

<b>Title:</b>	<b>Trespass Policy and Procedure</b>
<b>Number:</b>	<b>GOV-21-02</b>
<b>Approved By:</b>	<b>City Council</b>
<b>Administered By:</b>	<b>Facilities Management Services</b>
<b>Effective Date:</b>	<b>April 26, 2021</b>

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## 1.0 Purpose/Background

The purpose of this Policy is to establish and communicate corporate standards for addressing Prohibited Conduct at City Facility as well as the issuance of Trespass Notices pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T21 and the City's Trespass By-law.

## 2.0 Policy Statement

The City of Oshawa is committed to making reasonable efforts to provide an inclusive, healthy, safe and respectful environment for everyone at its facilities. City Facility is accessed for a variety of purposes, including work, recreation and cultural activities, and for accessing municipal and other programs and services, along with further public participation in democratic purposes. The City recognizes that the majority of individuals use City Facility in a responsible manner. However, there are certain instances where individuals engage in inappropriate activities, which compromise the health, safety and well-being of others and their enjoyment and use of City Facility.

## 3.0 Scope/Application

This Policy applies to all Employees (including employees of the Oshawa Senior Community Centres), Council, Volunteers, Students, and/or Contracted Service Providers of the Corporation of the City of Oshawa.

## 4.0 Definitions

**Act** means the *Trespass to Property Act*, R.S.O. 1990, c. T.21.

**Authorized Person** means each of:

- (a) a security guard employed by or under contract with the City;
- (b) a Municipal Law Enforcement Officer appointed to enforce the By-laws of the City;  
and
- (c) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police;

- (d) a Supervisor, Manager, Director of the City's Recreation and Culture Services and Operations Services;
- (e) a Senior Staff Person;
- (f) a Senior Executive Staff Person; and,
- (g) Chief Administrative Officer (C.A.O.).

**City** means the Corporation of the City of Oshawa.

**City Facility(ies)** means all physical property, buildings, facilities, lands, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Oshawa.

**Contracted Service Provider** means an individual or business that undertakes a contract or agreement with the City in order to perform a service on a continuing basis (e.g. Security Guard Services, Marriage Officiants, etc.).

**Council** means Oshawa City Council as a whole.

**City Employee** means all full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period of time, of the City of Oshawa as well as Students.

**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.

**Hearings Officer** means each person from time to time appointed by Council pursuant to the Hearings Officer By-law 26-2008, as amended.

**Meeting Room** means that part of a City Facility in which the Council of the City of Oshawa or one of its Standing Committees is holding a meeting pursuant to the City's Procedure By-law 111-2017, as amended.

**Person** means an individual, partnership, association, organization, firm or corporation.

**Personal Information** means information according to Section 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56*, wherein Personal Information is defined as "Recorded information about an identifiable individual," including:

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;

- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except if they related to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual; and,
- (h) the individual's name if it appears with other Personal Information relating to the individual or where the disclosure of the name would reveal other Personal Information about the individual.

**Prohibited Conduct** means the broadly defined term in the City's Trespass By-law and also includes:

- (a) damage to or vandalism of a City Facility;
- (b) interference with the operation of a City Facility;
- (c) interference with others' use of a City Facility;
- (d) contravention of a law of Canada, a law of the Province of Ontario or a municipal by-law;
- (e) contravention of a City of Oshawa policy governing the conduct of Persons entering City Facility.

**Security Guard Services** means a contracted company or service provider who is authorized to maintain the security of City Facilities.

**Senior Executive Staff Person** means the Director, Facilities Management Services, Corporate Security Manager, a member of the Corporate Leadership Team including the Chief Administrative Officer.

**Senior Staff Person** means each Director of a City Branch.

**Student** means an individual at least 15 years of age and registered in an educational program at a high school, college or university level.

**Trespass Notice Bulletin** (Trespass Bulletin) means a bulletin disseminated to the appropriate staff following the issuance of a Trespass Notice, in order to inform staff of an active Trespass Notice and the related particulars (see Annex C).

**Trespass Notice** means a notice pursuant to the *Trespass to Property Act* that is authorized to be given pursuant to the Trespass By-law, prohibiting entry to one or more City Facility by a Person or group of Persons (see Annex A).

**Video Surveillance Equipment** means any video, physical or other mechanical, electronic, digital or wireless surveillance system or device that enables continuous or periodic video recording, observing or monitoring of Personal Information about individuals in interior and exterior public areas. Video Surveillance Equipment also includes devices capable of capturing audio and thermal or infrared images, or any other component capable of capturing the image of an individual.

**Volunteer** means an individual who volunteer their services, from time to time, to assist in areas of the City.

#### 4.1 Examples of Prohibited Conduct

Prohibited Conduct is broadly defined in the City's Trespass By-law and generally includes, but is not limited to, the following behaviours:

- Verbal assaults deemed to be aggressive, intimidating or having the potential of inciting violence;
- Threats and/or attempts to intimidate;
- Swearing;
- Throwing of articles in a deliberate or aggressive manner;
- Aggressive approaches to another individual (physical/ verbal assault);
- Physical striking of another individual or any act of violence;
- Attempts to goad or incite violence in others;
- Theft of property;
- Possession of weapons;
- Vandalism to City Facility;
- Refusal to abide by City Facility rules and/or posted notices;
- Making slurs against one's ethnicity, race, sexual orientation or other protected grounds as identified by the Ontario Human Rights Code;
- Illegal consumption of alcohol or drugs;
- Harassment (discriminatory, bullying, unwanted communication, sexual, etc.);
- Displaying of abusive or offensive words, images, etc.;
- The use of all cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms;
- Contravention of any City of Oshawa by-law or policy;
- Criminal behavior of any kind whatsoever.

