



CORPORATE REPORT
The Corporation of the Town of Wasaga Beach
Meeting Date: 6/13/2024

DATE: 6/7/2024

SUBJECT: Introduction of Administrative Monetary Penalties By-law and First Round of Designated Bylaws

CONTACT: Danny Rodgers, General Manager, Development Services Business Unit, Chief Building Official

REPORT NUMBER:

RECOMMENDATION:

1. **THAT** the report titled: Introduction of Administrative Monetary Penalties By-law and First Round of Designated By-laws be received for information; and
2. **THAT** Council adopt the following attached by-laws: Administrative Monetary Penalties System, Building Maintenance, Clean Neighbourhoods, Fence Maintenance, Noise Control, Nuisance, Screening and Hearing Officers, Shopping Cart, Special Events, Car Rally and Parking; and
3. **THAT** Council repeal Property Standards By-law 99-35, Clean Yards By-law 2019-14, Noise and Nuisance By-law 2019-15, Special Events By-law 2018-99, Car Rally By-law 2023-74 and Parking By-law 2005-17.

EXECUTIVE SUMMARY:

- Significant strategic enhancements to promote compliance and uphold community standards effectively.
- Adoption of a more proactive regulatory framework that supports a clean, safe, and orderly environment beneficial for residents, businesses, and visitors.
- The introduction of streamlined enforcement protocols for building maintenance, cleanliness, noise, and other community concerns.
- Designed to improve compliance and reduce administrative burdens.
- New roles such as Screening and Hearing Officers are required for administration of these By-laws.

- This comprehensive approach reinforces the Town's commitment to maintaining high standards and introduces a new revenue stream through penalties that will encourage compliance with Town By-laws.

BACKGROUND:

Since the onset of this term of Council, there has been a heightened strategic focus on the manner in which by-law administration occurs within our organization and the impact it is having on our community. This has been accompanied by a heightened awareness that the courts are overburdened and proving to be ineffectual in facilitating timely compliance with municipal by-laws.

Council has empowered staff to reimagine the traditional approaches to by-law enforcement and to challenge and evolve established practices. In so doing, a “back to basics” mindset has guided the discussions and the efforts to modernize both our strategic and tactical methodologies.

This report, and the recommendations contained herein, represent the culmination of these efforts and the beginning of our transformation.

DISCUSSION:

AMPS

An emerging trend across our province is the use of a system of administrative monetary penalties (AMPS) by municipalities in order to encourage timely compliance when infractions occur. The ability to have an AMPS program is enshrined in the Municipal Act and is intended to aid municipalities in promoting compliance with its bylaws.

The policies and procedures contained in our AMPS by-law are mandated by way of O. Reg. 333/07 and are in keeping with this regulation.

For our residents, the introduction of an AMPS by-law brings certainty that the Town is committed to a clean, healthy, safe environment, and built form. Further, it demonstrates that we will take steps to ensure compliance with our by-laws.

For our business community, the adoption of an AMPS by-law provides a clear message that the Town is committed to providing an orderly environment in which businesses can thrive and prosper and in which patrons can feel safe.

For the many visitors to our community, well-articulated penalties provide an unclouded vision of the behaviours we most covet and value while sharing our space.

For our officers charged with the carriage of compliance, this system provides a transparent and effective means by which compliance can be encouraged and achieved while delivering swift penalties for those who choose the path of non-compliance.

Finally, for the officers and command of the Ontario Provincial Police, a strong suite of municipal by-laws demonstrate that this Council and administration are fully committed partners in law enforcement as well as the safety and well being of our residents and officers.

The regulation requires implementation of certain specific policies. These policies have been drafted and are attached to this report.

Designated By-Laws

Accompanying the rollout of our AMPS by-law is a series of by-law rewrites, new by-laws, and new by-law titles. Once implemented, the by-laws included in this first round of re-writes have been chosen strategically, for their ability to have a maximum impact right out of the gate in supporting the transformation we all envision for our community.

It will be noted by the reader that the language is simple, the expectations are clear and understandable, penalties are clearly articulated, and the by-laws do not defy reading by their length and complexity.

