



Policy Title:	Trespass to Property Policy
Policy Number:	Issued Policy Number
Department:	Office of the Chief Administrative Officer
Division:	Legal and Legislative Services
Approval Date:	January 12, 2026
Approval:	
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1. Introduction

The Corporation of the Town of Essex (the "Town") has implemented this Trespass to Property Policy in order to **support the implementation of the Town's Public Conduct** Policy. The purpose of this Policy is to provide a system of issuing notices of trespass and to ensure that Town council and staff, as well as all other citizens have the right to enjoyment and use of municipal property without interference.

2. Scope

This Trespass to Property Policy pertains to all those who are found to be in contravention of the **Town's Public Conduct** Policy while interacting with members of Town Council and employees or contractors of the Town, including, but not limited to verbally via **telephone, through written communication, or by attending in person at the Town's** Facilities, including Toan Hall, for which it is determined that the issuance of a Notice of Trespass is warranted.

3. Definitions

For the purposes of this Policy,

"CAO" has the definition set out in Section 5.1 of this Policy.

"Facilities" means property owned by the Town.

"Trespass(ing)" means the same as **"trespassing"** or **"trespass"** as defined and used in Section 2(1) of the *Trespass to Property Act* (Ontario).

4. Purpose

The Town is committed to ensuring a safe and respectful environment for everyone who utilizes the Town's Facilities. The Town's Facilities are accessed for a variety of purposes, including for work, recreation and cultural activities, and for accessing municipal and other programs and services, along with furthering public discourse and participating in democratic processes and values protected under the *Charter of Rights and Freedoms*.

However, the Town also has a general duty under the *Occupiers' Liability Act* to take such care as in all the circumstances is reasonable for the reasonably safe use of its Facilities. The Town has further duties under the *Occupational Health and Safety Act* and the *Criminal Code* to address workplace violence and harassment.

One of the enforcement mechanisms which the Town may use to further its statutory and common law duties as owner and occupier of its Facilities, as well as an employer of a workplace, to exclude persons from the Facilities is through the use of a Trespass to Property Notice in accordance with the *Trespass to Property Act* (Ontario).

Individuals who fail to abide by Town policies, including the Public Conduct Policy, or who otherwise engage in aggressive, disrespectful or intimidating behaviour, bullying, harassment, who use coarse language or engage in criminal behaviour while accessing a Town program, service, event, or the Facilities or do not with any rules or regulations posted at a Town Facility may be asked to leave the Town's Facilities immediately. The issuance of a Trespass to Property Notice is one of the tools that may be considered to prevent the reoccurrence of such behaviour.

5. Policy

5.1. Issuance to Trespass Notice

A Trespass Notice may only be issued by the Town Director, Legal and Legislative Services, on instructions received from the Chief Administrative Officer or his or her **designate (the "CAO")**, as part of the action(s) or restriction(s) permitted pursuant to the provisions of the **Town's** Public Conduct Policy.

For a Trespass Notice of 72 hours or less, the **Town's** Director, Legal and Legislative Services, will **in the Director's discretion do** either or both of the following:

1. Verbally communicate the Trespass Notice to the affected individual, or,
2. Send a letter by courier to the last known address of the affected individual.

For a Trespass Notice in excess of 72 hours, the **Town's** Director, Legal and Legislative Services, will draft and send a written and formal Trespass to Property Notice by courier to the last known address of the affected individual, which written

and formal Trespass to Property Notice shall indicate an expiry date of not more than five years from the date of issuance of the said Trespass to Property Notice.

Subsequent Notices of Trespass will increase in length at the discretion of the CAO. Long-term bans shall be the exception rather than the rule.

5.2. Notice to Others

The **Town's** Director, Legal and Legislative Services, shall

- 5.2.1. Provide notice of any Trespass Notice of 72 hours or less to the appropriate Director and managers of each of the Facilities of the Town and the CAO;
or
- 5.2.2. Provide notice of any Trespass Notice of 72 hours or more to the appropriate Director and managers of each of the Facilities of the Town, the CAO and to the appropriate police departments

5.3. Review

There shall be no review of any Trespass Notice of 72 hours or less. Any review of a Trespass Notice of 72 hours or more is reviewable in accordance with the provisions outlined in Section 7 of the Town's Public Conduct Policy.

5.4. Renewal

For any Trespass Notice in excess of 72 hours, it is the responsibility of the **Town's** Director, Legal and Legislative Services, to confirm, in consultation with the CAO, pursuant to the provisions of the Town's Public Conduct Policy, as to whether the Trespass Notice is to be renewed once it expires, and, if it is to be renewed, on what terms.

- 5.4.1. All employees are responsible for reporting any breaches of a Trespass Notice of which they are aware, to their immediate supervisor, and which supervisor is responsible for reporting same to the **Town's** Director, Legal and Legislative Services, who will then report such breach to the CAO.
- 5.4.2. The **Town's** Director, Legal and Legislative Services, is responsible for issuing and renewing Trespass Notices in accordance with instructions provided by the CAO and is further responsible for providing notice of the Trespass Notice to (1) the affected individual, (2) to the **Town's** Directors and managers of the Facilities of the Town, (3) the CAO and (4) to the appropriate police departments.



- 5.4.3. The CAO is responsible for providing instructions to the Town's Director, Legal and Legislative Services, as to the issuing or renewal of Trespass Notices along with the terms for same and only in accordance with the provisions of the Public Conduct Policy.
- 5.4.4. The Clerk is responsible for ensuring this Trespass to Property Policy is reviewed every five years, or at such earlier date as may be required.

5.5. Appeals

Should a person served with a Notice of Trespass choose to appeal, they must submit a written letter outlining the reason for appeal to the CAO. In the event of an appeal of a Notice of Trespass, the CAO, in consultation with the Town Director, Legal and Legislative Services, shall determine whether such Notice of Trespass should be upheld, reconsidered or withdrawn in accordance with this Notice of Trespass Policy.

6. References and Related Documents

- 6.1. Public Conduct Policy