

Corporate Policy

Subject: Notice of Prohibiting Entry - Policy

Policy Statement:

The Corporation of the Town of Caledon aims to provide exemplary services to all members of the public and to address service requests and complaints equitably, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace between Members of Council and employees of the corporation, and the public.

The Town owns or occupies a variety of different properties and buildings which members of the public, employees and Members of Council 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*.

Scope:

This policy applies to enforce the Town's statutory and common law duties as an owner and occupier, as well as the employer of a workplace, on any land owned or leased by the Town and includes each building, facility and other improvement thereon. All Town staff shall follow and abide by this policy.

Purpose:

The purpose of this policy is to provide Town staff clear direction and guidance regarding the issuance of Notices Prohibiting Entry to ensure that municipal property and facilities are protected in accordance with *Trespass to Property Act*, R.S.O. 1990, c. T.21 and that all citizens have a right to the enjoyment and use of Town property without interference, as well the freedom to exercise their rights to peaceful demonstration and expression of dissenting views.



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Legislative Authority:

The actions of the Town which may be taken under this policy arise from the Town's authority as owner or occupier of its property pursuant to the *Trespass to Property Act* and the *Occupier's Liability Act*, R.S.O. 1990, c. O.2, as amended. The Town, as an employer as defined in the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended, may take action in accordance with this policy in order to meet its statutory duties as an employer.

1. Definitions

1.01 In this policy:

"Act" means the *Trespass to Property Act*, R.S.O. 1990, c. T.21 as amended from time to time or any act or regulations enacted in substitution therefor;

"Authorized Person" means any employee of the Town in a supervisory position or police officer employed by the Ontario Provincial Police. Authorized Persons are empowered to act as occupiers of Town Properties for the purposes of enforcing the *Trespass to Property Act*; and when necessary to issue Notices Prohibiting Entry. Any reference in this policy to an Authorized Person includes any successor of the Authorized Person;

"Notice Prohibiting Entry" means a written notice under the Act in a form similar to Schedule "C" attached to this policy;

"Person" means an individual, association, firm, partnership, corporation, trust, incorporated company, organization and includes the directors and officers of a corporation, a corporation created under the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, and the trustees, agents, heirs, executors or other legal representatives of a person to whom the context can apply according to law;

"Town" means The Corporation of the Town of Caledon;

"Town Properties" or "Town Property" includes any land owned or leased by the Town and includes each building, facility and other improvement thereon;

"Trespassing" or "Trespass" carries the same definition used in section 2(1) the Act, being:

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



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- 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.

“Unreasonable Behaviour” includes:

- a) damage to Town Property;
- b) interference with the operation of a Town Property or disruptive to the conduct of Town business or activities;
- c) interference with others’ use of a Town Property;
- d) behavior that is physically or verbally threatening to the staff or other users of the Town Property; or
- e) contravention of a law of Canada, a law of the Province of Ontario or of a municipal by-law

2. Policy Requirements

The decision to classify someone’s behaviour as unreasonable, could have serious consequences for the individual, including restricting access to Town services and staff.

The decision may be because of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as unreasonable conduct, or it may be a single significant incident that requires invocation of this policy.

If an incident presents an immediate threat, staff are to invoke the corporate procedure ‘Notice of Prohibiting Entry’.

3. Schedules

Schedule “A” – Corporate Procedure: Notice of Prohibiting Entry

Schedule ‘B’ – Guiding Principles: Allocation of Notice of Prohibiting Entry

Schedule “C” – Notice Prohibiting Entry Template



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Reference and Related Documents

Council Code of Conduct
Employee Code of Conduct
Public Code of Conduct
Facilities Code of Conduct
Corporate Workplace Violence – Procedure
Harassment, Sexual Harassment and/or Discrimination in the Workplace - Procedure



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