The by-laws chosen for initial inclusion in our AMPS rollout are:

- Building Maintenance By-law (Formerly Property Standards By-law)
- Clean Neighbourhoods By-law (Formerly Clean Yards By-law)
- Fence Maintenance By-law
- Noise Disturbance By-law
- Nuisance By-law
- Shopping Cart By-law
- Special Events By-law
- Car Rally By-law
- Parking By-law
- Licencing By-law

Building Maintenance By-law

The authority to have this by-law resides in the Building Code Act of Ontario (BCA). This is the statute from which the Ontario Building Code (OBC) also draws its authority. This by-law, formerly known as the Property Standards Bylaw, has been re-scoped to focus only on the structures contained on private properties.

Many of the expectations outlined in this by-law draw their origins from the OBC and are intended to preserve and ensure the life safety of the occupants and visitors of these buildings.

Of special interest is the language introduced into the BCA through Bill 177, The Stronger, Fairer Ontario Act, to allow for the imposition of AMPS penalties for by-laws that draw their authority from Section 15.1 of the BCA. These changes did not however alter the appeal processes enshrined in the Act.

The introduction of AMPS penalties is a value-added component to the Act, however the appeal process is still cumbersome and a detriment to effective and timely compliance with orders issued under the BCA. For this reason, this by-law now only stipulates maintenance standards for structures on private property, leaving property maintenance in general to be addressed under our authority in the Municipal Act where our enforcement measures are more streamlined.

Clean Neighbourhoods By-law

The authority to have this by-law rests in the Municipal Act (MA) of Ontario, and its primary focus is property maintenance. This by-law was formerly known as the “Clean Yards” by-law. The title has been changed to imply the sense of duty individual property owners owe to others who share their neighbourhood.

The beautification of our Town is a shared duty and this by-law intends to uphold that principle.

Fence Maintenance By-law

A drive through some of our primary corridors underscores the necessity for this by-law. This By-law is intended to clearly outline the maintenance standards for existing fences so that we may more effectively act regarding dilapidated fences.

The authority for this by-law resides in the MA of Ontario.

Currently, and for many years, the Town’s fencing provision have been housed in our Comprehensive Zoning By-law. With the realization later this year of our new Official Plan, and the new Zoning By-law that will adjoin it, fencing provisions will need to find a new place to reside. Once the new Zoning By-law is in place, a new comprehensive fence by-law will be brought before Council for consideration.

Noise Disturbance By-law & Nuisance By-law

The focus of both of these by-laws was previously housed in one very long and administratively burdensome by-law. The content has been separated and scoped into two stand-alone by-laws with a focus on more clearly defined expectations and enforcement provisions. The authority for both of these by-laws is drawn from the MA.

Shopping Cart By-law

The abandonment of shopping carts and a disregard for their responsible management is a growing concern in our community. An inordinate amount of Staff time has been spent retrieving shopping carts and returning them to the retail outlet, which is a strategy that is both unsustainable and ineffectual in resolving this issue. This by-law seeks to resolve this issue and derives its authority from the MA.

Special Events By-law, Car Rally By-law, Parking By-law

These three by-laws have been updated based on lessons learned from last year’s response to illegal car rallies as well as a great deal of research and brainstorming on how we can better deter illegal activities in our community. New provisions in all three by-laws are meant to work in harmony to demonstrate we are firm in our resolve to eliminate this activity.

Together, these by-laws pave the way for us to draw on our authority under Section 102.1 of the MA. For residents, unpaid administrative penalties, except those in the Parking By-law, are simply added to the tax roll of their property. For non residents, collection of unpaid fines can typically only be collected through the use of a collection agency.

Creating AMPS penalties in our parking by-law, including those associated with illegal car rallies, provides for the refusal by the Registrar of Motor Vehicles to validate vehicle permits issued, or to issue vehicle permits, to a person who has not paid an administrative penalty owed to a municipality.

These provisions expand our reach beyond our borders and position the municipality on a strong footing to encourage compliance from non-residents seeking to cause havoc in our Town.

