

Category: Accessibility and Inclusion

## **Suspension, Banning and Trespass to Property Act Administrative Directive**

Policy Number: ANI-130  
Approved by: CAO/CLT – July 15, 2024  
Administered by: Security Services, Public Works & Engineering  
Effective Date: July 15, 2024

---

1. Background .....	2
2. Purpose .....	2
3. Application and Scope .....	2
4. Outcomes .....	2
5. Principles .....	3
6. Policy Statements .....	3
7. Roles and Responsibilities .....	3
8. Records Maintenance .....	4
9. Monitoring and Compliance .....	4
10. Definitions .....	5
11. References and Resources .....	7
12. Revision History .....	8

## **1. Background**

The City of Brampton ('the City') is committed to ensuring health and safety for all of its employees and community members while maintaining access to facilities and properties. The City recognizes that the majority of individuals use City facilities in a responsible manner and conduct themselves appropriately when visiting City properties and facilities.

There are, however, certain instances where an individual's behaviour while using City facilities is not appropriate or acceptable. In such instances, authorized City supervisory staff and Security Services staff will take steps to restore order and to ensure the safety of all members of the public, as well as staff. Depending on the severity of the behaviour, authorized City supervisory staff and Security Services staff have the authority to ask an individual(s) to leave a program, location or City facility or services when displaying inappropriate, disruptive, or aggressive behaviour that threatens the security/safety of the public, staff, participants, and property and interrupts or interfere with the lawful use, enjoyment, or operation of the property.

The actions of the City that may be taken under this Administrative Directive arise from the City's authority as owner or occupier of its property pursuant to the Trespass to Property Act, and from the Occupier's Liability Act.

## **2. Purpose**

The purpose of this Administrative Directive is to provide direction to all Authorized City supervisory and Security Services staff, who in their duties require the need to suspend, ban or issue a Trespass to Property Act notice to an individual(s) at any City of Brampton facility.

## **3. Application and Scope**

This Administrative Directive applies to all individuals entering any City of Brampton facilities and properties. It provides directions to all City staff as it relates to responding to incidents of inappropriate behaviour.

## **4. Outcomes**

- 4.1 Restore order and ensure the health and safety of all members of the community, as well as staff.
- 4.2 Support respectful, lawful use, enjoyment, or operation of the City properties.
- 4.3 Maintain facilities and properties where all individuals are treated with respect, civility, and dignity.

## 5. Principles

- 5.1 **Health & Safety** – Ensure the health and safety of staff and members of the community who use City facilities and properties.
- 5.2 **Respect and Civility** – Ensure all individuals who enter City facilities and properties are treated in a positive, inclusive, healthy, safe, and respectful manner. Respect and Civility are based on showing esteem, dignity, care, and compassion for others.
- 5.3 **Protection of Assets** – Ensure City assets are well maintained for the use by all members of the community.

## 6. Policy Statements

- 6.1 The City will take all steps necessary to ensure the health and safety of all members of the community as well as staff. This includes restoring order where an individual's behaviour while entering City facilities and properties is not appropriate or acceptable.
- 6.2 Authorized City supervisory and Security Services staff may suspend, ban, or issue a Trespass to Property Act Notice to an individual depending upon the severity of the behaviour.
- 6.3 Members of the public are to be in compliance with the Administrative Directive and conduct themselves appropriately and in a respectful manner when entering City properties and facilities.

## 7. Roles and Responsibilities

- 7.1 Senior Management
  - 7.1.1 Ensure the implementation and compliance of this Administrative Directive and applicable Standard Operating Procedures (SOP's)
- 7.2 Authorized Supervisor
  - 7.2.1 Communicate this Administrative Directive to all employees in their department and ensure ongoing compliance with all requirements outlined;
  - 7.2.2 Responsible for the issuance of Trespass to Property Notice if Security Services staff is not on site;
  - 7.2.3 Submit all incident of Trespass to Property Notice issuances to Security Services as outlined in the SOP.
- 7.3 Security Services

- 7.3.1 Assurance of all training to the authorized supervisor;
- 7.3.2 Responsible for the administration, revision, and interpretation of the Suspension, Banning and Trespass to Property Act SOP and the Administrative Directive;
- 7.3.3 Maintain a centralized incident management database including information related to the issuance of Trespass to Property Notices;
- 7.3.4 Review of the Administrative Directive in consultation with key stakeholders will be done every three years.

#### 7.4 City Staff

- 7.4.1 Familiarize themselves with this Administrative Directive;
- 7.4.2 Compliance with all the requirements outlined in the Administrative Directive;
- 7.4.3 Report any violation of the Administrative Directive to their Authorized supervisor;
- 7.4.4 If the incident presents an immediate threat, contact 9-1-1 and then Security Control as outlined in the SOP.

### **8. Records Maintenance**

- 8.1 A database of all Trespass to Property Notices will be maintained by Security Services in accordance with the Records Retention by-law.

### **9. Monitoring and Compliance**

#### 9.1 Consequences of non-compliance

- 9.1.1 Failure to follow this Administrative Directive may result in discipline up to and including termination.
- 9.1.2 Any member of public, visitors to the City facilities or individuals conducting business with the City are expected to adhere to this Policy. Violations could include barring the person from the City property, reporting the incident to Police or other actions with vendors or suppliers.

