

POLICY

POLICY TITLE: Administrative Monetary Penalty – Public Complaints

POLICY NUMBER: PLCY-2022-0009

DATE: June 13, 2022

Policy Statement

The Town of Halton Hills has implemented an Administrative Monetary Penalty System (AMPS) for the administration of various parking by-laws in effect in the Town.

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of the municipality's parking by-law, the penalty becomes a balance due to the municipality.

Any member of the public may file a complaint regarding the administration of the system.

Purpose

The purpose of this document is to provide a standardized, accessible, and efficient mechanism for filing and processing of complaints made by the public with respect to the administration of the system of administrative penalties.

Scope

This guideline applies to any member of the public who has a complaint with respect to the administration of the system, provided that the member of the public has been directly affected by such alleged wrongdoing. The complaint must be filed in accordance with the time limitations set out in this policy. This policy is not intended to replace other specific Town programs and legal processes available to address the Complainant's concerns.

Process

The following procedure will be followed should a complaint be made with respect to the administration of the system.

1. Informal Resolution Stage

- a) Less serious complaints about the operation or administration of the program may be resolved by way of an informal resolution. The matter will be referred to the Manager of Enforcement Services.

Brief details concerning the complaint, together with the Complainant's name and contact information, will be documented by the staff member who is first notified of the issue. The Complainant will be advised that all complaints need to be in writing before action is taken. Once the complaint is received in writing, the Manager of Enforcement Services or their designate, will make initial contact with the complainant within **five (5)** working days not including postal delivery time for mailed correspondence. The Manager of Enforcement Services or their designate will within **ten (10)** working days attempt to resolve the issue informally through discussion with the Complainant.

- b) In the event that the matter has not been resolved to the satisfaction of the Complainant at the Informal Resolution Stage, the Complainant will be advised in writing, that if the Complainant wants the complaint to be processed through the formal complaint process, then the Complainant must submit a complete written complaint to the Manager of Enforcement Services or their designate, within **ten (10)** working days of receiving the Town's informal resolution response.
- c) The recipient of the formal complaint will forward a copy of the written complaint to the Manager of Enforcement Services or their designate, for tracking purposes, immediately upon receipt of same.

2. Formal Complaint

2.1 Format of Complaint

Formal complaints must be in writing and must identify the name and full contact particulars of the Complainant. Complaints that are anonymous will not be acknowledged.

The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint to ensure a complete investigation can commence.

2.2 Time Limitations

In order to achieve due process, a complaint must be made in a timely fashion, not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant. The Complainant must abide by limitations set out in this policy. These time limitations may only be extended when, in the opinion of the Manager of

Enforcement Services or their designate, if circumstances exist to reasonably justify the extension.

The Manager of Enforcement Services or their designate will also adhere to the timelines set out in this policy unless circumstances exist to reasonably justify a delay. If 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.

2.3 Process

a) When a complaint is advanced to the Formal Complaint Stage, the Manager of Enforcement Services or their designate will first make a determination whether the issue properly falls within the scope of this policy. The Manager of Enforcement Services or their designate will determine whether:

- the Complaint is specific to the administration of the AMPS; and
- the Complainant has been directly affected by the issue; and
- the Complaint has been filed not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant (or whether reasonable circumstances exist to justify the delay in submitting the complaint); or
- the complaint is frivolous, vexatious, trivial, or made in bad faith; or
- this policy is the appropriate venue through which to consider the complaint, as opposed to any other parallel process that may be underway, regarding the alleged event that led to the complaint.

If the Manager of Enforcement Services or their designate declines to investigate the formal complaint under this guideline because of his/her determination of any of the matters set out above, then written notification of the determination not to proceed will be provided to the Complainant within (10) working days of receipt of the complaint. The notification will advise the Complainant of the determination made.

A copy of the notification of the decision not to proceed will be provided to the Town Clerk & Director of Legislative Services. A copy of the written notification will be retained for tracking purposes.

b) Subject to section 2.3(a), the Manager of Enforcement Services or their designate will commence a full investigation and may at a minimum, speak with the Complainant. The Manager of Enforcement Services or their designate will attempt to ensure that as much information has been obtained as possible and will obtain and review any applicable background documents or records. In the event that the meeting with the Complainant yields additional concern(s) that are not directly related to the original written complaint filed, the Complainant may be asked to submit a separate written complaint(s) with respect to such additional concern(s). When dealing with a complaint of a very serious nature, other senior

staff will assist.

- c) The Manager of Enforcement Services or their designate will provide a written response concerning the complaint, set out his/her decision and, where appropriate, the reasons therefore, to the Complainant with a copy to the Manager of Enforcement Services, within thirty (30) working days of receipt of the complaint.
- d) A copy of the written response from the Manager of Enforcement Services or their designate will be retained for tracking purposes.

3. **Expediting Process**

In the event that a complaint is received that relates to a very serious matter (i.e. involving a threat to health, safety or property), and the Manager of Enforcement Services or their designate determines that the matters involved would increase the possibility of imminent damage or injury if not addressed, then the complaint will be expedited and will be processed immediately by the Manager of Enforcement Services, with notice to the Town Clerk & Director of Legislative Services.

4. **Complaint Alleging Misconduct by Decision-Makers under the Policy**

In the event that a complaint arises alleging misconduct on the part of a decision-maker under this policy, the Manager of Enforcement Services or their designate may assign a more senior staff member to conduct the investigation. For clarification, however, a formal complaint received regarding the exercise of judgment by management staff in accordance with and as required by this complaint resolution mechanism will not in itself constitute misconduct by such management staff and, therefore, will not result in an investigation under this policy.

5. **Parallel Processes**

Due to the restricted scope of this policy, it is not anticipated that multiple internal and external processes associated with a matter referred to in a formal complaint will be initiated with respect to any single incident/occurrence. In the event that such a situation arises, the Town will make a determination concerning which process will govern the Town's involvement. The Town will make such determination while having due regard for all applicable legislative and common law processes and other specific Town policies and procedures.

6. **Withdrawal of Complaint**

A Complainant may withdraw their complaint at any time by providing a written request to withdraw; notwithstanding, the Town may continue to deal with the complaint if it considers it appropriate to do so. For tracking purposes, the

Manager of Enforcement Services or their designate will be notified that the complaint has been withdrawn and will determine whether the investigation will continue nonetheless.

7. Confidentiality

The public complaint resolution mechanism will be handled as a confidential matter and any information that is released will be on a need to know basis according to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56*. All parties involved will be advised to maintain the confidentiality of the complaints or incidents.

8. Recordkeeping and Disclosure of Complaints

The official records relating to this public complaint resolution mechanism will be managed by the Manager of Enforcement Services or their designate according to the Town's Records Retention Bylaw.