Transforming Our Approach

Historically, although the by-law department does undertake some proactive enforcement, enforcement has been driven primarily by complaints. With the adoption of an AMPS by-law, voluntary compliance is encouraged. This will free up officer time and allow the department to move to a more proactive protocol.

Under Section 444 of the MA, enforcement strategies are clearly articulated. A three-step approach to compliance is efficiently mapped and clearly articulated.

1. Order to Discontinue Activity
2. Work Order
3. Remedial Action

Moving forward, officers will rely on this protocol. AMPS penalties will apply once a Work Order is required.

Required Appointments

The adoption of an AMPS by-law requires the Town appoint a Screening Officer(s) and a Hearing Officer. Staff are proposing the duties of the Hearing Officer be incorporated into the job descriptions of the Application Navigator and the Planning Navigator. Both of these positions reside within the Development Services Business Unit and an in-year evaluation of the job descriptions will be completed to assess any wage implications. Staff suggest we approach our external legal council to assume the responsibilities associated with the Hearing Officer.

CORPORATE IMPLICATIONS:

Financial Implications:

Staff anticipate minimal financial implications associated with the recommendations in this report. The Town will realize a new revenue stream from the collection of AMPS penalties. Staff will report on these revenues quarterly and in keeping with the regulation.

The costs related with Screening Officers will be an internal cost that we anticipate will be recovered through penalties. Hearing Officers will be hired under contract on an as-needed basis and costs for this should also be covered through recovery of penalties.

Fines will range from a minimum of \$50 - \$2,000.

TERM OF COUNCIL PRIORITIES:

Improve the Public Realm
Improve Community Safety
Financial Sustainability
Improve Customer Service

CONCLUSION:

The adoption of an AMPS by-law, and this first round of ‘designated by-laws’, positions the municipality to respond more effectively to the pressures facing our community. Staff will endeavor to accomplish a smooth and efficient rollout, however, there will be bumps in the road as we seek to transform our traditional approaches.

Our commitment is to continually improve as we take this initial step and as we “designate” more by-laws in the coming weeks and months.

As we move through this process, staff are working on the introduction of a “Municipal Code” (MC). Simply entitled “Our Wasaga”, our MC will transform how our residents access our by-laws, and will underpin our work to transform both our by-law service delivery and the efforts to beautify our community.

Authored by:

Danny Rodgers, General Manager Development Services Business Unit,
Chief Building Official.

The Corporation of the Town of Wasaga Beach Policy for Standards Relating to the Administration of the Administrative Monetary Penalty System

1. Policies and procedures to prevent political interference in the administration of the system

Appointment of Screening Officers

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Director, except where ineligible or where the Director, otherwise determines that the person has demonstrated an inability to comply with Town Policies or procedures, or is unable to carry out the duties related to AMPS in a fair and impartial manner.

Any Person(s) holding the positions of Application Navigator and Planning Application Navigator (as those positions may be renamed from time to time) may be designated by the Director as Screening Officers provided such positions only facilitate payment of penalty notices but do not accept or process payments related to penalty notices.

The Director, in consultation with the Town Solicitor may revoke the appointment of an Application Navigator and Planning Application Navigator as a Screening Officer if at any time the person becomes ineligible for appointment or continuation as a Screening Officer, or is otherwise determined by the Director, in consultation with the Town Solicitor and Director, to be unable to carry out the duties related to AMPS in a fair and impartial manner or to comply with Town policies or procedures.

Recruitment of Hearing Officer(s)

The Town may, from time to time, recruit and appoint Hearing Officer(s) in accordance with the Screening and Hearing Officer By-law.

Application Process

The Director's Office will be responsible for the recruitment of the Hearing Officer(s). The posting will outline the role of the Hearing Officer(s) and eligibility criteria.

Review

All applications received by the established deadline will be forwarded to the Director's Office. The Director will be responsible for reviewing the applications and recommending appointments. The applicant review process involves reviewing personal information of the applicants.

Appointment

The Director's Office will consider the applications and appoint the Hearing Officer(s). The Director's Office will notify all applicants of the decision and will retain all applications according to their applicable Retention By-Law

Nature of Hearing Officer(s) Positions and Term

Hearing Officer(s) are independent and are not Town employees. Hearing Officer(s) may be required to enter in to a contract with the Town outlining the terms of service.

