

Development Services

Financial Management and Reporting in the Administrative Penalty System (APS)

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Branch: By-law Enforcement

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Prepared By: Jennifer Nichols

1.0 Purpose

The purpose of this Policy is to address financial management, ~~and the~~ reporting and tracking of administrative penalties and fees.

In accordance with the Ontario Regulation 333/07, the Town is required to develop a Policy regarding financial management and reporting relating to the administration of APS.

This Policy is to ensure that all financial management and reporting responsibilities related to APS conform to current Corporate policies and procedures for financial management and reporting.

2.0 Scope

This Policy applies to all financial management and reporting responsibilities regarding the APS. All Town employees and individuals responsible for the administration of the APS shall comply with this Policy.

The Town displays financial accountability through regular, thorough and transparent financial performance reporting and analysis. Town staff will report on APS financial results, and measures regarding the effectiveness of the APS.

3.0 Definitions

Term	Definition
<i>Administrative Fee</i>	means any fee specified in the APS By-law;

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<i>APS</i>	means Administrative Penalty System;
<i>Administrative Penalty</i>	Means an administrative penalty set out in Schedule “A” for contravention of an Applicable By-law, and for greater clarity, is separate and distinct from an Administrative Fee;
<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>Manager</i>	means the Manager, By-law Enforcement Services or his/her designate, or anyone designated by the Manager to perform duties pursuant to the APS;
<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 Ontario 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>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 Financial Management and Reporting

The By-law Enforcement Services Branch will consider APS priorities and budgetary needs in the context of the Town’s Strategic Plan, Council priorities, service delivery objectives and standards.

The By-law Enforcement Services Branch shall:

- a) Review and monitor current year actual, budgeted and projected financial performance and operating results;

- b) Proactively compare program financial activity with past performance to identify trends, issues and opportunities;
- c) Determine priorities for maintaining and improving APS program service levels;
- d) Review and develop long-term plans for the APS including a multi-year operating and capital budget analysis and projections;
- e) Comply with all corporate reporting standards and requirements as part of the Town's financial management and reporting processes;
- f) Ensure all necessary financial signing authorities are in place and followed by all staff involved in APS administration; and
- g) Comply with all Town procurement policies and procedures in regard to the APS.

5.0 Payment of Penalty Notice

Screening Officers and Hearing Officers are prohibited from accepting any payment from any Person in respect of a Penalty Notice.

5.1 Methods of Payment

Following the issuance of a Penalty Notice, a person is permitted to make a voluntary payment by using one of the following methods:

- a) Online using a credit card on the Town's online portal; or
- b) In person at any customer service desk location at a Town facility; or
- c) By mail using cheque or money order.
 - i. The Penalty Notice number must be written on the front of the cheque or money order and shall be made payable to the Town of East Gwillimbury.
 - ii. Mail to: Town of East Gwillimbury 19000 Leslie Street, Sharon, Ontario, L0G 1V0

Payment is not considered made until received by the Town. Persons must allow sufficient time for payments and should not send cash by mail. Post-dated cheques or payment by installments are not accepted. A fee will be applied for any non-sufficient fund charges and cancelled or reversed payments.

5.2 Refund of Payment

If a person has paid any Administrative Fee in respect of a Penalty Notice, which is subsequently cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the Administrative Fee or part thereof cancelled or reduced to the person. The processing of refund requests shall be initiated by the By-law Enforcement Services Branch.

Refunds for payments originally made on a credit card will be refunded to the same credit card used for the transaction. All other payment methods will be refunded by cheque to the address on the penalty notice.

6.0 Administrative Fees

Various Administrative Fees may be payable by a person with a Penalty Notice as set out in the APS By-law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

7.0 Accountability

All persons responsible for administering the APS program shall be responsible for adherence to this Policy. Any individual shall bring any contravention of this Policy to the attention of the Manager. Any employee found to not be in compliance with the terms of this Policy, other than under exceptional circumstances or emergencies is subject to possible discipline up to and including termination.

Contact:

Jennifer Nichols, Manager, By-law Enforcement Services
(905)478-4283 ext. 1115