

# CORPORATE POLICY



Policy Title: **Public Complaints Respecting the Administration of the Administrative Monetary Penalty System (AMPS)**

Policy Category: **Administrative Monetary Penalties System Policy**

Policy No.: AMPS-005

Department: Community Services

Approval Date:

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Author: Susan Smith, Legal Services

Attachments: n/a

Related Documents/Legislation:  
*Municipal Act, 2001*  
Parking Administrative Penalty By-law  
Screening and Hearing Officer By-law  
AMPS Program Policies and Procedures

Key Word(s): Public Complaints  
Administrative Monetary Penalty  
Parking

## **POLICY STATEMENT:**

This Policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty System (AMPS).

## **PURPOSE:**

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to develop a policy to address public complaints regarding the administration of AMPS.

The purpose of this Policy is to provide a process for public complaints regarding the administration of AMPS and to ensure that AMPS remains an open, transparent, accessible, responsive, accountable, efficient and effective system for parking enforcement in the City of Waterloo, and that any public complaints are addressed in a timely and responsible manner.

**Mandatory Policy, *Municipal Act*: Yes**

**Policy Administration Team, Review Date: April 25, 2019**

**Corporate Management Team, Review Date: April 24, 2019**

**DEFINITIONS:**

“Administrative Fee” means any fee specified in the Parking Administrative Penalty by-law;

“Administrative Penalty” means an administrative penalty established by the Parking Administrative Penalty By-law for a contravention of a Designated By-law as defined therein;

“AMPS” means Administrative Monetary Penalty System;

“City” means The Corporation of the City of Waterloo;

“Council” means the Council of the City;

“Designated Complaints Investigator” means the Director of Municipal Enforcement Services or his or her designate, or the City Solicitor or his or her designate;

“Hearing Officer” means any person who is appointed by the City from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with the Parking Administrative Penalty By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in Section 6.0 of the Parking Administrative Penalty By-law;

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

“*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;

“Parking Administrative Penalty By-law” means the by-law passed by the City to establish administrative penalties for parking, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice issued pursuant to Section 4.2 of the Parking Administrative Penalty By-law;

“Screening and Hearing Officer By-law” means the by-law passed by the City to establish the positions of screening and hearing officers and to provide for the appointment of screening and hearing officers, in relation to administrative penalties for parking, as amended from time to time, or any successor thereof;

“Screening Officer” means any person who is appointed by the City from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer in accordance with the Parking Administrative Penalty By-law;

“Screening Review” means the process related to review of a Penalty Notice, as set out in Section 5.0 of the Parking Administrative Penalty By-law

**SCOPE:**

This Policy applies to all public complaints, informal or formal, regarding the administration of the AMPS program and applies to all administrative actions and functions of all City employees and other individuals responsible for the administration of AMPS, and to all public complaints regarding Screening Officers or Hearing Officers. All individuals responsible for administering the AMPS program shall be responsible for adherence to this Policy.

Any public complaint filed pursuant to this Policy in regards to the administrative actions of a City employee, Screening Officer or Hearing Officer under AMPS shall be referred to the Designated Complaints Investigator.

Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of a statute, regulation or by-law. Any such complaints will not be processed under this Policy.

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 City programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with AMPS or with the outcome of a Screening Review or Hearing Review.

**POLICY COMMUNICATION:**

- (a) This Policy will be posted on the City’s website and intranet.
- (b) Employees will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team;
- (c) All members of Council shall be provided with a copy of this Policy;
- (d) This Policy shall form part of the orientation for all members of Council at the start of a new term of Council;

- (e) This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees involved in the enforcement and administration of AMPS; and

Without limiting (e), all current and new employees, with the potential for interaction with the AMPS program, shall receive training in relation to this Policy

## **POLICY:**

### 1.1 General Provisions

A public complaint shall be processed using the following framework:

- (a) Unless otherwise set out in this Policy, all public complaints regarding the administration of AMPS shall be submitted to the Designated Complaints Investigator, who may investigate and, if applicable, determine appropriate corrective action;
- (b) Any complaint regarding a member of Council in respect of the administration of AMPS shall be submitted and processed in accordance with the Council Code of Conduct;
- (c) Any complaint regarding a Hearing Officer shall be referred by the Designated Complaints Investigator to the Integrity Commissioner;
- (d) A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the Designated Complaints Investigator from time to time, complete with all required information, including the name and full contact information of the complainant, and be sent to the Designated Complaints Investigator within 30 calendar days of the date of the event for which the complaint is being made. Incomplete complaint forms or forms submitted after the 30 calendar day period may not be processed, at the discretion of the Designated Complaints Investigator;
- (e) All complaints shall be treated as confidential by the City and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*;
- (f) The Designated Complaints Investigator may refuse to address or process any public complaint that is deemed by the Designated Complaints Investigator to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The Designated Complaints Investigator shall notify the complainant in writing, and provide the complainant with a reasonable opportunity to make written submissions, prior to determining a complaint to

be frivolous, vexatious, trivial or made in bad faith. Any such decision shall be communicated to the complainant in writing with reasons;

- (g) Where possible, at the discretion of the Designated Complaints Investigator, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- (h) Any resolution, formal or informal, of a public complaint will be addressed by a written response from the Designated Complaints Investigator to the person filing the complaint;
- (i) 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 Administrative Penalties and Administrative Fees due or paid; and
- (j) The Designated Complaints Investigator will report annually on the summary of public complaints filed and addressed in respect of AMPS.

#### 1.2 Anonymous Complaints

Complaints that are anonymous will not be accepted.

#### 1.3 Withdrawing a Complaint

A complainant may withdraw his/her complaint by so requesting in writing to the Designated Complaints Investigator at any time.

#### 1.4 General Comments Regarding AMPS

General comments and suggestions regarding the AMPS system will not be investigated pursuant to this Policy. However, general comments and suggestions, including anonymous comments and suggestions, will be accepted and may be used by the City from time to time, as the City determines appropriate, for continuous improvement of the program.

### **COMPLIANCE**

- 1.5 In cases of Policy violation, the City may investigate and determine appropriate corrective action.