



<b>Municipality of Hastings Highlands - Corporate Policies and Procedures</b>			
<b>DEPARTMENT:</b> Administration	<b>POLICY #:</b>		
<b>POLICY:</b> Undue Hardship for the Administration of the Administrative Penalty System			
<b>DATE:</b> June 18, 2025	<b>REV. DATE:</b>	<b>COVERAGE:</b> Screening Officers, Hearing Officers	<b>PAGE #:</b> 1-4

## 1. Policy Statement

The Municipality wishes 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. Purpose

2.1. Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a municipality establishing an Administrative Penalty System to have procedures that permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees, if requiring them to do so would cause undue hardship.

2.2. The Administrative Penalty Systems Bylaw provides discretion to Screening Officers and Hearing Officers to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where the Officer determines it is necessary in order to reduce undue hardship. This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the Bylaw. It is not intended to provide criteria for establishing undue hardship in respect of other Municipal programs or services.

## 3. Scope

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 Systems Bylaw.

## 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;

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

**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;

**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;

**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;

**Records Retention Bylaw** means the bylaw passed by the Municipality providing for the

classification retention and disposition of records in the Municipality, as amended from time to time, or any successor thereof;

**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;

**Undue Hardship** means financial hardship, or other extenuating circumstances based on compassionate grounds.

## **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. Process**

6.1. Any Person who receives a Penalty Notice is given the right to dispute the Penalty Notice.

6.2. In accordance with the Administrative Penalty Systems Bylaw, a Screening Officer or Hearing Officer:

- (a) 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
- (b) Will consider and satisfy themselves at the Screening Review or 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.
- (c) May cancel a Penalty Notice if an error is identified on the face of the notice or if substantial evidence contradicting the notice is provided.

## **7. Documentation to support Financial Hardship**

7.1. A Person who wishes to seek relief pursuant to the Administrative Penalty Systems Bylaw

on the basis of Financial Hardship should bring documentation to support their claim to the Screening Review or Hearing Review. Examples of documents that may be considered in relation to Financial Hardship include, but are not limited to:

- (a) Old Age Security;
- (b) Canada Pension;
- (c) Guaranteed Income Supplement;
- (d) Disability Pension;
- (e) Ontario Student Assistance Program; or
- (f) Any other form of social assistance

## **8. Records Retention**

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 Municipality's Records Retention Bylaw.