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**EMERGENCY AND PROTECTIVE  
SERVICES DEPARTMENT**

APS policy on Public Complaints

**POLICY**

**#APS-2024-04**

**ENFORCEMENT SERVICES  
DIVISION**

Effective Date: September 16, 2024

Revision Date:

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**GENERAL DESCRIPTION**

This policy is to address any public complaint regarding the administration of the Administrative Penalty System (APS) program.

**PURPOSE**

Ontario Regulation 333/07 under the Municipal Act, 2001, requires a municipality to establish a procedure for the filing and processing of public complaints with respect to the administration of the Administrative Penalty System.

To ensure the APS program remains an open, accessible, responsive, accountable, efficient, and effective system for enforcement in the County, and any public complaints are addressed in a timely and responsible manner.

**APPLICATION**

This policy applies to all public complaints, informal or formal, regarding all aspects of the APS program, and applies to all administrative actions and functions of all County employees and other persons responsible for the administration of the APS program.

Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.

Any public complaints regarding the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law will not be processed through this policy. This policy is not intended to replace other specific County policy/procedures and legal processes available to the public to address public concerns with the APS program.

## **PROCEDURES**

A public complaint shall be processed as follows:

1. Any public complaint must be in writing, identifying the name and full contact information of the complainant and sent to the Director of Enforcement and Regulatory Service, or designate, within 30 days in respect to the date of the event for which the complaint is being made. Complaints that are anonymous will not be accepted.
2. All complaints shall be treated as confidential by the Enforcement Services Division, respecting personal information privacy and confidentiality, subject to legislative provisions.
3. Any complaint regarding a Member of Council in respect of the administration of APS program shall be processed in accordance with the County Code of Conduct.
4. The Director of Enforcement and Regulatory Services, or designate, will not address, or process any public complaint that is deemed by the Director of Enforcement and Regulatory Services, or designate, as frivolous, vexatious, trivial, or made in bad faith.
5. A complainant may withdraw their complaint at any time.
6. Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
7. A formal complaint process shall require the undertaking of an investigation by the Director of Enforcement and Regulatory Services, or designate or a consultant hired for that purpose, and shall require the issuance of a written report which sets out the findings of the investigation and any remedial or other actions that are required.
8. Any deemed resolution of a formal complaint will be provided to the person filing the complaint but may be amended or redacted for privacy purposes in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. A public complaint substantiated through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any penalty fines and administrative fees due or paid.
9. The Director of Enforcement and Regulatory Services will report annually as part of the annual APS program report on the summary of public complaints filed and addressed in respect of the APS program.

Procedures may be defined by the Director of Enforcement and Regulatory Services to address specific implementation of this policy.

General comments and suggestions regarding the APS program will not be investigated pursuant to this Policy. However, general comments and suggestions will be accepted, and may be used by the County from time to time, as the County determines appropriate, for continuous improvement of the program.

### **ACCOUNTABILITY**

All persons responsible for administering the APS program shall be responsible for implementation of this policy. The Director of Enforcement and Regulatory Services, or designate, shall be responsible for addressing public complaints regarding the administration of the APS program.

### **REFERENCES AND RELATED POLICIES**

Municipal Act, 2001  
Ontario Regulation 333/07 (Administrative Penalties)

### **CONSEQUENCES OF NON-COMPLIANCE**

In accordance with the Municipal Act.

### **REVIEW CYCLE**

In conjunction with the review of the Administrative Penalties By-law, redaction process shall create an edited copy while leaving the original record unaltered.

“Supervisor” shall mean the Supervisor of Enforcement and Regulatory Services.