



**TOWNSHIP OF ESSA JOINT DATA PROCESSING CENTRE
AUTOMATED SPEED ENFORCEMENT
ADMINISTRATIVE PENALTY (ASE AP) PROGRAM
POLICY
FINANCIAL HARDSHIP**

1. Purpose:

The purpose of this Policy is to provide for direction in responding to requests by persons that received a Penalty Order as the result of a speeding contravention captured by an automated speed enforcement device, for relief from paying all or part of a Penalty Order where the person can demonstrate that they would suffer unreasonable financial hardship if required to pay the Penalty Order in full.

2. Definitions

For the purposes of this Policy, the following definitions are defined in accordance with Essa's ASE Administrative Penalty By-law:

"Administrative Fee" means any monetary amount specified in Essa's ASE AP By-law 2024-18 or set out in Ontario Regulation 355/22 made under the *Highway Traffic Act*.

"APS" – means Administrative Penalty System.

"Hearing Decision" means the Notice that contains the decision made by a Hearing Officer as referred to in section 6.10 of Essa's ASE AP By-law 2024-18.

"Hearing Officer" – means a person who is appointed by Township of Essa Council to perform the duties of the Hearing Officer as set out in section 6 of Essa's ASE AP By-law 2024-18.

"Hearing Review" means the process set out in section 6 of Essa's ASE AP By-law 2024-18.

"Penalty Order" – means an order that is made under subsection 21.1(2) of the *Highway Traffic Act*.

"Person" – includes an individual or a business, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and license plate portion, and different persons are named on each portion, the person whose name appears on the license plate portion as provided by the Ontario Ministry of Transportation is the "Person" for the purposes of this Policy.

"Screening Decision" means the Notice which contains the decision of the Screening Officer, delivered in accordance with section 5.7 of Essa's ASE AP By-law 2024-18.

“*Screening Officer*” means a person who performs the functions of a Screening Officer in accordance with section 5 of Essa’s ASE AP By-law 2024-18.

“*Screening Review*” means the process as set out in section 5 of Essa’s AP By-law 2024-18.

“*Township*” means the Corporation of the Township of Essa.

3. Provisions

3.1 Application

This Policy applies to a Screening Review and Hearing Review conducted by a Screening Officer and Hearing Officer, respectively, pursuant to the Township of Essa’s ASE AP By-law 2024-18.

3.2 General Provisions

- 3.2.1 Any Person who receives a Penalty Order as the result of a speeding contravention having been captured by an automated speed enforcement device is provided the right to dispute their Penalty Order within the designated 30-day timeframe following the deemed date of service, in accordance with section 7 of Ontario Regulation 355/22.
- 3.2.2 The Screening Officer has the authority to vary the penalty order by applying a financial hardship reduction to the original amount due, or to extend the timeline for payment if the Screening Officer finds that full payment of the Penalty Order cause undue financial hardship.
 - 3.2.2.1 A decision made by the Screening Officer to financially reduce a Penalty Order due to financial hardship shall only be applied one time, and only once the registered owner of the vehicle that was captured by an ASE device provides subsequent documentation that supports the claim of financial hardship (refer to subsection 3.3 of this Policy).
 - 3.2.2.2 Consideration by Screening Officers to apply a financial hardship reduction to future Penalty Orders will not be considered if the Screening Officer is not satisfied in future Screening Reviews that the Person has made any attempt to correct the contravening behaviour.
- 3.2.3 A Person who receives a Notice of Screening Decision from the Screening Officer, if in disagreement with the Screening Decision, shall be given the right to dispute the Screening Officer’s Decision with a Hearing Officer.

- 3.2.4 The Hearing Officer has the authority to vary the penalty order by applying a financial hardship reduction to the original amount due, or to extend the timeline for payment if the Hearing Officer finds that payment of the Penalty Order would cause undue financial hardship.
- 3.2.5 Once the Decision of the Hearing Officer has been made, and the Notice of Hearing Decision has been sent to the Person, the appeal process is considered concluded. The Decision of the Hearing Officer is final in accordance with Ontario Regulation 355/22.

3.3 Documentation to Support Financial Hardship

- 3.3.1 A Person who claims that payment of the penalty order in full would cause financial hardship is required to provide documentation to support their claim at the time of the Screening Review or Hearing Review. The person, when required, shall provide documented proof of financial hardship as follows:
- Copy of Canada Revenue Agency Notice of Tax Assessment for the last full calendar year, and
 - Copies of financial statements showing proof of reduced income such as:
 - Old Age Security
 - Canada Pension or other pension information
 - Guaranteed Income Supplement
 - Disability Pension
 - Child and/or spousal support orders
 - Ontario Student Assistance Program
 - Proof of Attendance at educational institution (applies to full time students only)
 - Ontario Works
- 3.3.2 The Screening or Hearing Officer will satisfy themselves at the Screening Review or Hearing Review as to the authenticity/credibility of the documents provided and will later refer to those documents in their decision.

4. Records Retention

All information and documentation shall be treated in a confidential manner, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Photocopies of the documentation may be required and attached to the Screening Decision and/or Hearing Decision record.

Cross References

Municipal Act, 2001, as amended
Highway Traffic Act
Ontario Regulation 355/22 (ASE Administrative Penalties)
Township of Essa ASE AP By-law 2024-18

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