



Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			POLICY #:
POLICY: Conflict of Interest for the Administration of the Administrative Penalty System			
DATE: June 18, 2025	REV. DATE:	COVERAGE: Screening Officers, Hearing Officers, Members of Council, Municipal Staff	PAGE #: 1-6

1. Policy Statement

1.1 The *Municipality* of Hastings Highlands is committed to ensuring that the *Administrative Penalty System* operates in a fair and impartial manner, free of *Conflicts of Interest*.

2. Purpose

2.1 Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a *Municipality* establishing an *Administrative Penalty System (APS)* to have a Policy relating to *Conflicts of Interest*. In accordance with the Regulation, the Policy must define what constitutes a *Conflict of Interest* in relation to *APS*, contain provisions to prevent such conflicts and to redress such conflicts should they occur.

2.2 This Policy sets out requirements relating to *Screening Officers, Hearing Officers* and Municipal staff in order to prevent actual, potential and perceived *Conflicts of Interest*, and to ensure that *APS* responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.

3. Scope

3.1 This Policy applies to all elected Members of *Council, Screening Officers, Hearing Officers* and Municipal staff involved in the enforcement and administration of *APS*.

3.2 For Municipal staff engaged in the administration of *APS*, the *Code of Conduct and Ethics Policy*, and any successor Policy, shall also apply in regard to the activities of an employee in the administration of *APS*.

3.3 In regard to Members of *Council*, this Policy should be read and interpreted within the context of prevailing Provincial legislation (i.e., *Municipal Conflict of Interest Act*) and the *Council Code of Conduct*, including its related policies, procedures and guidelines.

4. Definitions

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

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*;

Code of Conduct and Ethics Policy means the Policy adopted by the *Municipality* to govern employee conduct, provide ethical standards and address *Conflicts of Interest*, as amended from time to time, or any successor thereof;

Conflict of Interest means a situation in which a *Person's* personal, financial, professional, or other interests could improperly influence, or appear to influence, the performance of their duties or decision-making responsibilities;

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 review of a *Screening Officer's Decision*;

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

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;

Power of Decision means a power or right, conferred by or under the *Administrative Penalty System Bylaw*, to make a *Decision* deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any *person*;

Relative includes any of the following *Persons*:

- (a) spouse, common-law partner, or any *person* with whom the *person* is living as a spouse outside of marriage;
- (b) Parent or legal guardian;
- (c) child, including a stepchild and grandchild;
- (d) siblings and children of siblings;
- (e) aunt, uncle, niece and nephew;
- (f) in-laws, including mother, father, sister, brother, daughter and son; or
- (g) any *Person*, including but not limited to a dependent, who lives with the *Person* on a Permanent basis;

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*;

Statutory Powers Procedure Act means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof.

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 Members of Council at the start of a new term of Council.

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. Appointments for Screening Officers and Hearing Officers

6.1 The Municipality's Administrative Penalty System Bylaw sets out the rules regarding the appointment of Screening Officers and Hearing Officers.

6.2 The following are not eligible for appointment as a *Screening Officer* or *Hearing Officer*:

- (a) a Member of *Council*,
- (b) a *Relative* of a Member of *Council*,
- (c) an individual indebted to the *Municipality* other than in respect of current real property taxes, and
- (d) in the case of a *Hearing Officer*, an employee of the *Municipality*.

7. Conflict of Interest

7.1. A *Conflict of Interest* arises where a *Screening Officer*, *Hearing Officer* or Municipal staff involved in the administration of the APS program, or any *Relative* of same, has a direct or indirect personal or financial interest:

- (a) such that they could influence a *Decision* made in relation to APS;
- (b) that may affect the performance of their job duties in relation to APS;
- (c) that conflicts, might conflict, or may be perceived by an objective, reasonable *person* to conflict with the interests of the proper administration of APS; or
- (d) that may adversely affect the reputation of the *Municipality* as a public authority in relation to APS.

7.2 A *Conflict of Interest* includes a pecuniary interest, non-pecuniary interest, and actual, perceived or potential non-pecuniary *Conflict of Interest*, that could arise in relation to personal or late matters, including but not limited to:

- i. directorships or employment;
- ii. interests in business enterprises or professional practices;
- iii. share ownership or beneficial interests in trusts;
- iv. professional or personal associations with a *Person*;
- v. professional associations or relationships with other organizations;
- vi. personal associations with other groups or organizations; or
- vii. family relationships, including *Relatives*.