#### 9.2 Process for Appeal

- 9.2.1 The appeals process is outlined in the SOP.

## 10. Definitions

- 10.1 **Authorized Supervisory staff** –employees that have been trained in the operating areas and have authorization to issue a trespass, suspensions, or banning notice.
- 10.2 **Ban** – means prohibiting an individual(s) from entering the facility or property and/or program for a specific duration greater than 24 hours.
- 10.3 **City Facility & Properties** – includes both indoor and outdoor facilities, owned, leased and/or rented by the City of Brampton. It also includes City sponsored events, programs, transit vehicles, bus shelters, parkland, or any other location or property intended for public and/or City staff use.
- 10.4 **City Staff** – a City of Brampton employee or an independent contractor working at or acting on behalf of City of Brampton (i.e. 3rd party contracted security vendors). This includes a person who is in physical possession of City of Brampton property, or a person who has responsibility for and control over the condition of property or the activities occurring therein, or control over persons allowed to enter the property.
- 10.5 **Incident** – any occurrence involving inappropriate conduct or behaviour of an individual(s) which includes, but is not limited to, any of the following:
- Vandalism of City property and facilities as defined by the malicious, willful and/or deliberate destruction, damage or defacing of property, including the materials, actual building structure or building facility, furniture, electronic equipment, etc.
  - Violence or harassment, including but not limited to, the following behaviour:
    - verbal assaults, including the use of profane or abusive language and racial or ethnic slurs;
    - threats and/or attempts to intimidate;
- 10.6 **Security Services** – a Branch of the City of Brampton’s Facilities, Operations and Maintenance Division part of the Public Works & Engineering Department.
- 10.7 **Security Services Staff** – any person employed by Security Services on either a full time, part time or contractual, permanent, or temporary, union, or non-union basis.
- 10.8 **Security Guard** – has the same meaning as under the Private Security and Investigative Services Act, 2005 which is defined as “(4) A security guard is a person who performs work, for remuneration, that consists primarily of guarding or patrolling for the purpose of protecting persons or property. 2005, c. 34, s. 2 (4).

- 10.9 **Security Control** – the central security communications hub located at the Brampton Civic Centre. It is operational 24/7 and can be contacted by calling 905.874.2111
- 10.10 **“Suspension”** – prohibiting an individual from accessing a program or facility for a specific period of time (short term). The length of a suspension is at the discretion of staff and is to be issued for a period of no longer than 24 hours.
- 10.11 **“Trespass to Property Act”** (TPA) – a provincial law in Ontario, Canada dealing with illegal entry into private and public property. As a provincial law, the penalties and mechanisms of enforcement are also provincial.

A key purpose of this Act (Revised Statutes Of Ontario, 1990, Chapter T.21) is to allow an occupier (owner) or a person authorized by the occupier of property (Security Guard) to control who has access to their property and what behaviour or activities are allowed.

In this Act:

"Occupier" includes,

a person who is in physical possession of premises, or

a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.

"Premises" means lands and structures, or either of them, and includes,

water, ships and vessels, trailers and portable structures designed or used

for residence, business or shelter,

trains, railway cars, vehicles and aircraft, except while in operation.

Trespass an offence - Sec. 2(1)

*“Every person who is not acting under a right or authority conferred by law and who, without the express permission of the occupier, the proof of which rests on the defendant,*

*enters on premises when entry is prohibited under this Act, or*

*engages in an activity on premises when the activity is prohibited under this Act;*

*or*

*does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier,*

*is guilty of an offence and on conviction is liable to a fine.”*

Arrest without warrant on premises - Sec. 9(1)

*“A police officer, or the occupier of premises, or a person authorized by the occupier may arrest without warrant any person he or she believes on reasonable and probable grounds to be on the premises in contravention of section 2.”*

Delivery to police officer - Sec. 9(2)

“Where the person who makes an arrest under subsection (1) is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.”

10.12 **Trespass to Property Act Notice** – a written notice prohibiting an individual(s) from entering specific City properties or a facility for a specific duration and is issued to an individual by authorized supervisory staff or a security guard for the purpose of imposing a Ban, as authorized under the Trespass to Property Act.

## 11. References and Resources

This Administrative Directive should be read and applied in conjunction with the following references and resources as updated from time to time. Please note that some of the following documents may not be publicly available.

### 11.1 External references

- [Trespass to Property Act, R.S.O. 1990, c. T.21](#)
- [Brampton Library Workplace Discriminatory and Sexual Harassment Prevention – BRD-08](#)
- [Brampton Library Workplace Violence Prevention – BRD-09](#)
- [Brampton Library Use Guidelines – Code of Conduct and Internet Use – BRD-15](#)

### 11.2 References to related bylaws, Council policies, and administrative directives

- [City of Brampton, Park Lands By-Law #161-83](#)
- [Respectful Workplace Policy](#)
- [Records Retention By-Law](#)

### 11.3 References to related corporate-wide procedures, forms, and resources

- Suspension, Banning and Trespass to Property Act SOP

## 12. Revision History

Date	Description
2024/07/15	New – Approved by CAO/CLT on July 15, 2024.
2027/07/15	Next Scheduled Review ( <i>typically three years after approval</i> )