



TOWN OF INNISFIL  
CORPORATE POLICY

<b>POLICY:</b> <i>Trespass To Property</i>	<b>COUNCIL APPROVAL</b> <b>DATE:</b> April 16, 2014 <b>RES. NO.:</b> CR-060-08.14
<b>POLICY NO.:</b> <i>CP.01-14-10</i>	<b>REVISED DATE:</b> <b>RES. NO.:</b>

**1. PURPOSE:**

To provide guidelines for enforcing access to municipal properties and the *Trespass To Property Act*, R.S.O. 1990, c. T.21.

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**1.0 DEFINITIONS:**

In this policy unless otherwise state:

**1.01 Municipal Premises** includes the buildings, and all adjacent municipal property which is attached to the building, including playgrounds, parking lots and parks.

**1.02 Trespassing** has the same meaning as in the *Trespass to Property Act*, R.S.O 1990, c. T.21:

Trespass and offence

2. (1) Every person who is not acting under the 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 on conviction is liable to a fine of not more than \$2,000.00.

**1.03** The following persons will be empowered to act as “Authorized Persons” or occupiers at municipal premises for the purpose of enforcing the *Trespass to Property Act*:

- (i) a person currently employed by the Corporation of the Town of Innisfil in a supervisory position;
- (ii) an Officer of the South Simcoe Police Service or the Ontario Provincial Police;
- (iii) any person in authority, in the circumstances.

## **2.0 PROCEDURES**

### **2.01 Warnings To Trespassers:**

- (i) Entry onto municipal premises may be prohibited by providing notice. The notice may be given orally, in writing, or by means of signs. Specific notice that entry is prohibited is not required to keep persons out where the site is completely enclosed by fence which has been specifically designated to keep persons off the property.
- (ii) 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.

### **2.02 Written Notice of Trespass in a Non-Emergency Situation:**

- (i) In a non-emergency situation and/or where a person has trespassed on municipal premises and the person's attendance in future is undesirable, a notice of trespass letter may be mailed or delivered in person, in a form similar to the example in Attachment 1. Such letter is not a requirement for charging such person should he or she continue to trespass.

### **2.03 Dealing With a Trespasser:**

Authorized Persons will find the following guidelines useful when dealing with a trespasser:

#### **2.03.1 Preliminary Measures**

- (a) Get a good description of the person
- (b) Note the time

#### **2.03.2 Preventing Confrontation – Engendering Maximum Co-operation**

- (a) Introduce yourself (name, position, and authority to act)
- (b) Be courteous, calm and assured
- (c) Ask the person to identify herself/himself (name and address)
- (d) Do not touch the person
- (e) Give clear direction to the person and offer assistance
- (f) Try to keep the situation from escalating
- (g) The trespasser will usually comply and if so, no further action would be required.
- (h) If the trespasser does not comply, inform them that they are trespassing and direct them to leave the premises.

- (i) If the trespasser refuses to leave the premises, contact the South Simcoe Police Service for assistance.
- (j) In all cases, provide a detailed summary of the event to Legal Services as soon as practical.

#### **2.04 Laying a Charge**

- (i) If a trespasser refuses to leave, or if the trespasser has caused property damage, the police may be called 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.
- (ii) The Supervisor should notify Legal Services, in writing, of all the particulars of the event leading up to the incident. Legal Services shall keep Council Members informed as necessary via email.

#### **2.05 Arresting a Trespasser**

- (i) CALL THE POLICE TO MAKE THE ARREST.

#### **3.0 LENGTH OF BAN**

- (i) First instance will result in a one month ban from the facility or property identified in the letter.
- (ii) Second instance will result in a six month ban.
- (iii) Third instance will result in a one year ban.
- (iv) Any subsequent instance will result in a permanent ban, subject to review by the Town Solicitor.
- (v) Upon consent of the Town Solicitor, a ban may be extended to coincide with this section at any time if a person is deemed to be of a potential threat to staff or visitors, or if the person has acted in a manner which is aggressive or violent at any time while on town property.
- (vi) Upon consent of the Town Solicitor, a ban may be extended to more than one property or premises.

#### **4.0 APPEALS**

- 4.1 A written letter outlining the reason for appeal should be forwarded to Town Solicitor. The Town Solicitor, at his or her discretion, may choose to lift a ban or to have a hearing before Council to determine the matter.

#### **5.0 APPENDICES**

Appendix 1: Template of Notice of Trespass Letter

**APPENDIX 1 – Notice of Trespass Letter Template**



**NOTICE OF TRESPASS LETTER**

\_\_\_\_\_  
(Date)

Issued to:

Name: \_\_\_\_\_

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

This letter will serve as notice that you, as an individual, are hereby prohibited from attending on the property and premises of \_\_\_\_\_  
(name of location and address of location)

which is given pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T.21.

Should you again enter any of the aforementioned premises or property, within \_\_\_\_\_ (insert length of notice) from the date of issuance, you may be charged with trespassing. Subsequent notices may result in a permanent ban.

Should you wish to appeal this notice, a written letter outlining the reason for appeal should be forwarded to the Town Solicitor at 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1.

\_\_\_\_\_  
(start date)

\_\_\_\_\_  
(end date)

\_\_\_\_\_  
(signature of issuer)

\_\_\_\_\_  
(name of issuer)

Notice Served By:

Personally Delivered \_\_\_\_\_

Verbal (follow-up Personally Delivered) \_\_\_\_

Registered Mail \_\_\_\_\_

Verbal (follow-up Registered Mail) \_\_

Courier \_\_\_\_\_

Verbal (follow-up Courier) \_\_\_\_