

CP.1.1.16

Section: Administration

Subsection: General

Subject: Public Complaints Respecting the Administration of the Administrative Monetary Penalty (“AMPs”) System

Approval Authority: 2022.06.08-CR-02

Effective Date: June 08, 2022

1. Policy Statement

This Policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty (“AMPs”) system.

2. Purpose

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an **AMPs** system to develop a policy to address public complaints regarding the administration of **AMPs**.

The purpose of this Policy is to provide a process for public complaints regarding the administration of **AMPs** and to ensure that **AMPs** remains an open, transparent, accessible, responsive, accountable, efficient and effective system for enforcement in the **Town** and that any public complaints are addressed in a timely and responsible manner.

3. Definitions

“**Administrative Fee**” means any fee specified for **AMPs** in the **Town’s Fees and Charges By-Law**;

“**Administrative Penalty**” means an administrative penalty established by the **Administrative Penalty By-Law** for a contravention of a Designated By-Law, as defined therein;

“**Administrative Penalty By-Law**” means the by-law passed by the **Town** to establish administrative penalties (“**AMPs**”), as amended from time to time, or any successor thereof;

“**AMPs**” means the Administrative Monetary Penalty system, established pursuant to the **Town’s Administrative Penalty By-Law**;

“**CDSB Leader**” means the Community Standards Leader, or anyone designated by the Community Standards Leader to perform his or her duties relating to **AMPs**;

“**Code of Conduct for Members of Council and Local Boards**” means the policy adopted by the **Town** to govern **Council** conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

“**Council**” means the **Council** of the **Town**;

“**Designated Complaints Investigator**” means the **CDSB Leader**, or his or her designate, or the **Town Solicitor**, or his or her designate;

“**Hearing Officer**” means any person appointed from time to time pursuant to the **Screening and Hearing Officer By-Law**, to perform the functions of a hearing officer in accordance with the **Screening and Hearing Officer By-Law** and the **Administrative Penalty By-Law**;

“**Hearing Review**” means the process related to review of a Screening Decision, as set out in section 5 of the **Administrative Penalty By-Law**;

“**Municipal Freedom of Information and Protection of Privacy Act**” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended from time to time, or any successor thereof;

“**Ombudsperson**” means the Ontario Ombudsman;

“**Penalty Notice**” means a penalty notice as described in section 2.2 of the **Administrative Penalty By-Law**;

“**Screening and Hearing Officer By-Law**” means the by-law passed by the **Town** to establish the positions of **Screening and Hearing Officers** and to provide for the appointment of **Screening and Hearing Officers**, in relation to administrative penalties, as amended from time to time, or any successor thereof;

“**Screening Officer**” means any person appointed from time to time pursuant to the **Screening and Hearing Officer By-Law**, to perform the functions of a screening officer in accordance with the **Screening and Hearing Officer By-Law** and the **Administrative Penalty By-Law**;

“**Screening Review**” means the process related to the review of a **Penalty Notice**, as set out in section 6 of the **Administrative Penalty By-Law**;

“**Town**” means The Corporation of the Town of Innisfil; and

“**Town Solicitor**” means the Town Solicitor, or anyone designated by the Town Solicitor to perform his or her duties relating to AMPs.

4. Responsibility

The Community Development Services Branch – Municipal Law (“**CDSB**”) shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.

5. Application

This Policy applies to all public complaints, informal or formal, regarding the administration of the **AMPs** program and applies to all administrative actions and functions of all **Town** employees and other individuals responsible for the administration of **AMPs**, and to all public

complaints regarding **Screening Officers** or **Hearing Officers**. All individuals responsible for administering the **AMPs** program shall be responsible for adherence to this Policy.

Any public complaint filed pursuant to this Policy in regards to the administrative actions of a **Town** employee, **Screening Officer** or **Hearing Officer** under **AMPs** shall be referred to the **Designated Complaints Investigator**.

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 a statute, regulation or by-law. Any such complaints will not be processed under this Policy.

This Policy is not intended to:

- (a) Operate as an appeal mechanism to reverse or alter any decision of a **Screening Officer** or **Hearing Officer**; or
- (b) Replace other specific **Town** programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with **AMPs** or with the outcome of a **Screening Review** or **Hearing Review**.

6. Administration

6.1 Communication

- 6.1.1 This Policy will be posted on the **Town's** website.
- 6.1.2 Staff will be advised of the new Policy via distribution to the Senior Leadership Team.
- 6.1.3 All members of **Council** shall be provided with a copy of this Policy and the Policy shall form part of the **Council** orientation package.
- 6.1.4 This Policy shall form part of the orientation for all **Screening Officers, Hearing Officers** and **AMPs** enforcement and administration staff.
- 6.1.5 Without limiting 6.1.4, all current and new **Town** officials and Staff with the potential for interaction with the **AMPs** program shall receive training in relation to this Policy.

6.2 General Provisions

A public complaint shall be processed using the following framework:

- (a) Unless otherwise set out in this Policy, all public complaints regarding the administration of **AMPs** shall be submitted to the **Designated Complaints Investigator**, who may investigate and, if applicable, determine appropriate corrective action;
- (b) Any complaint regarding a member of **Council** in respect of the administration of **AMPs** shall be submitted and processed in accordance with the **Code of Conduct for Members of Council and Local Boards**;
- (c) Any complaint regarding a **Hearing Officer** shall be referred by the **Designated Complaints Investigator** to the **Ombudsperson**;

- (d) A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the **Designated Complaints Investigator** from time to time, complete with all required information, including the name and full contact information of the complainant, and be sent to the **Designated Complaints Investigator** within 30 calendar days of the date of the event for which the complaint is being made. Incomplete complaint forms or forms submitted after the 30 calendar day period may not be processed, at the discretion of the **Designated Complaints Investigator**;
- (e) All complaints shall be treated as confidential by the **Town** and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with the ***Municipal Freedom of Information and Protection of Privacy Act***;
- (f) The **Designated Complaints Investigator** may refuse to address or process any public complaint that is deemed by the **Designated Complaints Investigator** to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The **Designated Complaints Investigator** shall notify the complainant in writing, and provide the complainant with a reasonable opportunity to make written submissions, prior to determining a complaint to be frivolous, vexatious, trivial or made in bad faith. Any such decision shall be communicated to the complainant in writing with reasons;
- (g) Where possible, at the discretion of the **Designated Complaints Investigator**, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- (h) Any resolution, formal or informal, of a public complaint will be addressed by a written response from the **Designated Complaints Investigator** to the person filing the complaint;
- (i) 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 **Administrative Penalties** and **Administrative Fees** due or paid; and
- (j) The **Designated Complaints Investigator** will report annually on the summary of public complaints filed and addressed in respect of **AMPs**.

6.3 Anonymous Complaints

Complaints that are anonymous will not be accepted.

6.4 Withdrawing a Complaint

A complainant may withdraw his/her complaint by so requesting in writing to the **Designated Complaints Investigator** at any time.

6.5 Compliance

In cases of policy violation, the **Town** may investigate and determine appropriate corrective action.

7. Exceptions

None.

8. References

By-Law No. 053-22, being the Town's Administrative Monetary Penalty By-Law;
By-Law No. 054-22, being the Town's Screening and Hearing Officer By-Law;
CP.1.1.5 Frivolous, Vexatious Complaints Policy;
CP.3.1.3 Code of Conduct for Members of Council and Local Boards; and
Municipal Act, 2001

9. Revision History

Revision No.	Date	Summary of Changes	Approval Authority
V1	2022.06.08	Adoption	2022.06.08-CR-02