

THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: PUBLIC COMPLAINTS POLICY FOR THE ADMINISTRATIVE PENALTY SYSTEM (APS)

POLICY NO.: 05.C.04

Section:	By-Law & Compliance		
Effective Date:	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.
Approval Authority:	Policy Owner:		
Council	DCM, Community Services DCM, Strategic Initiatives		

POLICY STATEMENT
<p>The City of Vaughan utilizes the Administrative Penalties System (“APS”) to resolve municipal by-law contraventions. APS is administered by the municipality and supplements the traditional Provincial Offences system with the goal of providing a faster, more cost effective, and citizen-focused option for dispute resolution.</p> <p>To ensure that the APS system is maintained as an efficient, transparent, and effective means of dispute for Contraveners, complaints against any City staff person, contracted Hearing Officers, or against the system itself, must be investigated thoroughly.</p>
PURPOSE
<p>Ontario Regulation 333/07 made under the <i>Municipal Act</i>, 2001 S.O. 2001, c. 25, requires a municipality establishing an Administrative Penalty System to have a policy addressing public complaints.</p> <p>This policy sets a framework for the handling of public complaints regarding the administration of APS to ensure the program remains a transparent, accessible, responsive, accountable, efficient, and effective dispute resolution process. It also works to ensure that public complaints pertaining to the administration of APS are handled promptly and responsibly.</p>
SCOPE
<p>This policy applies to public complaints regarding all aspects of the APS program and applies the administrative actions and functions of City employees and other persons responsible for the administration of the APS program.</p>

POLICY TITLE: PUBLIC COMPLAINTS POLICY FOR THE ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)

POLICY NO.: 05.C.04

Public complaints are also subject to review under the City's Vexatious and Frivolous Complaints Policy (CCO-011).

This policy is not an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer.

This policy does not replace other specific City programs, policies, procedures, or legal processes available to the public for addressing concerns with the APS program.

LEGISLATIVE REQUIREMENTS

1. *Municipal Act*, 2001, S .O. 2001, c. 25, as amended, (the "Municipal Act").
2. *Highway Traffic Act*, R.S.O. 1990 c H.8.
3. Ontario Regulation 333/07: Administrative Penalties.

DEFINITIONS

1. **Administrative Penalty:** A penalty established under authority of the *Municipal Act* or the *Highway Traffic Act*.
2. **Appeal:** Either a screening review or hearing review of an Administrative Penalty.
3. **City:** Corporation of the City of Vaughan.
4. **City Clerk:** The person appointed by Council as Clerk pursuant to Section 228 of the *Municipal Act*, or their designate.
5. **Council:** The council of the City.
6. **Delegated Power of Decision:** A power or right, conferred by a City By-law, to prescribe the legal rights, powers, privileges, duties and/or liabilities of any person or party.
7. **Director:** The Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan or their designate.
8. **Hearing Officer:** A person appointed by the City Clerk pursuant to this APs By-law.
9. **Person:** An individual or business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, to

POLICY TITLE: PUBLIC COMPLAINTS POLICY FOR THE ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)

POLICY NO.: 05.C.04

whom the context can apply according to law.

10. Screening Officer: A person appointed by the Director pursuant to the APs By-law.

POLICY

1. GENERAL PROVISIONS

- a. Any public complaint filed pursuant to this policy in regard to the administrative actions of a City employee or Screening Officer shall be referred to the Director who may investigate and, if applicable, determine appropriate corrective action.
- b. Any public complaint filed pursuant to this policy in regard to the actions of a Hearing Officer shall be referred to the City Clerk who may investigate and, if applicable, determine appropriate corrective action.
- c. A public complaint submitted pursuant to this policy must be in writing, and must include the following information:
 - i) Complainant full name, address, phone number and email address, if available;
 - ii) The date of the actions giving rise to the complaint; and
 - iii) Information sufficient for the City to review and investigate the complaint.
- d. A public complaint must be filed by an individual within 90 calendar days from the date of the event in question.
- e. Complaints submitted after the 90 calendar day period referenced in subsection 1(d) of this policy may not be processed, at the discretion of the Director or City Clerk.
- f. Any complaint regarding a member of Council in respect of the administration of an Administrative Penalty in the administrative penalty system or a complaint under the Preventing Political Interference (05.C.02) is outside the scope of this Policy and shall be submitted and processed in accordance with the Code of Ethical Conduct for Members of Council (CL-011).

POLICY TITLE: PUBLIC COMPLAINTS POLICY FOR THE ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)

POLICY NO.: 05.C.04

- g. 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*, R.S.O. 1990, c. M.56.
- h. The Director or City Clerk will not address or process any public complaint that is deemed as frivolous, vexatious or made in bad faith in accordance with the City's Vexatious and Frivolous Complaints Policy (CCO-011).
- i. Where possible, at the discretion of the Director or City Clerk, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
- j. Any resolution of a public complaint, whether formal or informal, will be communicated in writing by the Director or City Clerk to the individual who filed the complaint.
- k. A public complaint upheld through a review cannot be used to alter or void a decision made by a Screening or Hearing Officer, including any Administrative Penalties and fees due or paid.

2. ANONYMOUS COMPLAINTS

- a. Anonymous complaints will not be accepted because they prevent verification and follow-up, ensuring the integrity and effectiveness of the complaint resolution process.

3. WITHDRAWING A COMPLAINT

- a. A Person may withdraw their complaint at any time.

4. COMPLIANCE

- a. In cases of policy violation, the City may investigate and determine appropriate corrective action.
- b. This policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees involved in the enforcement and administration of APS and all current and new employees, with the potential for interaction with the APS program.

POLICY TITLE: PUBLIC COMPLAINTS POLICY FOR THE ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)

POLICY NO.: 05.C.04

5. IMPLEMENTATION & COMPLIANCE

- a. This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees involved in the enforcement and administration of APS and all current and new employees, with the potential for interaction with the APS program.
- b. Procedures may be defined by the Director or City Clerk, as required, to address specific implementation of this policy.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
Related Policy(ies):	CL-011 – Code of Ethical Conduct for Members of Council, CCO-011 – Vexatious and Frivolous		
Related By-Law(s):	240-2024 – Administrative Penalties (“APs”) By-law		
Procedural Document:			
Revision History			
Date:	Description:		
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