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## 1 PURPOSE

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an AMPs 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-law 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.

## **2 SCOPE**

- 2.1 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 Monetary Penalty By-law.

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.

## **3 POLICY STATEMENT**

- 3.1 The Town wishes to establish a Policy to assist 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.

### **Communication**

- 3.2 This Policy will be posted on the Town's website.
- 3.3 This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPs enforcement and administration staff.
- 3.4 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.

### **Process**

- 3.5 In accordance with the Administrative Monetary Penalty 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**

3.6 A Person who wishes to seek relief pursuant to the Administrative Monetary Penalty By-law 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.

## 4 RESPONSIBILITY

### Compliance, monitoring and review

4.1 The Enforcement Division shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.

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

### Reporting

4.3 No additional reporting is required.

### Records management

4.4 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.

4.5 Staff must maintain all records relevant to administering this policy in a recognized Town recordkeeping system in accordance with the Town Records Management policies and procedures.

## 5 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 Monetary Penalty By-law for a contravention of a Designated By-law, as defined therein;

**“Administrative Monetary 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;

**“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 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 Monetary Penalty By-law;

**“Hearing Decision”** means a notice which contains the decision of a Hearing Officer, as set out in section 7.3 of the Administrative Monetary Penalty By-law;

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

**“Manager of Enforcement”** means the Enforcement Division leader, or anyone designated by the Manager of Enforcement to perform his or her duties relating to AMPs;

**“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 Monetary Penalty By-law;

**“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 7.3 of the Administrative Monetary Penalty By-law;

**“Screening Officer”** means any person appointed 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 Monetary Penalty By-law;

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

**“Town”** means The Corporation of the Town of Bradford West Gwillimbury; and

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

## 6 RELATED DOCUMENTS AND LEGISLATION

- AMPs Financial Management Policy
- AMPs Political Interference Policy
- AMPs Public Complaints Policy
- AMPs Screening and Hearing Officer Policy
- AMPs Undue Hardship Policy
- Statutory Powers and Procedures Act (Ontario)
- Administrative Monetary Penalties By-law (Bradford West Gwillimbury)
- Appointing Screening and Hearing Officers By-law (Bradford West Gwillimbury)
- By-law 2022-73 – Amendment to Traffic By-law (Bradford West Gwillimbury)

## 7 FEEDBACK

7.1 Feedback about this document may be provided by emailing the Manager of Enforcement.

## 8 APPROVAL AND REVIEW DETAILS

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Administrator	Manager of Enforcement
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# **Document Approval**

Tara Reynolds  
Clerk  
02-27-2023

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Chief Administrative Officer  
02-28-2023

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