

Corporate Procedure

Subject: Administrative Monetary Penalty System (AMPS) – Undue Hardship

Purpose:

The Town of Caledon implemented an Administrative Monetary Penalty System (AMPS) to enforce designated by-laws and camera-detected offences. Under Ontario Regulation 333/07, municipalities adopting AMPS must establish standards allowing partial or full waiver of penalties (including fees) if payment would cause undue hardship.

This policy guides Screening and Hearing Officers in evaluating requests to cancel, reduce, or defer penalties/fees due to undue hardship, as authorised by the By-law. It provides discretion guidelines specific to AMPS cases and does not apply to other Town programmes or services.

Scope:

This Policy applies to Screening Officers and Hearing Officers in the conduct of a Screening Review and a Hearing Review, respectively, pursuant to the Administrative Penalty By-law.

Procedure:

Process

In accordance with the Administrative Monetary Penalty By-law, a Screening Officer or Hearing Officer:

1. May cancel, reduce or extend the time for payment of an Administrative Penalty and/or any Administrative Fee, where the Screening Officer or Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of time for payment is necessary to reduce Undue Hardship; and
2. Will consider and satisfy themselves at the Screening/Hearing Review as to the authenticity/credibility of any oral or documentary evidence provided, in respect of Undue Hardship, and will include an assessment of such evidence in their decision.

Documentation to support Financial Hardship

A Person who is experiencing financial hardship should bring documentation to support their claim at the Screening/Hearing Review. The Person when required, shall provide documented proof of financial hardship such as, but not limited to:



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1. Old Age Security;
2. Canada Pension;
3. Guaranteed Income Supplement;
4. Ontario Student Assistance Program;
5. any other form of social assistance program.

Records Retention

All information and documentation provided in support of financial hardship shall be treated in a confidential manner, in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Photocopies of the documentation may be required and attached to the Screening Decision and/or Hearing Decision record and will be retained according to the Town Records Retention policy.

Reference and Related Documents:

Municipal Act, 2001;
Ontario Regulation 333/07 (Administrative Penalties);
Town of Caledon AMPS By-law #2024-086
Town of Caledon Record Retention Policy



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