


## Procedures for the Filing and Administration of Complaints received by the Public in Relation to the Administration of the Administrative Monetary Penalty System (AMPS) and Automated Speed Enforcement (ASE)

Revision Date:	N/A	Supersedes:	N/A
Effective:	May 8, 2024	AP Owner (Dept/Div):	Commissioner, Corporate Services
Applicable to:	Council, Hearing and Screening Officers, all Town Employees involved in the enforcement or administration of AMPS or in their interaction with AMPS	Authority:	CAO 

### 1.0 Overview

Ontario Regulation 333/07 made under the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that a municipality utilizing the Administrative Monetary Penalty System (AMPS) establishes policies surrounding the handling of complaints filed by the public.

This policy is intended to address this requirement, and to ensure that the responsibilities of individuals involved in AMPS and Automated Speed Enforcement (ASE) are conducted in accordance with the principles of fundamental justice, which include decision making and procedural independence, fairness, impartiality, transparency and integrity for the public.

The Town of Whitchurch-Stouffville is committed to ensuring that the AMPS and ASE programs are administered in a fair and independent manner, and that complaints received by the public are treated with due care and responded to in a timely manner.

### 2.0 Purpose

In accordance with Ontario Regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of AMPS.

This policy is to address any public complaints and to ensure AMPS remains a transparent, accessible, responsive, accountable, efficient and effective system for by-law enforcement in the Town, and that any public complaints are addressed in a timely and responsible manner.

Failure to comply with this policy and other applicable Town policies could undermine the public faith in the administration of the AMPS and ASE programs.

### 3.0 Scope and Application

This policy applies to:

- Screening Officers,
- Hearing Officers, and
- Town officials and Town Employees involved in the administration of AMPS and ASE.

For Town Employees (including Screening Officers) engaged in the administration of AMPS and ASE, this Filing of Complaints Policy shall apply in regard to the activities of that Town Employee in the administration of AMPS and ASE.

For Hearing Officers, these filing of complaints provisions shall apply to Hearing Officers under this policy as if they were Town Employees with any necessary modifications.

For Members of Council, provisions in the Council Code of Conduct and prevailing Provincial legislation (i.e. related or prevailing legislation), and any successor policies, shall also apply in the administration of AMPS and ASE.

Regarding the selection of Hearing Officers, these filing of complaints provisions, and any successor policy, shall also apply in the administration of AMPS and ASE.

### 4.0 Definitions

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

**“AMPS”** means the Administrative Monetary Penalty System, established by the Administrative Monetary Penalty System By-law;

**“ASE”** means Automated Speed Enforcement;

**“Commissioner”** means the Commissioner, Corporate Services, or anyone designated by the Commissioner, Corporate Services to perform his or her duties relating to AMPS and ASE;

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

**“Council Code of Conduct”** means the Code of Conduct for Members of Council, adopted by the Town to govern the conduct of Members of Council, as amended from time to time, or any successor thereof;

**“Employee”** means any Person employed by the Town on a temporary, contract or permanent basis;

**“Hearing Officer”** means any Person appointed by the Town 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 Monetary Penalty System By-law;

**“Hearing Review”** means the process related to review of a Screening Decision, as set out in Section 6.0 of the Administrative Monetary Penalty System By-law;

**“Penalty Notice”** means a Penalty Notice as described in Section 4.0 of the Administrative Monetary Penalty System By-law;

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

**“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 by the Town 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 System By-law;

**“Town”** means The Corporation of the Town of Whitchurch-Stouffville.

## **5.0 Policy**

### **5.1 Application**

This policy applies to all public complaints, informal or formal, regarding all aspects of AMPS, and applies to all administrative actions and functions of all Town Employees and other individuals responsible for the administration of AMPS.

Any public complaint filed under this policy regarding the administrative actions of a Town Employee, Screening Officer or Hearing Officer under AMPS shall be referred to the Commissioner, using the prescribed Complaint Submission Form.

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 such complaints will not be processed through this policy.

This policy is not intended to replace other specific Town programs, policies/procedures and legal processes available to the public to address public concerns with AMPS.

## **5.2 Public Complaint Framework**

A public complaint shall be processed using the following framework:

- (a) Any public complaint must be in writing, using the prescribed Complaint Submission Form, identifying the name and full contact information of the complainant, and sent to the Commissioner, within 30 calendar days of the date of the event for which the complaint is being made.
  
- (b) All complaints shall be treated as confidential by the Commissioner, respecting personal information privacy and confidentiality, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.
  
- (c) Any complaint regarding a Member of Council in respect of the administration of AMPS shall be processed in accordance with the Council Code of Conduct.
  
- (d) The Commissioner will not address or process any public complaint that is deemed by the Commissioner as frivolous, vexatious, trivial or made in bad faith.
  
- (e) Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
  
- (f) Any deemed resolution of a formal complaint will be addressed by a written response from the Commissioner to the person filing the complaint. 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 penalties and administrative fees due or paid.

## **5.3 Anonymous Complaints**

Complaints that are anonymous will not be considered.

## **5.4 Withdrawing a Complaint**

A complainant may withdraw their complaint at any time.

## **5.5 Accountability**

All individuals responsible for administering the AMPS program shall be responsible for adherence to this policy. The Commissioner, unless otherwise noted, shall be responsible for addressing public complaints regarding the administration of AMPS.

The Commissioner is responsible for the administration of this policy and has the authority to amend the policy from time to time to ensure the administration of the AMPS program.

## **6.0 References**

- Administrative Monetary Penalty System By-law
- Administrative Procedure No. 60 - Employee Code of Conduct
- Code of Conduct for Members of Council
- *Municipal Act, 2001*, S.O. 2001, c.25
- O. Reg. 333/07
- Screening and Hearing Officer By-law

Available in alternative format upon request.