

	Financial Hardship In The Administrative Monetary Penalty System (AMPS)	
	Policy Category: Governance	
	Policy No.: GR-AMPS-005	Implementing Procedure No.: <ul style="list-style-type: none"> • GR-AMPS-PR01 • GR-AMPS-PR02
Approving Authority: City Clerk	Effective Date: July 1, 2024	
Last Reviewed Date:	Next Review Year: Annually	
Area(s) this Policy applies to: Administrative Monetary Penalty System	Owner Department: Legislative Services	
Reference Authorities: <ul style="list-style-type: none"> • 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

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 **City** is required to develop a policy to address financial hardship experienced by individuals required to pay a **Penalty Notice** and any applicable **Administrative Fees**.

2. Applicability

This Policy applies to a **Screening Review** and **Hearing Review** conducted by a **Screening Officer** and **Hearing Officer**, respectively, pursuant to the **City** of Markham By-law 2024-137.

3. Definitions

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

“**Administrative Fee**” means any fee specified in By-law 2024-137;

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

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



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“**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;

“**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;

“**Penalty Notice**” means a notice given to a **Person** pursuant to Section 2 of By-law 2024-137;

“**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 6 of By-law 2024-137;

“**Screening Review**” means the process set out in Section 3 of By-law 2024-137;

“**Screening Decision**” means a notice which contains the decision of a **Screening Officer**, delivered in accordance with Section 3.2 of By-law 2024-137;

“**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 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, reduce 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



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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**.

4.2 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.

4.3 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.



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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.

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