



GEORGINA

Public Complaints Respecting the Administration of the Administrative Monetary Penalty System (AMPs)

Issued Date: November 22, 2023

Policy #LS-AMPS-005

1 PURPOSE STATEMENT

- 1.1 This Policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty System (AMPs).

2 POLICY OBJECTIVE

- 2.1 The objective and purpose of this Policy is to provide a process for public complaints regarding the administration of AMPs and to ensure that AMPs remains a transparent, accessible, responsive, accountable, efficient, and effective system for Designated By-laws in the Town of Georgina, and that any public complaints be addressed in a timely and responsible manner.

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an Administrative Monetary Penalty System (AMPs) to develop a policy to address public complaints regarding the administration of AMPS.

3 APPLICATION/SCOPE

- 3.1 This Policy applies to all public complaints, informal or formal, regarding the administration of AMPs, and applies to all administrative actions and functions of all Town of Georgina employees, and other individuals responsible for the administration of AMPs.
- 3.2 Any public complaints filed under this Policy regarding the administrative actions of Town of Georgina employees, Screening Officers or Hearing Officers under AMPs shall be referred to the Designated Complaints Investigator.
- 3.3 All individuals responsible for administering the AMPs program shall be responsible for adherence to this Policy. The Director of Legislative Services, or designate unless otherwise noted, shall be responsible for addressing public complaints regarding the administration of AMPs.
- 3.4 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.
- 3.5 This Policy is not intended to:
 - 3.5.1 Operate as an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer; or
 - 3.5.2 Replace other specific Town of Georgina 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.

4 DEFINITIONS

- 4.1 For the purposes of this Policy, the following definitions are defined:
- 4.2 “AMPs” means Administrative Monetary Penalty System;
- 4.3 “Hearing Review” means the process related to review of a screening decision, as set out in of the Administrative Penalty By-law;
- 4.4 “Integrity Commissioner” means the Integrity Commissioner as appointed by Town of Georgina when required;
- 4.5 “Screening and Hearing Officer By-law” means the by-law passed by the Town of Georgina 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 for parking, as amended from time to time, or any successor thereof;
- 4.6 “Screening Review” means the process related to review of a Penalty Notice, as set out in Administrative Penalty By-law.

5 PUBLIC COMPLAINTS RESPECTING THE ADMINISTRATION OF AMPs

- 5.1 General Provisions
- 5.2 A public complaint shall be processed using the following framework:
 - 5.2.1 Unless otherwise set out in this Policy, all public complaints regarding the administration of AMPs shall be submitted to the Director of Legislative Services, or designate, who may investigate and, if applicable, determine appropriate corrective action;
 - 5.2.2 Any complaint regarding a member of Council in respect of the administration of AMPs shall be submitted and processed in accordance with the Council Code of Conduct;
 - 5.2.3 Any complaint regarding a Hearing Officer may be referred by the Director of Legislative Services, or designate, to the Integrity Commissioner;
 - 5.2.4 A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the Director of Legislative Services, or designate, from time to time, complete with all required information, including the name and full contact information of the complainant. The form must be sent to the Director, or designate, 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 Director, or designate;
 - 5.2.5 All complaints shall be treated as confidential by the Town of Georgina 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;

- 5.2.6 The Director of Legislative Services, or designate, may refuse to address or process any public complaint that is deemed by the Director, or designate, to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The Director, or designate, will 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;
- 5.2.7 Where possible, at the discretion of the Director of Legislative Services, or designate, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- 5.2.8 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;
- 5.2.9 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
- 5.2.10 The Designated Complaints Investigator may report annually on the summary of public complaints filed and addressed in respect of AMPs.

5.3 Anonymous Complaints

- 5.3.1 Complaints that are anonymous will not be accepted.

5.4 Withdrawing a Complaint

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

6 COMPLIANCE

- 6.1 In cases of Policy violation, the Town of Georgina may investigate and determine appropriate corrective action.