

County of Brant
519-449-2451
Fax: 519-449-2454
1-888-250-2297
www.brant.ca



Enforcement Services Division
26 Park Ave
P.O. Box 160
Burford ON, N0E 1A0
bylawenforcement@brant.ca

EMERGENCY AND PROTECTIVE SERVICES DEPARTMENT	POLICY	ENFORCEMENT SERVICES DIVISION
Undue Hardship in Relation to the Administration of the Administrative Penalty System (APS)	#APS-2024-05	Effective Date: September 16, 2024 Revision Date:

GENERAL DESCRIPTION

This policy assists Screening Officers and Hearing Officers in responding to requests by persons with a Penalty Notice for relief from paying all, or part, of an Administrative Penalty, including any Administrative Fees, on the basis that they would suffer undue hardship if required to pay the penalty or fee.

PURPOSE

Ontario Regulation 333/07 made under the Municipal Act, 2001 requires a municipality establishing an Administrative Penalty System (APS) to have procedures that permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees, if requiring them to do so would cause undue hardship. The General Administrative Penalty By-law provides discretion to Screening Officers and Hearing Officer to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where the Officer determines it is necessary to reduce undue hardship.

APPLICATION

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

DEFINITIONS:

“Administrative Fee” means any fee specified in the General Administrative Penalty System By-law;

“Administrative Penalty” means an administrative penalty established by the Administrative Penalty System By-law for a contravention of a Designated By-law as defined therein;

“APS” means Administrative Penalty System;

“County” means The Corporation of the County of Brant;

“Financial Hardship” 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 of paying the Administrative Penalty or Administrative Fee;

“Administrative Penalty System By-law” means the by-law passed by the County to establish administrative penalties for the Parking By-law and various designated (non-parking) by-laws, as amended from time to time, or any successor thereof;

“Hearing Officer” means any person who is appointed by the County from time to time pursuant to the Screening and Hearing Officer by-law, to perform the functions of a Hearing Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Penalty System By-law.

“Hearing Decision” means a notice which contains the decision of a Hearing Officer, as set out the Administrative Penalty System By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in the Administrative System Penalty By-law;

“Municipal Freedom of Information and Protection of Privacy Act” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. c. M. 56, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice as defined in the Administrative Penalty System By-law;

“Person” includes an individual or a corporation;

“Records Retention By-law” means the by-law passed by the County providing for the classification retention and disposition of records in the County of Brant, as amended from time to time, or any successor thereof;

“Screening Review” means the process related to review of a Penalty Notice, as set out in Administrative Penalty System By-law;

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in the Administrative Penalty System By-law;

“Screening Officer” means any person appointed by the County from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Penalty System By-law;

“Undue Hardship” means financial hardship or other extenuating circumstances based on compassionate grounds.

SCOPE:

1.1 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 System By-law.

POLICY COMMUNICATION:

This Policy will be posted on the County’s website.

Employees will be advised of the new Policy via distribution to the Senior Management Team; and

This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Administrative Penalty System enforcement and administration employees.

POLICY:

Process

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

- a) 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

- b) Will consider and satisfy themselves at the Screening Review or 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 wishes to seek relief pursuant to the Administrative Penalty System By-law based on Financial Hardship should bring documentation to support their claim to the Screening Review or Hearing Review. Examples of documents that may be considered in relation to Financial Hardship include, but are not limited to:

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

A Screening Officer or Hearing Officer may also consider the oral evidence provided by the Person in relation to Financial Hardship.

Records Retention

All information and documentation provided supporting financial hardship shall be treated confidentially, 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 County's Records Retention By-Law.

COMPLIANCE

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