



Conflict of Interest in Relation to the Administration of the Administrative Monetary Penalty System (AMPS)

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1. Purpose

This Policy establishes conflict of interest guidelines in relation to the administration of the Town's Administrative Monetary Penalty Systems (AMPS).

In accordance with Ontario Regulation 333/07, the Town is required to define what constitutes a conflict of interest in relation to AMPS, to prevent such conflicts of interest and to redress such conflicts should they occur.

2. Policy Principles

This Policy ensures that AMPS responsibilities are conducted in accordance with fundamental principles of justice, which include adjudicative independence, fairness, impartiality, competence and integrity.

3. Definitions

For the purposes of this Policy, the following terms are defined in accordance with the Town's Administrative Monetary Penalty By-law 2025-003 and the Screening and Hearing Officer By-law 2025-004.

AMPS: means Administrative Monetary Penalty System;

Council: means the Council of the Town;

Director: means the Director of Legislative Services for the Town or their designate;

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Hearing Officer: means a person who performs the functions of a Hearing Officer in accordance with part 6 of the Town's Administrative Monetary Penalty By-law 2025-003, and pursuant the Town's Screening and Hearing Officer By-law 2025-004;

Hearing Review: means the process set out in part 6 of the Town's Administrative Monetary Penalty By-law 2025-003;

Penalty Notice: means a notice given to a person pursuant to part 4 of the Town's Administrative Monetary Penalty By-law 2025-003;

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 Penalty Notice, or 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;

Relative: includes any of the following persons: spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage; Parent or legal guardian; child, including a step-child and grandchild; siblings and children of siblings; aunt, uncle, niece and nephew; in-laws, including mother, father, sister, brother, daughter and son; or any person, including but not limited to a dependant, who lives with the person on a permanent basis;

Screening Decision: means a notice which contains the decision of a Screening Officer;

Screening Officer: means a person who performs the functions of a Screening Officer in accordance with part 5 of the Town's Administrative Monetary Penalty By-law 2025-003, and pursuant the Town's Screening and Hearing Officer By-law 2025-004;

Screening Review: means the process set out in part 5 of the Town's Administrative Monetary Penalty By-law 2025-003;

Town: means the Corporation of the Town of Collingwood.

4. Scope

This Policy applies to all Screening Officers, Hearing Officers and all Town officials and staff involved in the administration of AMPS.

For Town staff engaged in the administration of the AMPS, the Employee Code of Conduct, and any successor policy, shall also apply in regard to the activities of an employee in the administration of the AMPS.

In regard to Members of Council, this Policy should be read and interpreted within the context of prevailing Provincial legislation (including, without limitation, the *Municipal Conflict of Interest Act*) and the Council Code of Conduct, including its related policies, procedures and guidelines.

5. Policy

5.1. Appointment of Screening Officers and Hearing Officers

- i. The Screening and Hearing Officer By-law 2025-004 sets out the rules regarding the appointment of Hearing Officers and preference shall be given to candidates with knowledge and experience in administrative law and with demonstrated ethical and sound judgment.
- ii. Screening Officers are employees of the Town appointed by the Director to conduct Screening Reviews in the public interest.
- iii. Hearing Officers are independent contracted individuals appointed by Council, or staff that have been delegated authority to appoint by Council, to conduct Hearing Reviews in the public interest.
- iv. The following individuals are not eligible for appointment as a Screening Officer or Hearing Officer:
 1. a Member of Council or a Relative of a Member of Council.
 2. an individual indebted to the Town other than in respect of current real property taxes; or pursuant to an agreement with the Town, where the individual is in compliance with the terms thereof; and,
 3. in the case of a Hearing Officer, an employee of the Town.

