



Public Complaints Respecting the Administration Of The Administrative Monetary Penalty System (AMPS)

Policy Category: Governance

Policy No.: GR-AMPS-002

Implementing Procedure No.:

- GR-AMPS-PR01
- GR-AMPS-PR02

Approving Authority:

City Clerk

Effective Date:

July 1, 2024

Last Reviewed Date:

Next Review Year:

2025

Area(s) this policy applies to:

Administrative Monetary Penalty System

Owner Department:

Legislative Services

Reference Authorities:

- Municipal Act, 2001
- Ontario Regulation 333/07 (Administrative Penalties)
- City of Markham AMPS By-law 2024-137
- City of Markham Screening and Hearing Officer By-law 2015-94

1. Purpose Statement

This Policy is to address any public complaints regarding the administration of Administrative Monetary Penalty System (**AMPS**) and to ensure **AMPS** remains a transparent, accessible, responsive, accountable, efficient and effective system for parking enforcement in the **City** of Markham, and that any public complaints are addressed in a timely and responsible manner.

In accordance with Ontario Regulation 333/07, the **City** is required to develop a policy to address public complaints regarding the administration of **AMPS**.

2. Applicability

This Policy applies to all public complaints, informal or formal, regarding all aspects of **AMPS**, and applies to all administrative actions and functions of all **City** employees and other individuals responsible for the administration of **AMPS**.

Any public complaint filed under this Policy in regards to the administrative actions of a **City** employee, **Screening Officer** or **Hearing Officer** under **AMPS** shall be referred to the **Clerk**, using the prescribed form.

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 such complaints will not be processed through this Policy.



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This Policy is not intended to replace other specific **City** programs, policies/procedures and legal processes available to the public to address public concerns with **AMPS**.

3. Definitions

For the purposes of this Policy, the following definitions are defined in accordance with By-laws 2024-137 and 2015-94.

“**AMPS**” means Administrative Monetary Penalty System;

“**City**” means The Corporation of the City of Markham;

“**Clerk**” means the City Clerk, her or his delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

“**Council**” means the Council of the **City**;

“**Hearing Officer**” means a person who performs the functions of a Hearing Officer in accordance with Section 6 of By-law 2024-137, and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94;

“**Screening Officer**” means a person who performs the functions of a **Screening Officer** in accordance with **Section 3 of By-law 2024-137**, and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94.

4. Policy

4.1 A public complaint shall be processed using the following framework:

- (a) Any public complaint must be in writing, using the prescribed form, identifying the name and full contact information of the complainant, and sent to the **Clerk**, or designate, within 30 days of the date of the event for which the complaint is being made.
- (b) All complaints shall be treated as confidential by the **Clerk’s** Office, respecting personal information privacy and confidentiality, in accordance with the Municipal Freedom of Information and Protection of Privacy Act.



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- (c) Any complaint regarding a Member of **Council** in respect of the administration of **AMPS** shall be processed in accordance with the **Council** Code of Conduct.
- (d) The **Clerk**, or designate, will not address or process any public complaint that is deemed by the **Clerk**, or designate, as frivolous, vexatious, trivial or made in bad faith.
- (e) Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
- (f) Any deemed resolution of a formal complaint will be addressed by a written response from the **Clerk**, 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 penalties and administrative fees due or paid.

4.2 Anonymous complaints

Complaints that are anonymous will not be accepted.

4.3 Withdrawing a complaint

A complainant may withdraw his/her complaint at anytime.

4.4 Accountability

All individuals responsible for administering the **AMPS** program shall be responsible for adherence to this policy. The **Clerk**, or designate, unless otherwise noted, shall be responsible for addressing public complaints regarding the administration of **AMPS**.

5. Administration and Contact

This Policy shall be administered by the **Clerk's** Office, Legislative Services Department. Procedures may be defined, and amended from time to time, by the **Clerk** to address specific implementation of this Policy.

City of Markham
Attention: Manager, AMPS
Legislative Services Department
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3



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