

POLICY & PROCEDURE:

TRESPASS ORDER

Program Policy

Community and Social Services Division

Ontario Works Department

Children's Services Department

Community Housing Department

Finance and Special Services Department

Program Review and

Quality Assurance Department

LEGISLATIVE AUTHORITY:

- Trespass to Property Act, R.S.O. 1990, Chapter T.21

INTENT:

This policy has been developed to provide a standard and consistent process in which Trespass Orders are considered, issued and monitored within the Division of Community and Social Services.

CRITERIA:

1. Trespass orders may be requested by any staff member of the United Counties of Leeds and Grenville, Division of Community and Social Services.
2. A Trespass order may be requested for an individual / client / tenant of the services and programs offered through the Division of Community and Social Services.
3. The request for a Trespass Order does not necessarily have to be submitted by the staff member involved in an incident.
4. The name of the Individual must be known in order for a Trespass Order to be issued. (i.e. an unknown service user at the OEYC cannot be issued a Trespass Order unless the identity of the individual is known)
5. In the situation that the name of the individual is known, but not the address (i.e. ex-spouse of Community Housing Tenant) the following procedure applies with the exception that a copy of the order would not be mailed but rather posted in the reception areas of all locations that the individual is prohibited from attending. If at a later time the address becomes known, the "Trespass Order" shall be mailed in accordance with this policy, to the individual.

CRITERIA (continued):

6. A trespass order request is only valid within the program for which the request is being made. The exception is LEAP, Child Care Fee Subsidy and Ontario Works, in which a trespass order issued by any of these Departments will exclude entry to all of the locations in which these programs operate.
7. Approval of a trespass order request must be done by the staff member's immediate Team Leader / Supervisor / Manager / Director.
8. Team Leaders and Supervisory staff who have approved Trespass Orders, will ensure that a copy is provided to the Department Manager
9. Approval of a Trespass order must be made with the consideration of the following issues:
 - a. Nature of the incident that precipitated the request for a Trespass Order
 - b. Previously documented behavior / incidences that were of concern to staff
 - c. Acts or threats of violence made toward staff / other service users
 - d. It is believed that the quality of programming and the ability to administer programs is hampered by the individual's presence on the property
 - e. Attempts have been made to inform / advise / warn the individual of unacceptable behavior.
 - f. Alternative methods to deal with the individual and their behavior have been explored and exhausted.
 - g. Direct and substantial concern that the individual is a threat to the property of the United Counties of Leeds and Grenville, Division of Community and Social Services
 - h. Other Departments within the Division of Community and Social Services or other Community Agencies have additionally experienced difficulty with the individual.
 - i. The behaviour of the individual is negatively impacting on the "reasonable enjoyment of others" in a residential or service based environment (i.e. Community housing complex or Ontario Early Years Centre).
10. All trespass orders will only be issued with the intent of protecting staff safety and / or the safety of other clients / tenants/ service users.
11. In the case of the Community Housing Department, the Team Leaders or Manager have the authority to issue a trespass order against an individual, for any of the housing complexes within their portfolio, if they determine that the Trespass Order is required to ensure "the reasonable enjoyment of others (Tenants)" on the property / premises. This determination must also be made in consideration of the criteria as outlined in #9.

CRITERIA (continued):

12. All trespass orders are to be reviewed by staff and their immediate Team Leader/ Supervisor / Manager every 6 months to determine if the Trespass order should remain in place.
13. The Ontario Works Case Manager will create a task in SDMT to ensure a review of the Trespass Order occurs at 6 month intervals or until such time that the Trespass Order is removed from the file. In the event that a specific file / case is transferred, reinstated or assigned to an alternate co-worker, the new and current staff that has direct responsibility for that file / case will be responsible to conduct the 6 month trespass order reviews.
14. Staff members without access to SDMT and who have files / cases in which Trespass Orders have been placed upon, shall ensure that the required 6 month reviews occur until such time that the Trespass order is removed from the file.
15. All approved or denied Trespass order requests are to be placed on the client / tenant file.
16. In the case of the Ontario Early Years Centre, all requests shall be maintained in a central binder / location.

PROCEDURE:

1. All Trespass order requests must consider the above criteria.
2. It is assumed that a trespass order request would be preceded with a request for a safety flag and the completion of an incident report. In the event that a safety flag is already present on the file prior to the incident, a second incident report will be required to ensure clear and concise documentation of the incident. [see Policy- SDMT Flags]
3. A Trespass Order Request "Attachment A" is required in addition to the incident report and must be submitted to the immediate Team Leader/ Supervisor/ Manager.
4. Staff who are making the Trespass Order Request are responsible to record the applicable notes in SDMT (where applicable). Note type would be "Flag – Safety" and note category would be "Trespass Notice".
5. Team Leaders / Supervisors/ Managers must review such requests within 24 hours of receipt.

