

ADMINISTRATIVE MONETARY PENALTY

ADDITIONAL INFORMATION

Would you like to request a review?

Here are some examples of reasons that do not or generally do not lead to the cancellation of an administrative monetary penalty (AMP).



High amount or difficulty in paying the amount:

E.g.: "The amount of the AMP imposed on me is too high. I am requesting a reduction of the amount."

"I have been imposed an AMP of \$10,000. I am unable to pay this amount due to my precarious financial situation."

The amount of the AMP cannot be reduced. It is neither discretionary nor negotiable. It is set by law or regulation depending on the violation and the type of offender. However, it is possible to arrange a payment agreement with the Ministère to spread the payment of the AMP over several instalments. To do so, you must contact the Direction de l'expertise comptable using the contact information provided on the back of the claim notice.



Ignorance of the law:

E.g.: "I was unaware that the law imposed this obligation and that it applied to me."

Ignorance of the law does not excuse the violation and is not a valid ground for cancelling the AMP.



Investment made to comply with Ministère requirements:

E.g.: "I have been imposed an AMP of \$5,000. However, I have already invested that amount, if not more, to comply with the Ministère's requirements."

Although the corrective actions required may entail a financial investment, this does not cancel the AMP or reduce its amount.



Return to compliance and collaboration:

E.g.: "I collaborated to comply with the Ministère's requirements. Everything is now in order."

"I submitted an authorization application following the inspection."

Although it is desirable for an offender to comply following an inspection or the issuance of a notice of non-compliance, or to collaborate with the Ministère to return to compliance, this generally does not lead to the cancellation of the AMP.



Good faith:

E.g.: "I have always acted in good faith."

"Protecting the environment is one of my core values."

The AMP regime aims to penalize non-compliance with the law. Therefore, good faith and a willingness to protect the environment are not grounds for cancelling the AMP.



Administrative issues:

E.g.: "We were unable to carry out the necessary verifications due to a staff shortage."

"The monthly report could not be submitted on time because of a communication error."

Staff shortages and organizational issues generally do not constitute grounds for cancelling the AMP, as everyone is responsible for ensuring compliance with their legal obligations.



Report or comparison with third parties:

E.g.: "It was probably my neighbour who filed a complaint against me."

"I do not understand why I received an AMP when other businesses are doing much worse."

As long as a violation has been established and the criteria for its imposition are met, whether the inspection resulted from a report or not is irrelevant. Similarly, the fact that others may also be in violation of the law does not constitute grounds for cancelling the AMP.

For more information:

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Bureau de réexamen

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