide a system of issuance of notices of trespass and to ensure that access to municipal property is protected as per the *Trespass to Property Act, R.S.O. 1990, as amended*.

2 POLICY

2.01 This policy shall apply to all municipally owned premises and all staff shall follow and abide by this policy.

2.02 Definitions

In this policy, otherwise stated:

(a) “Authorized Person” means persons empowered to act for the purposes of enforcing the Trespass to Property Act, 1990, of the Province of Ontario, include:

- (i) Any person currently employed with the Corporation of the Township of Lake of Bays in a supervisory position;
- (ii) An Officer with the Ontario Provincial Police;
- (iii) Any person in authority, in the circumstances

- (b) "Municipal Premises" includes any land owned or leased by the Township and includes each building, facility and other improvement thereon.
- (c) "Notice" means a Trespass Notice pursuant to the *Trespass to Property Act, 1990, as amended*.
- (d) "Prohibited Conduct" includes:
 - (i) Damage to a Municipal Facility;
 - (ii) Interference with the operation of a Municipal Facility or disruptive to the conduct of Municipal business or activities;
 - (iii) Interference with others' use of the Municipal Facility;
 - (iv) Behaviour that is considered threatening to the staff or other users of Municipal facilities; or
 - (v) Contravention of a law of Canada, a law of the Province of Ontario or a Municipal By-law
- (e) "Trespassing" carries the definition used in the *Trespass to Property Act, 1990, as amended*.

Trespass an offence

2. (1) Every person who is not acting under a right or authority conferred by law and who,

(a) without the express permission of the occupier, the proof of which rests on the defendant,

(i) enters on premises when entry is prohibited under this Act, or

(ii) engages in an activity on premises when the activity is prohibited under this Act; or

(b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c.T.21, s.2(1)

- (f) "Township" means The Corporation of the Township of Lake of Bays

3 PROCEDURES

3.01 Warning to Trespassers

- a) Entry onto municipal premises may be prohibited by providing notice.

The notice may be given orally or in writing to any person who is engaged in Prohibited Conduct.

Specific notice that entry is prohibited is not required to keep persons out where the site is completely enclosed by a fence which has been specifically designed to keep persons off the property.

- b) In order to prohibit general entry to municipal premises, it is necessary to have signs or markings; otherwise it is necessary to confront a trespasser and give oral notice.

3.02 Written Notice of Trespass in a Non-Emergency Situation

- a) In a non-emergency situation and/or where a person has trespassed on municipal premises and is engaged in Prohibited Conduct, a notice of trespass letter may be mailed or delivered in person, in a form similar to the example in Attachment 'A'. Such a letter is not a requirement for laying a charge against such a person should he or she continue to trespass.

3.03 Notices of Trespass Approval

- a) All written Notices of Trespass to be issued by the Township shall, prior to issuance, be forwarded to the Chief Administrative Officer or designate for review to determine whether the circumstances warrant the issuance of a written Notice of Trespass.
- b) The Chief Administrative Officer or designate shall, in appropriate circumstances issue the Notice of Trespass in a form similar to the example in Attachment 'A'.

3.04 Records

- a) Copies of the Notice of Trespass as issued by the Chief Administrative Officer shall be filed with the Clerk.

3.05 Dealing with a Trespasser

Authorized persons will use the following guidelines when dealing with a trespasser:

- a) Preliminary Measures
 - i) Get a good description of the person
 - ii) Note the time

- b) Preventing Confrontation – Ensuring Maximum Cooperation
 - i) Introduce yourself (name, position and authority to act);
 - ii) Be courteous, calm and assured;
 - iii) Ask the person to identify herself/himself (name and address);
 - iv) Do not touch the person;
 - v) Give clear direction to the person and offer assistance
 - vi) Try to keep the situation from escalating;
 - vii) The trespasser will usually comply, and no further action will be necessary. If not, inform the person that he or she is trespassing and is directed to leave the premises. Call the police.