## 4.2 Factors in Giving a Trespass Notice

In determining whether to give or extend a Trespass Notice to a Person, the locations where entry is prohibited, and the duration of the prohibition, the following provides factors to consider:

- the feasibility and effectiveness of any warnings to the Person or graduated restrictions placed on the Person;
- any operational or City Employee requirements or limitations;
- the severity of the harm or potential harm caused by the Person's Prohibited Conduct to City Employees, Council, Contracted Service Provider, Students or Volunteers, members of the public or City Facility;
- the Person's level of ability or circumstances;
- the history of the Person's conduct and interactions on City Facility;
- the likelihood of recurrence of the Prohibited Conduct by the Person; and,
- the impact of restrictions or prohibitions on the Person.

## 4.3 Formats of Trespass Notices and Issuing Trespass Notices

There are seven (7) formats of Trespass Notices which Authorized Persons are authorized to issue. **Table 1** details the different formats of Trespass Notices, duration, the Authorized Person, and examples of Prohibited Conduct. Trespass Notices can be issued either to the Person, by fax, by personal delivery or courier, mail (regular or registered) or email.

**Table 1 Formats of Trespass Notices**

Format of Trespass Notice	Duration	Authorized Person	Prohibited Conduct, includes but not limited to:
Oral or Written (written would apply to multiple locations)	Up to 3 days	<ul style="list-style-type: none"> <li>• Security Guard Services</li> <li>• Municipal Law Enforcement Officer</li> <li>• Police Officers</li> <li>• Supervisor, Manager, Director of the Recreation &amp; Culture Services and Operations Services</li> <li>• Senior Staff Person</li> <li>• Senior Executive Staff Person</li> <li>• C.A.O.</li> </ul>	1 <sup>st</sup> occurrence of the following: <ul style="list-style-type: none"> <li>• Loitering</li> <li>• Causing a Disturbance:               <ul style="list-style-type: none"> <li>○ Noise disturbance</li> <li>○ Profane language</li> <li>○ Mischief</li> </ul> </li> <li>• Harassment:               <ul style="list-style-type: none"> <li>○ Unwanted communication, jokes, remarks, innuendoes, leering</li> </ul> </li> <li>• Drugs and Alcohol               <ul style="list-style-type: none"> <li>○ Under the influence</li> </ul> </li> <li>• Suspicious Activity</li> </ul>

Format of Trespass Notice	Duration	Authorized Person	Prohibited Conduct, includes but not limited to:
Written	1 to 7 days	<ul style="list-style-type: none"> <li>• Security Guard Services</li> <li>• Municipal Law Enforcement Officer</li> <li>• Police Officers</li> <li>• Supervisor, Manager, Director of the Recreation &amp; Culture Services and Operations Services</li> <li>• Senior Staff Person</li> <li>• Senior Executive Staff Person</li> <li>• C.A.O.</li> </ul>	<ul style="list-style-type: none"> <li>• Loitering (repeat)</li> <li>• Causing a Disturbance (repeat): <ul style="list-style-type: none"> <li>○ Noise disturbance</li> <li>○ Profane language</li> <li>○ Mischief</li> </ul> </li> <li>• Harassment (repeat): <ul style="list-style-type: none"> <li>○ Unwanted communication, jokes, remarks, innuendoes, leering</li> </ul> </li> <li>• Drugs and Alcohol <ul style="list-style-type: none"> <li>○ Under the influence (repeat)</li> <li>○ Consumption/possession</li> </ul> </li> <li>• Suspicious Activity (repeat)</li> </ul>
Written	Up to 1 year	<ul style="list-style-type: none"> <li>• Senior Staff Person</li> <li>• Senior Executive Staff Person</li> <li>• C.A.O.</li> </ul>	<ul style="list-style-type: none"> <li>• Loitering (repeat)</li> <li>• Causing a Disturbance (repeat): <ul style="list-style-type: none"> <li>○ Noise disturbance</li> <li>○ Profane language</li> <li>○ Mischief</li> </ul> </li> <li>• Harassment: <ul style="list-style-type: none"> <li>○ Unwanted communication (repeat), physical contact</li> <li>○ Persistent unwanted contact</li> <li>○ Verbal assault/threats</li> <li>○ Aggressive behaviours</li> <li>○ Altercation</li> </ul> </li> <li>• Drugs and Alcohol <ul style="list-style-type: none"> <li>○ Under the influence (repeat)</li> <li>○ Consumption/possession (repeat)</li> </ul> </li> <li>• Suspicious Activity – police contacted</li> <li>• Theft – personal and City Facility</li> </ul>

Format of Trespass Notice	Duration	Authorized Person	Prohibited Conduct, includes but not limited to:
Written	Up to 2 years	<ul style="list-style-type: none"> <li>• Senior Executive Staff Person</li> <li>• C.A.O.</li> </ul>	Repeat offence of the following: <ul style="list-style-type: none"> <li>• Harassment:               <ul style="list-style-type: none"> <li>○ Unwanted communication, physical contact (repeat)</li> <li>○ Persistent unwanted contact (repeat)</li> <li>○ Persistent unwanted communication (repeat)</li> <li>○ Verbal assault/ threats (repeat)</li> <li>○ Aggressive behaviours (repeat)</li> <li>○ Physical assault</li> <li>○ Indecent exposure</li> </ul> </li> <li>• Drugs and Alcohol               <ul style="list-style-type: none"> <li>○ Consumption/ possession (repeat offence)</li> </ul> </li> <li>• Suspicious Activity – police contacted</li> <li>• Theft – personal and City Facility (repeat)</li> </ul>
Written	Up to 3 years	<ul style="list-style-type: none"> <li>• Senior Executive Staff Person</li> <li>• C.A.O.</li> </ul>	Repeat offence of the following: <ul style="list-style-type: none"> <li>• Harassment:               <ul style="list-style-type: none"> <li>○ Physical assault (repeat)</li> <li>○ Indecent exposure (repeat)</li> </ul> </li> <li>• Drugs and Alcohol               <ul style="list-style-type: none"> <li>○ Consumption/ possession (repeat)</li> </ul> </li> <li>• Vandalism and theft of City Facility (repeat)</li> </ul>
Written	Up to 5 years	<ul style="list-style-type: none"> <li>• C.A.O.</li> </ul>	<ul style="list-style-type: none"> <li>• Offences related to weapons</li> </ul>

## **5.0 Responsibilities**

### **a) All Employees, Contracted Services Providers, Students and Volunteers**

All Employees, Contracted Service Providers (other than Security Guard Services), Students and Volunteers are to report all cases of Prohibited Conduct to their direct Supervisor with full details outlined in this Policy.

