Policy No.:	Policy #LS-2026-07 – Public Complaints respecting the Administrative Penalty System Program
Department:	Legal Services
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Approved By:	#C-08-26
Amended By:	#C-XXX-XX

Subject

Public Complaints Respecting the Administration of the Administrative Penalty System (APS) Program.

Purpose

Ontario Regulation 333/07 under the *Municipal Act,* 2001 S.O. 2001, c. 25, requires a municipality establishing an APS program to have a policy addressing public complaints.

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.

Scope

This policy applies to all public complaints regarding all aspects of the APS program and applies to all administrative actions and functions of members of Council, Employees, Screening Officers, Hearing Officers and other individuals responsible for the administration of the APS program. All individuals responsible for administering the APS program shall be responsible for the adherence to this policy.

The Director shall be responsible for addressing all public complaints regarding the administration of the APS program.

Screening Officers and Hearing Officers are not authorized to consider questions relating to the administration of the APS program, and such complaints will not be processed.

This policy is not intended to reverse or alter any decision of the Screening Officer or Hearing Officer.

Definitions

"**APS**" means the Administrative Penalty System;

"**Council**" means the Council for the Corporation of the Municipality of Leamington;

"**Director**" means the Director of Legal and Legislative Services or his or her delegate;

"**Employee(s)**" means an Employee of the Municipality of Leamington;

"**Hearing Officer**" means a person appointed by the Municipality to perform the functions of a Hearing Officer in accordance with the Administrative Penalty System By-law;

"**Screening Officer**" means a person who performs the functions of a Screening Officer in accordance with the Administrative Penalty System By-law.

Policy

Processing Public Complaints

1. A public complaint shall be processed using the following framework:

    a) Any public complaints must be in writing, using the prescribed form, identifying the name and full contact information of the complainant, and sent to the Director within thirty (30) days of the date of the event for which the complaint is being made;

    b) An anonymous complaint will not be accepted;

    c) A complainant may withdraw their complaint at any time;

    d) All complaints shall be treated as confidential by the Director, 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;

e) Any complaints regarding a member of Council in respect of the administration of APS shall be processed in accordance with the Council Code of Conduct;

f) The Director will not address or process any public complaint that is deemed by the Director as frivolous, vexatious, trivial or made in bad faith;

g) Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.

h) Any deemed resolution of a formal complaint will be addressed by a written response from the Director to the person filing the complaint. 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 penalties and administrative fees due or paid.

Implementation

2. This policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and Employees involved with the APS program.

References and Related Policies

- *Municipal Act*, 2001, S.O. 2001, c. 25
- Ontario Regulation 333/07 Administrative Penalties
- Municipality's Administrative Penalty System By-law
- H00 – Code of Conduct – Members of Council and local boards

(Report LS-19-25)