5.2. Conflict of Interest

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- i. A conflict of interest arises where a Screening Officer, Hearing Officer or Town staff involved in the administration of AMPS has a personal or business interest that conflicts, might conflict, or may reasonably be perceived to conflict with the interests of the proper administration of AMPS. A conflict of interest includes a pecuniary or non-pecuniary, actual, perceived or potential conflict and could arise in relation to personal or business matters including:
 1. directorships or employment;
 2. interests in business enterprises or professional practices;
 3. share ownership or beneficial interests in trusts;
 4. professional or personal associations with a Person;
 5. professional associations or relationships with other organizations; and
 6. personal associations with other groups or organizations, or family relationships including Relatives.
- ii. Screening Officers must be and appear to be impartial at all times. It is inappropriate for a Screening Officer to review a Penalty Notice for a personal or business acquaintance or Relative, or for any reason outside of their duties as a Screening Officer.
- iii. Hearing Officers are obligated to conduct Hearing Reviews in an impartial manner. Hearing Officers, in conducting a Hearing Review, are bound by the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as well as bound by general administrative common law principles (i.e. procedural fairness, natural justice, impartial and unbiased decision making, etc.). Hearing Officers must be and appear to be impartial at all times. It is inappropriate for a Hearing Officer to review a Screening Decision for a personal or business acquaintance or Relative, or for any reason outside of their duties as a Hearing Officer.
- iv. Every Screening Officer, Hearing Officer and Town employee involved in the administration of AMPS, must disclose to the Director any obligation, commitment, relationship or interest that could conflict with or

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may be perceived to conflict with his or her duties to or interests in the administration of AMPS.

- v. A Screening Officer or Hearing Officer shall not represent any Person at a Screening Review or Hearing Review.

5.3. Conduct of Screening Officers and Hearing Officers

- i. All Screening Officers and Hearing Officers shall:
 - 1. both be and appear to be independent, impartial, and unbiased;
 - 2. avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain independent advice with respect to such conflicts when they arise;
 - 3. not be influenced by partisan interests, public opinion, or by fear of criticism;
 - 4. not use their title and position to promote their own interests or the interests of others;
 - 5. discharge their duties in accordance with the law, Town by-laws and AMPS policies, procedures and guidelines;
 - 6. maintain and upgrade their knowledge and competence through their work, by participating in training and education courses and by seeking guidance from their colleagues and the Town, as required;
 - 7. remain up to date on changes in the law, Town by-laws, policies and procedures relevant to their function;
 - 8. act with integrity, as they are subject to ongoing public scrutiny; respect and comply with the law and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of AMPS;
 - 9. approach their duties in a calm and courteous manner when dealing with the public and others and present and conduct themselves in a manner consistent with the integrity of AMPS and their appointment;

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10. convey their decisions in plain language;
11. safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by law;
12. in discharging their duties, treat those with whom they deal with in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those Persons;
13. refrain from openly and publicly criticizing the administration of AMPS or the conduct of others, including the Mayor, Members of Council, or Town employees. Screening Officers and Hearing Officers shall acknowledge that only the Director may speak publicly on behalf of the Town's AMPS. Any criticisms, suggestions or concerns related to AMPS shall be communicated through appropriate channels;
14. deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services; and
15. not knowingly exercise a power or function for which they have not been trained or designated.

5.4. Preventing Conflict of Interest

- i. The keys to preventing conflicts of interest are identification, disclosure and withdrawal from the power of decision with respect to a Screening Review or Hearing Review. The need for identification, disclosure and withdrawal from a power of decision applies to any real, potential or perceived conflict of interest.

5.5. Disclosure

- i. If a Screening Officer or Hearing Officer becomes aware of any real, perceived or potential conflict of interest in regard to a review of a Penalty Notice or Screening Decision, as the case may be, the

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Screening Officer or Hearing Officer shall notify the Director of the conflict of interest and:

1. in the case of a scheduled review of a Penalty Notice or Screening Decision that has not yet commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual, perceived or potential conflict of interest; or
 2. in the case of a review of a Penalty Notice or Screening Decision that has commenced, adjourn the review and withdraw from the power of decision, and advise the Director. The Town will reschedule the Screening Review or Hearing Review with another Screening Officer or Hearing Officer, as the case may be.
- ii. If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, the Director shall retain another Screening Officer or Hearing Officer to handle the matter that is subject of the conflict of interest.
 - iii. Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the Penalty Notice in a timely manner.

5.6. Addressing Conflicts if they Occur

- i. If an individual suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing Review where there was a conflict of interest, he/she may make:
 1. a complaint to the Town's Manager of Accountability, Procurement & Risk Management; and/or
 2. submit a formal complaint in accordance with the Town's Public Complaints Respecting the Administration of the AMPS Policy, Policy 2025-02.
- ii. Any finding of a conflict of interest may result in disciplinary action, up to and including termination of employment or revocation of appointment. Issues involving potential criminal matters will be forwarded to the Police.

