



Administrative Monetary Penalty Policy

POL.COR.21.03

Public Complaints Respecting Administration of the Administrative Monetary Penalty System Program

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	September 20, 2021
Department:	Legal Services
Staff Report:	FAF.21.153 Policy and Implementation of the Administrative Monetary Penalty System ("AMPS") Program
By-Law No.:	2021-71

Policy Statement

This policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty System (AMPS) program.

Purpose

To ensure the AMPS program remains an open, accessible, responsive, accountable, efficient and effective system for enforcement in the Town, and any public complaints are addressed in a timely and responsible manner.

Application

This policy applies to all public complaints, informal or formal, regarding all aspects of the AMPS program, and applies to all administrative actions and functions of all Town employees and other persons responsible for the administration of the AMPS program.

Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law. Any public complaints regarding the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law will not be processed through this policy. This policy is not intended to replace other specific Town programs, policy/procedures and legal processes available to the public to address public concerns with the AMPS program.

Procedures

A public complaint shall be processed as follows:

1. Any public complaint must be in writing, identifying the name and full contact information of the complainant, and sent to the Director of Legal Services, or delegate, within 30 days in respect to the date of the event for which the complaint is being made. Complaints that are anonymous will not be accepted.
2. All complaints shall be treated as confidential by the Legal Services Department, respecting personal information privacy and confidentiality, subject to legislative provisions.
3. Any complaint regarding a Member of Council in respect of the administration of AMPS shall be processed in accordance with the Town's Code of Conduct.
4. The Director of Legal Services, or designate, will not address or process any public complaint that is deemed by the Director of Legal Services, or designate, as frivolous, vexatious, trivial or made in bad faith.
5. A complainant may withdraw their complaint at any time.
6. Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
7. A formal complaint process shall require the undertaking of an investigation by the Director of Legal Services, or a consultant hired for that purpose, and shall require the issuing of a written report which sets out the findings of the investigation and any remedial or other actions that are required.
8. Any deemed resolution of a formal complaint will be provided to the person filing the complaint but may be redacted for privacy purposes. A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any penalty fines and administrative fees due or paid.
9. The Director of Legal Services will report annually as part of the annual AMPS program report on the summary of public complaints filed and addressed in respect of the AMPS program.

Procedures may be defined by the Director of Legal Services to address specific implementation of this policy.

Accountability

All persons responsible for administering the AMPS program shall be responsible for implementation of this policy. The Director of Legal Services, or designate, shall be responsible for addressing public complaints regarding the administration of the AMPS program.

References and Related Policies

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Applicable Town financial policies and procedures

Consequences of Non-Compliance

In accordance with the Municipal Act.

Review Cycle

In conjunction with the review of the Administrative Monetary Penalties By-law.