### **b) Council**

Council are to report cases of Prohibited Conduct to the Corporate Security Manager.

### **c) Authorized Persons**

Authorized Persons are to report all cases of Prohibited Conduct as outlined in this Policy and to make sure that all Employees, Contracted Service Providers, Students and Volunteers are aware of and follow this Policy. Authorized Persons shall be responsible for the proper issuance of Trespass Notices and for ensuring that Corporate Security Services, the Corporate Security Manager and Director, Facilities Management Services are notified when a Trespass Notice is issued.

### **d) City Clerk Services**

The Supervisor, Records and Information Management, City Clerk Services, is responsible for the retention of Trespass Notices and Trespass Bulletins. City Clerk Services is also responsible for notifying the Corporate Security Manager of Meeting Exception requests from a Person who has been issued a Trespass Notice.

The City Clerk will also facilitate "Meeting Exception" requests as outlined in the Trespass By-law and the Policy.

### **e) Managers and Direct Supervisors**

Managers and direct Supervisors shall ensure that this Policy is communicated to Employees, Contracted Service Providers, Students and Volunteers staff and that they all comply with this Policy. Managers and Supervisors must contact the Executive Director, Human Resource Services, if a report of workplace violence is received as per the City's Respect in the Workplace – Harassment and Violence Policy. Employees, Contracted Service Providers, Students and Volunteers are to report all cases of Prohibited Conduct to their direct Supervisor.

### **f) Corporate Security Manager**

The Corporate Security Manager shall ensure that this Policy is communicated to Council. The Corporate Security Manager shall be responsible for the tracking of Trespass Notices, Trespass Notice changes, and meeting attendance exceptions. The Corporate Security Manager is also responsible for compiling and disseminating Trespass Bulletins, including the retrieval of images from Video Surveillance Equipment. Corporate Security Manager is also responsible for notifying Authorized Persons of any changes, revocations, suspensions, amendments and expirations related to Trespass Notices and Trespass Bulletins.



The Corporate Security Manager is responsible for ensuring the original Trespass Notice is received by City Clerk Services for records retention purposes as outlined in the Records Retention By-law and Schedule.

The Corporate Security Manager or delegated Facilities Management Services administrative staff will be responsible for the administration of the Hearings Officer process for appeals to Trespass Notices.

#### **g) Senior Staff Person and Senior Executive Staff Person**

Senior Staff Person and Senior Executive Staff Person shall be responsible for ensuring they issue Trespass Notices in accordance with this Policy and that the Corporate Security Manager communicates any changes or updates to Trespass Notices/Bulletins to the Authorized Person, including instances of Trespass Notice revocation and suspension.

### **5.1 Duty to Report**

If at any time Employee, Council, Contracted Service Provider, Students, Volunteer or City Facility patrons feel personally threatened, Durham Regional Police Service and Security Guard Services must be contacted immediately. It is **not** the expectation that Employees, Council, Contracted Service Provider, Students or Volunteers address situations of Prohibited Conduct if they believe that their personal safety will be compromised. Employees, Council, Contracted Service Provider, Students and Volunteers are **not** to engage in physical confrontations when encountering Prohibited Conduct (see Annex D).

Employees, Council, Contracted Service Provider, Students and Volunteers shall contact Durham Regional Police Services and Security Guard Services for incidents of Prohibited Conduct involving physical violence. Acts of workplace violence against Employees, Contracted Service Provider, Students and Volunteers are to be reported to their Supervisor in accordance with the City's Respect in the Workplace – Harassment and Violence Policy. Council should report acts of workplace violence to the Corporate Security Manager.

**Note:** A guideline on when to call 9-1-1 is appended as Annex E for reference purposes.

## **6.0 Legislative and Policy Overview**

### **6.1 Trespass to Property Act and Trespass By-law**

The City has the right as an owner and occupier of premises to restrict or prohibit entry to such premises and the *Trespass to Property Act*, R.S.O. 1990, c. T.21 governs the enforcement of that right.

Council approved a Trespass By-law establishing a system to administer notices and other matters under the *Trespass to Property Act*.

## 6.2 Occupiers' Liability Act and Occupational Health and Safety Act

The City 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 is reasonable, for any persons entering on its premises, and the property brought on the premises are reasonably safe. The City has further duties under the *Occupational Health and Safety Act*, R.S.O. 1990, 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 Council, Employees, Students, Volunteers, and the public in City operations and in public use of City Facilities.

## 6.3 Municipal Act, 2001, S.O. 2001, c.25

The City also has the authority to enact by-laws respecting its public assets and the protection of persons and property pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

## 6.4 Related Policies

The City's Respect in the Workplace - Harassment and Violence Policy LR14.10 outlines that it is the Corporation's goal to provide a healthy and safe work environment that is free from discrimination, Harassment and violence of any kind.

The Respect Check: Code of Conduct Policy for all City Facilities aims to promote a positive, safe and supportive environment for all who visit any City Facility.

## 7.0 Procedure

All Authorized Persons who have the authority to issue Trespass Notices, in accordance with this Policy, are required to consider and/or implement all possible alternative measures before issuing a Trespass Notice. A Trespass Notice may be given orally or in writing in accordance with the Trespass By-law.

When a City Employee, Council, Contracted Service Provider, Student or Volunteer observes an incident that has occurred on a City Facility, they shall report the incident to their direct Supervisor and Security Guard Services. The Authorized Person, where possible and if appropriate, first explains to the Person that their behaviour is unacceptable and ask that the Prohibited Conduct cease.

