

BY-LAW NUMBER XX-24

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To establish Administrative Penalty System Policies.

WHEREAS subsection 102.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS subsection 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS subsection 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS Ontario Regulation 333/07 of the Municipal Act 2001, as amended, outlines the requirements to operate an Administrative Penalties System if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Ontario Regulation 333/07 requires the municipality to develop standards and procedures related to the administration of the system of administrative penalties.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** the attached Schedule "A" entitled "Policy to Prevent Political Interference" be adopted.
2. **THAT** the attached Schedule "B" entitled "Conflict of Interest Policy" be adopted.
3. **THAT** the attached Schedule "C" entitled "Policy Regarding Financial Management and Reporting" be adopted.
4. **THAT** the attached Schedule "D" entitled "Public Complaints Policy" be adopted.

5. **AND THAT** the attached Schedule “E” entitled “Undue Hardship Policy” be adopted.

READ a first and second time, this XX day of XX, 2024

READ a third time and finally passed in Council, this XX day of XX, 2024

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS policy on Political Interference

POLICY

#APS-2024-01

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy is to prevent political interference in the administration of the Administrative Penalty System (APS).

PURPOSE

To prevent political interference of any kind in the administration of the APS program, and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

This policy defines what constitutes political interference in relation to the APS program, to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

APPLICATION

This policy applies to all elected Members of the Council of the Corporation of the County of Brant, as well as other County officials and staff.

Regarding Members of County Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., Municipal Conflict of Interest Act) and the Code of Conduct, including its related policies, procedures, and guidelines.

PROCEDURE

Principles of Preventing Political Interference

No person shall attempt directly or indirectly to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of APS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, a Screening Officer

or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

All persons involved with the enforcement and administration functions of the APS program shall endeavor to carry out such duties in a manner which upholds the integrity of the administration of justice.

If someone attempts to influence a Screening Officer, Hearing Officer or County employee engaged in the administration of the APS program, contrary to the rules above, the Screening Officer, Hearing Officer or County employee shall report the incident to the Director of Enforcement and Regulatory Services as soon as possible. No action will be taken against a Screening Officer or Hearing Officer for making any such report in good faith.

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

Implementation

All Members of Council shall be provided with a copy of this policy.

This policy shall form part of the orientation for all Members of Council at the start of new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the APS program.

This policy shall form part of the orientation for all current and new Screening and Hearing Officers and APS administration staff.

ACCOUNTABILITY

Attention is brought to the fact that any interference with the APS program may result in charges under the Criminal Code of Canada, Provincial statute, or other disciplinary action.

A Screening or Hearing Officer, employee or other person performing duties related to the APS program under this policy shall report any attempt at political influence or interference, financial, political, or otherwise, to the Director of Enforcement and Regulatory Services. No action shall be taken against the employee or other person(s) for making any such report in good faith.

Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to the APS program, is contacted by a Member of

Council or County official with respect to the administration of the APS program, he or she shall immediately disclose such contact to the Solicitor & Corporate Counsel and Chief Administrative Officer in order to maintain the integrity of the APS program.

A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the Director of Enforcement and Regulatory Services who will notify the Chief Administrative Officer.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Applicable County policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalty System By-law.

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS Conflict of interest policy

POLICY

#APS-2024-02

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy addresses conflict of interest provisions in relation to the administration of the Administrative Penalty System (APS) program.

PURPOSE

To define what constitutes a conflict of interest in relation to the APS program, to prevent such conflicts of interest and to redress such conflicts should they occur. This policy is to establish conflict of interest guidelines to ensure that APS program responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

APPLICATION

This policy applies to all Screening Officers, Hearing Officers and all County officials and staff involved in the administration of the APS program.

CONFLICT OF INTEREST

A conflict of interest arises where a Screening Officer, Hearing Officer or staff person involved in the administration of the APS program has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the APS program. A conflict of interest could arise in relation to personal or business matters including:

- directorships or other employment;
- interests in business enterprises or professional practices;
- share ownership or beneficial interests in trusts;
- existing professional or personal associations with a person;
- professional associations or relationships with other organizations; and
- personal associations with other groups or organizations, or family relationships including relatives.

For the purpose of this policy, relative includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) parent or legal guardian;
- c) child, including a stepchild and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece, and nephew;
- f) in-laws, including mother, father, sister, brother, daughter, and son; or
- g) any person who lives with the person on a permanent basis.

