



Section: Administration

Policy Title: Frivolous, Vexatious, or Unreasonable Complaints/Requests Policy

Policy No.: A09-CORP-004

Approved By: Council

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Revised Date:

FRIVOLOUS, VEXATIOUS, OR UNREASONABLE COMPLAINTS/REQUESTS POLICY

1. POLICY STATEMENT

1.1. The Township of Malahide (“Township”) is committed to providing exceptional service and ensuring that municipal resources are used effectively and efficiently to maintain service excellence and responsiveness to all members of the public. This policy addresses Frivolous, Vexatious, or Unreasonable complaints or requests that consume a disproportionate amount of Township time and resources, ultimately impeding Employees from attending to other essential issues.

2. PURPOSE AND SCOPE

2.1. Purpose

The purpose of this policy is to guide Employees to identify situations that meet the criteria of Frivolous, Vexatious, or Unreasonable complaints and/or requests and the associated actions that may be taken in such circumstances. Actions taken pursuant to this policy will ensure that municipal resources are used effectively and efficiently while maintaining a high level of service excellence, responsiveness, and professionalism to all members of the public.

2.2. Scope/Application

This Policy applies to all Employees, Volunteers, Students, and/or Contracted Service Providers of the Township of Malahide.

This Policy does not apply to:

- Complaints about Members of Council (as they are governed by the Council Code of Conduct and investigated by the Integrity Commissioner).
- Members of advisory and quasi-judicial committees and local and other boards.
- A function where there is a statutory or prescribed process for review, or which is governed by specific legislation.
- Complaints from Employees about other Employees or working conditions.
- Allegations of violations of Canada's Criminal Code.

This Policy does not apply where legal action against the Township or a Township official has been threatened or commenced. Additionally, the Policy does not apply to typical Complaints, which are addressed through the Complaint and Service Request Handling Policy, which provides the public with an avenue for submitting Complaints about Township programs, facilities, services, and Employees, and provides a consistent practice for handling Complaints.

3. DEFINITIONS

Complaint means an expression of dissatisfaction or concern about the action or lack of action taken regarding operations, facilities, services, or programs provided by the Township or a person or body on behalf of the Township. A Complaint can be spoken, written, or submitted by another method of communication.

Complainant is a customer person who is submitting a Complaint. Any customer who uses or is affected by Township services can make a Complaint including residents, visitors, businesses, and community groups.

Contracted Service Provider means an individual or business that undertakes a contract or agreement with the Township in order to perform a service on a continuing basis (e.g., Janitors, Building Services, etc.).

Council means Malahide Council as a whole. Council Member means an individual member of Council, including the Mayor.

Cyberbullying means the use of communication technologies to engage in deliberate, repeated or hostile behaviour intended to harm, embarrass, Harass or slander someone deliberately, including, but not limited to: social media outlets (e.g. Facebook, Instagram, Twitter, YouTube, LinkedIn, etc.), personal blogs, web pages, discussion groups or online media/newspaper articles.

Employee means all full-time, part-time, temporary, seasonal and Employees hired on a contract basis for a defined period of time, of the Township of Malahide as well as, Students.

Feedback means an opinion or comment about a program, facility, service, or Employee.

Harassment or Harass means engaging in a course of behaviour, comment, or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwanted. It includes but is not limited to any behaviour, conduct or comment that is directed at or is offensive to another person:

- on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate, or ridicule the recipient.

Ombudsman means the Ombudsman of Ontario, or the Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act, 2001, S.O. 2001, c 25. Request means the act of asking for something to be given or done.

Frivolous means a Complaint/Request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

Unreasonable means a Complaint/Request that is likely to cause distress or disruption to the Township, its Employees, or other members of the public, without any proper or justified cause. Behaviour that because of the nature or frequency of a Complaint's contact with the Township, negatively affects the ability to deal with their Complaints or those of others.

