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**SUBJECT: UNREASONABLE CUSTOMER BEHAVIOUR POLICY**

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## **1.0 PURPOSE**

The Municipality is committed to providing professional and timely service to all members of the public and aims to address inquiries, requests and complaints in the same manner.

Vexatious or frivolous requests and/or unreasonable persistent requests or behaviour may compromise the Municipality's ability to deliver high quality service in a timely manner. These situations may require the Municipality to put limits on the contact which individuals or groups have with the Municipality. These actions will ensure that municipal resources are used effectively and efficiently, while still maintaining a high level of customer service and responsiveness.

This policy will guide staff to identify situations that meet the criteria of vexatious, frivolous and/or unreasonable and the associated actions that may be undertaken in such circumstances. The aim of this policy is to contribute to the overall intent of dealing with individuals or groups in ways which are consistent, fair and reasonable while acknowledging that there may be a need to shield staff from unreasonable behaviour.

## **2.0 LEGISLATIVE AUTHORITY**

Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

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### 3.0 DEFINITIONS

**“CAO”** – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Department Head”** - shall include the Clerk, Planner, Public Works Manager and Treasurer.

**“Employee”** – all union and non-union employees of the Municipality.

**“Frivolous”** – shall mean not having any serious purpose or value.

**“Municipality”** – shall mean the Corporation of Tay Valley Township.

**“Vexatious”** – shall mean causing or tending to cause annoyance, frustration, or worry.

### 4.0 SCOPE

This policy is not intended to deal with generally difficult people, but rather, it applies to unreasonable behaviour and unreasonably persistent requests from the same individual or group.

The decision to classify someone’s behaviour as unreasonable, or to classify a request as vexatious or frivolous, may have serious consequences for the individual or group, including but not limited to restricting access to municipal services.

The decision may be as a result of a repeated pattern of conduct when, on several occasions, an individual or group engages in one or more of the identified examples of unreasonable behaviour or requests identified as frivolous or vexatious. This does not preclude a single significant incident from being considered under this policy.

For immediate threats to persons or property, call 911 and/or follow the Respect in the Workplace (Harassment and Violence) Policy.

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**5.0 EXAMPLES OF UNREASONABLE BEHAVIOUR**

Examples of what might be considered unreasonable behaviour are listed below. This list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- i) Refusing to specify the grounds of a complaint.
- ii) Changing the basis of the complaint/request as the matter proceeds.
- iii) Denying or changing statements made at an earlier stage.
- iv) Covertly recording meetings and conversations.
- v) Submitting falsified documents from themselves or others.
- vi) Making excessive demands on the time and resources of staff with lengthy phone calls, number of emails to a single or numerous staff, or voluminous requests.
- vii) Refusing to accept the decision; repeatedly arguing points with no new evidence.
- viii) Persistently approaching the Municipality through different routes about the same issue.
- ix) Interaction(s) that are initiated with the intent to embarrass, delay or annoy, or is part of a pattern of conduct by an individual or group.
- x) Causing distress to staff. This could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff.
- xi) Making unjustified complaints about staff who are attempting to deal with issues, and seeking to have them replaced.

**6.0 EXAMPLES OF VEXATIOUS OR FRIVOLOUS REQUESTS**

Examples of what might be considered vexatious or frivolous requests are listed below. This list is not exhaustive, nor does one single feature on its own necessarily imply that the request will be considered vexatious or frivolous:

- i) Submission of requests with very high volume and frequency of correspondence.
- ii) Requests for information the requester has already seen, or clear intention to reopen issues that have already been considered.
- iii) Where complying with the request would impose significant burden on the Municipality in terms of expense, and negatively impacting the ability of staff to provide service to others.



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- iv) Where it appears that the requestor seeks to cause inconvenience, disruption or annoyance through the request.
- v) Where the request lacks any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a request vexatious, but may when considered with other examples.
- vi) Harassing the Municipality and/or staff. This could include very high volume and frequency of correspondence, or combining requests with accusations and complaints.

