

Development Services

Prevention of Political Interference in the Administrative Penalty System (APS)

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Branch: By-law Enforcement

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1.0 Purpose

The purpose of this Policy is to prevent political interference in the administration of the Administrative Penalties System (APS).

In accordance with Ontario Regulation 333/07, the Town is required to establish a Policy for the prevention of political interference in the APS.

2.0 Scope

This Policy defines what constitutes political interference in relation to the APS, to ensure the responsibilities of the Screening Officers 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.

This Policy applies to all elected officials, municipal staff, contractors, and appointed officers involved in or interacting with the APS process. Regarding members of Council, this Policy should be read and interpreted within the context of prevailing Provincial legislation (i.e., Municipal Conflict of Interest Act) and the Council Code of Conduct, including its related policies, procedures and guidelines.

3.0 Definitions

Term	Definition
APS	means Administrative Penalty System;

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<i>Administrative Penalty system By-law or APS By-law</i>	means the Town's Administrative Penalty System By-law 2023-062 as amended or any successor by-law;
<i>Council</i>	means the Council of the Town of East Gwillimbury;
<i>General Manager</i>	means the Town's General Manager of Development Services, or anyone designated by the General Manager to perform duties pursuant to the Administrative Penalty System;
<i>Hearing Officer</i>	means an individual appointed from time to time pursuant to By-law 2023-085 to perform the functions of a hearing officer in accordance with Section 7 of the APS By-law;
<i>Penalty Notice</i>	means a notice given to a Person pursuant to Section 4 of the APS By-law;
<i>Person</i>	Includes an individual or a sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, is the Person whose name appears on the vehicle permit as provided by the Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion is the Person for the purposes of this By-law;
<i>Political Interference</i>	refers to any attempt by an elected official or other individual to influence or direct the outcome of APS-related decisions outside of the lawful and procedural channels established by the Town's by-laws or applicable legislation;
<i>Screening Review</i>	means the process set out in Section 6 of the APS By-law;
<i>Screening Officer</i>	means an individual who performs the functions of a Screening Officer in accordance with Section 6 of the APS By-law;
<i>Town</i>	means The Corporation of the Town of East Gwillimbury.

4.0 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 any aspect of the APS program, including the issuance, review, or outcome of a Penalty Notice.

- b) 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.

5.0 Implementation

- a) All members of Council shall be provided with a copy of this Policy and will form part of the orientation for all members of Council.
- b) This Policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and APS administration staff.
- c) Orientation and review of this Policy shall take place within 30 days of assuming office or employment.
- d) Refresher training shall be provided at the beginning of each new Council term or when the Policy is amended.

6.0 Accountability

- a) Any interference with APS by an individual may result in charges under the Criminal Code of Canada, Provincial Statute or other disciplinary action.
- b) Any interference with the APS by a member of Council may be considered a Council Code of Conduct violation.
- c) A Screening Officer, Hearing Officer, Town employee or another individual performing duties related to the APS shall report any attempt at political influence or interference, pecuniary, political or otherwise, to the General Manager. No action shall be taken against the employee or other person(s) for making any such report in good faith.
- d) Where any employee, Screening officer, Hearing Officer or other person performing duties related to APS, is contacted by a member of Council or Town official with respect to the administration of APS, they shall immediately disclose such contact to the General Manager in order to maintain the integrity of the APS.
- e) A Screening Officer or Hearing Officer shall disclose any actual, potential, or perceived political interference as soon as possible to the General Manager or designate.

7.0 Monitoring and Review

This Policy will be monitored and reviewed yearly or as needed by the General Manager. The General Manager is responsible for initiating the review in consultation with Legal Services and other applicable departments.

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