Vexatious means a Complaint/Request without merit, that is pursued in a manner that is malicious, intended to inconvenience, embarrass, or harass the recipient or is a pattern of conduct by the Complainant that amounts to the misuse of the Complaints processes and procedures.

Volunteer means an individual who volunteers their services, from time to time, to assist in areas of the Township, including Volunteer Firefighters.

4. IDENTIFYING THE CONDUCT OR BEHAVIOUR

- 4.1. The decision to classify someone's behaviour as Unreasonable, or to classify a request or complaint as Frivolous or Vexatious, could have serious consequences for the individual, including restricting their access to Township services, facilities, and staff. The decision may be a result of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as Unreasonable, Frivolous, and/or Vexatious, or it may be a single significant incident that requires the invocation of this policy. If an incident presents an immediate threat, contact 9-1-1.
- 4.2. Although each case must be determined in light of its own circumstances, below are examples meant to help staff identify Frivolous, Vexatious, or Unreasonable

conduct. It is understood that these examples are not determinative; the list is not exhaustive, nor does any action set out in the list necessitate the application of this policy.

4.3. Examples of Frivolous, Vexatious, or Unreasonable conduct may include, but are not limited to:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Prolonged submission of requests with high volume and frequency of communications to one or more Township Employees via one or more customer service channels.
- Requests for information the Complainant has already seen, or clear intent to reopen issues that have already been considered and concluded.
- Refusing to accept the decision of the Township, repeatedly arguing points with no new evidence.
- Where complying with the request would impose a significant burden on the Township in terms of expense and affect our ability to provide services to others.
- Where the Complainant states that the request is meant to cause maximum inconvenience, disruption, or annoyance.
- 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 factors.
- Complaint is retaliatory or is initiated with the intent to embarrass or annoy another customer or resident or in an attempt to use Township services or by-law as a tool in an ongoing neighbour dispute.
- Make excessive demands on the time and resources of Employees with lengthy phone calls, emails to numerous Employees, excessive social media posts on Township channels, or detailed correspondence every few days and expecting immediate response.
- Causing distress to Employee using intimidation or hostile, abusive, or offensive language, or an unreasonable fixation on an individual Employee or any of the prohibited behaviours defined in the Township's Respect in the Workplace – Workplace Violence, Harassment, and Sexual Harassment Policy.
- Making unjustified complaints about Employees who are trying to deal with the issues and threatening to negatively affect their employment status with the Township.
- Excessive, repeated, or hostile cyberbullying and contact with Township social media accounts, intended to harm, embarrass, harass, or slander the Township of its Employees (See Township's Social Media Policy).

4.4. Each situation will be considered on a case-by-case basis. The decision to classify the Complainant's conduct as Frivolous, Vexatious, or Unreasonable will be made by the CAO, in consultation with the Senior Management Team and if necessary, the Township Solicitor.

5. Determining whether a complainant's behaviour is Frivolous, Vexatious, or Unreasonable requires a flexible approach that considers all circumstances. There is no strict test or set criteria for making this determination. The key question is whether the behaviour creates a pattern likely to cause distress, disruption, or irritation without proper or justified cause. The decision can be based on one or more instances of frivolous, vexatious, or unreasonable behaviour. Staff must provide documented evidence of the complainant's behaviour, such as emails, letters, social media posts, photographs, voicemails, or staff notes reporting a conversation or incident, before applying the restrictions outlined in this policy.

6. RESPONSIBILITIES

6.1. Employees

Employees are to have knowledge and understanding of the purpose of receiving complaints, the process through which a complaint can be made and the service standards that apply to complaints. They are to be aware of this policy and any accompanying guidelines and protocols.

6.2. Directors, Managers, and Supervisors

Directors, Managers, and Supervisors are responsible for ensuring that relevant Employees are aware of and trained in this policy and any accompanying guidelines and protocols.

