
CP.1.1.13

Section: Administration

Subsection: General

Subject: Conflict of Interest and Code of Conduct in Relation to the Administration of the Administrative Penalty System (APS)

Approval Authority: 2025.06.25-CR-01

Effective Date: June 25, 2025

1. Policy Statement

The Town of Innisfil is committed to ensuring that the **APS** System operates in a fair and impartial manner, free of conflicts of interest.

2. Purpose

Ontario Regulation 333/07 (“the **Regulation**”) pursuant to the *Municipal Act*, 2001 requires a municipality establishing an **APS** system for administrative penalties to have a policy relating to conflicts of interest. In accordance with the **Regulation**, the policy must define what constitutes a conflict of interest in relation to the **APS** and contain provisions to prevent such conflicts and a means of redress, should such conflicts occur.

This policy addresses conflict of interest provisions in relation to the administration of the **APS**. The policy sets out requirements relating to **Screening Officers**, **Hearing Officers** and **Town** staff in order to prevent actual, potential and perceived conflicts of interest, and to ensure that the **APS** responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.

For greater clarity this policy applies to all administrative penalty by-laws in the Town of Innisfil including the Towns Administrative Penalty By-Law and the Towns Administrative Penalty By-Law for Contraventions Detected Using Camera Systems.

3. Definitions

“**Administrative Penalty By-Laws**” means the by-laws passed by the **Town** to establish administrative penalties (“**APS**”), as amended from time to time, or any successor thereof;

“**APS**” means the Administrative Penalty System, established pursuant to the **Town’s Administrative Penalty By-Laws**;

“**Clerk**” means the Town Clerk, or anyone designated by the Clerk to perform his or her duties relating to **AMPs**;

“**Council**” means the Council of the **Town**;

“**Director**” means the Director of Growth for the **Town**, or his or her designate;

“**Hearing Officer**” means any person appointed from time to time pursuant to the **Screening and Hearing Officer By-Law**, to perform the functions of a hearing officer in accordance with the **Screening and Hearing Officer By-Law** and the **Administrative Penalty By-Laws**;

“**Hearing Review**” means the process related to review of a Screening Decision, as set out in section 5 of the Administrative Penalty By-Law and as set out in Section 6 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

“**Manager of Municipal Law Enforcement**” means the Manager of Municipal Law Enforcement or anyone designated by the Manager of Municipal Law Enforcement Leader to perform his or her duties relating to **APS**;

“**Parent**” means a person who has demonstrated a settled intention to treat a child as a member of his or her family, whether or not that person is the natural parent of the child;

“**Penalty Notice**” means a penalty notice as described in section 2.2 of the Administrative Penalty By-Law;

“**Penalty Order**” means an order of an Officer set out in a penalty notice as described in Section 3 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

“**Person**” includes an individual or a corporation;

“**Policy for Appointment of Screening and Hearing Officers**” means the policy adopted by the **Town** to govern the appointment of **Screening and Hearing Officers**, as amended from time to time, or any successor thereof;

“**Power of Decision**” means a power or right, conferred by or under the **Administrative Penalty By-Laws**, to make a decision about or prescribing the legal rights, powers, privileges, immunities, duties or liability of any **Person**;

“**Relative**” includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) Parent or legal guardian;
- c) child, including a step child and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece and nephew;
- f) in-laws, including mother, father, sister, brother, daughter and son; or
- g) any person who lives with the person on a permanent basis;

“**Screening and Hearing Officer By-Law**” means the by-law passed by the **Town** to establish the positions of **Screening and Hearing Officers** and to provide for the appointment of

Screening and Hearing Officers, in relation to administrative penalties, as amended from time to time, or any successor thereof;

“**Screening Decision**” means a notice which contains the decision of a **Screening Officer** as set out in section 4 of the Administrative Penalty By-Law and as set out in Section 5 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

“**Screening Officer**” means any person appointed from time to time pursuant to the **Screening and Hearing Officer By-Law**, to perform the functions of a screening officer in accordance with the **Screening and Hearing Officer By-Law** and the **Administrative Penalty By-Laws**;

“**Screening Review**” means the process related to the review of a **Penalty Notice**, as set out in section 6 of the Administrative Penalty By-Law and the review of a **Penalty Order** as set out in Section 5 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems;

“**Staff Code of Conduct**” means the policy adopted by the **Town** to govern employee conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

“**Statutory Powers Procedure Act**” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof; and

“**Town**” means The Corporation of the Town of Innisfil

4. Responsibility

The Municipal Law Enforcement Department shall be responsible for the development, approval, implementation, training, monitoring, and compliance of and with the policy.

