



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

1. Policy Statement

1.1 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 System 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

3.1 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 System Bylaw*.

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 means any fee specified in the *Administrative Penalty System Bylaw* or Set out in Schedules 'A' and 'B';

Administrative Penalty means an *Administrative Penalty* established by the *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*;

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.

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*;

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 difficulty 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 System Bylaw*;

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

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 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 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 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 System 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 System 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

8.1 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 Officer's Decision* and/or *Hearing Officer's Decision* record and will be retained according to the *Municipality's Records Retention Bylaw*.