



Township of Georgian Bay AMPS Refund Policy

Policy Number: 2024-009-AD

Department: Fire and Emergency
Services

Effective Date: February 12, 2024

Approval: CAO

Attachments:

Related Documents / Legislation: Administrative Monetary Penalty System
By-law 2024-004

A. Policy Statement

The Township of Georgian Bay has deployed an Administrative Monetary Penalty System (AMPS) for the administration of the various by-laws in force in the Township. An administrative penalty can be imposed by a by-law enforcement officer on behalf of the Township, upon an offender within the context of an administrative process rather than a judicial process. The penalty, once confirmed is considered a debt owed to the Township. The system of administrative penalties incorporates defined provisions for the refund of an administrative penalty.

B. Purpose

This Policy is to provide a standardized guideline to define what constitutes reasonable incidents that would qualify for a refund of an administrative penalty.

C. Definitions

For the purposes of this Policy, the following terms are defined in accordance with By-law 2024-004

AMPS means Administrative Monetary Penalty System;

Director means the Director of Fire and Emergency Services of the **Township** or their delegate;

Hearing Officer means a Person appointed by Council to perform the functions of a Hearing Officer in accordance with this By-law;

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Officer means a Municipal Law Enforcement Officer, Police Officer or any other Person appointed by by-law to enforce a Township By-law;

Screening Officer means a Person appointed by Council to perform the functions of a Screening Officer in accordance with this By-law;

Township means the Corporation of the Township of Georgian Bay in the District of Muskoka.

D. General Terms and Procedures

Scope

The individual has an obligation to either pay the prescribed administrative penalty, or request a review of the penalty within 15 days of the date of the Penalty Notice. Circumstances may arise where a payment of an administrative penalty may need to be refunded to the person who made the payment.

The authority to authorize a refund will rest with the Director.

Situations that could constitute a valid reason for a refund would include:

- a) Double payment: the penalty has been attempted to be paid twice. This could occur in situations where a person pays the penalty and for whatever reason the penalty is attempted to be paid again. Examples of this may include:
 - i. a driver pays the penalty followed by the owner or other person attempting to pay the penalty again.
 - ii. a person forgets that payment was made and attempts to pay again,
 - iii. a technological issue where the payment confirmation is not received leading to the penalty attempting to be paid again.
- b) Over payment or payment error: the person pays more than the allotted penalty, requiring the excess to be refunded; or the person pays the penalty immediately, and then prior to the 15-day period, reconsiders and requests a screening which results in a reduction or cancellation of the penalty.
- c) Penalty Notice Error: the penalty notice was issued in error and the payment was made prior to the notice being cancelled. Examples of this include:

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- i. A fatal error on the face of the ticket including, wrong plate, offence date, location, make of vehicle or listed offence.
- ii. A notice issued in error including situations where an offence was not committed.

The person will complete a Refund Request Form. The request will be forwarded to the Director for approval. Once the approver is satisfied that a refund is required, the request along with the supporting documentation will be forwarded to Accounts Payable.

Accounts Payable will process the refund and notify the Officer that the refund has been processed.

The Officer will ensure that the payment reduction or refund is properly corrected in the tracking system.

Unless outlined in this policy, no refund shall be contrary to an amount stipulated in a decision from the Screening or Hearing Officers.

E. Supported By

Strategic Plan
Transparency Withing Government
Municipal, Fiscal and Resident Responsibility
Well Managed Infrastructure