

Corporate Policy and Procedure



Policy	APS Policy – Financial Management and Reporting
Category	Corporate
Authority	Legal and Court Services
Related Policies	Listed below
Approved By	General Manager, Legal and Court Services / City Solicitor
Effective Date	Thursday, May-01-2025
Revision Date	Tuesday, April 22, 2025

Policy Statement

The Corporation of the City of Guelph requires and values that its Administrative Penalty System ("APS") be administered in a transparent and ethical manner in accordance with applicable legislation and Council-approved by-laws.

Pursuant to O. Reg. 333/07: Administrative Penalties, made under the *Municipal Act, 2001*, a municipality establishing an APS is required to have a policy relating to financial management and reporting of APS.

Purpose

This Policy establishes requirements regarding financial management and reporting of administrative penalties and fees. This Policy affirms that the City of Guelph's APS shall follow the existing corporate policies and procedures related to financial management and reporting.

Scope

This Policy applies to all financial management and reporting responsibilities and accountabilities regarding the APS. All persons responsible for administering the APS, as well as Screening Officers and Hearing Officers, shall comply with this Policy.

The City of Guelph has established financial management policies and procedures which, along with proactive financial planning processes, provide a framework for the City's overall fiscal planning and management. The City continues to display financial accountability through regular, thorough, and transparent financial performance reporting, analysis, and auditing. This will be reflected in routine

reporting on APS financial results, as well as efficiency and effectiveness measures of the APS programs and services.

Definitions

Administrative Fee means any fee specified in the Administrative Penalty By-law (2025) - 21055;

Administrative Penalty By-law means By-law No. (2025) – 21055 passed by the City to establish administrative penalties for parking, as amended from time to time, or any successor thereof;

Administrative Penalty System or **APS** is a City-administered system established by the Administrative Penalty By-law for the administration of civil penalties in respect of the failure to comply with a designated by-law;

City means The Corporation of the City of Guelph;

Council means the Council of the City of Guelph;

Designated by-law means a by-law that is designated by the City as a by-law to which the City's Administrative Penalty System Applies and, if only a part of a by-law is designated, includes only the designated part of the by-law;

General Manager / City Solicitor means the General Manager of Legal and Court Services / City Solicitor for the City of Guelph, or anyone designated by the General Manager to perform their duties relating to the APS;

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-law;

MFIPPA means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended from time to time, or any successor thereof;

Penalty Notice means a penalty notice as described in Section 4 of the Administrative Penalty By-law;

Person includes an individual, corporation or other legal entity;

Policy means this APS Policy – Financial Management and Reporting.

Screening and Hearing Officer By-law means By-law No. (2025) - 21056 passed by the City of Guelph to establish the positions of Screening Officer and Hearing Officer and to provide for the appointment of Screening Officers and Hearing Officers, in relation to administrative penalties, as amended from time to time, or any successor thereof;

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-law;

User Fees By-law means By-law No. (2024) - 21002, being a by-law to impose user fees or charges for City services or activities, as amended from time to time, or any successor thereof.

Policy

General Financial Management and Reporting

Preparation of the City's budget revolves around priority setting that reflects the City's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance, all balanced with the need for prudent financial management. Priority setting and budgeting with respect to the APS shall be the responsibility of Legal and Court Services.

Payment of a Penalty Notice

Any person issuing a Penalty Notice for an infraction of a designated by-law is not permitted to accept payment for an Administrative Penalty.

Hearing Officers are prohibited from directly accepting any payment from any Person in respect of a Penalty Notice.

City of Guelph employees shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

Methods of Payment

Following the issuance of a Penalty Notice, the Person is permitted to make a voluntary payment by using one of the following methods:

- Online (subject to a nominal processing fee) at Guelph.ca/aps;
- In person during regular business hours of Monday – Friday, 8:30 AM – 4:00 PM at City of Guelph POA Courthouse – 59 Carden Street, Guelph, ON or any additional future locations as identified by the City;
- In person outside of regular business hours by cheque made payable to City of Guelph placed in the after hours secure drop box at City Hall, 1 Carden Street, Guelph, ON N1H 3A1 and will be received next business day. Receipt will not be provided for this method; or
- By mail using a cheque, as follows:
 - the Penalty Notice number must be written on the front of the cheque;
 - the cheque shall be made payable to The Corporation of the City of Guelph; and
 - mailed to: City of Guelph 59 Carden Street, Guelph, ON N1H 3A1.