5.7. Influence

- i. No person shall attempt, directly or indirectly, to communicate with employees or other individual performing duties related to the administration of AMPS for the purpose of influencing or interfering in, financially, politically or otherwise the administration of AMPS or any particular Penalty Notice, except a Person who is entitled to be heard in a Screening Review or Hearing Review. These exceptions include:
 - 1. a Person who is entitled to be heard in the proceeding;
 - 2. the Person's lawyer, authorized agent or authorized representative.
- ii. The Town's Screening and Hearing Officer By-law 2025-004 sets out a prohibition for influencing a Screening Officer or Hearing Officer and creates an offence under the *Provincial Offences Act* and the *Municipal Act, 2001* for any contravention of the provisions of the By-law.
- iii. If an individual attempts to influence a Screening Officer or Hearing Officer, contrary to the above, the Screening Officer or Hearing Officer shall report the incident to the Manager of Accountability, Procurement & Risk Management as soon as possible. No action will be taken against the Screening Officer or Hearing Officer for making any such report in good faith.

5.8. Charges under the Criminal Code of Canada or Other Statutes or Regulations

- i. Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, other Federal or Provincial statutes or Regulations, the Screening Officer or Hearing Officer shall disclose the charge to the Director within 5 business days of the charge being laid.
- ii. A determination will be made by the Director as to whether or not an actual, potential or perceived conflict of interest exists or if public confidence in the administration of AMPS has been compromised and,

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if so, the Screening Officer or Hearing Officer may be removed from his or her duties until the final disposition of the charge.

5.9. Implementation

- i. This Policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers.

5.10. Accountability

- i. All Screening Officers, Hearing Officers and Town staff involved in the administration of AMPS are responsible for adherence to this Policy. Accountability for interpretation of this Policy in relation to a real, potential or perceived conflict of interest shall be determined by the Director. In making this determination, the Director may consult with the Town's Solicitor or senior management.

6. Roles and Responsibilities

Members of Council: All Members of Council will be aware of the requirements of:

- Section 5.1, pertaining to the appointment of Hearing Officers
- Section 5.3, pertaining to the conduct of Screening and Hearing Officers
- Section 5.7, pertaining to influencing the administration of particular AMPS cases

Director of Legislative Services: The Director of Legislative Services will:

- appoint Screening Officers
- make determinations on a conflict of interest, pursuant to Section 5.5, Section 5.8, and Section 5.10
- Make revisions to this policy from time to time as may be required.

Manager of Accountability, Procurement & Risk Management: The Manager of Accountability, Procurement & Risk Management will:

- be aware of the requirements of Section 5.6, pertaining to the conduct of Screening Officers or Hearing Officers
- receive and address any complaints regarding conflicts of interest related to Screening Officers or Hearing Officers, as outlined in Section 5.6. In addressing any complaints,

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the Manager of Accountability, Procurement & Risk Management may consult with the Director, the Town's Solicitor, or senior management.

Staff, Hearing Officers, and Screening Officers: Staff, Hearing Officers and Screening Officers will be aware of and comply with the requirements of:

- Section 5.2, pertaining to conflict of interest
- Section 5.3, pertaining to conduct
- Section 5.4, pertaining to preventing conflict of interest
- Section 5.5, pertaining to disclosure
- Section 5.6, pertaining to addressing conflicts of interest, when they occur
- Section 5.7, pertaining to the reporting of attempts to influence
- Section 5.8, pertaining to the reporting of certain charges

7. References and Related Documents

The following documents relate to and support this policy:

- *Municipal Act, 2001*, S.O. 2001, c. 25
- Ontario Regulation 333/07 (Administrative Penalties)
- Town of Collingwood Administrative Monetary Penalty By-law 2025-003
- Town of Collingwood Screening and Hearing Officer By-law 2025-004
- Employee Code of Conduct
- Council Code of Conduct

8. Consequences of Non-Compliance

In cases of Policy violation, the Town may investigate and determine the appropriate corrective action(s) in accordance with the applicable policy, including but limited to the Council Code of Conduct, Employee Code of Conduct, and/or Employee Disciplinary Policy. Non-compliance of a Hearing Officer may include suspension or termination.

9. Review Cycle

This Policy shall be reviewed by the Manager of By-law every term of Council, or earlier as necessary.