

# THE CORPORATION OF THE CITY OF VAUGHAN

## CORPORATE POLICY

**POLICY TITLE:**      **PREVENTING POLITICAL INTERFERENCE IN THE ADMINISTRATIVE PENALTY SYSTEM (APS)**

**POLICY NO.:**        **05.C.02**

<b>Section:</b>	By-Law & Compliance		
<b>Effective Date:</b>	Click or tap to enter a date.	<b>Date of Last Review:</b>	December 6, 2024
<b>Approval Authority:</b>  Council		<b>Policy Owner:</b> DCM, Community Services DCM, Strategic Initiatives	

<b>POLICY STATEMENT</b>
<p>The City of Vaughan utilizes the Administrative Penalties System (“APS”) system to resolve municipal by-law contraventions. APS is administered by the municipality and supplements the traditional Provincial Offences system, providing a faster, more cost effective, and citizen-focused option for dispute resolution.</p> <p>To ensure the integrity of APS, all processes and procedures must be undertaken without any political interference, in pursuit of ensuring the fundamental principles of justice, including decision making and procedural independence, fairness, impartiality and integrity are maintained.</p>
<b>PURPOSE</b>
<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 for the prevention of political interference.</p> <p>This policy addresses this requirement, defines political interference in relation to APS, and establishes requirements for City Persons involved in APS carry out their responsibilities according to the principles of fundamental justice, decision making and procedural independence, fairness, impartiality, and integrity without any political interference.</p>
<b>SCOPE</b>
<p>This policy applies to all members of Council, Screening Officers, Hearing Officers, City employees involved in the enforcement and administration of APS and to all other City employees in relation to their interaction with APS and members of Council.</p>

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This policy is not intended to prevent or limit the ability of members of Council to request information about the APS or its implications for the City.

This policy shall apply in addition to all applicable law (e.g. *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 etc.). A breach of applicable law shall be deemed a breach of this Policy.

#### **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. **APS:** Administrative Penalty System.
2. **City:** Corporation of the City of Vaughan.
3. **City Clerk:** The person appointed by Council as Clerk pursuant to Section 228 of the *Municipal Act*, 2001, S .O. 2001, c. 25 or their designate.
4. **Council:** The Council of the City.
5. **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.
6. **Director:** The Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan or their designate.
7. **Hearing Officer:** A person appointed by the City Clerk pursuant to the APS By-law.
8. **Person:** An individual or business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, to whom the context may apply according to law.
9. **Screening Officer:** A person appointed by the Director pursuant to the APS By-law.

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## **1. APPLICATION**

- a. This Policy defines what constitutes political interference in relation to APS, to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality and integrity, without any political interference.
- b. This Policy applies to all members of Council, as well as other City officials and staff in relation to their interaction with APS.
- c. In regard to members of Council, this Policy should be read and be interpreted within the context of prevailing Provincial legislation (i.e., *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50) and the Code of Ethical Conduct for Members of Council and Local Boards, including any related policies, procedures and guidelines.

## **2. PRINCIPLES OF PREVENTING POLITICAL INTERFERENCE**

- a. No Person shall attempt, directly or indirectly, to communicate with employees or other individuals performing duties related to the administration of APS for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of the APS program.
- b. No Person shall attempt, directly or indirectly, to communicate with a Screening or Hearing Officer to influence or interfere financially, politically, or otherwise regarding a Penalty Notice, Penalty Order or a Delegated Power of Decision in a pending or future proceeding.
- c. All individuals involved with the enforcement and administrative functions of the APS program shall carry out such duties in a manner which upholds the integrity of the administration of justice.

## **3. ACCOUNTABILITY**

- a. A Screening or Hearing Officer, City employee or any other individual performing duties related to APS shall report any attempt at influence or interference, financial, political, or otherwise, by any Person, to the Director or City Clerk as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, employee, or other person(s) for making any such report in good faith.

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- b. If any employee, Screening Officer, Hearing Officer, or other person involved in APS duties is contacted by a member of Council or a City official regarding the administration of APS, a specific Penalty Notice or Penalty Order, or a Delegated Power of Decision in a pending or future proceeding, they must immediately disclose this contact to the Director or City Clerk to maintain the integrity of APS.
- c. Any interference with or attempt to interfere with APS by any Person may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action.
- d. Any interference with APS or attempt to interfere with APS, by a member of Council, will be addressed pursuant to the Council Code of Ethical Conduct.

**4. 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. This policy shall form part of the orientation training for Members of Council.
- c. Procedures may be defined by the Director or City Clerk to address implementation of this Policy.
- d. In cases of Policy violation, the Director or City Clerk may investigate and determine appropriate corrective action.

**ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	SELECT If other, specify here	<b>Next Review Date:</b>	Click or tap to enter a date.
<b>Related Policy(ies):</b>	CL-011 – Council Code of Conduct		
<b>Related By-Law(s):</b>	240-2024 – Administrative Penalties (“APs”) By-law		
<b>Procedural Document:</b>			

**Revision History**

<b>Date:</b>	<b>Description:</b>
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