

Corporate Policy and Procedure



Policy	APS Policy – Conflict of Interest
Category	Corporate
Authority	Legal and Court Services
Related Policies	Listed below
Approved By	Trevor Lee, Deputy Chief Administrative Officer, Corporate Services
Effective Date	Tuesday, April-01-2025
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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 relating to conflicts of interest. In accordance with O. Reg. 333/07, the policy must define what constitutes a conflict of interest in relation to the APS, contain provisions to prevent such conflicts, and procedures to address such conflicts should they occur.

Purpose

This Policy defines conflict of interest in relation to the administration of the APS and sets out requirements relating to Screening Officers, Hearing Officers, and other City staff. The purpose of this Policy is to prevent actual, potential, and perceived conflicts of interest and to ensure that APS responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.

Scope

This Policy applies to all Screening Officers, Hearing Officers, and all City employees involved in the administration of the APS.

The following shall apply in addition to this Policy:

- For City employees: the Employee Code of Conduct Policy shall also apply regarding the activities of an employee in the administration of the APS. In the event of a conflict between the provisions of this Policy and the provisions of the Employee Code of Conduct Policy, in relation to the APS, this Policy shall supersede.
- For independent Hearing Officers: the provisions of any agreement governing the retainer between the City of Guelph and a Hearing Officer, shall also apply regarding the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.
- This Policy shall apply in addition to all applicable City policies. A breach of City policy relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

Definitions

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;

Designated By-law means a by-law that is designated by the City as a by-law to which the City's Administrative Penalty System applies and, if only a part of a by-law is designated, includes only the designated part of the by-law;

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;

Employee Code of Conduct Policy means the policy adopted by the City to govern employee conduct, provide ethical standards, and address conflict of interest, as amended from time to time, or any successor thereof;

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;

Parent means a person who has demonstrated a settled intention to treat a child as a member of their family, whether or not that person is the natural parent of the child;

Penalty Notice means a penalty notice as described in Section 4 of the Administrative Penalty By-law;

Person includes an individual, corporation or other legal entity;

Policy means this APS Policy – Conflict of Interest and Code of Conduct;

Policy for Appointment of Screening and Hearing Officers means the policy adopted by the City of Guelph to govern the Appointment of Screening and Hearing Officers, as amended from time to time, or any successor thereof;

Power of Decision means a power or right, conferred by or under the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person;

Relative includes any of the following persons:

- spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- Parent or legal guardian;
- child, including a stepchild and grandchild;
- siblings and children of siblings;
- siblings of parents and their children (typically known as aunt, uncle, niece and nephew);
- in-laws, including parents, siblings, and children; or
- any person who lives with the person on a permanent basis;

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 Decision means the decision of a Screening Officer, as set out in Section 5 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 Review means the process related to review of a Penalty Notice, as set out in Section 5 of the Administrative Penalty By-law;

Statutory Powers Procedure Act means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof.

Policy

Appointment of Screening Officers and Hearing Officers

The Screening and Hearing Officer By-law and Policy for Appointment of Screening and Hearing Officers establishes the rules regarding the appointment of Screening Officers and Hearing Officers, including eligibility criteria, application review, and appointment and revocation.

Screening and Hearing Officers shall be appointed and recruited in accordance with the Policy for Appointment of Screening and Hearing Officers.

The following persons are not eligible for appointment as Screening Officers:

- a member of Council;
- a Relative of a member of Council; or
- a person indebted to the City, other than in respect of current property taxes due but not yet payable; or pursuant to an agreement with the City where the person is in compliance with the terms thereof; and
- in the case of a Hearing Officer, an employee of the City of Guelph.

Conflict of Interest

Administration Conflict

A conflict of interest arises where a Screening Officer, Hearing Officer or City employee involved in the administration of the APS, or any Relative of same, has a direct or indirect personal or financial interest:

- such that they could influence a decision made in relation to APS;
- that may affect the performance of their job duties in relation to APS;
- that conflicts, might conflict, or may be perceived to conflict with the interests of the proper administration of the APS; or
- that may adversely affect the reputation of the City as a public authority in relation to the APS.

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 / 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 Bylaw.
- By-Law No. (2025) - XXXX Screening and Hearing Officer Bylaw.
- APS Policy - Conflict of Interest and Code of Conduct
- APS Policy - Financial Management and Reporting
- APS Policy - Preventing Political Interference
- APS Policy - Public Complaints
- APS Policy - Undue Hardship
- City of Guelph Employee Code of Conduct

References

- *Municipal Act, 2001*, S.O. 2001, c. 25
- O. Reg. 333/07: Administrative Penalties made under the *Municipal Act, 2001*.

Review Timeline

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