

Corporate Procedure

Subject: Administrative Monetary Penalty System (AMPS) – Public Complaints

The Town of Caledon has implemented an Administrative Monetary Penalty System (AMPS) for the administration of designated by-laws and camera-detected offences.

Ontario Regulation 333/07, pursuant to the Municipal Act, requires that a municipality establishing AMPS develop standards relating to the system of administrative penalties, including policies and procedures for a public complaints process.

Purpose:

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 enforcement in the Town of Caledon.

Scope:

AMPS is designed to assess the validity of penalty notices and associated assessments, ensuring a fair and transparent administrative process for issuing, reviewing, and adjudicating penalties. The AMPS framework focuses exclusively on evaluating whether a penalty was correctly applied based on regulatory or procedural requirements and does not review or address complaints regarding an enforcement officer's conduct or behavior. Separate complaint mechanisms are available to address conduct-related issues. This Policy governs all public complaints related to the administrative functions of the AMPS program, including actions or decisions by Town of Caledon employees, Screening Officers, Hearing Officers, or other individuals responsible for administering AMPS. It applies exclusively to complaints about procedural fairness, administrative errors, or adherence to AMPS processes.

Complaint Referral & Limitations

Public complaints concerning the administrative actions of Town employees, Screening Officers, or Hearing Officers under AMPS shall be directed to the Designated Complaints Investigator for review. However, the following matters are expressly excluded from this Policy:

1. Complaints about enforcement officer conduct, which require independent resolution pathways.
2. Challenges to the validity, constitutional applicability, or operability of statutes, regulations, or bylaws.



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Complaint Handling Framework

The Town's Public Complaint Handling Policy shall guide the resolution of all complaints filed under this Policy, ensuring consistency and transparency in addressing concerns about administrative actions within the AMPS program.

Procedure

A public complaint shall be processed using the following framework:

1. Any public complaint must be in writing, identifying the name and full contact information of the complainant, and sent to the Commissioner, Corporate Service, or their delegate(s), within 30 days of the event for which the complaint is being made. Anonymous complaints will not be accepted.
2. All complaints shall be treated as confidential by the Commissioner, Corporate Service, respecting personal information privacy and confidentiality, subject to legislative provisions.
3. Any complaint regarding a member of Council in respect of the administration of AMPS shall be submitted and processed in accordance with the Code of Conduct for Members of Council and Designated Boards corporate policy.
4. The Commissioner, Corporate Service, or designate, may refuse to address or process any public complaint that is deemed to be frivolous, vexatious, trivial, or made in bad faith, or not within the scope of this Policy. The complainant will be notified in writing and given 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.
5. A complainant may withdraw their complaint by requesting in writing to the Designated Complaints Investigator at any time.
6. Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
7. Any resolution of a formal complaint will be addressed by written response by the Commissioner, Corporate Service, or their designate(s), 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 any penalty fines and administrative fees due or paid.
8. The Commissioner, Corporate Service will report annually as part of the annual AMPS program report on the summary of public complaints filed and addressed in respect of the AMPS program.

Anonymous Complaints

Complaints which are anonymous will not be accepted.



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Reference and Related Documents:

Municipal Act, 2001, S.O. 2001, c. 24;

Ontario Regulation 333/07 (Administrative Penalties);

Town of Caledon AMPS By-law #2024-086;

Town of Caledon Corporate Policy; the Code of Conduct for Members of Council and Designated Boards corporate policy.



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