

KING TOWNSHIP ADMINISTRATIVE POLICY



Undue Hardship in Relation to the Administration of the Administrative Monetary Penalty System (AMPS)

POLICY NO.:
COR-POL-148

Growth Management Services	Issue Date: 2023-01-13
	Reviewed Date: 2023-01-13
Authored By: Nancy Cronsberry	Issue No.: 1
Approved By: Stephen Naylor	Next Review: 2028-01-13

1 PURPOSE STATEMENT

- 1.1 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.

2 POLICY OBJECTIVE

- 2.1 In accordance with Ontario Regulation 333/07 the **Township** is required to develop a policy to address financial hardship experienced by individuals required to pay a **Penalty Notice** and any applicable **Administrative Fees**.
- 2.2 The Screening Officers and Hearing Officers have the authority to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where he/she determines it is necessary to reduce undue hardship.
- 2.3 This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the By-law. It is not intended to provide criteria for establishing undue hardship in respect of other Township programs or services.

3 APPLICATION/SCOPE

- 3.1 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 Penalty By-law.

4 DEFINITIONS

For the purposes of this Policy, the following definitions are defined in accordance with By-law 2022-040.

- 4.1 **Administrative Monetary Penalty System (AMPS)** means a financial penalty imposed by a regulator, rather than a court, that can be levied against an individual or a business that fails to comply with a legislative requirement,
- 4.2 **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 difficult of paying the Administrative Penalty or Administrative Fee;
- 4.3 **Undue Hardship** means financial hardship, or other extenuating circumstances based on compassionate grounds

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5 Undue Hardship

5.1 Process

- 5.1.1 In accordance with the Administrative Penalty By-law, a Screening Officer or Hearing Officer:
- 5.1.2 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
- 5.1.3 Will consider and satisfy themselves at the Screening/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.

5.2 Documentation to support Financial Hardship

- 5.2.1 A Person who is experiencing financial hardship should bring documentation to support their claim at the Screening/Hearing Review. The Person when required, shall provide documented proof of financial hardship such as, but not limited to:
 - i. Old Age Security;
 - ii. Canada Pension;
 - iii. Guaranteed Income Supplement;
 - iv. Disability Pension;
 - v. Ontario Student Assistance Program; or
 - vi. Any other form of social assistance
- 5.2.2 A Screening Officer or Hearing Officer may also consider the oral evidence provided by the Person in relation to Financial Hardship. Further they will

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satisfy themselves to the authenticity/credibility of the documents provided and will refer to those documents in their decision.

5.3 Records Retention

5.3.1 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 and will be retained according to the Township's Records Retention By-Law.

6 COMPLIANCE

6.1 In cases of Policy violation, the Township may investigate and determine appropriate corrective action in accordance.

7 RELATED DOCUMENTATION

7.1 [Municipal Act, 2001](#)

7.2 [O. Reg. 333/07](#)

7.3 [Municipal Freedom of Information and Protection of Privacy Act](#)

7.4 [Administrative Penalty By-law 2022-040](#)

7.5 [Screening and Hearing Officer By-law 2022-042](#)

7.6 [AMPS Program Policies and Procedures](#)

8 APPROVAL AUTHORITY

Original Signed

**Stephen Naylor, Director of
Growth Management Services**

2023-01-13
Date