



## STANDARD OPERATING PROCEDURE

Effective: June 2, 2014  
Review Date: January 4, 2015

### Undue Hardship for Payment of a Penalty Notice or Administrative Fee

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<b>Department:</b>	<b>Corporate Services</b>
<b>Division:</b>	<b>Council and Administrative Services</b>
<b>Section:</b>	<b>City Clerk's Office</b>
<b>Approved By:</b>	<b>Peter Fay</b>

#### **Purpose:**

To outline a process to respond to requests by persons with an Administrative Penalty for relief from paying all or part of an administrative penalty, including administrative fees, if requiring a person to do so would cause undue hardship.

#### **Scope:**

This procedure applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer and Hearing Officer, respectively, pursuant to AMPS By-law 333-2013.

#### **Definitions & Acronyms:**

Undue Hardship – Undue Hardship is special or specified circumstances that partially or fully exempt a person from performance of a legal obligation (i.e., payment of an administrative penalty, including any administrative fees) so as to avoid an unreasonable or disproportionate burden or obstacle.

Undue Hardship means significant difficulty or expense and focuses on the resources and circumstances of the person owing an administrative penalty, including administrative fees, in relationship to the cost or difficulty of paying the administrative penalty or any administrative fees.

#### **Procedure:**

Any person who receives a Penalty Notice is given the right to request a review of the Administrative Penalty by a Screening Officer.

The Screening Officer has the authority to cancel, reduce or extend the time for payment of the Administrative Penalty, including any administrative Fees, if the Screening Officer finds that the Administrative Penalty would cause undue hardship on the person who must pay the Penalty.



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A person who receives notice of a decision of the Screening Officer shall, if in disagreement with the decision, be given the right to a review of the Screening Officer’s decision by a Hearing Officer appointed for that purpose.

Similarly, the Hearing Officer has the authority to take into consideration undue hardship when determining to cancel, reduce or extend the time for payment of the administrative penalty.

**PROCESS:**

The Screening Officer or Hearing Officer:

- may cancel, affirm, or vary the penalty, upon such grounds that are set out in AMPS By-law 333-2013.
- may excuse a person from paying all or part of the administrative penalty, including any administrative fees that may cause undue hardship.
- will satisfy themselves at the Screening Review or Hearing Review as to the authenticity/credibility of the oral or documentary evidence and will refer to that evidence in their decision.
- The person must provide oral and documented proof, if available, of financial hardship. For example:
  - Old Age Security,
  - Canada Pension,
  - Guaranteed Income Supplement,
  - Disability Pension,
  - O.S.A.P. or
  - any other form of social assistance.
- All information and documentation will be treated in a confidential manner. Photocopies of the documentation may be required.

<b>Related Documents:</b>	
City of Brampton By-law 333-2013	

<b>Accountability:</b>
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Screening Officers and Hearing Officers



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<b>Director(s) Approval – Version Number #</b>			
<b>Director(s) name/Title</b>	<b>Dept</b>	<b>Date Approved</b>	<b>Signature</b>
Peter Fay, City Clerk	Corporate Services	May 30, 2014	