



Report n° PRO2023-003

Date: June 14, 2023

Submitted by: Yves Roy

Subject: Hearing Officer By-law 2023-38

Nature/Goal

To seek council's approval to adopt By-law 2023-38 Hearing Officer by-law

Directive/Previous policy

Department's recommendation

THAT Staff Report No. PRO2023-003 be received; and

THAT the Committee of the Whole recommends that Council adopts By-law 2023-38, being a by-law to establish the positions of Hearing Officers in the City of Clarence-Rockland at its next regular meeting.

QUE le rapport no. PRO2023-003 soit reçu; et

QUE le Comité plénier recommande au conseil d'adopter le règlement 2023-38, étant un règlement pour établir les postes de préposé aux audiences dans la Cité de Clarence-Rockland lors de sa prochaine réunion régulière.

Background

AMPs (Administrative Monetary Penalties) are an alternative to the current method of issuing Provincial Offences Act (POA) tickets. When a defendant receives a ticket for a by-law offence, the defendant may request a trial heard by a Justice of the Peace in the Provincial Offences Court. The AMPs system of enforcement transfers by-law disputes from the courtroom to the municipality using screening and hearings officers who are able to modify, cancel, or affirm penalties.

The Municipal Act sets out the requirements for municipalities using AMPs. This includes the requirement to appoint screening/hearings officers and for the municipality to establish policies to prevent political interference, conflicts of interest, financial management and public complaints.

Discussion

As a Council-appointed Hearing Officer, that individual will review decisions made by Screening Officers in relation to municipal by-law penalties issued as part of the City's Administrative Monetary Penalty System (AMPS). The Hearing Officer will be familiar with municipal law and adjudicative processes, as they will be responsible for determining whether to affirm, reduce or cancel (on appeal) the penalty decisions made by Screening Officers. A Hearing Officer may also be appointed to the Property Standards committee as required.

All decisions made by Hearing Officers will be deemed final and binding.

Consultation

The City has assembled a comprehensive communication plan aimed at promoting and educating significant changes to bylaws, as well as to promote how the AMPS program functions.

Recommendations or comments from committee/ other departments

n/a

Financial impact (expenses/material/etc.)

Compensation will be provided on an as-needed basis reflected in The AMP program. A 400\$ retainer shall be provided.

Legal implications

n/a

Risk management

n/a

Strategic implications

This approach is in direct relation with the City's Health and Wellness strategic pillar, and a good governance model.

Supporting documents

Administrative Monetary Penalties Bylaw 2022-33

Proposed Hearing Officers by-law # 2023-38