

Procedure for Frivolous and Vexatious Complaints and Inquiries

Subtopic: Customer Complaints
Topic: Accountability and Transparency
Applies to: All Employees

1. Purpose

This procedure supports the management of frivolous and vexatious complaints and inquires in combination with the Town's existing Customer Complaint Policy.

2. Definitions

Complaint Review Committee is comprised of the applicable Commissioner (or their designate) and Manager of Corporate Customer Service (or their designate).

Frivolous means a complaint that is reasonably perceived by Town staff to be (a) without reasonable or probable cause, (b) without merit or substance, or (c) trivial.

Pattern of Conduct occurs when, on three or more occasions, a customer engages in one or more of the actions set out in this procedure.

Vexatious means a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by Town staff to be (a) malicious, (b) intended to embarrass or harass the recipient, or (c) intended to be a nuisance.

3. Procedure

- 3.1 Customer inquiries of a frivolous or vexatious nature must be documented in the Customer Relationship Management (CRM) software system for employees to properly assess the inquiry for prioritizing their severity and taking appropriate action.
- 3.2 Customers making a formal complaint against any person or property must not have any open investigation files for by-law contravention(s) against them or their property on municipal record. The Town reserves the right to deny any complaints which may be considered retaliatory.
- 3.3 Staff are encouraged and empowered to use their judgement when handling customer inquiries of a frivolous or vexatious nature or identified as a pattern of conduct.

- 3.4 In accordance with the [Customer Complaint Policy](#), where the complaint may be considered frivolous or vexatious or there appears to be a pattern of conduct, a department may seek advice from the Complaint Review Committee to ensure valid Complaints are heard and addressed in a professional and mutually respectful manner, while ensuring efficient use of Town resources.
- 3.5 Despite any step in this Procedure, the Complaint Review Committee may recommend that a department refer a frivolous or vexatious complaint to the Ombudsman and that it deem the complaint file closed.
- 3.6 Complainants will receive written notice regarding the decision to close a file on the basis that a complaint is frivolous, vexatious, or follows a pattern of conduct. Written notice will be given by the Manager of Corporate Customer Service, or their designate. Any applied restrictions, appeal mechanisms, and accompanying review dates will be noted in the correspondence.

4. Inquiries of a Frivolous or Vexatious Nature

- 4.1 Customer inquiries of a frivolous or vexatious nature as defined in this Procedure include when a customer engages in one or more of the following actions:
 - 4.1.1 Brings inquiries concerning an issue which an employee has already investigated and determined to be groundless and/or resolved;
 - 4.1.2 Brings inquiries which are substantially similar to an issue which an employee has already investigated and determined to be groundless and/or resolved (e.g. with respect to the same decision or the same property);
 - 4.1.3 Frequently brings inquiries which are trivial or outside the scope of the Town;
 - 4.1.4 Pursues a single inquiry with multiple staff and/or elected officials simultaneously;
 - 4.1.5 Makes excessive demands on the time and resources of staff with lengthy and/or frequent communications;
 - 4.1.7 Seeks a response within an unreasonable timeframe or outside of the timelines set out within the Corporate Service Standard Policy;
 - 4.1.8 Refuses to identify themselves or uses a false identity when submitting a complaint;
 - 4.1.9 Makes complaints of a retaliative nature; or,

- 4.1.10 Engages otherwise in unreasonable conduct which is abusive or contravenes the general complaint procedure as outlined in the Customer Complaint Policy.
- 4.2 In accordance with the Customer Complaint Policy, any conduct that is deemed to fall under 'safe workplace' policies shall be addressed under those processes/policies.

5. Investigation

- 5.1 Decisions to classify a customer's behaviour as unreasonable, frivolous or vexatious causing distress, disruption or irritation without proper or justified cause may be made for single or multiple occasions.
- 5.2 A two-part test will be used to determine the applicability of this Procedure as follows:
 - 5.2.1 Nature of the Inquiry: Is the inquiry one of a frivolous or vexatious nature?
 - 5.2.2 Pattern of Conduct: Is the conduct of the customer(s), regardless of the inquiry manner, a Pattern of Conduct?

6. New Inquiries

- 6.1 New inquiries of a frivolous or vexatious nature on a separate/new issue from a customer under this Procedure will be investigated on their individual merits. A decision will be made as to whether any restrictions currently in effect should be applied to the new inquiry.

7. Application of Restrictions

- 7.1 Upon classification of a customer's inquiry as one of a frivolous or vexatious nature, the Corporation supports employees to take one or more of the following actions including, but not limited to:
 - 7.1.1 Limiting the customer's correspondence to a particular format (e.g., email only with a particular email address);
 - 7.1.2 Limiting the customer to a particular point of contact in the Corporation (where possible, other staff should be advised not to respond to the customer, but to refer them to the point of contact);
 - 7.1.3 Limiting their interactions through the Town's Corporate Social Media;
 - 7.1.4 Requiring any face-to-face interactions between the customer and employees to take place in the presence of an appropriate witness;

- 7.1.5 Requiring that the customer produce full disclosure of documentation or information before any further investigation of a complaint;
- 7.1.6 Instructing staff not to respond to further correspondence from the customer regarding the complaint or a substantially similar issue;
- 7.1.7 Instructing staff not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;
- 7.1.8 Instructing staff to severely reduce or completely cease responding to further complaints and correspondence from the customer;
- 7.1.9 Instructing staff to close the matter;
- 7.1.10 Limiting or regulating the customer's use of municipal services, for example community centres, access to technology systems, etc.;
- 7.1.11 Refusing the customer access to any municipal buildings except by appointment, including issuing a Trespass Order;
- 7.1.12 Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to;
- 7.1.13 Pursuing legal action;
- 7.1.14 Blocking emails being received by a customer; and/or,
- 7.1.15 Other actions as deemed appropriate.

8. Review and Appeal of Restrictions

- 8.1 When any restrictions are put in place, a review date will be set based on the circumstances of the case and could be for a period of three months or longer depending on the severity of the situation.
- 8.2 Depending on the nature of the complaint and staff involved in making a decision to deem a complaint Frivolous or Vexatious, the complainant will either be directed to appeal the decision to the Complaint Review Committee or the Ombudsman, should they choose to appeal the matter.

9. Maintaining Detailed Records

- 9.1 Employees are responsible for maintaining detailed records of their interactions with the customer (emails and notes of conversations) in order to justify any action being taken to restrict the customer's access to municipal services. Records must be retained in accordance with the Records Retention Policy CORP.1-06.

10. Cross-References

Corporate Policy:

Customer Complaint Policy CORP.1-10

Corporate Service Standards: Communication Channels CS. 1-01

11. Contact

Manager, Corporate Customer Service

12. Details

Approved by: Chief Administrative Officer

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