


<b>Title:</b>	<b>Process for Filing a Complaint regarding the Administration of the AMP System</b>	
Doc No:	<b>8 - Administrative Monetary Penalty</b>	
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Date:	September 1, 2016	
Prepared by:	Rita L. Hardy Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

**SYNOPSIS:**

The purpose of this document is to provide a standardized, accessible, and efficient mechanism for filing and processing complaints made by the public pursuant to the City’s Parking Administration Monetary Penalties By-law 40-2016.

**BACKGROUND:**

This policy applies to any member of the public who has a complaint with respect to the administration of the system, provided that the member of the public has been directly affected by such alleged wrong doing. The complaint must be filed in accordance with the time limitations set out in this policy. This policy is not intended to replace other specific City programs and legal processes available to address the Complainant’s concerns.

**1. DEFINITIONS**

Unless the context other requires, the following terms have the following meaning:

“**Complainant**” means the person or persons filing a formal complaint pursuant to this policy;

“**Designated Complaints Investigator**” means the Manager of Planning and Parking or Supervisor of Parking Services;

“**Director**” means the Director of Transportation Services.

**PROCESS:**

**1. Formal Complaint**

**1. Format of Complaint**


Formal complaints must be in writing and must identify the name and full contact particulars of the Complainant. Complaints that are anonymous will not be accepted.

The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint before the investigation can be commenced.

**2. Time Limitations**

The written complaint must be received within thirty (30) days of the occurrence date.

These time limitations may only be extended when, in the opinion of the Designated Complaints Investigator, circumstances exist to reasonably justify the extension.

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### 3. Process

Upon receipt of a formal complaint, the Designated Complaints Investigator will first make a determination whether the issue properly falls within the scope of this policy and determine whether:

- a) the Complainant is alleging misconduct by an employee(s) of the Corporation or a Hearing Officer;
- b) the Complainant has been directly affected by the employee's conduct;
- c) the complaint is frivolous, vexatious, trivial or made in bad faith; and
- d) this policy is the appropriate venue through which to consider the complaint, as opposed to any other parallel process that may be underway, regarding the alleged event that led to the complaint.

### 4. Declining Investigation

If the Designated Complaints Investigator declines to investigate the formal complaint under this policy because of his/her determination of any of the matters set out above, he or she shall:

- a) notify the Complainant of the decision by a written letter within ten (10) working days from the date the complaint was received;
- b) provide the employee or Hearing Officer with a copy of the written complaint and decision by the Designated Complaint Investigator with the reason that the formal complaint was declined; and
- c) provide the Director with a copy of the written complaint and the reason as outlined in "b" above.

### 5. Proceeding with Investigation


The Designated Complaints Investigator will commence a full investigation and may:

- a) meet with the Complainant and the subject employee(s) or Hearing Officer independently;
- b) attempt to ensure that as much information has been obtained as possible;
- c) will obtain and review any applicable background documents or records;
- d) review additional documentary information; and
- e) meet with other individuals or witnesses, who have relevant information regarding matter(s) under investigation.

6. When dealing with a complaint of a very serious nature, other senior City staff will assist.

7. The subject employee(s) or Hearing Officer will be:

- a) provided with a copy of the written complaint(s) (or the portion(s) of the complaint that relates to him/her);
- b) given the opportunity to address every allegation made against him/her orally and/or in writing; and
- c) represented by legal counsel, if permitted, in accordance with the provisions below

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8. The Designated Complaints Investigator will:
  - a) reserve the right to request a third party investigation;
  - b) provide a written response to the Complainant within thirty (30) working days from the date the complaint was received setting out his or her decision; and
  - c) provide the same written response to the subject employee(s) or Hearing Officer and to the Director.

## 2. Legal Representation at Investigation Meeting(s)

Legal representation of the subject employee or Hearing Officer will be permitted at investigation meetings held with the employee or Hearing Officer. The rules of natural justice and procedural fairness will apply to all investigations conducted.

## 3. Withdrawal of Complaint

A Complainant may withdraw his/her complaint at any time; notwithstanding, the Corporation may continue to deal with the complaint if it considers it appropriate to do so. For tracking purposes, the Director will be notified that the complaint has been withdrawn and will be advised by the Designated Complaints Investigator whether the investigation will continue nonetheless.


## 4. Confidentiality

Any investigation conducted pursuant to this policy will be handled in as confidential a manner as possible. Complaints, respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents.

## 5. Tracking of Complaints

The complaint, response letters and advancements produced through this policy will be tracked by the Director. The Designated Complaints Investigator will maintain all original documentation related to the investigation. This documentation will not form a part of the employee(s) or Hearing Officer's file of reference but may be used to support the imposition of discipline or other corrective action, including but not limited to being used as evidence in proceedings challenging such action.

All records are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and may be subject to disclosure under the Act or to a court of law.

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**REFERENCE AUTHORITIES:**

*Municipal Act, 2001, S.O. 2001, c. 25*

Ontario Regulations 333/07 (Administrative Penalties)

City of Burlington By-law (AMP 40-2016)

City of Burlington By-law (Appointment of Screening and Hearing Officers 41-2016)

*Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, CHAPTER M.56*