



OFFICE CONSOLIDATION

BY-LAW 334-2013

(Amended by By-laws 132-2014, 91-2019)

A by-law to delegate the power to appoint a Screening Officer and Hearings Officer to adjudicate Reviews and Appeals of Administrative Penalties

Recitals:

Subsection 102.1 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*"), provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles.

The Province adopted the Administrative Penalties Regulation, O.Reg 333/07, pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

Under the Administrative Penalties Regulation a person who receives a Penalty Notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

Under the Administrative Penalties Regulation a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearings Officer appointed by the municipality;

The City of Brampton considers it desirable and necessary to establish the position of a Screening Officer and a Hearings Officer which are required for the operation of the City's Administrative Penalty By-law;

NOW THEREFORE The Corporation of the City of Brampton enacts as follows:

PART I – SHORT TITLE

1. This By-law may be referred to as the “Screening and Hearings Officer By-law”.

PART II – DEFINITIONS

2. For the purposes of this By-law:

“Administrative Penalty” means a monetary penalty imposed for a contravention of a Designated By-law as set out in the Administrative Penalty By-law;

“Administrative Penalty By-law” means the Administrative Penalty By-law, as the same may be amended from time to time, adopted by City Council;

“City” means The Corporation of the City of Brampton;

“Commissioner” means the Commissioner of Corporate Services, or his or her delegate(s); **(By-law 91-2019)**

“Council” means the elected Council of the City of Brampton;

“Power of Decision” means a power or right, conferred by or under this By-law and the Administrative Penalty By-law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of any Person:

- a) in the case of a Screening Officer, in respect of a request to review an Administrative Penalty, and
- b) in the case of a Hearings Officer, in respect of an appeal from a Screening Decision.

“Hearings Officer” means a person from time to time appointed by Council pursuant to this By-law;

“Parent” means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child; and

“Person” includes an individual and a corporation;

“Regulation” means the Administrative Penalties regulation, O.Reg 333/07;

“Relative” includes any of the following persons:

- (a) Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- (b) Parent;
- (c) Child, including a step child and grandchild;
- (d) Siblings and children of siblings;
- (e) Aunt, uncle, niece and nephew;
- (f) Inlaws, including mother, father, sister, brother, daughter and son;
- or
- (g) Any person who lives with the person on a permanent basis;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Officer” means a person from time to time appointed by Council pursuant to this By-law.

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

PART III – SCREENING OFFICER

- 3. The position of Screening Officer is established for the purpose of exercising the Power of Decision in the review of an Administrative Penalty as set out in the City’s Administrative Penalty By-law.
- 4. The Screening Officer shall have all of the powers of review as set out in the City’s Administrative Penalty By-law and the Regulation.
- 5. A Screening Officer shall be appointed by Council on the recommendation of the Commissioner in consultation with the City Solicitor which recommendation shall give preference to an eligible candidate: **(By-law 91-2019)**
 - (1) with knowledge of and experience in administrative law; and
 - (2) of good character.

PART IV – HEARINGS OFFICER

6. The position of Hearings Officer is established for the purpose of exercising the Power of Decision in the appeal of a Screening Decision as set out in the City's Administrative Penalty By-law.
7. The Hearings Officer shall have all of the powers of review as set out in the City's Administrative Penalty By-law and the Regulation.
8. A Hearings Officer shall be appointed by Council on the recommendation of the Commissioner in consultation with the City Solicitor which recommendation shall give preference to an eligible candidate: **(By-law 91-2019)**
 - (1) with knowledge of and experience in administrative law; and
 - (2) of good character.

PART V – GENERAL PROVISIONS

9. The following persons are not eligible for appointment as a Screening Officer or a Hearings Officer:
 - (1) A member of Council;
 - (2) The Relative of a person referenced in subsection 9 (1); or
 - (3) A person indebted to the City other than
 - (a) in respect of current real property taxes; or
 - (b) pursuant to an agreement with the City the terms with which the person is in compliance.
10. The Screening Officer and the Hearings Officer shall hold office for the term or remainder of the term of the Council that appointed the Screening Officer and the Hearings Officer and thereafter until the Screening Officer and Hearings Officer is reappointed or a successor is appointed pursuant to this By-law.
11. The Screening Officer and Hearings Officer shall be remunerated at the rate from time to time established by Council.

12. No Person shall attempt, directly or indirectly, to communicate with or influence a Screening Officer or a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearings Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed representative and only by that person or the person's lawyer or licensed representative during the hearing of the proceeding in which the issue arises.
13. Section 12 does not prevent a Screening Officer or a Hearings Officer from seeking and receiving legal advice.
14. Any Person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

PART VI – EFFECTIVE DATE AND VALIDITY

15. This By-law shall come into force and effect on June 2, 2014. **(By-law 132-2014)**
16. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 11th day of December, 2013

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by: Susan Fennell, Mayor

Original signed by: Peter Fay, City Clerk