



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

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

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

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 Municipal 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.

(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

Administrative Fee means any fee specified in the Administrative Penalty Systems Bylaw or its Schedule 'B';

Administrative Penalty means an administrative penalty established by the Administrative Penalty Systems Bylaw for a contravention of a Designated Bylaw, as defined therein;

APS means Administrative Penalty System;

Administrative Penalty Systems Bylaw means the bylaw passed by the Municipality to establish administrative penalties for Designated Bylaws, as amended from time to time, or any successor thereof;

Chief Administrative Officer or CAO 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.

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

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

Hearing Decision means a notice that contains the decision made by a Hearing Officer;

Hearing Review means the process related to review of a screening decision;

Integrity Commissioner means the Integrity Commissioner as appointed by Council from time to time;

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 Systems Bylaw;

Penalty Notice means a formal notification issued by an Officer informing an individual or organization that they have violated a bylaw in accordance with the Administrative Penalty Systems Bylaw;

Person mean 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 Decision means a notice which contains the decision of a Screening Officer;

Screening Officer means any person who is appointed, from time to time, to perform the functions of a Screening Officer in accordance with the Administrative Penalty Systems Bylaw;

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

5. Policy Communication

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

5.2. Staff will be advised of the new Policy via distribution through the Senior Leadership Team.

5.3. 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 CAO 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, using the prescribed form, attached as Appendix A to this Policy, complete with all required information, including the name and full contact information of the Complainant, and be sent to CAO.

- (b) Complaints that are anonymous will not be accepted.
- (c) The CAO 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 CAO or designate. 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 penalty fines and administrative 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 CAO 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

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 CAO or designate will be notified that the complaint has been withdrawn.

9. Confidentiality

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

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 CAO or designate according to the Municipality's Records Retention Bylaw.