

Financial Hardship in the Administrative Monetary Penalty System (AMPS)

Policy Statement and Strategic Plan Linkages

The AMPS program aligns with Council's Strategic Priority of Safe Streets (Transportation) by providing exceptional transportation experiences across all modes through continuous improvement of accessibility, safety and speed reduction.

Purpose

To provide a Policy to respond to requests by persons with a **Penalty Notice** for relief from paying all, or part of a **Penalty Notice**, including any **Administrative Fees**, if the **Person** can demonstrate they would suffer financial hardship if required to pay the penalty.

In accordance with Ontario Regulation 333/07, the **Town** is required to develop a policy to address financial hardship experienced by individuals required to pay a **Penalty Notice** and any applicable **Administrative Fees**.

Definitions

For the purposes of this Policy, the following definitions are defined in accordance with By-laws 2019-62.

Administrative Fee means any fee specified in By-law 2019-62;

AMPS means Administrative Monetary Penalty System;

Director of Legislative Services means the **Director of Legislative Services**, their delegate, or anyone designated by the **Director of Legislative Services** to perform duties pursuant to the Administrative Monetary Penalty System;

Hearing Officer means a person who performs the functions of a Hearing Officer in accordance with section 7 of By-law 2019-62;

Penalty Notice means a notice given to a **Person** pursuant to section 5 of By-law 2019-62;

Person includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different **Persons** are named on each portion, the **Person** whose name appears on the licence

plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this Policy;

Hearing Decision means a notice that contains a decision made by a **Hearing Officer**;

Hearing Review means the process set out in section 7 of By-law 2019-62;

Screening Review means the process set out in section 6 of By-law 2019-62;

Screening Decision means a notice which contains the decision of a **Screening Officer**, delivered in accordance with Section 6 of By-law 2019-62;

Screening Officer means a person who performs the functions of a **Screening Officer** in accordance with section 6 of By-law 2019-62;

Town means The Corporation of the Town of Newmarket.

Provisions

1. Application

This Policy applies to a **Screening Review** and **Hearing Review** conducted by a **Screening Officer** and **Hearing Officer**, respectively, pursuant to the **Town** of Newmarket By-law 2019-62.

2. General Provisions

- (a) Any **Person** who receives a **Penalty Notice** is given the right to dispute the **Penalty Notice**;
- (b) The **Screening Officer** has the authority to cancel or extend the time for payment of the **Penalty Notice**, including any **Administrative Fees**, if the **Screening Officer** finds that payment of the **Penalty Notice** (including any **Administrative Fees**) would cause financial hardship. Similarly, the **Hearing Officer** has the authority to take into consideration financial hardship when determining to cancel, reduce or extend the time for payment of the **Penalty Notice** (including any **Administrative Fees**); and
- (c) A **Person** who receives a **Screening Decision** from the **Screening Officer** shall, if in disagreement with the **Screening Decision**, be given the right to dispute the **Screening Officer's Decision** with a **Hearing Officer**.

3. Documentation to support financial hardship

A **Person** who is experiencing financial hardship should bring documentation to support their claim at the **Screening Review** or **Hearing Review**. The **Person**, when required, shall provide documented proof of financial hardship such as:

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

The **Screening Officer** or **Hearing Officer** will satisfy themselves at the **Screening Review** or **Hearing Review** as to the authenticity/credibility of the documents provided and will refer to those documents in their decision.

4. Records Retention

All information and documentation shall be treated in a confidential manner, 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.

Cross-References

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Town of Newmarket AMPS By-law 2019-62

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Details

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