

Development Services

Public Complaints Respecting the Administrative Penalty System (APS)

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Approved By:	Jack Krubnik		

1.0 Purpose

This Policy is to address any public complaints regarding the administration of the Administrative Penalty System (APS) and to ensure the APS remains a transparent, accessible, responsive, accountable, efficient and effective system for by-law enforcement in the Town of East Gwillimbury, and that any public complaints about the APS are addressed in a timely and responsible manner.

In accordance with the Ontario Regulation 333/07, the Town is required to have procedures to address complaints lodged by the public regarding the administration of the APS.

2.0 Scope

This Policy applies to all informal or formal public complaints, regarding the APS, and applies to all administrative actions and functions of all Town employees and other individuals responsible for the administration of the APS.

Any public complaint filed under this Policy in regard to the administrative actions of a Town employee, Screening Officer or Hearing Officer under the APS shall be referred to the General Manager unless otherwise noted using the prescribed form.

Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity, constitutional applicability or operability of a Statute, Regulation or By-law. Any such complaints will not be processed through this Policy.

This Policy is not intended to replace other specific Town programs, policies/procedures and legal processes available to the public to address public concerns with the APS.

3.0 Definitions

Term	Definition
<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>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>Manager</i>	means the Manager, By-law Enforcement Services, 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>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 A public complaint shall be processed using the following framework:

- a) Any public complaint must be in writing, using the prescribed form, identifying the name and full contact information of the complainant, and sent to the General Manager within thirty (30) calendar days of the date of the event for which the complaint is being made.
- b) All complaints shall be treated as confidential by the General Manager, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.
- c) Any complaint regarding a member of Council in respect of the administration of the APS shall be processed in accordance with the Council Code of Conduct.
- d) The General Manager may refuse to address or process any public complaint that is deemed by the General Manager to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The General Manager will notify the complainant in writing and provide the complainant with 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.

- e) Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
- f) Any deemed resolution of a formal complaint will be addressed by a written response from the General Manager to the person filing the complaint. The General Manager's response to a public complaint under this policy cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any penalties and administrative fees due or paid.

5.0 Anonymous Complaints

Complaints that are anonymous will not be accepted.

6.0 Withdrawing a Complaint

A complainant may withdraw their complaint at anytime.

7.0 Accountability

All persons responsible for administering the APS program shall be responsible for adherence to this Policy. The General Manager, unless otherwise noted, shall be responsible for addressing public complaints regarding the administration of the APS.

Contact:

Jennifer Nichols, Manager, By-law Enforcement Services

(905)478-4283 ext. 1115