Unless revoked, Hearing Officer(s) shall be appointed for the term of Council (or remainder thereof, where appointed mid-term), and thereafter until reappointed or until a successor is appointed.

Revocation of Appointment

The Town may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Director in consultation with the Town Solicitor, if applicable.

2. Guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur

The following shall apply in addition to this Policy:

- a) For Town employees involved in the administration of the AMPS program: the Employee Code of Conduct Policy and all other Town policies shall apply regarding the activities of an employee in the administration of the AMPS program. In the event of a conflict between the provisions of this Policy and the provisions of the Employee Code of Conduct Policy, in relation to AMPS, this Policy shall supersede.
- b) For Hearing Officers: the provisions of any agreement governing the retainer between the Town and a Hearing Officer(s), shall also apply regarding the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.

This Policy shall apply in addition to all applicable town policies (i.e., Employee Code of Conduct, etc.). A breach of Town policy relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

Appointment of Screening Officers and Hearing Officers

The Screening and Hearing Officer By-law and this Policy establishes the rules regarding the appointment of Screening Officers and Hearing Officers.

Screening and Hearing Officers shall be appointed and recruited in accordance with the Screening and Hearing Officer By-law and this Policy.

Administration Conflict

A conflict of interest arises where a Screening Officer, Hearing Officer or Town employee involved in the administration of AMPS, or any Relative of same, has a direct or indirect personal or financial interest:

- a) such that they could influence a decision made in relation to AMPS;
- b) that may affect the performance of their job duties in relation to AMPS;
- c) that conflicts, might conflict, or may be perceived to conflict with the interests of the proper administration of AMPS; or
- d) that may adversely affect the reputation of the Town as a public authority in relation to AMPS.

Additional Conflict of Interest

A conflict of interest includes a pecuniary or non-pecuniary interest, actual, perceived, or potential conflict, that could arise in relation to personal or financial matters, including but not limited to:

- a) directorships or employment;
- b) interests in business enterprises or professional practices;
- c) share ownership or beneficial interests in trusts;
- d) professional or personal associations with a Person;
- e) professional associations or relationships with other organizations;
- f) personal associations with other groups or organizations;
- g) or family relationships, including Relatives.

Conduct of Screening Officers and Hearing Officers

Screening Officer

Screening Officers are employees of the Town and therefore must also abide by the Town's Employee Code of Conduct and Ethics.

Screening Officers must be and appear to be impartial at all times. Screening Officers shall not review a penalty notice for a personal or business acquaintance or Relative.

Screening Officers shall not review a penalty notice that they have issued.

Hearing Officer

Hearing Officers, in conducting a Hearing Review, are bound by and shall comply with the Statutory Powers Procedures Act, as well as general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, etc.).

Hearing Officers must be and appear to be impartial at all times. A Hearing Officer shall not review a Screening Decision for a personal or business acquaintance or Relative.

Hearing Officers must also abide by the terms of any agreement governing the retainer between the Hearing Officer and the Town.

All Screening Officer(s) and Hearing Officer(s) shall:

- a) both be and appear to be independent, impartial, and unbiased;
- b) avoid all conflicts of interest, whether real, potential or perceived, and promptly take appropriate steps to disclose, resolve, or obtain advice with respect to any such conflict should it arise;
- c) not represent any Person at a Screening Review or Hearing Review;
- d) not dispute their own penalty notices and are expected to pay the penalty notice in a timely manner;
- e) not be influenced by partisan interests, public opinion, or by fear of criticism;
- f) not use their title and position to promote their own interests or the interests of others;
- g) discharge their duties in accordance with the law, Town by-laws and AMPS policies, procedures and guidelines in effect from time to time;
- h) maintain and upgrade their knowledge and competence through their work, by participating in training, and by seeking guidance from their colleagues and the Town, as necessary;
- i) remain up to date on changes in the law, Town by-laws, policies and procedures relevant to their function;
- j) act with integrity, as they are subject to ongoing public scrutiny;
- k) 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 AMPS;
- l) approach their duties in a calm and courteous manner when dealing with the public and others and present and conduct themselves in a manner consistent with the integrity of AMPS and with their appointment;
- m) convey their decisions in plain language, including the reasons therefor where such are required;
- n) safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by, and in accordance with, the law;
- o) in discharging their duties, treat those with whom they deal with in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those Persons, and without limiting the foregoing, comply in all respects with the Ontario Human Rights Code;
- p) refrain from openly and publicly criticizing the administration of AMPS or the conduct of others, including Town employees or members of Council. Screening Officers and Hearing Officers shall acknowledge that only the Director may speak publicly on behalf of the Town's AMPS program. Any criticisms, suggestions or concerns related to AMPS shall be communicated through appropriate channels to the Director;
- q) deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services;
- r) not knowingly exercise a power or function for which they have not been trained or designated.