6.3. Members of Council and Committees:

Members of Council and Committees will consult with the CAO and the Integrity Commissioner, if necessary, regarding cases of Unreasonable behaviour and/or Frivolous and Vexatious action that the Member wishes to address, as described in this policy. Upon being consulted by a Member of Council or Committees, the Integrity Commission shall provide advice to the Member respecting any proposed action under this policy as it relates to the Member's obligations under the Code of Conduct for Members of Council.

6.4. Customers/Members of Public

Customers are asked to recognize that the Township must consider the needs of the whole community. They are to provide honest and respectful communication with a goal of improving services.

7. LEGISLATIVE AND POLICY OVERVIEW

7.1. Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56

The Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56, provides that a request for information may be denied if, on reasonable grounds, it is found to be Frivolous or Vexatious.

7.2. Occupiers' Liability Act and Occupational Health and Safety Act

The Township has a general legislated duty under the Occupiers' Liability Act, R.S.O. 1990, c 0.2, to take such care, as in all the circumstances reasonable, for any persons entering on its premises, and the property brought on the premises are reasonably safe. The Township has further duties under the Occupational Health & Safety Act, R.S.O. 1190, c 0.1, to address workplace violence and harassment and to:

- Make reasonable efforts to provide a safe, healthy working environment for its Employees.
- Ensure that all persons on the property are reasonably safe while on the premises; and,
- Make reasonable efforts to provide for the safety of all Council, Employees, Students, Volunteers, and the public in Township operations and in public use of Township facilities.

7.3. Related Policies:

The Township of Malahide is committed to ensuring a climate of understanding and mutual respect and to make reasonable efforts to provide a safe workplace, free from any form of discrimination, harassment, bullying or actual, attempted or threatened violence. The Respect in the Workplace – Violence and Harassment Policy details the steps available to the Township to ensure that a respectful and safe workplace is maintained.

The Township's Complaint and Service Request Handling Policy provides the public with an avenue for submitting complaints and service requests and provides Township Employees with consistent practices for handling complaints and requests about Township programs and services.

8. ADDRESSING THE CONDUCT OR BEHAVIOUR

8.1. Employee review

In the event suspected Frivolous, Vexatious or Unreasonable conduct is experienced or observed, the Employee will consult with their Manager or Supervisor providing any supporting materials identifying the nature of the conduct including, as appropriate:

- The number of requests and complaints made by the Complainant and the status of each.
- The length of time that Employees have been in contact with the Complainant, including the time and resources invested in the issue(s).
- The history of interactions (where appropriate) and the amount of correspondence exchanged with the Complainant.
- A summary of the steps taken by Employees to resolve the issue.
- The nature of the Complainant's behaviour.

Employees may choose to contact their Manager or Supervisor for assistance prior to a pattern of conduct being established if the Complainant's behaviour is of concern.

8.2. Director/Manager/Direct Supervisor Review

Managers/direct Supervisors are responsible for reviewing the information provided by Employees and determining if the complaint should be escalated to the appropriate Director.

Before escalating to the CAO, the Director, Manager, or direct Supervisor must be satisfied that:

- The Employee has dealt with the complaint properly and in line with relevant procedures and statutory guidelines.
- Employees have made reasonable efforts to satisfy or resolve the complaint and communication with the Complainant has been adequate.
- The Complainant is not attempting to provide any significant new information by contacting Employees.

8.3. CAO Confirmation

The CAO is responsible for reviewing the information provided by the Director/Manager/direct Supervisor in a timely manner and confirming whether or not this Policy should apply. The CAO may want to contact or convene Employees from other departments to confirm the extent of the Complainant's contact with the Township.

If, after reviewing the circumstances, the CAO determines that action under this policy should be taken, they will determine the appropriate action(s)/restrictions in accordance with this Policy in consultation with the Senior Leadership Team and the Township Solicitor (if necessary).

