



Policy

Section: 5.0 General

Policy: Administrative Monetary Penalty System Financial Hardship Policy

By-Law: Administrative Monetary Penalty System

Date: 4 March 2024

Revision: N/A

Coverage:

This policy is to provide a guideline and method by which an extension of time to pay may be considered pursuant to the Township's Administrative Monetary Penalties By-law.

Policy Statement:

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of a municipality by-law, the penalty becomes a balance due to the municipality. A Screening Officer or Hearing Officer may extend the pay period for a Penalty Notice if it has been demonstrated that extenuating circumstances exist to warrant it.

In accordance with Ontario Regulation 333/07, the Township is required to develop a Policy regarding financial management and reporting of AMPS.

This Policy is to ensure that all financial management and reporting responsibilities related to AMPS conform to current corporate policies and procedures for financial management and reporting.

Legislative Authority:

- Ontario Regulation 333/07
- Municipal Act, 2001
- Township of Huron-Kinloss AMPS By-law

Contents:

The person receiving the penalty notice has a time-limited right to request a review of that notice by a Screening Officer.

Within 15 days of receiving the penalty notice, the person will have the option to:

1. Make a voluntary payment; or
2. Request a review of the penalty notice by a Screening Officer.

Extension of Time for Payment Procedure

Screening Officer

The Screening Officer has the discretion to extend the time to pay a Notice. The Screening Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis. Each review will examine whether the person has demonstrated on a balance of probabilities, the existence of extenuating circumstances that warrants the extension of time however, the Screening Officer is under no obligation to grant the extension.

After a review is held, the Screening Officer shall deliver a screening decision to the Notice holder.

Hearing Officer

A person may request a hearing review only after they have had a screening hearing and received the screening decision. The request must be made in writing as prescribed within 15 days of receiving the Screening Hearing decision

The Hearing Officer has the authority to extend the time for payment of an administrative penalty. Like the Screening Officer, the Hearing Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis but is not obligated to grant the extension.

After the hearing is complete, the hearing officer shall deliver the decision of a hearing officer in writing as prescribed to the person.

Any decision by a hearing officer is final and not subject to further review.