

# Corporate Policy and Procedure

---



|                  |  |
|------------------|--|
| Policy           | <b>APS Policy – Public Complaints</b>                                  |
| Category         | Corporate  |
| Authority        | Legal and Court Services   |
| Related Policies | Listed below   |
| Approved By      | Trevor Lee, Deputy Chief Administrative Officer,<br>Corporate Services |
| Effective Date   | Tuesday, April-01-2025   |
| Revision Date    | Tuesday, February 04, 2025   |

---

## Policy Statement

The Corporation of the City of Guelph requires and values that its Administrative Penalty System (APS) be administered in a transparent and ethical manner in accordance with applicable legislation and Council-approved by-laws.

Pursuant to O. Reg. 333/07: Administrative Penalties, made under the *Municipal Act, 2001*, a municipality establishing an APS is required to have a policy to address public complaints regarding the administration of the APS.

## Purpose

The purpose of this Policy is to provide a process for public complaints regarding the administration of the APS and to ensure that the APS remains an open, transparent, accessible, responsive, accountable, efficient, and effective system for enforcement in the City of Guelph, and that any public complaints are addressed in a timely and responsible manner.

## Scope

This Policy applies to all public complaints, informal or formal, regarding the administration of the APS and applies to all administrative actions and functions of all City of Guelph employees and other individuals responsible for the administration of the APS, and to all public complaints regarding Screening Officers or Hearing Officers. All individuals responsible for administering the APS shall be responsible for adherence to this Policy.

Any public complaint filed pursuant to this Policy regarding the administrative actions of a City employee, Screening Officer or Hearing Officer under the APS shall be referred to the Designated Complaints Investigator.

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 a statute, regulation or by-law. Any such complaints will not be processed under this Policy.

This Policy does not, and is not intended to:

- operate as an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer; or
- replace other specific City programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with the APS or with the outcome of a Screening Review or Hearing Review.

## Definitions

**Administrative Fee** means any fee specified in the Administrative Penalty By-law;

**Administrative Penalty** means an administrative penalty established by the Administrative Penalty By-law for a contravention of a designated by-law, as defined therein;

**Administrative Penalty By-law** means By-law No. (2025) - XXXX passed by the City to establish administrative penalties for parking, as amended from time to time, or any successor thereof;

**Administrative Penalty System** or **APS** is a City-administered system established by the Administrative Penalty By-law for the administration of civil penalties in respect of the failure to comply with a designated by-law;

**City** means The Corporation of the City of Guelph;

**Council** means the Council of the City of Guelph;

**Council Code of Conduct** means the City of Guelph Code of Conduct for Council and Local Boards, as amended, supplemented or replaced from time to time, or any successor code or policy;

**Designated Complaints Investigator** means the General Manager / City Solicitor, or anyone designated by them to perform their duties relating to the APS;

**General Manager / City Solicitor** means the General Manager of Legal and Court Services / City Solicitor for the City of Guelph, or anyone designated by the General Manager to perform their duties relating to the APS;

**Hearing Officer** means any person appointed, 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 By-law;

**Hearing Review** means the process related to review of a Screening Decision, as set out in Section 6 of the Administrative Penalty By-law;

**Integrity Commissioner** means the Integrity Commissioner as appointed by City Council from time to time;

**MFIPPA** 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 described in Section 4 of the Administrative Penalty By-law;

**Policy** means this APS Policy – Public Complaints;

**Screening Decision** means a notice which contains the decision of a Screening Officer, as set out in Section 5.8 of the Administrative Penalty By-law;

**Screening Officer** means any person appointed, 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 By-law;

**Screening and Hearing Officer By-law** means By-law No. (2025) - XXXX passed by the City of Guelph to establish the positions of Screening Officer and Hearing Officer and to provide for the appointment of Screening Officers and Hearing Officers, in relation to administrative penalties, 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 Section 5 of the Administrative Penalty By-law.

## **Policy**

### **General Provisions**

A public complaint regarding administration of the APS shall be processed using the following framework:

- Unless otherwise set out in this Policy, all public complaints regarding administration of the APS shall be submitted to the Designated Complaints Investigator, who may investigate and, if applicable, determine appropriate corrective action;
- Any complaint regarding a member of Council in respect of the administration of the APS shall be submitted and processed in accordance with the Council Code of Conduct and sent to the City's Integrity Commissioner
- Any complaint regarding a Hearing Officer shall be referred to the Designated Complaints Investigator;
- A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the Designated Complaints Investigator from time to time, complete with all required information, including the full name and full contact information of the complainant, and be sent to the Designated Complaints Investigator within 30-calendar days of the date of the event for which the complaint is being made. Incomplete complaint forms or forms submitted after the 30-calendar day period may not be processed, at the discretion of the Designated Complaints Investigator;

- All complaints shall be treated as confidential by the City and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with MFIPPA;
- The Designated Complaints Investigator may refuse to address or process any public complaint that is deemed by the Designated Complaints Investigator to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The Designated Complaints Investigator shall 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;
- Where possible, at the discretion of the Designated Complaints Investigator, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- Any resolution, formal or informal, of a public complaint will be addressed by a written response from the Designated Complaints Investigator to the person filing the complaint;
- A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any Administrative Penalties and Administrative Fees due or paid; and
- The Designated Complaints Investigator will report annually to the Deputy Chief Administrative Officer, Corporate Services on the summary of public complaints filed and addressed in respect of the APS.

### **Anonymous Complaints**

Complaints that are submitted anonymously will not be accepted.

### **Withdrawing a Complaint**

A complainant may withdraw their complaint by so requesting in writing to the Designated Complaints Investigator at any time.

### **Policy Communication**

This Policy will be communicated internally and externally as follows:

- This Policy will be posted on the City's website and intranet;
- Employees will be advised of the Policy and any amendments or replacements, from time to time, via distribution to the Executive Leadership Team and/or Corporate Leadership Team;
- Members of Council shall be provided with a copy of this Policy; and
- This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees and independent contractors involved in the administration or enforcement of the APS.

### **Monitoring and Compliance**

In accordance with the City of Guelph policies, collective agreement, and applicable legislation, any employee or appointee found to be demonstrating actions and/or behaviours that are not consistent with the terms of this Policy will result in an

investigation, subject to possible discipline up to and including revocation of appointment and/or termination of employment.

## **Related By-laws and Policies**

- By-Law No. (2025) - XXXX Administrative Penalty By-law
- By-Law No. (2025) - XXXX Screening and Hearing Officer By-law
- APS Policy – Appointment of Screening Officers and Hearing Officers
- APS Policy – Conflict of Interest and Code of Conduct
- APS Policy – Financial Management and Reporting
- APS Policy – Preventing Political Interference
- APS Policy – Undue Hardship
- City of Guelph Employee Code of Conduct
- City of Guelph Code of Conduct for Council and Local Boards

## **References**

- *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- O. Reg. 333/07: Administrative Penalties made under the *Municipal Act, 2001*.
- *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended.

## **Review Timeline**

This policy will be reviewed two years from the initial Effective Date, and at two-year intervals thereafter.