5. Application

This Policy applies to all **Screening Officers, Hearing Officers**, and **Town** employees involved in the administration of the **Town's APS** program.

The following shall apply in addition to this Policy:

- a) For **Town** employees involved in the administration of the **APS** program: the **Staff Code of Conduct** shall also apply in regard to the activities of an employee in the administration of the **APS** program. In the event of a conflict between the provisions of this Policy and the provisions of the **Staff Code of Conduct** in relation to the **APS**, this Policy shall supersede.
- b) For **Hearing Officers**: the provisions of any agreement governing the retainer between the **Town** and a **Hearing Officer(s)** shall also apply in regard to the activities of the **Hearing Officer**. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.

This Policy shall apply in addition to all applicable law (ie. the *Municipal Conflict of Interest Act*, etc.). A breach of applicable law relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

6. Administration

6.1 Communication

This Policy will be posted on the **Town's** website.

Staff will be advised of the new Policy via distribution to the Senior Leadership Team; and

This Policy shall form part of the orientation for all **Screening Officers, Hearing Officers** and **APS** enforcement and administration staff.

6.2 Appointment of Screening Officers and Hearing Officers

The **Screening and Hearing Officer By-Law** and **Policy For Appointment of Screening and Hearing Officers**, establish the rules regarding the appointment of **Screening Officers** and **Hearing Officers**.

Screening and Hearing Officers shall be appointed and recruited in accordance with the Policy for Appointment of Screening and Hearing Officers.

6.3 Screening Officers

Screening Officers are employees of the **Town** and therefore must also abide by the **Staff Code of Conduct and Conflict of Interest corporate policy**.

Screening Officers must be and appear to be impartial at all times. **Screening Officers** shall not review a **Penalty Notice or Penalty Order** for a personal or business acquaintance or **Relative**.

6.4 Hearing Officers

Hearing Officers, in conducting a **Hearing Review**, are bound by and shall comply with the **Statutory Powers Procedures Act**, as well as 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. A **Hearing Officer** shall not review a **Screening Decision** for a personal or business acquaintance or **Relative**.

Hearing Officers must also abide by the terms of any agreement governing the retainer between the **Hearing Officer** and the **Town**.

6.5 Conduct of Screening Officers and Hearing Officers

All **Screening Officers** and **Hearing Officers** shall:

- a) both be and appear to be independent, impartial, and unbiased;
- b) avoid all conflicts of interest, whether real, potential or perceived, and promptly take appropriate steps to disclose, resolve, or obtain advice with respect to any such conflict should it arise;
- c) not represent any **Person** at a **Screening Review** or **Hearing Review**;
- d) not dispute their own **Penalty Notices** or **Penalty Orders** and are expected to pay the **Penalty Notice** in a timely manner;
- e) not be influenced by partisan interests, public opinion, or by fear of criticism;

- f) not use their title and position to promote their own interests or the interests of others;
- g) discharge their duties in accordance with the law, **Town** by-laws and the **APS** policies, procedures and guidelines in effect from time to time;
- h) maintain and upgrade their knowledge and competence through their work, by participating in training and education courses as required by the **Town**, including training relating to implicit bias, and by seeking guidance from their colleagues and the **Town**, as necessary;
- i) remain up to date on changes in the law, **Town** by-laws, policies and procedures relevant to their function;
- j) act with integrity, as they are subject to ongoing public scrutiny;
- k) 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 the **APS**;
- l) 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 the **APS** and with their appointment;
- m) convey their decisions in plain language, including the reasons therefor where such are required;
- n) safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by, and in accordance with, the law;
- o) 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**, and without limiting the foregoing, comply in all respects with the Ontario Human Rights Code;
- p) refrain from openly and publicly criticizing the administration of the **APS** or the conduct of others, including **Town** employees or members of **Council**. **Screening Officers** and **Hearing Officers** shall acknowledge that only the **Clerk** or **Manager of Municipal Law Enforcement** may speak publicly on behalf of the **Town's APS** program. Any criticisms, suggestions or concerns related to the **APS** shall be communicated through appropriate channels to the **Clerk** or the **Manager of Municipal Law Enforcement**;
- q) deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services; and
- r) not knowingly exercise a power or function for which they have not been trained or designated.