If the behaviour continues, the Authorized Person will ask the Person to leave the City Facility. If the Person refuses to leave when asked, the Authorized Person is to contact Security Guard Services (if not already in attendance) or Durham Regional Police Services.

## 7.1 Issuing Oral Trespass Notice

Oral Trespass Notices are issued immediately by the Authorized Person working at a City Facility and should only be used for isolated incidents. Oral Trespass Notices remain in effect for up to 72 hours from the time of issuance depending on the severity of the Prohibited Conduct, prohibiting entry to only one City Facility. All oral Trespass Notices must be recorded in accordance with this Policy.

## 7.2 Issuing Written Trespass Notice

Written notice is prepared and issued by the Authorized Person, following the incident. Where a mailing address is available for the Authorized Person, the written notice is also delivered to the Person via registered or regular mail and/or email. When an address or email information is not available, and the Person is no longer on the Facility, the written notice is prepared and issued by the Authorized Person the next time the Person is seen at the City Facility, unless the intended duration of the Trespass Notice has expired.

The following process is to be followed when issuing a Trespass Notice:

- i) Document the incident using the Incident Report – Corporate Security Form within 24 hours of the incident occurring and submit to Corporate Security (see Annex B);
- ii) Refer to Section 4.3 to determine the format of Trespass Notice and the Authorized Person;
- iii) The Authorized Person completes the Trespass Notice;
- iv) The Authorized Person issues the Trespass Notice to the Person;
- v) The Authorized Person saves a copy of the Notice in the designated network drive and sends email notification to the Corporate Security Manager;
- vi) The Corporate Security Manager or designate sends the original Trespass Notice to the Supervisor, Records Information Management (City Clerk Services) for retention purposes and sends a Notice Bulletin to the following:
  - Security Guard Services
  - Director, Facilities Management Services
  - Director, Municipal Law Enforcement and Licensing Services
  - City Clerk
  - Director, Recreation and Culture Services
  - Director, Operations Services
  - Executive Director, OSCC55+
  - Executive Director, Oshawa Public Libraries
  - Chief Executive Officer, Robert McLaughlin Gallery

vii) Authorized Persons will communicate the Trespass Notice Bulletin to appropriate staff and make the bulletin available for staff at the affected City Facility. It is important to note that the Trespass Notice Bulletin contains Personal Information and should not be left in plain view of the general public or be left in a manner susceptible to loss. Additionally, upon expiry, the Trespass Notice Bulletin shall be properly destroyed according to the City's Retention By-law and Schedule.

### 7.3 Requesting an Image for Trespass Notice Bulletins

- In an effort to increase the enforceability of a Trespass Notice, where available, images of the person responsible for the Prohibited Conduct will be obtained by the Corporate Security Manager.
- Requests must be made in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. 31 (M.F.I.P.P.A.).
- The Corporate Security Manager will attempt to capture the image, confirm the image with the Authorized Person who issued the Trespass Notice, and then include the image in the Trespass Notice Bulletin.
- City Clerk Services will review the Personal Information and authorize the release of the Trespass Notice Bulletin.
- Trespass Notice Bulletins will include the following:
  - i) An image of the individual (when possible);
  - ii) Details of the Trespass Notice: name, date, time, reason, duration; and,
  - iii) Details on steps to take if an Employee identify the Person violating their Trespass Notice.

### 7.4 Record Trespass Notice

Once a Trespass Notice has been issued orally or written, the following process must be followed:

- Document all Trespass Notice information within 24 hours of the incident;
- The Authorized Person enters required information in the tracking sheet located in the designated S:Drive Folder. In the case of Municipal Law Enforcement, Trespass Notices will be sent by the Officer to their Supervisor who will enter required information in the tracking sheet in the designated S:Drive Folder;
- The Authorized Person saves a copy of the Notice in the "Notices" folder in the designated S:Drive Folder.

### 7.5 Meeting Exception

- A Person to which a Trespass Notice has been issued may attend a Meeting Room at a City Facility, provided the Person complies with the following conditions, including but not limited to, those listed in the By-law.
- When a Person, who has received a Trespass Notice, intends to attend a meeting at a City Facility as per the Trespass By-law, the Person must notify City Clerk

Services of their intention to attend the meeting no later than one (1) business day prior to the scheduled start of the meeting.

- City Clerk Services will notify the Corporate Security Manager of the details of the request. The Corporate Security Manager will coordinate any personal escort requirements and inform the Authorized Person, Senior Staff Person and Senior Executive Staff Person at the affected City Facility of the details related to the meeting exception.

### **7.5.1 Invitation to Attend**

A Senior Staff Person or Senior Executive Staff Person may give to a Person who has received a Trespass Notice an Invitation to Attend a City Facility, which shall specify the following:

- the purpose for attending at the City Facility;
- the date and time of the approved attendance at the City Facility;
- the address of the City Facility where the Person is approved to attend;
- instructions for who to contact when the Person arrives for the approved attendance at the City Facility; and,
- that the Trespass Notice remains in effect except for the approved attendance in accordance with the Invitation to Attend.

The Corporate Security Manager must be copied on all Invitation to Attend.

### **7.5.2 Request for Invitation to Attend**

If a Person who has received a Trespass Notice needs to enter a City Facility to conduct business with the City and is prevented from doing so by the Trespass Notice, the Person may Request for Invitation to Attend, from the Authorized Person who gave the Person the Trespass Notice, a minimum of one (1) business day prior to the requested date(s) of attending at the City Facility. The request shall include the following information:

- the purpose for attending at the City Facility;
- the reasons why attending at the City Facility is necessary; and,
- the address of the City Facility where the Person wishes to attend.

The Authorized Person will review the request and with a Senior Staff Person and Senior Executive Staff Person, in consultation with the Corporate Security Manager, make a determination on a case-by-case basis. Once the request has been granted, the Person must sign in at the front desk at the City Facility and be escorted by Security Guard Services for the duration of the visit.

