



Municipality of Meaford Corporate Policy

Policy: Administrative Penalty System – Conflict of Interest Policy

Division: Legislative Services

New Policy: July 2026

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Policy Statement

The Municipality of Meaford requires and values that its Administrative Penalty System (“APS”) be administered in a transparent, fair and independent manner without any conflict or perceived conflict of interest.

Purpose

The purpose of this document is to provide a standardized guideline to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to rectify such conflicts should they occur.

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 conflicts of interest. In accordance with O. Reg. 333/07, the policy must define what constitutes a conflict of interest in relation to the APS, contain provisions to prevent such conflicts, and procedures to address such conflicts should they occur.

Definitions

For the purposes of this Policy, all terms are defined in accordance with the Administrative Penalty By-law 2026-47 and the Screening and Hearing Officer By-law 2026-48.

“Chief Administrative Officer” or “CAO” means the senior executive appointed by Council who is responsible for managing the Municipality’s staff and operations.

“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.

Scope

This policy applies to all Screening Officers, Hearing Officers and all the Municipal officials and staff involved in the administration of APS.

In regard to Members of Council, this Policy should be read and interpreted within the context of prevailing Provincial legislation (including, without limitation, the Municipal Conflict of Interest Act) and the Council Code of Conduct, including its related policies, procedures and guidelines.

The following shall apply in addition to this Policy:

- For independent Hearing Officers: the provisions of any agreement or retainer governing the relationship between the Municipality of Meaford and a Hearing Officer shall also apply regarding 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 Municipal policies. A breach of Municipal policy relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

Policy Requirements

Appointment of Screening Officers

The Screening and Hearing Officer By-law and the Appointment of Screening and Hearing Officers Policy establish the rules regarding the appointment of Screening Officers and Hearing Officers, including eligibility criteria, application review, and appointment and revocation. Screening and Hearing Officers shall be appointed and recruited in accordance with the Policy for Appointment of Screening and Hearing Officers.

The following persons are not eligible for appointment as Screening or Hearing Officers:

- an Issuing Officer;
- A Member of Council
- A Relative of a Member of Council
- In the case of a Hearing Officer, an employee of the Municipality; or
- a person indebted to the Municipality, other than in respect of current property taxes due but not yet payable; or pursuant to an agreement with the Municipality where the person is in compliance with the terms thereof.

Conflict of Interest

Administrative Conflicts

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

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

Additional Conflicts of Interest

A conflict of interest includes 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:

- directorships or employment;
- interests in business enterprises or professional practices;
- share ownership or beneficial interests in trusts;
- professional or personal associations with a Person;
- professional associations or relationships with other organizations;
- personal associations with other groups or organizations or family relationships, including Relatives.

Conflict of Screening Officers and Hearing Officers

Screening Officer

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



Screening Officers are not permitted to review penalty notices that have issued.

Screening Officers shall not represent any person at a Screening Review or Hearing Review.

Hearing Officer

Hearing Officers, in conducting a Hearing Review, are bound by the Statutory Powers and Procedures Act, as well as bound by general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, legitimate expectation, etc.). Hearing Officers must be, and appear to be, impartial at all times.

Hearing Officers shall not review a Screening Review Decision for a personal or business acquaintance or relative.

Hearing Officers shall not represent any person at a Screening Review or Hearing Review.

Hearing Officers must also abide by the terms of any agreement governing the relationship between the Hearing Officer and the Municipality.

Conduct of Screening Officers and Hearing Officers

All Screening Officer(s) and Hearing Officer(s) shall conduct themselves in the following manner.

With independence:

- i. both be and appear to be independent, impartial, and unbiased;
- ii. 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;
- iii. not be influenced by partisan interests, public opinion, or by fear of criticism;

- iv. not use their title and position to promote their own interests or the interests of others;
- v. should discharge their duties in accordance with the law, Municipal By-laws and APS policy, procedures and guidelines.

With knowledge:

- vi. should maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues, as required.
- vii. should remain up to date on changes in the law, Municipal by-laws, policy and procedures relevant to their function.

With conduct becoming:

- viii. are subject to ongoing public scrutiny and therefore they must 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 program.
- ix. should approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the dignity of the APS system and their appointment.
- x. should convey in plain language their decisions and the reasons therefore where such are required.
- xi. must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- xii. in discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons.

With administration of natural justice paramount:

- xiii. shall refrain from openly and publicly criticizing the administration of the APS program or the conduct of others. Screening and Hearing Officers shall recognize that only the Director of Legislative Services may speak publicly on behalf of the Municipality's APS program. Any criticisms, suggestions, or concerns related to the APS program should be communicated through appropriate channels to the Director of Legislative Services.
- xiv. should deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- xv. must not knowingly exercise a power or function for which they have not been designated.

Disclosure

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 APS applies to any real, potential, or perceived conflict of interest.

Every Screening Officer, Hearing Officer or other Municipal staff person involved in the administration of APS, must disclose any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the APS program.

If a Screening Officer or Hearing Officer becomes aware of any real or perceived conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Screening Officer or Hearing Officer shall declare the conflict by notify the Director of Legislative Services, or his or her designate(s), of the conflict of interest.

Where a conflict has been declared:

- i. In the case of a scheduled review of Screening or Hearing Review that has not yet commenced, the Director shall assign another Officer to conduct the review to avoid the conflict.
- ii. In the case of a review that has commenced:
 - a. The Officer shall adjourn the review and withdraw from the power of decision.
 - b. The Director shall cause the review to be recommended and scheduled with another Officer.
- iii. If all appointed officers have a conflict of interest, the Clerk shall retain another Officer to handle the matter.
- iv. The Director may consult with the CAO, the Integrity Commissioner or legal counsel at any time in regard to this policy.

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for a parking infraction in a timely manner.

Addressing Conflicts of Interest Should They Occur

In accordance with the Municipality of Meaford policies 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.

Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, or under any other Federal or Provincial statute or Regulation where continuing to perform duties may erode public confidence in the administration of justice, the Screening Officer or Hearing Officer shall disclose same to the Director of Legislative Services within 5 business days of the charge being laid. Action may be taken by the Municipality as the discretion of the Director. If determined appropriate, may

include suspension from duties until the final disposition of the charge and, upon final disposition, may include, but is not limited to, termination of duties related to APS and/or revocation of appointment.

Influence

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with employees or other persons performing duties related to the administration of APS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

Compliance

In accordance with the Municipality of Meaford policies 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.

Review

This policy shall be reviewed once during the term of Council.

Monitoring

The Director of Legislative Services shall be responsible for receiving complaints and/or concerns related to this policy.



Authority

This policy is established pursuant to Section 11 (2) of the Municipal Act, 2001 which provides for the passing of by-laws and adoption of policies pertaining to the accountability and transparency of the Municipality.

Contact

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