6.6 Conflict of Interest

A conflict of interest arises where a **Screening Officer**, **Hearing Officer** or **Town** employee involved in the administration of the **APS**, or any **Relative** of same, has a direct or indirect personal or financial interest:

- a) such that they could influence a decision made in relation to the **APS**;
- b) that may affect the performance of their job duties in relation to the **APS**;
- c) that conflicts, might conflict, or may be perceived to conflict with the interests of the proper administration of the **APS**; or
- d) that may adversely affect the reputation of the **Town** as a public authority in relation to the **APS**.

A conflict of interest includes a pecuniary or non-pecuniary interest, actual, perceived or potential conflict, that could arise in relation to personal or financial matters, including but not limited to:

- a) directorships or employment;
- b) interests in business enterprises or professional practices;
- c) share ownership or beneficial interests in trusts;

- d) professional or personal associations with a **Person**;
- e) professional associations or relationships with other organizations;
- f) personal associations with other groups or organizations; or
- g) family relationships, including **Relatives**.

6.6.1 Preventing Conflict of Interest

Without limiting the foregoing, **Screening Officers, Hearing Officers**, and all persons involved in the administration of the **APS** shall avoid activities or circumstances that create conflicts, whether real, potential or perceived, between their personal interests and their responsibilities in relation to the **APS**, including situations where their personal interests or the perception that their personal interests could influence any decisions they make on behalf of the **Town**. Any obligation, interest, or participation, which would or could interfere with the fair and impartial administration of AMPS or the exercise of judgment in relation to the **APS**, constitutes conflict of interest.

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** or administrative role in relation to the **APS** applies to any real, potential, or perceived conflict of interest.

6.6.2 Reporting Conflicts of Interest

Every **Screening Officer, Hearing Officer** or **Town** employee involved in the administration of the **APS**, must disclose, in accordance with this Policy, any obligation, commitment, relationship or interest that poses a real, potential, or perceived conflict with his or her duties in relation to or interests in the administration of the **APS**.

Screening Officers

Screening Officers and **Town** employees involved in the administration of the **APS** shall notify the **Director** of any conflict of interest, real, potential, or perceived, that they may have in relation to a matter.

Hearing Officers

If a **Hearing Officer** becomes aware of any real, potential, or perceived conflict of interest, the **Hearing Officer** shall notify the **Manager of Municipal Law Enforcement**.

6.7 Assignment of Alternate Screening Officer or Hearing Officer

Where a real, potential, or perceived conflict of interest is reported by a **Screening Officer** or **Hearing Officer**, as set out in this Policy:

- a) in the case of a review of a **Screening Review** or **Hearing Review** that has not yet commenced, the **Manager of Municipal Law Enforcement** shall assign another **Screening Officer** or **Hearing Officer** to conduct the review to avoid actual, potential, or perceived conflict of interest; or
- b) in the case of a review of a **Screening Review** or **Hearing Review** that has commenced:

- i) the **Screening Officer** or **Hearing Officer**, as the case may be, shall adjourn the review and withdraw from the **Power of Decision**; and
- ii) the **Manager of Municipal Law Enforcement** shall cause the **Screening Review** or **Hearing Review** to be recommenced and rescheduled with another **Screening Officer** or **Hearing Officer**.

If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, the **Manager of Municipal Law Enforcement** shall retain another **Screening Officer** or **Hearing Officer** to handle the matter that is the subject of the conflict of interest.

The **Manager of Municipal Law Enforcement** may consult with the **Town Solicitor**, or his/her designate, for further guidance in regard to this Policy.

6.8 Compliance

In cases of policy violation, the **Town** may investigate and determine appropriate corrective action.

7. Exceptions

None.

8. References

By-Law No. 055-25 being the Town's Administrative Penalty System for Contraventions Detected using Camera Systems;
 By-Law No. 053-22, being the Town's Administrative Monetary Penalty By-Law;
 By-Law No. 054-22, being the Town's Screening and Hearing Officer By-Law;
 CP.3.1.3 Code of Conduct for Members of Council and Local Boards;
 CP.11.1.4 Staff Code of Conduct and Conflict of Interest; and
Municipal Act, 2001

9. Revision History

Revision No.	Date	Summary of Changes	Approval Authority
V1	2022.06.08	Adoption	2022.06.08-CR-02
V2	2025.06.25	Language changes to support the expansion of the administrative penalty system for Contraventions Detected using Camera Systems	2025.06.25-CR-01