Screening Officers must be and appear to be impartial at all times. It would be inappropriate for a Screening Officer to review a Penalty Notice for a personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

Hearing Officers have obligations to conduct Hearing reviews in an impartial manner. Hearing Officers, in conducting a Hearing Review, are bound by the Statutory Powers and Procedures Act, as well as bound by general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, legitimate expectation, etc.). Hearing Officers must be and appear to be impartial at all times. It would be inappropriate for a Hearing Officer to review a Screening Review Decision for a personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

Every Screening Officer, Hearing Officer or other County staff person involved in the administration of APS, must disclose any obligation, commitment, relationship, or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the APS program. A Screening Officer or Hearing Officer shall not represent any person at a Screening Review or Hearing Review.

CONDUCT OF A SCREENING OFFICERS AND HEARING OFFICERS:

All Screening Officers and Hearing Officers shall conduct themselves in the following manner:

With independence:

- must both be and appear to be independent, impartial, and unbiased.

Conflict of Interest in Relation to the Administration of the APS Program:

- must avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain advice with respect to such conflicts when they arise.
- should not be influenced by partisan interests, public opinion, or by fear of criticism.
- should not use their title and position to promote their own interests or the interests of others.
- should discharge their duties in accordance with the law, County By-laws and APS policies, procedures, and guidelines.

With knowledge:

- should maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues and County, as required.
- should remain up to date on changes in the law, County by-laws, policies, and procedures relevant to their function.

With conduct becoming:

- are subject to ongoing public scrutiny and therefore they must respect and comply with the law and conduct themselves, at all times, in a manner that promotes public confidence in the integrity and impartiality of the APS program.
- should approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the dignity of the APS system and their appointment.
- should convey in plain language their decisions and the reasons therefore where such are required.
- must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- In discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons.

With administration of natural justice paramount:

- shall refrain from openly and publicly criticizing the administration of the APS program or the conduct of others. Screening and Hearing Officers shall recognize that only the Director of Enforcement and Regulatory Services may speak publicly on behalf of the County's APS program. Any criticisms, suggestions, or concerns related to the APS program should be communicated through appropriate channels to the Director of Enforcement and Regulatory Services.
- shall deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- must not knowingly exercise a power or function for which they have not been designated.

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

PREVENTING CONFLICT OF INTEREST:

The keys to preventing conflicts of interest are: disclosure and withdrawal from the power of decision in regard to a Screening Review or Hearing review. The need for disclosure and withdrawal from a power of decision applies to any real or perceived conflict of interest.

If a Screening Officer or Hearing Officer becomes aware of any real or perceived conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Screening Officer or Hearing Officer shall notify the Director of Enforcement and Regulatory Services, or designate, of the conflict of interest and in the case of a scheduled review of an administrative penalty or Screening Decision that has not yet commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual or potential conflicts of interest; or in the case of a review of an administrative penalty or Screening Decision that has commenced, adjourn the review, and withdraw from the power of decision, and advise the Director of Enforcement and Regulatory Services, or designate. The County will reschedule the Screening review or Hearing Review with another Screening Officer or Hearing Officer, as the case may be.

If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, then the Director of Enforcement and Regulatory Services shall retain another Screening Officer or Hearing Officer to handle the matter that is subject of the conflict of interest.

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for an infraction in a timely manner.

If there are further questions or if the Director of Enforcement and Regulatory Services or staff are looking for further guidance regarding this policy, the General Manager of Emergency and Protective Services, the Chief Administrative Officer or external legal counsel, maybe be consulted.

ADDRESSING CONFLICTS IF THEY OCCUR:

If someone suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing review where there was a conflict of interest, the person shall advise the Director of Enforcement and Regulatory Services and an investigation may be conducted. Any finding of a conflict of interest shall be reported to the CAO, including any recommendation for appropriate disciplinary action, up to and including revocation of appointment.

INFLUENCE:

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of APS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

CHARGES UNDER THE CRIMINAL CODE OR OTHER STATUTES OR REGULATIONS:

Where a Screening Officer or Hearing Officer is charged with an offence under the Criminal Code of Canada or any other federal statute or regulation that is dealt with under the Criminal Code of Canada, such charge shall be disclosed forthwith to the Director of Enforcement and Regulatory Services.

