

KING TOWNSHIP ADMINISTRATIVE POLICY



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

POLICY NO.:
COR-POL-151

Growth Management Services	Issue Date: 2023-01-12
	Reviewed Date: 2023-01-12
Authored By: Nancy Cronsberry	Issue No.: 1
Approved By: Stephen Naylor	Next Revision: 2028-01-12

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 Township of King, and that any public complaints be addressed in a timely and responsible manner.
- 2.2 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 the AMPS, and applies to all administrative actions and functions of all Township employees, and other individuals responsible for the administration of AMPS.
- 3.2 Any and to all public complaints filed under this Policy regarding the administrative actions of Township employees, Screening Officers or Hearing Officers under AMPS shall be referred to the Manager of the By-law Division.
- 3.3 All individuals responsible for administering the AMPS program shall be responsible for adherence to this Policy. The manager of by-law, 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

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3.5.2 Replace other specific Township 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 in accordance with By-law 2022-040.

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 **Screening and Hearing Officer By-law** means the by-law passed by the Township 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.

4.5 **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 manager of By-law, 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 A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the manager of by-law, or designate, from time to time, complete with all required information, including the name and full contact information of the complainant, and be

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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;

- 5.2.4 All complaints shall be treated as confidential by the Township 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*;
- 5.2.5 The manager of by-law, or designate, may refuse to address or process any public complaint that is deemed by the manager of by-law, or designate, to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The manager of by-law, 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;
- 5.2.6 Where possible, at the discretion of the manager of by-law, or designate, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- 5.2.7 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;
- 5.2.8 A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer
- 5.2.9 or Hearing Officer, including any Administrative Penalties and Administrative Fees due or paid; and
- 5.2.10 The manager of by-law will 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

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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 Township may investigate and determine appropriate corrective action.

7 RELATED DOCUMENTATION

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

7.2 [Municipal Act, 2001](#)

7.3 [Ontario Regulation 333/07 \(Administrative Penalties\)](#)

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 – **to be linked once all approved**

7.7 [Council Code of Conduct](#)

8 APPROVAL AUTHORITY

Original Signed

Stephen Naylor, Director of
Growth Management Services

2023-01-13

Date