9. APPLICATION OF RESTRICTIONS AND NOTICE

9.1. When a decision has been made to classify the Complainant's conduct as Frivolous, Vexatious or Unreasonable, the Complainant (where possible and appropriate) will receive written notification from the CAO, with a copy to Members of Council, the Senior Management Team, detailing:

- The reasons for the decision.
- The restrictions to be applied.
- The review date; and
- What this means for the Complainant's contact with the Township.

9.2. Restrictions available to CAO under this policy shall be tailored to deal with the individual circumstances of each case and may include, but are not limited to:

- A letter of warning may be issued to the Complainant for any conduct that is in violation of this policy.

- Limiting the Complainant's correspondence with Employee to a particular form (e.g., email only), time (e.g., telephone calls only at specific times and days of the week) or duration (e.g., conversations may last no longer than ten minutes).
- Limiting the Complainant to an established point of contact at the Township (where possible, other Employees should be advised not to respond to the Complainant, but to refer them to the established point of contact).
- Requiring any face-to-face interactions between the Complainant and Employee to take place in the presence of an appropriate witness and in a suitable location.
- Requiring the Complainant to make contact only through a third party (e.g., solicitor, friend acting on their behalf).
- Requiring that the Complainant produces full disclosure of documentation or information before Employees will investigate any new complaints.
- Instructing Employees not to respond to further correspondence from the Complainant regarding the complaint of a substantially similar issue.
- Instructing Employees not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated.
- Limiting or regulating the Complainant's use of or access to the Township's services or facilities (e.g., community centres, administration building).
- In extreme circumstances, instructing Employees to severely reduce or completely cease responses to further complaints and correspondence from the Complainant; and/or
- Other actions as deemed appropriate by the panel of Senior Management Team members.

10. REVIEW OF RESTRICTIONS

- 10.1. The complainant shall have thirty (30) days from the date upon which the notice is received of restrictions to appeal against the decision by providing to the CAO a written letter outlining the reasons for the appeal. The CAO may confirm, rescind, or amend the restrictions, review date, extension, or modifications within ten (10) days of receiving an appeal.
- 10.2. Under this policy, any restrictions imposed will have a specific review date. The CAO will determine this date based on the circumstances of the case. The review date may be set at ninety (90) days or longer from the date the restrictions were implemented, especially in cases of severe conduct or a pattern of behaviour from the complainant that requires a longer restriction period. The CAO will review the complainant's status in consultation with the relevant Manager/Direct Supervisor on or before the review date and will communicate the outcome in writing to the complainant.
- 10.3. Where restrictions are not respected by the Complainant, further restrictions may be imposed upon review in accordance with this policy.

10.4. In the event that complaints cannot be resolved under this policy, they may be submitted to the Ombudsman's office.

10.5. New Complaints

Complaints on separate or new issues from a Complainant who has come under this Policy will be treated on their individual merits. The CAO will decide if any restrictions, which are currently in effect, should be applied to the new complaint.

11. MAINTAINING DETAILED RECORDS

11.1. Employees are responsible for maintaining detailed records of their interactions with Complainants (emails, notes of telephone conversations, and notes of in-person discussions) in order to justify any action being taken to restrict the Complainant's access to Employees. Records must be retained in accordance with the Township's Records Retention By-law and Schedule.

12. MONITORING AND EVALUATION

12.1. This policy is reviewed by the Manager of Legislative Services/Clerk or designated at least every Council Term (4 years) to ensure its effectiveness and compliance with legislation and current business processes or as required based on legislative changes.

12.2. The Manager of Legislative Services/Clerk is authorized to make minor or housekeeping amendments to this Policy as required.

13. REFERENCES

A09-CORP-002 Customer Service Policy

A09-CORP-003 Complaint and Service Request Handling Policy

A09-CORP-001 Social Media Policy

HRM-B-4.2 Respect in the Workplace

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Occupational Health and Safety Act](#)

Ontario Ombudsman – [Tips for Municipal Complaint Resolution Policy](#)