Without limiting the foregoing, Screening Officers, Hearing Officers, and all persons involved in the administration of AMPS shall avoid activities or circumstances that create conflicts, whether real, potential or perceived, between their personal interests and their responsibilities in relation to AMPS, including situations where their personal interests or the perception that their personal interests could influence any decisions they make on behalf of the Town.

Any obligation, interest, or participation, which would or could interfere with the fair and impartial administration of AMPS or the exercise of judgment in relation to AMPS, constitutes a conflict of interest.

Every Screening Officer, Hearing Officer or Town employee involved in the administration of AMPS, must disclose, in accordance with this Policy, any obligation, commitment, relationship or interest that poses a real, potential or perceived conflict with his or her duties in relation to or interests in the administration of AMPS.

Preventing Conflict of Interest

The keys to preventing conflicts of interest are identification, disclosure, and withdrawal from the power of decision with respect to a Screening Review or Hearing Review.

The need for identification, disclosure and withdrawal from a Power of Decision or administrative role in relation to AMPS applies to any real, potential, or perceived conflict of interest.

Assignment of Alternate Screening Officer or Hearing Officer

Where a real, potential, or perceived conflict of interest is reported by a Screening Officer or Hearing Officer, as set out in this Policy:

- a) in the case of a review of a Screening Review or Hearing Review that has not yet commenced, the Director shall assign another Screening Officer or Hearing Officer to conduct the review to avoid actual, potential, or perceived conflict of interest; or
- b) in the case of a review of a Screening Review or Hearing Review that has commenced:
 - i. the Screening Officer or Hearing Officer, as the case may be, shall adjourn the review and withdraw from the Power of Decision; and
 - ii. the Director shall cause the Screening Review or Hearing Review to be recommenced and rescheduled with another Screening Officer or Hearing Officer.

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

The Director may consult with the Town Solicitor, or their designate, for further guidance in regard to this Policy.

Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, or under any other Federal or Provincial statute or Regulation where continuing to perform duties may erode public confidence in the administration of justice, the Screening Officer or Hearing Officer shall disclose same to the Director within 5 business days of the charge being laid, and action may be taken by the Town as the discretion of the Director. If determined appropriate, may include suspension from duties until the final disposition of the charge and, upon final disposition, may include, but is not limited to, termination of duties related to AMPS and/or revocation of appointment.

Responsibilities

Screening Officers and Town Employees

In reporting conflicts of interest, Screening Officers and Town employees involved in the administration of AMPS shall notify the Director of any conflict of interest, real, potential, or perceived, that they may have in relation to a matter.

Hearing Officers

In reporting conflicts of interest, if a Hearing Officer becomes aware of any real, potential, or perceived conflict of interest, the Hearing Officer shall notify the Director.

Principles of Preventing Political Interference

No Person shall attempt, directly or indirectly, to communicate with any Town employee or other person performing duties related to the administration of AMPS for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of AMPS or with any particular Penalty Notice.

No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:

- a) A Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal or authorized representative; and
- b) Only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.

This paragraph shall not prohibit the giving or receiving of legal advice.

In addition to this Policy, the AMPS By-law sets out a prohibition on attempting to influence a Screening Officer or Hearing Officer and creates an offence for any contravention of the provisions of the By-law. Such penalty is in addition to any action taken pursuant to this Policy.