Payment is not considered made until received by the City of Guelph. Persons must allow sufficient mailing time for payments and should not send cash by mail. Post-dated cheques or payment by installments (unless otherwise agreed by the General Manager) are not accepted. A fee will be applied for any Non-Sufficient Funds, cancelled, or reversed payment, in accordance with the City's Fees and Charges By-law.

Processing Payment

Payments will be processed by City of Guelph Court Services, Court Administration staff, as follows:

- Online - The Person enters their Penalty Notice and related information into the system and makes a payment with their credit card. Once the transaction

is processed and approved, the Person may print a receipt of payment as proof of payment for their records.

- In Person during regular business hours – City staff will apply the Person's chosen method of payment to the Penalty Notice. The Person is provided with a receipt of payment for their records.
- In person outside regular business hours - City staff will apply the cheque payment to the Penalty Notice. A receipt is not provided when using this method of payment.
- By Mail – City staff will apply the cheque payment to the Penalty Notice. A receipt is not provided when using this method of payment.

Unless otherwise agreed by the General Manager partial payments will not be accepted. Upon application of payment, the Penalty Notice will reflect "paid" status.

A Person's credit card information is not kept by the City's system, in accordance with MFIPPA.

Refund of Payment

If a Person has paid any Administrative Fee in respect of a Penalty Notice, and the Administrative Fee or part thereof is later cancelled or reduced by a Screening Officer or Hearing Officer, the City shall refund the Administrative Fee or part thereof cancelled or reduced to the Person. The processing of refund requests shall be initiated by the Court Administration division.

Administrative Fees

Various Administrative Fees may be payable by a Person with a Penalty Notice as set out in the Administrative Penalty By-law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

Responsibilities

Court Services

Through the process of financial management and reporting for the APS, Court Services shall:

- Review and monitor current year actual, budgeted and projected financial performance and operating results;
- Proactively compare program financial activity with past performance to identify trends, issues and opportunities;
- Determine priorities for maintaining and improving APS service levels;
- Identify and mitigate factors impacting the APS budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of City of Guelph decision-makers;
- Comply with all corporate reporting standards and requirements as part of the City's financial management and reporting processes;
- Ensure all necessary financial signing authorities are updated and followed by all staff involved in APS administration; and
- Comply with all City procurement policies and procedures regarding the APS.

Policy Communication

This Policy will be communicated internally and externally as follows:

- This Policy will be posted on the City's website and intranet.
- Employees will be advised of the Policy and any amendments or replacements, from time to time, via distribution to the Executive Leadership Team and/or Corporate Leadership Team;
- Members of Council shall be provided with a copy of this Policy; and
- This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees and independent contractors involved in the administration or enforcement of the APS.

Monitoring and Compliance

In accordance with the City of Guelph policies, collective agreement, and applicable legislation, any employee or appointee found to be demonstrating actions and/or behaviours that are not consistent with the terms of this Policy will result in an investigation, subject to possible discipline up to and including revocation of appointment and/or termination of employment.

Related By-laws and Policies

- By-Law Number (2025) - 21055 Administrative Penalty Bylaw
- By-law Number (2025) - 21056 Screening and Hearing Officer Bylaw
- By-Law Number (2024) - 21002 User Fees By-law
- APS Policy – Appointment of Screening Officers and Hearing Officers
- APS Policy – Conflict of Interest and Code of Conduct
- APS Policy - Preventing Political Interference
- APS Policy - Public Complaints
- APS Policy - Undue Hardship
- City of Guelph Employee Code of Conduct

References

- *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- O. Reg. 333/07: Administrative Penalties made under the *Municipal Act, 2001*.
- *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended.

Review Timeline

This policy will be reviewed 2 years from the initial Effective Date, and at 2-year intervals thereafter.