### **7.5.3 Manner of Attendance**

The manner in which a Person, who has received a Trespass Notice and is attending at a City Facility will be determined by the Senior Staff Person, and which may include the

option of electronic participation including but not limited to: telephone, video conferencing and computers with Internet access and conferencing software or programming.

## **7.6 Revoked, Suspended, Amended, Extended and Expired Trespass Notices**

- If the Senior Executive Staff Person has reason to believe that the Person has, during the term of the Trespass Notice under review, either violated the Trespass Notice or engaged in further or continued Prohibited Conduct, a Senior Executive Staff Person may extend the term of the Trespass Notice for a period not exceeding two (2) years.
- This notice may be provided by the Corporate Security Manager if the Senior Staff Person or the Senior Executive Staff Person notifies the Corporate Security Manager of their intention to extend the Trespass Notice. The Corporate Security Manager, once notified of the intention to extend the Trespass Notice, will issue the Person the extension to the Trespass Notice.
- An Authorized Person who has issued a Trespass Notice, or someone to whom they report directly or indirectly, may revoke the Trespass Notice and may impose such conditions respecting the revocation as the Authorized Person considers appropriate. The Authorized Person will shall notify the Corporate Security Manager of the revocation. The Corporate Security Manager will attempt to notify the Person affected of the revocation details.
- Once notified by the Corporate Security Manager of the revocation, suspension, amendment, or expiration of an active Trespass Notice, the Authorized Person will communicate the changes to appropriate staff and ensure that the Trespass Notice Bulletin has been removed and securely destroyed according to the Records Retention By-law and Schedule.
- The Corporate Security Manager will manage the tracking of Trespass Notices and Trespass Notice Bulletins and will notify the Authorized Person of the Trespass Bulletin when Trespass Notices are revoked, suspended, amended or expired.

## **7.7 Appeals**

- When a Trespass Notice has been issued or extended beyond one (1) month, the Person to whom the Trespass Notice was given may appeal to the Hearings Officer by giving to the City written notice of the Person's appeal and by paying the Appeal Fee as set out in the General Fees and Charges By-law. Trespass Notices remain in effect during the appeal period.
- Council may waive any provision or requirements.
- The right to appeal against the Trespass Notice expires if it has not been properly exercised before 4:30 p.m. on the twenty-first (21st) day after the day on which the Trespass Notice was extended or issued, at which time the Trespass Notice is affirmed.
- The Hearings Officer will provide notice of date, time and manner of the hearing of the appeal no fewer than seven (7) days prior to the hearing to the Person who

received the Trespass Notice and to the Senior Staff Person, Senior Executive Staff Person or C.A.O. who gave the Trespass Notice under appeal.

- A Hearings Officer may not make any decision respecting the application unless both the Senior Staff Person and/or Senior Executive Staff Person and the Person have an opportunity to be heard at the time and place of the hearing. If the Person who appeals the Trespass Notice fails to participate in or attend the hearing of the appeal or fails to pay the Appeal Fee, the Person will be deemed to have abandoned the appeal and the Trespass Notice affirmed.
- The Hearings Officer may revoke, shorten the term of, modify the City Facility it pertains to, change or affirm the Trespass Notice. The decision of a Hearings Officer is final and not subject to review.
- The Corporate Security Manager or Facilities Management Services administrative staff will manage Hearings Officer decisions and will notify Security Guard Services when a Trespass Notice is revoked, affirmed, modified or shortened by the Hearings Officer.

## **8.0 Maintaining Detailed Records**

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

### **8.1 Retention of Trespass Notices and Bulletins**

- City Clerk Services is responsible for the retention of Trespass Notices and Trespass Notice Bulletins.
- In the case of Trespass Notices, the Authorized Person who issued the Trespass Notice must send the original to the Corporate Security Manager who will send to the Supervisor, Records Information Management (City Clerk Services) as soon as practicable.
- The Corporate Security Manager, the Director, Facilities Management Services and the Senior Staff Person and/or Senior Executive Staff Person of the affected City Facility may retain an electronic copy in a secured corporate drive for security purposes.
- In the case of Trespass Notice Bulletins, the Corporate Security Manager must send the original copy to the Supervisor, Records Information Management (City Clerk Services).
- The Authorized Person of the affected City Facility who have received a copy of the Trespass Notice Bulletin shall ensure that the Trespass Notice Bulletin has been removed and securely destroyed when it is no longer in effect.

## 9.0 Monitoring and Evaluation

This Policy is reviewed by the Corporate Security Manager or designate at least every three (3) years to ensure its effectiveness and compliance with legislation and current business processes or as required based on legislative changes.

The Director, Facilities Management Services is authorized to make minor or housekeeping amendments to this Policy, as required.

For further information regarding this Policy, contact Facility Management Services at 905-436-3311 or email.

## 10.0 References

[Durham Regional Police 9-1-1 Call Guidelines](#)

[Hearings Officer By-law 26-2008, as amended](#)

[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. 31](#)


[Respect in the Workplace – Harassment and Violence Policy LR14.10](#)

[Trespass By-law](#)

[Trespass to Property Act, R.S.O. 1990, c. T21](#)

[Video Surveillance Policy](#)

## 11.0 Approved

<b>Authority</b> City Council	<b>Date</b> April 26, 2021	<b>Signature</b> 
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**ANNEX A – Trespass Notice****Trespass Notice**

- 1-3 Days  
 1-7 Days  
 Up to 1 Year  
 Up to 2 Years  
 Up to 3 Years  
 Up to 5 Years

This notice is circulated to Oshawa Employees and Contracted Services for the purposes of promoting public health and safety, and relies on section 32 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. Questions concerning the circulation of this notice should be directed to the City of Oshawa's Freedom of Information and Privacy Coordinator at 50 Centre Street South, Oshawa, Ontario, L1H 3Z7 or 905-436 3311.

