



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: January 12, 2026
Prepared by: Joe Malandrucolo, Director, Legal and Legislative Services/Clerk
Report Number: Legal and Legislative Services-2026-01
Subject: Public Conduct Policy and Trespass to Property Policy
Number of Pages: 5 plus attachments

Recommendation(s)

That Legal and Legislative Services-2026-01 entitled Public Conduct Policy and Trespass to Property Policy prepared by Joe Malandrucolo, Director, Legal and Legislative Services/Clerk dated January 12, 2026, be received;

That Council adopt a Public Conduct Policy; and

That Council adopt a Trespass to Property Policy.

Purpose

The Town of Essex owns a variety of properties which are used by the public. It also provides a vast array of services accessed by the public. The Town is committed to inclusively engaging citizens to enhance their health, well-being and experience. It is also committed to working with its employees to provide a safe work environment by promoting respectful conduct, tolerance and inclusion. The Town must comply with its statutory duties to keep users of its properties reasonably safe and to take reasonable precautions to protect the Town's employees in the workplace, as well as Town Council.

Background and Discussion

On September 15, 2025, Town Council carried the following Motion:

R25-09-435

Moved By: Councillor Allard

Seconded By: Deputy Mayor Shepley

Whereas Council and Employees of the Town of Essex have experienced harassment and other reprehensible conduct by members of the public and other third parties.

Now Therefore Be It Resolved That the Town of Essex Council direct Administration to develop a policy to regulate and provide guidelines for addressing the conduct of members of the public and other third parties when dealing with Council and Employees of the Corporation of the Town of Essex.

Occasionally, the Town of Essex experiences harassment from members of the public which appears to have escalated over the last few years. Such harassment occurs in person, by email, by phone and through social media, and is directed towards Town Council, Committee Members, Administration, Independent Contractors and other Staff from various departments ("**Town Council and Staff**"). The harassment includes:

- Making intimidating comments;
- Swearing;
- Threatening legal action;
- Threatening public criticism to local news outlets;
- Outbursts at public meetings directed at Town Council and Staff;
- Public criticism on social media websites; and
- Demanding work be done at unreasonable times or within an unreasonable time frame.

This Report proposes Policies, attached hereto as Schedule 'A' and Schedule 'B' similar to those enacted in the County of Essex and other Ontario municipalities.

Public Conduct Policy

The Public Conduct Policy proposed by this Report includes:

- The reason and purpose for the Policy, being the protection of Town Council and Staff, as well as residents at large;
- The application of the Policy;
- Notification requirements;
- Enforcement procedures;
- Potential restrictions that could be imposed pursuant to the Policy; and
- Appeal process.

The Policy outlines what comprises unreasonable behaviour and introduces potential restrictions placed on members of the public as a result of such behaviour, including restrictions on access to Town Council and Staff. Other potential restrictions include limited access to Town facilities, issuing a notice of trespass and potential legal action if the behaviour continues. The goal of the restrictions would be to prevent harassment of Town Council and Staff without excessively violating the section 2(b) *Charter* right of every Canadian citizen to free speech.

The most restrictive measure put in place pursuant to the Policy would be the issuance of a Notice of Trespass in accordance with the Town's Trespass Policy, which is also proposed by this report.

Trespass Policy

A Trespass Policy is required to allow the Town to issue a Notice of Trespass restricting access to Town property. The Trespass Policy proposed by this Report includes:

- Circumstances in which the Policy applies;

- Legislation supporting the issuance of a Notice of Trespass;
- The process for applying the Policy; and
- Length of trespass bans.

The length of trespass bans should be reasonable so as not to violate a person's section 2(b) *Charter Rights*. As a result, initial bans are normally short and increase in length with reoccurrences. Pursuant to section 2(1) of the *Trespass to Property Act*, a member of the public found guilty of violating a Notice of Trespass is liable to a fine of up to \$10,000.00.

Conclusion

These Policies will not only address how to deal with the actions of the public but establish steps to be taken when members of the public cross boundaries with Town Council and Staff. The Policies are supported by Ontario legislation and case law and mirror public policies of other municipalities from across the province.

Financial Impact

None

Consultations

Kate Giurissevich, Chief Administrative Officer

Shelley Brown, Deputy Clerk

Cory Simard, Manager, Legal, Licensing and Enforcement

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Public Policy and Trespass to Property Policy.docx
Attachments:	- Schedule 'A' - Public Conduct Policy_2026.docx - Schedule 'B' - Trespass to Property Policy_2026.docx
Final Approval Date:	Jan 8, 2026

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink that reads "Kate Giurissevich". The signature is written in a cursive style and is centered on the page.

Kate Giurissevich, Chief Administrative Officer - Jan 8, 2026 - 3:43 PM