Where a Screening Officer or Hearing Officer is charged with an offence under other federal or provincial statutes or regulations and where, continuing to perform his or her duties may erode public confidence in the administration of the

APS program, the charge shall be disclosed to the Director of Enforcement and Regulatory Services.

A determination will be made by the Director of Enforcement and Regulatory Services as to whether or not an actual or perceived conflict of interest exists or if public confidence in the administration of the APS program has been compromised and, if so, the Screening Officer or Hearing Officer may be removed from his or her duties until the final disposition of the charge.

IMPLEMENTATION

This policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and APS administration staff.

ACCOUNTABILITY

All Screening Officers, Hearing Officers and County staff involved in the administration of the APS program are accountable for implementing and abiding by this policy. Accountability for interpretation of this policy in relation to a real or perceived conflict of interest shall be determined by the Director of Enforcement and Regulatory Services.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
Applicable County policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalties By-Law.

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS financial reporting policy

POLICY

#APS-2024-03

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy is to affirm the County of Brant's ("County") commitment to ensuring accurate financial management and reporting responsibilities in relation to the Administrative Penalty System ("APS").

PURPOSE

Ontario Regulation 333/07 under the Municipal Act, 2001, requires a municipality to establish a policy and procedure relating to financial management and reporting with respect to the administration of the APS program.

This policy will provide the financial management, reporting and tracking of administrative penalties and fees under the APS program.

APPLICATION

This policy applies to all financial management and reporting responsibilities and accountabilities regarding the APS program. All County employees and other persons responsible for the administration of the APS program shall comply with this policy.

The County has established a number of financial management policies and procedures which along with proactive financial planning processes, provide a framework for the County's overall fiscal planning and management. The County continues to display financial accountability through regular, thorough, and transparent financial performance reporting and analysis. This will be reflected in routine reporting on APS financial results, as well as efficiency and effectiveness measures of the APS program.

PROCEDURES

Overall Financial Management and Reporting:

Preparation of the County budget revolves around priority setting that reflects the County's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance, all balanced with the need for prudent financial management.

Priority setting and budgeting with respect to the APS program shall be the responsibility of the Enforcement Services Division. Through the process of current and financial management and reporting for the APS program, Enforcement Services shall:

1. Review and monitor current year actual, budgeted, and projected financial performance and operating results.
2. Proactively compare program financial activity with past performance to identify trends, issues, and opportunities.
3. Determine priorities for maintaining and improving APS program service levels.
4. Identify and mitigate factors impacting the APS budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of County decision-makers.
5. Comply with all corporate reporting standards and requirements as part of the County's financial management and reporting processes.
6. Ensure all necessary financial signing authorities are in place and followed by all staff involved in the APS program administration.
7. Comply with the County purchasing policy and procedures regarding the APS program.

PAYMENT OF PENALTY NOTICES

Any person issuing a Penalty Notice for an infraction of a designated by-law is not permitted to accept payment for an Administrative Penalty.

Screening Officers and Hearing Officers are prohibited from directly accepting any payment from any person in respect of an administrative penalty.

If a person has paid any administrative fees in respect of an administrative penalty and the penalty is subsequently cancelled by a Screening Officer or Hearing Officer, the County shall refund in full such administrative fees to the person.

County employees shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

METHODS OF PAYMENT

Following the issue of a Penalty Notice, the person is permitted to make a voluntary payment by using one of the following methods:

- In Person – Using cash, cheque, debit card or credit card (Visa or Mastercard)
- On-line using Visa or Mastercard
- Overnight Drop box using a cheque (located at the Burford and Paris CSO)

- By Mail - Payable to the County of Brant by Personal Cheques/Certified Cheques/Money Order (include Penalty Notice number)

APS Program Administrative Fees:

Various administrative fees may be payable by a person with a Penalty Notice and administrative penalty due and payable, as set out in the County of Brant Fees and charges By-law and APS By-law as amended.

Reporting and Tracking Administrative Penalties and Administrative Fees:

Upon receipt of a Penalty Notice payment, a County employee will apply the payment to a specific Penalty Notice in the appropriate database. The Penalty Notice will reflect "paid" status.

The County employee will process the various methods of payment as follows:

In Person: Apply the various methods of payments to the Penalty Notice. Provide a person with a receipt of payment for their records.

By Mail: Apply the cheque payment to the Penalty Notice Mail receipt if requested.

