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1 PURPOSE

- 1.1 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.

2 SCOPE

- 2.1 The Enforcement Division of Corporate Services shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.
- 2.2 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.

3 POLICY STATEMENT

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

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.

General Provisions

3.5 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;
- (c) Any complaint regarding a Hearing Officer shall be received by the Designated Complaints 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.

Anonymous Complaints

- 3.6 Complaints that are anonymous will not be accepted.

Withdrawing a Complaint

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

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 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 Monetary Penalty By-law;

“Code of Conduct for Members of Council” means any 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;

“Director” means the Director of Corporate Services or his or her designate;

“Designated Complaints Investigator” means the Manager of Enforcement or Director of Corporate Services;

“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 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;

“Ombudsperson” means the Ontario Ombudsman;

“Penalty Notice” means a penalty notice as described in section 2.2 of the Administrative Monetary 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 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.

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

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Clerk
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Chief Administrative Officer
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