Date issued: \_\_\_\_\_  
(mm/dd/yyyy)

Notice to: \_\_\_\_\_  
(First and Last Name)

Address: \_\_\_\_\_  
(Address) (City) (Postal Code)

The Individual, \_\_\_\_\_, is hereby prohibited from entering onto any part  
(First and Last Name)

of the lands, including the buildings and parking lots on such lands, municipally described as follows:

- All City facilities listed below
- |  |   |
|--|---|
| <input type="checkbox"/> Arts Resource Centre<br>45 Queen Street, Oshawa ON                    | <input type="checkbox"/> Harman Park Arena<br>829 Douglas Street, Oshawa ON             |
| <input type="checkbox"/> Children's Arena<br>155 Arena Street, Oshawa ON                       | <input type="checkbox"/> Lakeview Park<br>55 Lakeview Park Avenue, Oshawa ON            |
| <input type="checkbox"/> Howden Road Depot<br>235 Howden Road East, Oshawa ON                  | <input type="checkbox"/> Delpark Centre<br>1661 Harmony Road North, Oshawa ON           |
| <input type="checkbox"/> City Hall<br>50 Centre Street South, Oshawa ON                        | <input type="checkbox"/> Memorial Park<br>110 Simcoe Street South, Oshawa ON            |
| <input type="checkbox"/> Civic Recreation Complex<br>99 Thornton Road South, Oshawa ON         | <input type="checkbox"/> South Oshawa Community Centre<br>1455 Cedar Street, Oshawa ON  |
| <input type="checkbox"/> Columbus Community Centre<br>3265 Simcoe Street North, Oshawa ON      | <input type="checkbox"/> Northview Community Centre<br>150 Beatrice Street, Oshawa ON   |
| <input type="checkbox"/> Consolidated Operations Depot<br>199 Wentworth Street East, Oshawa ON | <input type="checkbox"/> Oshawa Animal Services<br>919 Farewell Street South, Oshawa ON |
| <input type="checkbox"/> Donevan Recreation Complex<br>171 Harmony Road South, Oshawa ON       | <input type="checkbox"/> Oshawa Union Cemetery<br>760 King Street West, Oshawa ON       |
| <input type="checkbox"/> Fire Station 1<br>199 Adelaide Avenue West, Oshawa ON                 | <input type="checkbox"/> Parking Garage 1<br>47 Bond Street West, Oshawa ON             |
| <input type="checkbox"/> Fire Station 2<br>1111 Simcoe Street South, Oshawa ON                 | <input type="checkbox"/> Parking Garage 2<br>110 King Street West, Oshawa ON            |
| <input type="checkbox"/> Fire Station 3<br>50 Beatrice Street East, Oshawa ON                  | <input type="checkbox"/> Parking Garage 3<br>1 Mary Street North, Oshawa ON             |
| <input type="checkbox"/> Fire Station 4<br>50 Harmony Road North, Oshawa ON                    | <input type="checkbox"/> Parks Services<br>919 Farewell Street South, Oshawa ON         |
| <input type="checkbox"/> Fire Station 5<br>1550 Harmony Road North, Oshawa ON                  | <input type="checkbox"/> Tribute Communities Centre<br>99 Athol Street East, Oshawa ON  |
| <input type="checkbox"/> Fire Station 6<br>2339 Simcoe Street North, Oshawa ON                 | <input type="checkbox"/> Oshawa Senior Community Centre<br>43 John Street, Oshawa ON    |
| <input type="checkbox"/> Other, _____  | <input type="checkbox"/> All other City Facilities not specifically listed              |

\*City Facility(ies) means any land owned or leased by the City and includes each building and other improvement thereon.

**ANNEX A – Trespass Notice (cont’d)**

This Trespass Notice ("Notice") is given pursuant to the Trespass to Property Act, R.S.O., 1990, c. T.21 (the "Act") and Oshawa By-law 98-2013, as amended (the "By-law").

This Notice is effective immediately and remains in effect until \_\_\_\_\_.  
(mm/dd/yyyy)

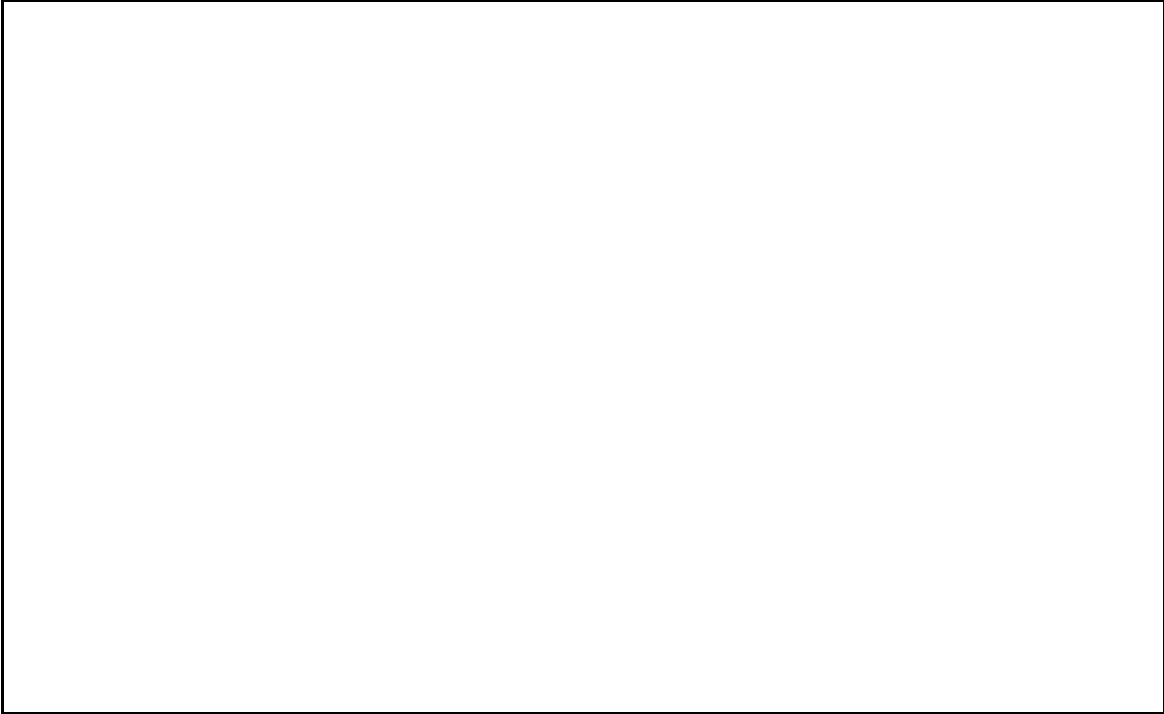
Failure to comply with this Notice constitutes an offence contrary to the Act.

