



Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			POLICY #:
POLICY: Public Complaints for the Administration of the Administrative Penalty System			
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1. Policy Statement

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

2. Purpose

2.1 Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a *Municipality* establishing an Administrative Penalty System to develop a policy to address public complaints regarding the administration of *APS*.

2.2 The purpose of this Policy is to provide a standardized, and efficient mechanism for filing and processing complaints made by the public with respect to the administration of the *Municipality's APS* program.

3. Scope

3.1 This Policy applies to any member of the public who has a complaint with respect to the administration of the *APS* program.

3.2 This Policy is not intended to:

- (a) Operate as an appeal mechanism to reverse or alter any *Screening Officer's Decision* or *Hearing Officer's Decision*; or
- (b) Replace other specific Municipal programs, policies/procedures, legislative processes, or legal processes available to the public to address Public Complaints for the Administration of the APS or with the outcome of a *Screening Review* or *Hearing Review*.
- (c) Consider complaints related to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of a statute regulation or bylaw. *Screening*

Officers and Hearing Officers do not have jurisdiction to consider such complaints, and they will not be processed under this Policy.

4. Definitions

4.1 For the purposes of this Policy, the following definitions are defined in accordance with the *Administrative Penalty System Bylaw*:

Administrative Fee(s) means any fee specified in the *Administrative Penalty System Bylaw* or its Schedules 'A' and 'B';

Administrative Penalty means an *Administrative Penalty* established by *Administrative Penalty System Bylaw* for a *Contravention* of a *Designated Bylaw*, as defined therein;

Administrative Penalty System Bylaw means the bylaw passed by the *Municipality* to establish *Administrative Penalties* for the *Contravention* of *Designated Bylaws*, as amended from time to time, or any successor thereof;

APS means Administrative Penalty System;

Chief Administrative Officer means the employee who is responsible for exercising general control or management of the administration and affairs of the *Municipality* and other duties as directed by *Council*.

Contravention means, in the context of an Administrative Penalty System Bylaw, a violation, breach, or failure to comply with a law, specifically a Designated Bylaw.

Council means the *Council* of the Corporation of the *Municipality* of Hastings Highlands;

Day means any calendar *day*;

Decision means a notice that contains a *Decision* made by a *Screening Officer* or *Hearing Officer* delivered in accordance with the *Administrative Penalty System Bylaw*;

Designated Bylaw means a bylaw, or a part or provision of a bylaw, that is designated under the *Administrative Penalty System Bylaw*;

Hearing Officer means any *Person* who is appointed, from time to time, to perform the functions of a *Hearing Officer* in accordance with the *Administrative Penalty System Bylaw*;

Hearing Review means the process related to the review of a *Screening Officer's Decision*;

Late Payment Fee means an *Administrative Fee* established by the *Municipality* from time to time in respect of a *Person's* failure to pay an *Administrative Penalty* within the time prescribed in this bylaw and listed in Schedule 'B';

Municipality means the Corporation of the *Municipality* of Hastings Highlands;

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;

Officer means a Municipal Bylaw Enforcement Officer, Chief Building Official, Fire Chief or designate appointed by the *Municipality* to administer and enforce the *Administrative Penalty System Bylaw*;

Penalty Notice means a formal notification issued by an *Officer* informing an individual or organization that they are in *Contravention a Designated Bylaw* in accordance with the *Administrative Penalty System Bylaw*;

Person means and includes any individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a *Person* to whom the context can apply according to law;

Screening Officer means a *Person* from time to time appointed pursuant to the *Administrative Penalty System Bylaw* who performs the duties of *Screening Officer* as set out pursuant to the *Administrative Penalty System Bylaw*;

Screening Review means the process related to the review of a *Penalty Notice*.

5. Policy Communication

5.1 This Policy will be posted on the *Municipality's* website.

5.2 This Policy shall form part of the orientation for all *Screening Officers*, *Hearing Officers* and all those involved in the enforcement and administration of *APS*.

6. Procedure

6.1 Any public complaint filed pursuant to this Policy in regard to the administrative actions of a Municipal staff member, Member of *Council*, *Screening Officer* or *Hearing Officer* under *APS* shall be referred to and investigated by the *Chief Administrative Officer* and shall be processed in accordance with the applicable complaints handling policy, code of conduct or regulations.

6.2 The following procedure will be followed by the *Municipality*, should a complaint be made with respect to the administration of the system:

(a) A public complaint submitted pursuant to this Policy must be in writing, complete with all required information, including the name and full contact information of the Complainant, and be sent to *Chief Administrative Officer*.

(b) Complaints that are anonymous will not be accepted.

(c) The *Chief Administrative Officer* or designate will provide a written response concerning the complaint, set out their decision and, where appropriate, the reasons therefore, to the Complainant within thirty (30) calendar *Days* of receipt of the complaint.

(d) Any deemed resolution of a formal complaint will be addressed by written response by the

Chief Administrative Officer or designate. A public complaint sustained through a *Screening Review* or *Hearing Review* cannot be used as the basis to change or void a *Screening Officer's Decision* or *Hearing Officer's Decision*, including any *Penalty Notice(s)* *Administrative Fees*, and *Late Payment Fees* due or paid.

7. Time Limitations

7.1 In order to achieve due process, a complaint must be made in a timely fashion, not later than thirty (30) calendar days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant. Incomplete complaint forms or forms submitted after the 30-calendar day period may not be processed.

7.2 The *Chief Administrative Officer* or designate will also adhere to the timelines set out in this policy unless circumstances exist to reasonably justify a delay. In the event that a delay becomes necessary, the Complainant shall be notified in writing of the reason for delay and will be advised of the date when the response will be forthcoming. A copy of the notification will be retained for tracking purposes.

8. Withdrawal of Complaint

8.1 A Complainant may withdraw their complaint at any time by providing a written request to withdraw. Notwithstanding a withdrawal, the *Municipality* may continue to deal with the complaint if it considers it appropriate to do so. When withdrawn, the *Chief Administrative Officer* or designate will be notified that the complaint has been withdrawn.

9. Confidentiality

9.1 All complaints shall be treated as confidential by the *Municipality* and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56*.

10. Records Retention and Disclosure of Complaints

10.1 All information and documentation relating to this public complaint resolution shall be treated in a confidential manner in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and will be managed by the *Chief Administrative Officer* or designate according to the *Municipality's* Records Retention Bylaw.