- c) Prepare and submit a detailed report using the Report Form Attachment
'B', including the time, event and people's names, if known to Department Manager and Chief Administrative Officer. Obtain witness names, addresses, and telephone numbers.

3.06 Laying a Charge

- a) If the trespasser refuses to leave, or if the trespasser has caused property damage, you may call the police to lay a charge. Again request the trespasser's name and address (if these are not available from another source) in order that you may have the police lay a charge.
- b) Advise your immediate supervisor of any action you have taken.

- c) The authorized person shall notify the Chief Administrative Officer in writing of all the particulars of the event leading up to the incident.

3.07 Arresting a Trespasser

- a) CALL THE POLICE TO MAKE THE ARREST

3.08 Length of Ban

- a) A first Notice of Trespass will result in a ban for a period of up to a maximum of thirty (30) days from the municipal premises identified in the letter.
- b) Subsequent cases or incidents of more serious or threatening behaviour may incur periods of up to six (6) months including an indefinite ban as approved by the Chief Administrative Officer.
- c) The Notice shall be subject to an automatic review by the authorized person issuing the notice, after twelve (12) months and every succeeding twelve (12) months thereafter.

3.09 Appeals

- a) Should a person served with a written Notice of Trespass take issue with that service, a written letter outlining the reason for appeal should be forwarded by that person to the Chief Administrative Officer or designate.
- b) In making the decision, the Chief Administrative Officer or designate may choose to seek legal advice from the Township solicitor.
- c) The Chief Administrative Officer or designate may uphold the service of that Notice or direct its withdrawal and the decision of the Chief Administrative Officer is final.

4 REVISION CONTROL

Revision Date	Revision	Effective Date

Resolution# 6(e)(i)/01/19/16

By-law 2016-009

5 ATTACHMENTS

5.01 Notice of Trespass Letter AD-2.2(a)

5.02 Trespass Report Form AD-2.2(b)

Approved: Sept 25th 2017

Reviewed: 2021

Signature of the Chairperson _____

PLEASE PRINT ON OFFICIAL LETTERHEAD

NOTICE OF TRESPASS

SENT BY REGISTERED MAIL/HAND DELIVERED

[Date]

Name of Trespasser
Address

Dear (INSERT):

Please consider this a Letter of Notice given to you pursuant to the *Trespass to Property Act, R.S.O. 1990, Chapter T.21, as amended*. This letter is to address those behaviours observed on (insert date), in which you did the following:

(insert description)

The above actions are unacceptable and inappropriate.

As a result you are prohibited from entry onto or into the premises located at (insert premises), that are administered by the Lake of Bays Township Public Library (collectively referred to herein as the "Premises") without the prior express written consent of the Corporation of the Lake of Bays Township Public Library.

You could be subject to an arrest and prosecution for an offence under this statute if you enter onto the Premises in the manner prohibited herein. The maximum fine for conviction is \$2,000, as well as liability for damages.

This notice shall remain in full force and effect for a period (insert amount of time) following the date of issuance.

Should you wish to appeal this notice, a written letter outlining the reason for appeal must be forwarded to the Chief Executive Officer, (insert name).

Dated at Dwight, Ontario, this _____ day of (insert month, year).

Per:
Insert Name, Chief Executive Officer

Copies issued to:
Ontario Provincial Police, Huntsville Detachment
Municipal Clerk Township of Lake of Bays

TRESPASS REPORT FORM

Employee Name:	
Position:	
Department:	
Supervisor:	
Date:	
Date of Incident:	
Time of Incident:	
Names of Individual(s):	

Title:

Trespass Report Form

Date reviewed: Sept 2021

<p>Description of Incident: <i>Attach additional pages if necessary</i></p>	
<p>Witnesses:</p>	<p><i>Include names, addresses and telephone numbers</i></p>

Date & Time Incident Reported to OPP:	
Date & Time Incident Reported to Manager:	<i>Copy to be attached</i>
Means of Notification:	Circle one: Email Text Telephone In Person
Any additional information: (e.g. pictures, etc)	

Employee Signature

Date

Manager Signature

Date

CEO Signature

Date