

**BY-LAW 2023-57 TO PROVIDE FOR A SCREENING OFFICER AND HEARINGS
OFFICER TO ADJUDICATE REVIEWS AND APPEALS OF AMINISTRATIVE
PENALTIES.**

Corporation of the Township of Alfred and Plantagenet

By-Law 2023-57

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, S.O. 2001, c.25*, as amended (“Municipal Act, 2001”) authorize the Corporation of the Township of Alfred and Plantagenet to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS Subsection 102.1 (1) of the *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;

AND WHEREAS the Province of Ontario 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;

AND WHEREAS 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;

AND WHEREAS 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;

AND WHEREAS the Township of Alfred and Plantagenet 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 Township’s Administrative Penalty By-law.

BE IT RESOLVED that the Council of the Township of Alfred and Plantagenet enact the following:

1. SHORT TITLE

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

2. DEFINITIONS

- 2.1. **“Administrative Penalty”** means a monetary penalty imposed for a contravention of a Designated By-law as set out in the Administrative Penalty By-law;
- 2.2. **“Administrative Penalty By-law”** means the Township’s Administrative Penalty By-law and any schedule thereto, as may be amended from time to time;
- 2.3. **“Clerk”** means the Clerk of the Township of Alfred and Plantagenet;
- 2.4. **“Council”** means the Council of the Township of Alfred and Plantagenet;
- 2.5. **“Hearings Officer”** means a person from time to time appointed by Council pursuant to this By-law;
- 2.6. **“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;
- 2.7. **“Penalty Notice”** means a notice given to a Person pursuant to section 4 of the Administrative Penalty By-law;

- 2.8. **“Person”** includes an individual, corporation, partnership or limited partnership;
- 2.9. **“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 of a Screening Decision.
- 2.10. **“Regulation”** means the Administrative Penalties, O. Reg. 333/07;
- 2.11. **“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 stepchild and grandchild;
 - d) siblings and children of siblings;
 - e) aunt, uncle, niece or nephew;
 - f) in-laws, including mother, father, sister, brother, daughter and son; and
 - g) any person who lives with the person on a permanent basis.
- 2.12. **“Screening Decision”** means a notice which contains the decision of a Screening Officer;
- 2.13. **“Screening Officer”** means a person from time to time appointed by Council pursuant to this By-law;
- 2.14. **“Spouse”** means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage; and
- 2.15. **“Township”** means the Corporation of the Township of Alfred and Plantagenet, or any of its authorized employees.

3. SCREENING OFFICER

- 3.1. 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 Township Administrative Monetary Penalty System By-law.
- 3.2. The Screening Officer shall have all of the powers of review as set out in the Township Administrative Monetary Penalty System By-law, and the Regulation.
- 3.3. A Screening Officer shall:
- a) be appointed by Council
 - b) have knowledge of and experience in administrative law; and
 - c) be of good character.

4. HEARINGS OFFICER

- 4.1. 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 Township Administrative Monetary Penalty System By-law.
- 4.2. The Hearings Officer shall have all of the powers of review as set out in the Township Administrative Monetary penalty System By-law, and the Regulation.
- 4.3. A Screening Officer shall:
- a) be appointed by Council
 - b) have knowledge of and experience in administrative law; and

c) be of good character

5. GENERAL PROVISIONS

5.1. The following persons are not eligible for appointment as a Screening Officer or a Hearings Officer:

- a) a member of Council;
- b) the Relative of a person referenced in subsection 5.1a);
- c) in the case of a Hearing officer, an employee of the Township, or
- d) a person indebted to the Township other than
 - i. in respect of current real property taxes; or
 - ii. pursuant to an agreement with the Township the terms with which the person is in compliance.

5.2. A Screening Officer shall be appointed for such period and subject to such terms and conditions as may be determined by Township staff in accordance with the Township's employment or contract policies and guidelines.

5.3. A Hearings Officer shall hold office for the term of two years and thereafter until a Hearing Officer is reappointed or a successor is appointed pursuant to this By-law or is no longer required by the Township.

5.4. No person shall attempt to directly or indirectly, communicate with or influence a Screening Officer or a Hearing 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 persons lawyer or licensed representative and only by the person or the persons lawyer or licensed representative during the hearing of the proceeding in which the issue arises.

5.5. Section 5.4 does not prevent a Screening Officer or a Hearings Officer from seeking and receiving legal advice.

5.6. Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and the *Municipal Act 2001*, as both may be amended from time to time.

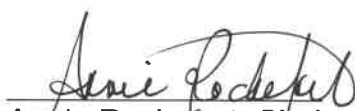
6. EFFECTIVE DATE AND VALIDITY

6.1. This By-law shall come into force at the date of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF NOVEMBER 2023.



Yves Laviolette, Mayor



Annie Rochefort, Clerk

SCHEDULE “B”
Administrative Fees

ITEM	FEE AMOUNT
MTO Search Fee	\$10.00
Late Payment Fee	\$25.00
NSF Fee	\$25.00
Hearing Non-appearance Fee	\$100.00
Plate Denial Request Fee	\$22.00
Service by Registered Mail Fee	\$15.00
Title Search Fee	\$40.00
Adjudication Fee	\$25.00
Note: Fees listed in Schedule “B” to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.	