



Financial Hardship – Administrative Monetary Penalty System

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Policy Statement

This policy is to provide a guideline and method by which an extension of time to pay may be considered pursuant to the Municipality's Administrative Monetary Penalties By-law.

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of a municipality by-law, the penalty becomes a balance due to the municipality. A Screening Officer or Hearing Officer may extend the pay period for a Penalty Notice if it has been demonstrated that extenuating circumstances exist to warrant it.

Legislative Authority

- Ontario Regulation 333/07
- Municipal Act, 2001
- Municipality of Northern Bruce Peninsula AMPS By-law

Purpose

In accordance with Ontario Regulation 333/07, the Municipality is required to develop a Policy regarding financial management and reporting of AMPS.

This Policy is to ensure that all financial management and reporting responsibilities related to AMPS conform to current corporate policies and procedures for financial management and reporting.

Definitions

For the purpose of this Policy:

Administrative Monetary Penalty (AMP) – A monetary penalty imposed by the Municipality for a contravention of a by-law enacted under the authority of the *Municipal Act, 2001* and administered pursuant to the Municipality's Administrative Monetary Penalties By-law.

Administrative Monetary Penalty System (AMPS) – The civil enforcement system established by the Municipality to administer, process, review, and enforce Administrative Monetary Penalties.

Balance of Probabilities – The standard of proof requiring that it is more likely than not that a fact or circumstance exists.

Extenuating Circumstances – Circumstances beyond the control of the person responsible for the penalty that may justify an extension of time to pay, including but not limited to financial hardship, medical issues, or other compelling personal circumstances.

Financial Hardship – A demonstrated inability to pay an Administrative Monetary Penalty within the prescribed time due to exceptional financial circumstances, including but not limited to loss of employment, serious illness, or other significant and unforeseen financial constraints.

Hearing Officer – A person appointed by the Municipality to conduct hearings requested following a Screening Officer decision and who has the authority to confirm, vary, or cancel a penalty and/or extend the time for payment in accordance with the Municipality’s AMPS By-law.

Notice Holder – A person or registered owner of a vehicle to whom a Penalty Notice has been issued.

Penalty Notice – A notice issued by an Enforcement Officer setting out an Administrative Monetary Penalty for a contravention of a Municipality by-law.

Screening Decision – The written decision issued by a Screening Officer following a review of a Penalty Notice.

Screening Officer – A person appointed by the Municipality to review Penalty Notices upon request and who has the authority to confirm, vary, or cancel a penalty and/or extend the time for payment in accordance with the Municipality’s AMPS By-law.

Municipality – The Municipality of Northern Bruce Peninsula.

Procedure

The person receiving the penalty notice has a time-limited right to request a review of that notice by a Screening Officer.

Within 15 days of receiving the penalty notice, the person will have the option to:

1. Make a voluntary payment; or
2. Request a review of the penalty notice by a Screening Officer.

Extension of Time for Payment Procedure

Screening Officer

The Screening Officer has the discretion to extend the time to pay a Notice. The Screening Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis. Each review will examine whether the person has demonstrated on a balance of probabilities, the existence of extenuating circumstances that warrants the extension of time however, the Screening Officer is under no obligation to grant the extension.

After a review is held, the Screening Officer shall deliver a screening decision to the Notice holder.

Hearing Officer

A person may request a hearing review only after they have had a screening hearing and received the screening decision. The request must be made in writing as prescribed within 15 days of receiving the Screening Hearing decision.

The Hearing Officer has the authority to extend the time for payment of an administrative penalty. Like the Screening Officer, the Hearing Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis but is not obligated to grant the extension.

After the hearing is complete, the hearing officer shall deliver the decision of a hearing officer in writing as prescribed to the person.

Any decision by a hearing officer is final and not subject to further review.