PROCEDURE (continued):

6. Approval or denial is recorded by the respective Team Leader / Supervisor / Manager, on the "Request for Trespass Order Form" – Attachment A. In addition the Team Leader / Supervisor/ Manager is responsible to append the original note in SDMT to record the approval or denial of the Trespass Order request.
7. If approved, the staff member who made the request or their designate shall prepare the standard form letter as contained in Attachment B, which must be signed by the appropriate Team Leader / Supervisor/ Department Manager.
8. The letter shall be sent out as registered mail to the individual within 2 business days of having received the approval.
9. The Trespass Order letter shall be copied/ distributed by the approving Team Leader/ Supervisor / Department Manager, to the local police department (police department within the jurisdiction of the location that client is prohibited to enter, this may be more than one) as well as to all Department Managers and the Director of the Division of Community and Social Services.
10. Each Department Manager will be responsible to ensure that front desk, intake staff and other front line staff (i.e. Casemanagers, Tenant Services Co-Ordinators) within their own Department are provided with the information as required / necessary. If the Trespass Order does not apply to a particular location or program, it is still imperative that the staff who may potentially come in contact with the individual is apprised of the information.
11. If the individual knowingly comes onto the premises for which they were issued a Trespass Order, staff shall advise the individual to leave the premises due to being in violation of the Trespass Order.
12. If the client refuses to leave, staff should make immediate contact with local police.
13. All current trespass orders shall be reviewed by the current Ontario Works Case Manager and their immediate Team Leader / Supervisor / Manager, every 6 months to determine the appropriateness of continuing with the Trespass order in place.
14. There may be situations or circumstances in which the Trespass Order may be removed prior to the 6 month review. These situations shall be discussed with the immediate Team Leader / Supervisor / Manager.

PROCEDURE (continued):

15. In the event that the decision is made to withdraw the Trespass Order, a standard "Withdrawal of Trespass Order - "Attachment C" letter shall be completed and addressed to the individual's last known address to advise of the removal of the trespass order. This letter must also be copied to the local police department and all Department Manager's and the Director of the Division of Community and Social Services. Department Managers will be responsible to notify front desk and reception staff of a "withdrawal of trespass order".

Deborah Gill
Manager, Program Review/Quality Assurance Department

Date

Dorothy Theobald
Director, Community and Social Services Division

Date

ATTACHMENT A

Request For Trespass Order

Date: _____

Staff member making the request: _____

Name of Client/Individual: _____

Address: _____

Street

Unit No.

City

Province

Postal Code

Phone Number(s): _____

Has an Incident Report been completed?

Yes If **YES**, please attach.

No If **NO**, please describe the reasons and rationale for the Trespass Order Request.

This request is being made in accordance with the criteria that is contained in **Policy: Trespass Orders**.

Yes

No

If **NO**, please explain:

Staff Member

**Team Leader / Supervisor /
Manager / Director**

Attachment B



THE UNITED COUNTIES OF LEEDS AND GRENVILLE COMMUNITY AND SOCIAL SERVICES DEPARTMENT

200 – 458 Laurier Boulevard
Brockville, Ontario
K6V 7K5

Telephone: 1 800-267-8146
613-345-4101
Fax: 613-342-8908

Dorothy Theobald, Director, Community and Social Services

[Date]

[Name]

[Address]

[City, Province, Postal Code]

Dear [Name]:

This letter will serve to advise you that as of [Date] , you will not be permitted to enter the premises of the United Counties of Leeds and Grenville Community and Social Services Division, **[Department Name]**. This includes entry to the following United County of Leeds and Grenville Community and Social Services Division locations:

LOCATION(S)

Entry onto the said premises will result in contact with local police. This Trespass Order has been issued in accordance with the "Trespass to Property Act, R.S.O. 1990, Chapter T.21 which reads as follows:

Section 2(1) Every person who is not acting under a right or authority confirmed by law; who,

- a) without the express permission of the occupant, the proof of which rests on the defendant
- b) does not leave the premises immediately after he or she is directed to do so by the occupant of the premises or a person authorized by the occupant,

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Section 2(1) (continued)

- c) enters on premises when entry is prohibited under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.00.

Team Leader/ Manager

Cc: Brockville Police / OPP
Director, Community and Social Services Division
Department Head, Children's Services
Department Head, Program Review and Quality Assurance
Department Head, Ontario Works Department
Department Head, Community Housing Department

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ATTACHMENT C

Request For The Withdrawal of Trespass Order

Date: _____

Staff member making the request: _____

Name of Client/Individual: _____

Address: _____
Street *Unit No.*

_____ *City* *Province* *Postal Code*

Phone Number(s): _____

Please identify the circumstances for which you believe the trespass order should be removed.

Staff Member

**Team Leader / Supervisor /
Manager / Director**