All individuals involved with the enforcement and administrative functions of AMPS shall carry out such duties in a manner which upholds the integrity of the administration of justice.

Accountability

A Screening Officer or Hearing Officer, Town employee or any other individual performing duties related to AMPS shall report any attempt at influence or interference, financial, political, or otherwise, by any Person, to the Director as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, 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 AMPS, is contacted by a member of Council or Town official with respect to the administration of AMPS or a specific Penalty Notice, he or she shall immediately disclose such contact to the Director in order to maintain the integrity of AMPS

Any interference with or attempt to interfere with AMPS by any Person may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action.

Any interference with AMPS or attempt to interfere with AMPS, by a member of Council, will be addressed pursuant to the Council Code of Conduct;

Reprisal

No person shall take any reprisal against a Town employee or other individual performing duties related to the administration of the AMPS because the employee or individual, in good faith:

- a) Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
- b) Has made a disclosure about wrongdoing contrary to this policy in good faith;
- c) Has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;
- d) Has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing contrary to this policy, or is required to do so;
- e) Has alleged or reported a Reprisal; or
- f) Is suspected or any of the above actions

The identity of employees or other individuals performing duties related to the administration of AMPS involved in an investigation, including the identity of an individual alleging political influence contrary to this policy, will be protected to the fullest extent possible.

If an employee believes that they have suffered reprisal, this should be reported immediately to the Director, or where appropriate, to the CAO.

3. Policies and procedures regarding financial management and reporting

The purpose of this Policy is to provide a Policy regarding financial management and the reporting and tracking of administrative penalties and fees. This Policy affirms that the Town shall follow the existing corporate policies and procedures related to financial management and reporting.

This Policy applies to all financial management and reporting responsibilities and accountabilities regarding AMPS. All persons responsible for administering the AMPS program, as well as Screening Officers and Hearing Officers, shall comply with this Policy.

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

General Financial Management and Reporting

Preparation of the Town's budget revolves around priority setting that reflects 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 AMPS shall be the responsibility of the Director.

Payment of a Penalty Notice

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

Hearing Officers are prohibited from directly accepting any payment from any Person in respect of a penalty notice.

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

Responsibilities

Through the process of current and capital financial management and reporting for AMPS, the Director will:

- a) review and monitor current year actual, budgeted and projected financial performance and operating results;
- b) proactively compare program financial activity with past performance to identify trends, issues and opportunities;
- c) determine priorities for maintaining and improving AMPS program services levels;
- d) review and develop long-term plans for AMPS including a multi-year operating and capital budget analysis and projections;
- e) identify and mitigate factors impacting the AMPS budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of Town decision-makers;
- f) comply with all corporate reporting standards and requirements as part of the Town's financial management and reporting processes;
- g) ensure all necessary financial signing authorities are updated and followed by all staff involved in AMPS administration; and
- h) comply with all Town procurement policies and procedures regarding AMPS

4. Procedures for the filing and processing of complaints made by the public with respect to the administration of the system

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.

Scope

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 regarding 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.

Designated Complaints Investigator

The Designated Complaints Investigator shall be the General Manager of Corporate Services or their designate or successor, or the Town Solicitor or their designate.

General Provisions

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 Council Code of Conduct or Council-Staff Relations Policy and sent to the Town's Integrity Commissioner
- c) Any complaint regarding a Hearing Officer shall be referred to the Designated Complaints Investigator;
- 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 full 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 the Designated Complaints Investigator will report annually to the CAO on the summary of public complaints filed and addressed in respect of AMPS.

Anonymous Complaints

Complaints that are anonymous will not be accepted.

Withdrawing a Complaint

A complainant may withdraw their complaint by so requesting in writing to the Designated Complaints Investigator at any time.

5. Determination of Undue Hardship

Documentation to Support Financial Hardship

A Person who wishes to seek relief pursuant to the AMPS 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) 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 undue hardship.

Records Retention

All information and documentation provided in support of financial or undue 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 and will be retained according to the Town's Records Retention By-Law.