7.3 *Screening Officers* are employees of the *Municipality* and therefore must also abide by the *Municipality's Employee Code of Conduct and Ethics Policy*.

7.4 *Screening Officers* must be and appear to be impartial at all times. *Screening Officers* shall not review a *Penalty Notice* for a personal or business acquaintance or *Relative*.

7.5 *Hearing Officers* in conducting a *Hearing Review*, are bound by and shall comply with the *Statutory Powers Procedures Act*, as well as general administrative common law principles (i.e. procedural fairness, natural justice, impartial and unbiased *Decision* making, etc.).

7.6 *Hearing Officers* must be and appear to be impartial at all times. A *Hearing Officer* shall not review a *Screening Officer's Decision* for a personal or business acquaintance or *Relative*.

7.7 *Hearing Officers* must also abide by the terms of any agreement governing the employment relationship between the *Hearing Officer* and the *Municipality*.

7.8 No Member of *Council* shall advocate for any *person* or participate in any way in a *Screening Review* or *Hearing Review*.

8. Conduct of Screening Officers and Hearing Officers

8.1 All *Screening Officers* and *Hearing Officers* shall:

- (a) both be and appear to be independent, impartial, and unbiased;
- (b) avoid all *Conflicts of Interest*, whether real, potential or perceived, and promptly take appropriate steps to disclose, resolve, or obtain advice with respect to any such conflict should it arise;
- (c) not represent any *Person* at a *Screening Review* or *Hearing Review*;
- (d) not dispute their own *Penalty Notices* and are expected to pay the *Penalty Notice* in a timely manner;
- (e) not be influenced by partisan interests, public opinion, or by fear of criticism;
- (f) not use their title and position to promote their own interests or the interests of others;
- (g) discharge their duties in accordance with the law, Municipal bylaws and *APS* policies, procedures and guidelines in effect from time to time;
- (h) maintain and upgrade their knowledge and competence through their work, by participating in training and education courses as required by the *Municipality* and by seeking guidance from their colleagues and the *Municipality*, as necessary;
- (i) remain up to date on changes in the law, Municipal bylaws, policies and procedures relevant to their function;
- (j) act with integrity, as they are subject to ongoing public scrutiny; respect and comply with the law and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of *APS*;
- (k) approach their duties in a calm and courteous manner when dealing with the public and others and present and conduct themselves in a manner consistent with the integrity of *APS* and their appointment;
- (l) convey their *Decisions* in plain language, including their *Decisions* and the reasons therefore where such are required;
- (m) safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by, and in accordance with the law;
- (n) In discharging their duties, treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those *Persons*, and without limiting the foregoing, comply in all respects with the Ontario Human Rights Code;
- (o) refrain from openly and publicly criticizing the administration of *APS* or the conduct of others, including Municipal staff or Members of *Council*. Any criticisms, suggestions or concerns related to *APS* shall be communicated through appropriate channels to the

Chief Administrative Officer;

- (p) deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services; and
- (q) not knowingly exercise a power or function for which they have not been trained or designated.

9. Preventing Conflicts of Interest

9.1 The keys to preventing *Conflicts of Interest* are identification, disclosure and withdrawal from the *Power of Decision* with respect to a *Screening Review* or *Hearing Review*.

9.2 The need for identification, disclosure and withdrawal from a *Power of Decision* or administrative role in relation to APS applies to any real, potential or perceived *Conflict of Interest*.

10. Disclosure of Conflicts of Interest

10.1 *Hearing Officers, Screening Officers* or *Municipal* staff involved in the administration of APS shall notify the *Chief Administrative Officer* of any *Conflict of Interest*, real, potential or perceived, that they may have in relation to a matter immediately once the conflict is known to them.

11. Assignment of Alternate Screening Officer or Hearing Officer

11.1 Where a real, potential or perceived *Conflict of Interest* is reported by a *Screening Officer* or *Hearing Officer*, as set out in this Policy:

- (a) in the case of a review of a *Penalty Notice* or *Screening Officer's Decision* that has not yet commenced, the *Chief Administrative Officer* shall assign another *Screening Officer* or *Hearing Officer* to conduct the review to avoid actual, perceived or potential *Conflict of Interest*; or
- (b) in the case of a review of a *Penalty Notice* or *Screening Officer's Decision* that has commenced, adjourn the review and withdraw from the *Power of Decision*; and
- (c) the *Chief Administrative Officer* shall cause the *Screening Review* or *Hearing Review* to be recommenced and rescheduled with another *Screening Officer* or *Hearing Officer* to handle the matter that is subject to the *Conflict of Interest*.