



<b>POLICY:</b> Public Complaints	<b>NO. OF PAGES:</b> 3
<b>SECTION:</b> Administrative Penalty System for Parking and Non-Parking Offences	<b>REVISED:</b>
<b>EFFECTIVE DATE:</b>	

### **Policy Statement**

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking by-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening Officers and a Hearing Officer to adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

### **Purpose**

The purpose of this policy to provide a standardized, and efficient mechanism for filing and processing of complaints made by the public with respect to the administration of the Town's Administrative Penalty System (APS) program.

### **Applicability**

This policy applies to any member of the public who has a complaint with respect to the administration of the Administrative Penalty System (APS) program.

### **Procedure**

The following procedure will be followed by the Town, should a complaint be made with respect to the administration of the system.

The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint to ensure a complete investigation can commence.



## Time Limitations

In order to achieve due process, a complaint must be made in a timely fashion, not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant.

The Director of Legislative & Legal Services or designate will also adhere to the timelines set out in this policy unless circumstances exist to reasonably justify a delay. In the event that a delay becomes necessary, the Complainant shall be notified in writing of the reason for delay and will be advised of the date when the response will be forthcoming. A copy of the notification will be retained for tracking purposes.

## Process

- a) Any public complaint must be submitted in writing, identifying the name and full contact information of the Complainant, and sent to the Director of Legislative & Legal Services, or designate within 30 days in respect to the date of the event for which the complaint is being made.
- b) Complaints that are anonymous will not be accepted.
- c) Any complaint regarding a Member of Council in respect of the administration of APS shall be processed in accordance with the Code of Conduct for Members of Council.
- d) The Director of Legislative & Legal Services, or designate, will not address or process any public complaint that is deemed by the Director of Legislative & Legal Services, or designate, as frivolous, vexatious, trivial or made in bad faith.
- e) Any deemed resolution of a formal complaint will be addressed by written response by the Director of Legislative & Legal Services, or designate, 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 penalty fines and administrative fees due or paid.
- f) The Director of Legislative & Legal Services or designate will provide a written response concerning the complaint, set out his/her decision and, where appropriate, the reasons therefore, to the Complainant with a copy to the Director of Legislative & Legal Services, within thirty **(30)** working days of receipt of the complaint.



### **Complaint Alleging Misconduct by Decision-Makers under this Policy**

In the event that a complaint arises alleging misconduct on the part of a decision-maker under this policy, the Director of Legislative & Legal Services or designate may assign a senior staff member to conduct the investigation.

### **Withdrawal of Complaint**

A Complainant may withdraw their complaint at any time by providing a written request to withdraw. Notwithstanding a withdrawal, the Town may continue to deal with the complaint if it considers it appropriate to do so. When withdrawn, the Director of Legislative & Legal Services or designate will be notified that the complaint has been withdrawn and will be advised by the Director of Legislative & Legal Services or designate whether the investigation will continue nonetheless.

### **Confidentiality**

The public complaint resolution will be handled as a confidential matter according to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56*. All parties involved will be advised to maintain the confidentiality of the complaints or incidents.

### **Recordkeeping and Disclosure of Complaints**

The official records relating to this public complaint resolution will be managed by the Director of Legislative & Legal Services or designate according to the Town's Records Retention By-law.