Senior Staff Person's Name: \_\_\_\_\_  
(Print First and Last Name)


Position and Department: \_\_\_\_\_  
(Print Position Title and Department)

\_\_\_\_\_  
(Senior Staff Person's Signature)  
(Authorized by section 4 of Oshawa By-law 98-2013)

**Schedule A**



**ANNEX B – Incident Report**

<h2>City of Oshawa</h2> <h3>INCIDENT REPORTING SYSTEM</h3>		Incident Number: 28678 Entry Date: Monday, March 29, 2021 Entry Time: 15:05	
Occurrence Date: <input type="text"/> Occurrence Time: <input type="text" value="0:00"/> Dispatch Time: <input type="text"/> Response Date: <input type="text"/> Response Time: <input type="text"/> Related Report: <input type="text" value="0"/> Attachments: <input type="checkbox"/>	Emergency Services Requested? <input type="checkbox"/> Emergency Service Called: <input type="text"/> Police Report: <input type="text"/> Police Response Time: <input type="text"/>		
Site: OSHAWA CITY HALL <input type="text"/>	Incident Type: Other <input type="text"/>		
Rating: <input type="checkbox"/> Severe <input type="checkbox"/> High <input checked="" type="checkbox"/> Low			
Report To: <input type="text"/> Report Writer: <input type="text"/>	Complainant: <input type="text"/> Contact Number: <input type="text"/> Ext: <input type="text"/>		
Details: TEST			
<p><b>NOTE: Incident is to be reviewed and closed by supervisor or City of Oshawa Management ONLY!</b></p>			
Reviewed by: <input type="text"/>		Review Date: <input type="text"/>	
<input type="button" value="Close Incident"/>			

## ANNEX C – Trespass Notice Bulletin



Corporate Services Department

# Trespass Notice Bulletin

Please be advised that a Trespass Notice has been Issued to:

\_\_\_\_\_ (First and Last Name)

The Notice is effective until:

\_\_\_\_\_ (mm/dd/yyyy)

Insert Image

The individual is prohibited from entering onto any part of the lands, including the buildings and parking lots on such lands, municipally described as follows:

- |   |  |
|---|--|
| <input type="checkbox"/> All City facilities listed below     |  |
| <input type="checkbox"/> Arts Resource Centre                 | <input type="checkbox"/> Haman Park Arena                                  |
| <input type="checkbox"/> 45 Queen Street, Oshawa ON           | <input type="checkbox"/> 829 Douglas Street, Oshawa ON                     |
| <input type="checkbox"/> Children's Arena                     | <input type="checkbox"/> Lakeview Park                                     |
| <input type="checkbox"/> 155 Arena Street, Oshawa ON          | <input type="checkbox"/> 55 Lakeview Park Avenue, Oshawa ON                |
| <input type="checkbox"/> Howden Road Depot                    | <input type="checkbox"/> Delpark Centre                                    |
| <input type="checkbox"/> 235 Howden Road East, Oshawa ON      | <input type="checkbox"/> 1661 Harmony Road North, Oshawa ON                |
| <input type="checkbox"/> City Hall                            | <input type="checkbox"/> Memorial Park                                     |
| <input type="checkbox"/> 50 Centre Street South, Oshawa ON    | <input type="checkbox"/> 110 Simcoe Street South, Oshawa ON                |
| <input type="checkbox"/> Civic Recreation Complex             | <input type="checkbox"/> South Oshawa Community Centre                     |
| <input type="checkbox"/> 99 Thomson Road South, Oshawa ON     | <input type="checkbox"/> 1455 Cedar Street, Oshawa ON                      |
| <input type="checkbox"/> Columbus Community Centre            | <input type="checkbox"/> Northview Community Centre                        |
| <input type="checkbox"/> 3265 Simcoe Street North, Oshawa ON  | <input type="checkbox"/> 150 Beatrice Street, Oshawa ON                    |
| <input type="checkbox"/> Consolidated Operations Depot        | <input type="checkbox"/> Oshawa Animal Services                            |
| <input type="checkbox"/> 199 Wentworth Street East, Oshawa ON | <input type="checkbox"/> 919 Farewell Street South, Oshawa ON              |
| <input type="checkbox"/> Donevan Recreation Complex           | <input type="checkbox"/> Oshawa Union Cemetery                             |
| <input type="checkbox"/> 171 Harmony Road South, Oshawa ON    | <input type="checkbox"/> 760 King Street West, Oshawa ON                   |
| <input type="checkbox"/> Fire Station 1                       | <input type="checkbox"/> Parking Garage 1                                  |
| <input type="checkbox"/> 199 Adelaide Avenue West, Oshawa ON  | <input type="checkbox"/> 47 Bond Street West, Oshawa ON                    |
| <input type="checkbox"/> Fire Station 2                       | <input type="checkbox"/> Parking Garage 2                                  |
| <input type="checkbox"/> 1111 Simcoe Street South, Oshawa ON  | <input type="checkbox"/> 110 King Street West, Oshawa ON                   |
| <input type="checkbox"/> Fire Station 3                       | <input type="checkbox"/> Parking Garage 3                                  |
| <input type="checkbox"/> 50 Beatrice Street East, Oshawa ON   | <input type="checkbox"/> 1 Mary Street North, Oshawa ON                    |
| <input type="checkbox"/> Fire Station 4                       | <input type="checkbox"/> Parks Services                                    |
| <input type="checkbox"/> 50 Harmony Road North, Oshawa ON     | <input type="checkbox"/> 919 Farewell Street South, Oshawa ON              |
| <input type="checkbox"/> Fire Station 5                       | <input type="checkbox"/> Tribute Communities Centre                        |
| <input type="checkbox"/> 1550 Harmony Road North, Oshawa ON   | <input type="checkbox"/> 99 Athol Street East, Oshawa ON                   |
| <input type="checkbox"/> Fire Station 6                       | <input type="checkbox"/> Oshawa Senior Community Centre                    |
| <input type="checkbox"/> 2339 Simcoe Street North, Oshawa ON  | <input type="checkbox"/> 43 John Street, Oshawa ON                         |
| <input type="checkbox"/> Other, _____                         | <input type="checkbox"/> All other City Facilities not specifically listed |

