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**CP.1.1.18**

**Section:** Administration

**Subsection:** General

**Subject:** Undue Hardship in Relation to the Administration of the Administrative Penalty System (APS)

**Approval Authority:** 2025.06.25-CR-01

**Effective Date:** June 25, 2025

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## 1. Policy Statement

The **Town** wishes to establish a Policy to assist **Screening Officers** and **Hearing Officers** in responding to requests by persons with a **Penalty Notice or Penalty Order** for relief from paying all, or part, of an **Administrative Penalty**, including any **Administrative Fees**, on the basis that they would suffer undue hardship if required to pay the penalty or fee.

## 2. Purpose

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an **APS** system to have procedures that permit persons to be excused from paying all or part of the **Administrative Penalty**, including any **Administrative Fees**, if requiring them to do so would cause undue hardship.

The **Administrative Penalty By-Laws** provides discretion to **Screening Officers** and **Hearing Officers** to cancel, reduce or extend time for payment of **Administrative Penalties** and **Administrative Fees** where the **Screening Officer** or **Hearing Officer** determines it is necessary in order to reduce undue hardship. This Policy is intended to provide guidelines to **Screening Officers** and **Hearing Officers** in exercising their discretion in accordance with the **Administrative Penalty By-Law**. It is not intended to provide criteria for establishing undue hardship in respect of other **Town** programs or services.

For greater clarity this policy applies to all administrative penalty by-laws in the Town of Innisfil including the Towns Administrative Penalty By-Law and the Towns Administrative Penalty By-Law for Contraventions Detected Using Camera Systems.

## 3. Definitions

**“Administrative Fee”** means any fee specified for the **APS**;

**“Administrative Penalty”** means an administrative penalty established by the **Administrative Penalty By-Laws**;

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

**“APS”** means the Administrative Penalty System, established pursuant to the **Town’s Administrative Penalty By-Laws**;

**“Financial Hardship”** means a significant financial difficulty or expense and focuses on the resources and circumstances of the **Person** owing an **Administrative Penalty** or **Administrative Fee**, in relation to the cost or difficulty of paying the **Administrative Penalty** or **Administrative Fee**;

**“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-Laws**;

**“Hearing Decision”** means a notice which contains the decision of a **Hearing Officer**, as set out in section 5 of the Administrative Penalty By-Law and as set out in Section 6 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

**“Hearing Review”** means the process related to review of a Screening Decision, as set out in section 5 of the Administrative Penalty By-Law and as set out in Section 6 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

**“Manager of Municipal Law Enforcement”** means the Manager of Municipal Law Enforcement or anyone designated by the Manager of Municipal Law Enforcement Leader to perform his or her duties relating to **APS**;

**“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;

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

**“Penalty Order”** means an order of an Officer set out in a penalty notice as described in Section 3 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

**“Person”** includes an individual or corporation;

**“Records Retention By-Law”** means the By-Law passed by the **Town** providing for the classification, retention and disposition of records, as amended from time to time, or any successor thereof;

**“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 Decision”** means a notice which contains the decision of a **Screening Officer** as set out in section 4 of the Administrative Penalty By-Law and as set out in Section 5 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

**“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-Laws**;

**“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 and the review of a Penalty Order as set out in Section 5 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

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

**“Undue Hardship”** means financial hardship, or other extenuating circumstances based on compassionate grounds.

#### **4. Responsibility**

The Municipal Law Enforcement Department shall be responsible for the development, approval, implementation, training, monitoring, and compliance of and with the policy.

#### **5. Application**

This Policy applies to **Screening Officers** and **Hearing Officers** in the conduct of a **Screening Review** and a **Hearing Review**, respectively, pursuant to the **Administrative Penalty By-laws**.

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 administrative penalties 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 This Policy shall form part of the orientation for all **Screening Officers**, **Hearing Officers** and **APS** enforcement and administration staff.
- 6.1.4 Without limiting 6.1.3, all current and new **Town** officials and Staff with the potential for interaction with the **APS** program shall receive training in relation to this Policy.

##### **6.2 Process**

In accordance with the **Administrative Penalty By-Laws**, a **Screening Officer** or **Hearing Officer**:

- (a) May cancel, reduce, or extend the time for payment of an **Administrative Penalty** and/or any **Administrative Fee**, where the **Screening Officer** or **Hearing Officer** is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of time for payment is necessary to reduce **Undue Hardship**; and

- (b) Will consider and satisfy themselves at the **Screening Review** or **Hearing Review** as to the authenticity/credibility of any oral or documentary evidence provided, in respect of **Undue Hardship**, and will include an assessment of such evidence in their decision.

### 6.3 Documentation to support Financial Hardship

A **Person** who wishes to seek relief pursuant to the **Administrative Penalty By-Laws** on the basis of **Financial Hardship** should bring documentation to support their claim to the **Screening Review** or **Hearing Review**. Examples of documents that may be considered in relation to **Financial Hardship** include, but are not limited to:

- (a) Old Age Security;
- (b) Canada Pension;
- (c) Guaranteed Income Supplement;
- (d) Disability Pension;
- (e) Ontario Student Assistance Program; or
- (f) Any other form of social assistance.

A **Screening Officer** or **Hearing Officer** may also consider the oral evidence provided by the **Person** in relation to **Financial Hardship**.

### 6.4 Records Retention

All information and documentation provided in support of **Financial Hardship** shall be treated in a confidential manner, in accordance with the ***Municipal Freedom of Information and Protection of Privacy Act***. Photocopies of the documentation may be required and attached to the **Screening Decision** and/or **Hearing Decision** record and will be retained according to the **Town's Records Retention By-Law**.

### 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. 055-25 being the Town's Administrative Penalty System for Contraventions Detected using Camera Systems;  
 By-Law No. 053-22 as amended, being the Town's Administrative Penalty By-Law;  
 By-Law No. 054-22 as amended, being the Town's Screening and Hearing Officer By-Law;  
 By-Law No. 099-17 as amended, being the Town's Records Retention By-Law;  
 By-Law No. 057-24 as amended, being the Town's Fees and Charges By-Law; 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

V2	2025.06.25	Language changes to support the expansion of the administrative penalty system for Contraventions Detected using Camera Systems	2025.06.25-CR-01
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