

Development Services

Financial Hardship in the Administrative Penalty System (APS)

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Branch: By-law Enforcement

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Approved By: Jack Krubnik

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Prepared By: Jennifer Nichols

1.0 Purpose

This is a Policy to respond to requests by persons with a Penalty Notice for relief from paying all, or part of a Penalty Notice, including any Administrative Fees, if the Person can demonstrate they would suffer financial hardship if required to pay the penalty.

In accordance with Ontario Regulation 333/07, the Town's APS By-law must contain procedures to address financial hardship experienced by individuals required to pay a Penalty Notice and any applicable Administrative Fees.

The Screening Officers and Hearing Officers have the authority to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where it is determined it is necessary to reduce undue hardship.

This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the APS By-law. It is not intended to provide criteria for establishing undue hardship in respect of other Town programs or services.

2.0 Scope

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

3.0 Definitions

| Term | Definition |
|---------------------------|--|
| <i>Administrative Fee</i> | means an administrative fee that the Town may impose in respect of administration of the APS By-law, and for greater clarity, is |

| Term | Definition |
|---|--|
| | separate and distinct from an Administrative Penalty; |
| <i>APS</i> | means Administrative Penalty System; |
| <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>Financial Hardship</i> | means a significant financial difficulty or expense and focuses on the resources and circumstances of the Person owing an Administrative Penalty or Administrative Fee, in relation to the cost or difficulty paying the Administrative Penalty or Administrative Fee; |
| <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>Hearing Officer Review</i> | means the process set out in 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 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 Policy; |
| <i>Undue Hardship</i> | Means financial hardship, or other extenuating circumstances based on compassionate grounds; |
| <i>Screening Officer Review</i> | means the process set out in Section 6 of the APS By-law; |
| <i>Screening Decision</i> | means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 6 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 General Provisions

- a) Any Person who receives a Penalty Notice is given the right to dispute an Administrative Penalty.

- b) The Screening Officer or Hearing Officer has the authority to cancel, reduce or extend the time for payment of an Administrative Penalty, including any Administrative Fees, where the Screening Officer or Hearing Officer is satisfied, that the cancellation, reduction or extension of time for payment is necessary to reduce Undue Hardship.
- c) A Person who receives a Screening Decision from the Screening Officer shall, if in disagreement with the Screening Decision, be given the right to dispute the Screening Decision with a Hearing Officer.

5.0 Documentation to support financial hardship

A Person who is experiencing financial hardship should bring documentation to support their claim at the Screening Officer Review or Hearing Officer Review. The Person, when required, shall provide documented proof of financial hardship such as:

- a) Old Age Security;
- b) Canada Pension;
- c) Guaranteed Income Supplement;
- d) Disability Pension;
- e) Ontario Student Assistance Program; or
- f) Any other form of social assistance.

The Screening Officer or Hearing Officer will satisfy themselves at the Screening Officer Review or Hearing Officer Review as to the authenticity/credibility of the documents provided and will refer to those documents in their decision.

A Screening Officer or Hearing Officer may also consider the oral evidence provided by the Person in relation to Financial Hardship. Further they will satisfy themselves to the authenticity/credibility of the documents provided and will defer to those documents in their decision.

6.0 Records Retention

All information and documentation 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's Records Retention By-law.

7.0 Compliance

In cases of Policy violation, the Town may investigate and determine appropriate corrective action.

Contact:

Jennifer Nichols, Manager, By-law Enforcement Services

(905)478-4283 ext. 1115