## 7.0 PROCEDURE

### 7.1 Identifying the Problem

Before deciding to apply any restrictions, the Municipality must ensure that:

- i) The request has been dealt with properly and in line with the relevant procedures and statutory guidelines.
- ii) Staff has made reasonable efforts to satisfy and resolve the request.
- iii) The individual is not presenting new material or information about the situation or that it is not a new request.

Each case will be considered on an individual basis. The decision to classify behaviour as unreasonable or to classify the request as vexatious or frivolous will be made by the Department Head of the relevant service area in consultation with the CAO.

### 7.2 Decision

#### Employee

If an Employee believes that a request or behavior is unreasonable, frivolous or vexatious, the Employee should consult with their Department Head, provide any supporting materials and advise the Department Head of the steps that have been taken in attempting to resolve the issue, including as appropriate:

- the length of time that staff has been in contact with the individual or group, history of the interactions (if applicable) and the amount of correspondence that has been exchanged with the individual or group;
- the number of requests that the individual or group has brought forward and

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the status of each;

- the nature of the individual or group’s behavior;
- the amount of time that has been consumed and the impact.

Department Head

The Department Head is responsible for reviewing the information provided by staff in a timely manner and confirming if this policy should apply. The Department Head shall:

- review the information provided by staff and determine if the request is unreasonable, vexatious or frivolous;
- contact other Department Heads to determine if the individual or group is contacting multiple departments and/or staff;
- work with staff to determine the appropriate restrictions, how to inform the individual or group of the restrictions and determine a review date;
- meet with the CAO to outline the situation, review recommendations and the appropriate method of informing the individual or group.

Chief Administrative Officer

The CAO will review all information provided by staff and/or Department Head(s) and will make a final determination to classify an individual or group’s behaviour as unreasonable or to classify a request as vexatious or frivolous.

Determining factors include:

- the request has been properly investigated;
- communication with the individual or group has been adequate; and
- the individual or group is not attempting to provide new information when contacting staff.

Following a decision by the Department Head, in consultation with the CAO, that an individual or group’s behaviour is unreasonable or a request is vexatious or frivolous, the individual or group (where appropriate and possible) will receive written notification that:

- explains what action(s) staff has taken and why;
- indicates what restrictions have been applied and how long they will be in effect;
- advises how the individual or group can appeal the restrictions.

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### 7.3 Council Notification

If restrictions are placed on an individual or group, the CAO will inform Council of the issue and the details of the restrictions applied.

### 7.4 Application of Restrictions

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive):

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the individual or group to one method of communication (ex. Phone, letter, email, etc.).
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Requiring the individual or group to make contact by telephone only through a third party (ex. solicitor, counsellor, friend acting on their behalf).
- Limiting or regulating the individual or group's use of the Municipality's services.
- Refusing the individual or group access to any municipal buildings except by appointment.
- Informing the individual or group that further contact on the matter of the complaint/request will not be acknowledged or replied to.
- Pursuing legal actions (ex. Issuance of Notice of Trespass).
- Where efforts to resolve matters with the individual or group have not been successful, the case or request may be closed.
- Other actions as deemed appropriate.

### 7.5 Review of Restrictions

When restrictions are put in place, a review date will be set. This will be based on the circumstance of the case and could be for a period of three (3) months or longer depending on the severity of the situation. The status of the individual or group will be reviewed by the relevant Department Head on or before the review date. The individual or group, where possible, shall be informed of the outcome of the review. Where the Department Head, in consultation with the

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CAO, feels the restrictions should continue, the individual or group will be notified of the reasons and given another date for review.

### 7.6 Dispute

Once the Municipality has communicated the decision, there is no appeal process at the municipal level.

In the event complaints cannot be resolved through the Municipality’s complaint process and/or this policy, they may be submitted to the Provincial Ombudsman’s office in accordance with the provisions of *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*.

## 8.0 ACCOUNTABILITY FRAMEWORK

The Chief Administrative Officer is responsible for ensuring compliance with this policy.

## 9.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

## 10.0 REFERENCES

### Policies and Procedures/Documents

Complaints Policy  
 Councillor Code of Conduct  
 Employee Code of Conduct  
 Respect in the Workplace Policy

### Other Resources

Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014  
 Ontario Ombudsman

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