ACCOUNTABILITY

All persons responsible for administering the APS program shall be responsible for implementation of this policy. Any person shall bring to the attention of the Director of Enforcement and Regulatory Services or General Manager of Emergency and Protective Services any contravention of this policy. This policy shall be administered by the Emergency and Protective Services Department - Enforcement Services Division.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Applicable County financial policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

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

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS policy on Public Complaints

POLICY

#APS-2024-04

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

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

PURPOSE

Ontario Regulation 333/07 under the Municipal Act, 2001, requires a municipality to establish a procedure for the filing and processing of public complaints with respect to the administration of the Administrative Penalty System.

To ensure the APS program remains an open, accessible, responsive, accountable, efficient, and effective system for enforcement in the County, 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 APS program, and applies to all administrative actions and functions of all County employees and other persons responsible for the administration of the APS 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 County policy/procedures and legal processes available to the public to address public concerns with the APS 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 Enforcement and Regulatory Service, or designate, 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 Enforcement Services Division, respecting personal information privacy and confidentiality, subject to legislative provisions.
3. Any complaint regarding a Member of Council in respect of the administration of APS program shall be processed in accordance with the County Code of Conduct.
4. The Director of Enforcement and Regulatory Services, or designate, will not address, or process any public complaint that is deemed by the Director of Enforcement and Regulatory 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 Enforcement and Regulatory Services, or designate or a consultant hired for that purpose, and shall require the issuance 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 amended or redacted for privacy purposes in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. A public complaint substantiated 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 Enforcement and Regulatory Services will report annually as part of the annual APS program report on the summary of public complaints filed and addressed in respect of the APS program.

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

General comments and suggestions regarding the APS program will not be investigated pursuant to this Policy. However, general comments and suggestions will be accepted, and may be used by the County from time to time, as the County determines appropriate, for continuous improvement of the program.

ACCOUNTABILITY

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

REFERENCES AND RELATED POLICIES

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalties By-law, redaction process shall create an edited copy while leaving the original record unaltered.

“Supervisor” shall mean the Supervisor of Enforcement and Regulatory Services.

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

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

POLICY

#APS-2024-05

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy assists Screening Officers and Hearing Officers in responding to requests by persons with a Penalty Notice 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.

PURPOSE

Ontario Regulation 333/07 made under the Municipal Act, 2001 requires a municipality establishing an Administrative Penalty System (APS) 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 General Administrative Penalty By-law provides discretion to Screening Officers and Hearing Officer to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where the Officer determines it is necessary to reduce undue hardship.

APPLICATION

This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the By-law. It is not intended to provide criteria for establishing undue hardship in respect of other County programs or services.

DEFINITIONS:

“Administrative Fee” means any fee specified in the General Administrative Penalty System By-law;

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

“APS” means Administrative Penalty System;

“County” means The Corporation of the County of Brant;

“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;

“Administrative Penalty System By-law” means the by-law passed by the County to establish administrative penalties for the Parking By-law and various designated (non-parking) by-laws, as amended from time to time, or any successor thereof;

“Hearing Officer” means any person who is appointed by the County 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 System By-law.

“Hearing Decision” means a notice which contains the decision of a Hearing Officer, as set out the Administrative Penalty System By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in the Administrative System 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;

“Penalty Notice” means a penalty notice as defined in the Administrative Penalty System By-law;

“Person” includes an individual or a corporation;

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

“Screening Review” means the process related to review of a Penalty Notice, as set out in Administrative Penalty System By-law;

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in the Administrative Penalty System By-law;

“Screening Officer” means any person appointed by the County 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 System By-law;

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

SCOPE:

1.1 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 System By-law.

POLICY COMMUNICATION:

This Policy will be posted on the County’s website.

Employees will be advised of the new Policy via distribution to the Senior Management Team; and

This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Administrative Penalty System enforcement and administration employees.

POLICY:

Process

In accordance with the Administrative Penalty System By-law, 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.

Documentation to support Financial Hardship

A Person who wishes to seek relief pursuant to the Administrative Penalty System By-law based on 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) Guaranteed Income Supplement;
- (c) Disability Pension;
- (d) Ontario Student Assistance Program; or
- (e) 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.

Records Retention

All information and documentation provided supporting financial hardship shall be treated confidentially, 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 County's Records Retention By-Law.

COMPLIANCE

In cases of Policy violation, the County may investigate and determine appropriate corrective action.