

| | |
|-----------------------|--|
| POLICY TITLE | Public Complaints Respecting the Administration of the Administrative Penalty System (APS) |
| CATEGORY | Administration |
| POLICY NUMBER | ADM 058 |
| DEPARTMENT | Corporate Services |
| POLICY AUTHOR | City Clerk |
| POLICY TYPE | Administrative Policy |
| APPROVED BY | Council |
| EFFECTIVE DATE | 07/18/2023 |
| REVIEW DATE | 07/18/2024 |

POLICY STATEMENT

This Policy is to address any public complaint regarding the administration of the Administrative Penalty System (APS).

PURPOSE

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

The purpose of this Policy is to provide a process for public complaints regarding the administration of APS and to ensure that APS remains an open, transparent, accessible, responsive, accountable, efficient and effective system for parking and by-law enforcement in the City of Cambridge, and that any public complaints are addressed in a timely and responsible manner.

DEFINITIONS

“Administrative Fee” means any fee specified in the Administrative Penalty By-law;

“Administrative Penalty” means an administrative penalty established by the Administrative Penalty By-law for a contravention of a Designated By-law as defined therein;

“Administrative Penalty By-law” means the by-law passed by the City to establish administrative penalties for various by-laws, as amended from time to time, or any successor thereof;

“APS” means Administrative Penalty System;

“City” means The Corporation of the City of Cambridge;

“Clerk” means the City Clerk, or anyone designated by the City Clerk to perform their duties relating to APS;

“Council” means the Council of the City;

“Designated Complaints Investigator” means the City Clerk or their designate;

“Hearing Officer” means any person who is appointed by the City 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 Administrative Penalty By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in the Administrative Penalty By-law;

“Municipal Freedom of Information and Protection of Privacy Act” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. c. M. 56, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice issued pursuant to the Administrative Penalty By-law;

“Screening and Hearing Officer By-law” means the by-law passed by the City 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 and other by-laws, as amended from time to time, or any successor thereof;

“Screening Officer” means any person who is appointed by the City 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 Administrative Penalty By-law;

“Screening Review” means the process related to review of a Penalty Notice, as set out in the Administrative Penalty By-law

AUTHORITY

Ontario Regulation 333/07 requires a municipality to develop standards relating to the administration of a parking Administrative Penalty System.

SCOPE

This Policy applies to all public complaints, informal or formal, regarding the administration of the APS program and applies to all administrative actions and functions of all City employees and other individuals responsible for the administration of APS, and to all public complaints regarding Screening Officers or

Hearing Officers. All individuals responsible for administering the APS program shall be responsible for adherence to this Policy.

Any public complaint filed pursuant to this Policy in regards to the administrative actions of a City employee, Screening Officer or Hearing Officer under APS shall be referred to the Designated Complaints Investigator.

As set out in the Administrative Penalty By-law 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 complaints relating to the above 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 City programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with APS or with the outcome of a Screening Review or Hearing Review.

POLICY

1.1 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 APS 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 APS shall be submitted and processed in accordance with the Council Code of Conduct;
- (c) 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 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;

- (d) All complaints shall be treated as confidential by the City 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*;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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
- (i) The Designated Complaints Investigator will report annually on the summary of public complaints filed and addressed in respect of APS.

1.2 Anonymous Complaints

Complaints that are anonymous will not be accepted.

1.3 Withdrawing a Complaint

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

1.4 General Comments Regarding APS

General comments and suggestions regarding the APS system will not be investigated pursuant to this Policy. However, general comments and suggestions, including anonymous comments and suggestions, will be accepted and may be used by the City from time to time, as the City determines appropriate, for continuous improvement of the program.

POLICY COMMUNICATION

- (a) This Policy will be posted on the City's website and intranet.
- (b) Staff will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team; and
- (c) This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPS enforcement and administration staff

RELATED PROCEDURES

RELATED DOCUMENTS/LEGISLATION

Municipal Act, 2001

Ontario Regulation 333/07

Administrative Penalty By-law

Screening and Hearing Officer By-law

APS Program Policies and Procedures