\*City Facility(ies) means any land owned or leased by the City and includes each building and other improvement thereon.

If you see this individual please advise security guard services (ext. 2338) immediately. Do not approach this individual.

Regards,

Security

## Annex D – Addressing Prohibited Conduct

- City Employees, Council, Contracted Service Providers, Students and Volunteers are authorized to act in accordance with this Policy if Prohibited Conduct is observed or a complaint is received.
- When addressing cases of Prohibited Conduct, it is recommended that Authorized Person be accompanied by Security Guard Services, where the situation permits.
- Upon witnessing or suspecting that Prohibited Conduct has occurred or is occurring, the following procedure will be enacted in the order as detailed below, provided that it is safe to do so:

### 1. Preliminary Measures:

- Get a good description of the Person (e.g. physical characteristics, clothing, etc.)
- Note the time and location

### 2. If addressing physical violence or other unsafe situations:

- Immediately contact police and provide the following details:
  - **Where** are you - tell the call taker exactly where you are standing, especially important when calling from a cellphone.
  - **What** are you seeing - give as much detailed information as possible.
  - **When** did this take place - if the incident is in progress, let the call taker know immediately.
  - **Who** are you - give your full name, address and contact information. Inform the call taker that you are an employee of the City of Oshawa.
  - **Weapons** - do you see one or is it implied that there may be one?
  - **Witness** – did you or someone else witness the incident?
- Advise Security Guard Services (ext. 5687) that you have contacted police and provide the same information above.
  - If **other** City Employee, Council, Contracted Service Provider, Student or Volunteer are available and if it is safe to do so, assign:
    - One Employee, Council, Contracted Service Provider, Student or Volunteer to meet and direct police/security at the main entrance of City Facility.
    - One Employee or Council to assist in addressing Prohibited Conduct.

### **3. Addressing Prohibited Conduct While Preventing Confrontation:**

- Introduce yourself (name, position and authority to act)
- Be courteous, calm and assured.
- Ask the Person to identify themselves, ask for ID when/if possible
- Without jeopardizing your safety or others, inform the Person that their behaviour constitutes Prohibited Conduct and that they should stop the activity immediately. Notify the Person that there are cameras on the premises and everything is being recorded, point out signage of Prohibited Conduct. If police have been contacted, advise the individual that police are on their way.
  - Inform the Person of all appropriate by-laws and that they must immediately leave the City Facility.
  - If Police have not already been contacted and the Person fails to cooperate, inform the Person again of all appropriate by-laws and that they must immediately leave the City Facility.
  - City Employee, Council, Contracted Service Provider, Student or Volunteer shall immediately contact Durham Regional Police.
  - Advise Supervisor and Corporate Security Manager immediately.

### **4. Options for Addressing Prohibited Conduct:**

- Authorized Person is permitted to address Prohibited Conduct using a variety of options which include:
  - Requesting the Person to stop their Prohibited Conduct;
  - Requesting that the Person leave the City Facility either through voluntary compliance or with the assistance of Police or Security;
  - Issuing Trespass Notices (Note: only Authorized Person are authorized to issue Trespass Notices. Refer to Section 4 of the Policy); and,
- Addressing Prohibited Conduct requires a “case-by-case” approach and some options are appropriate for certain incidents while others are not.

## **Annex E – Call 911**

### **Calling 911**

Durham Regional Police Service is the Primary Public Safety Answering Point for the Region of Durham. The Communications/911 Unit is responsible for the initial answering of all 911 emergency calls. Call takers at the centre answer 911 calls and direct them to the appropriate police, fire, or ambulance.

In the case of Durham Regional Police calls for service, the call taker will continue on with the call and obtain all information as required by police. 911 calls for fire or ambulance are immediately transferred to the required emergency service.

### **When to Call 911**

Call 911 in life-threatening situations or when there is immediate danger to life or property. For example:

1. You or another person is injured and in need of medical attention (i.e. chest pains, bleeding, breathing problems).
2. A fire or smoke has been detected, requiring the Fire Department.
3. A crime has just occurred, resulting in injury, potential injury or life-threatening situation, including domestic violence.
4. A robbery or theft is being committed.
5. The sound of breaking glass is heard.
6. Someone is screaming for help.
7. A loud explosion or gunshot is heard.
8. A motor vehicle accident has occurred.
9. Someone asks you to call 911 for an unknown situation.

**Do not call 911 for these types of incidents. Call the non-emergency number 905-579-1520 or 1-888-579-1520 for:**

1. Theft of property that occurred days or weeks ago.
2. Vandalism, egging houses, damage to vehicles, days or weeks ago
3. Any historic assaults (i.e. assaults that occurred weeks or years ago)
4. General information about policing (i.e. to speak to an officer, fireman, or to ask for directions or information).
5. Complaints about a police officer.

**Do not call Durham Regional Police for these types of incidents:**

1. Street parking complaints.
2. Noise complaints (i.e. barking dogs, loud stereos, construction noise)
3. Lost, stolen or found pets or property.