



Township of Georgian Bay

AMPS Extension of Time to Request a Screening Review or Hearing Appeal

Policy Number: 2024-004-AD

Department: Fire and Emergency Services

Effective Date: February 12, 2024

Approval: CAO

Attachments:

Related Documents / Legislation: Administrative Monetary Penalty System By-law 2024-004

A. Policy Statement

The Township of Georgian Bay has deployed an Administrative Monetary Penalty System (AMPS) for the administration of the various by-laws in force in the Township. The system of administrative penalties incorporates defined options for the person against whom an administrative penalty is imposed to exercise, including an ability to request an extension of time for review of a Penalty Notice.

B. Purpose

To provide a policy to respond to a Person's request for an extension of time to request a review of a Penalty Notice by a Screening Officer or a Screening Decision by a Hearing Officer.

In accordance with Ontario Regulation 333/07, the Township must provide a process for a Person to request an extension of time to request a Screening Review or a Hearing Appeal.

C. Definitions

For the purposes of this Policy, the following terms are defined in accordance with By-law 2024-004

Administrative fees means a fee imposed by this by-law and set out in the Township's Fees & Charges By-law, as amended from time to time;

AMPS means Administrative Monetary Penalty System;

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Chief Administrative Officer (CAO) means the Chief Administrative Officer, their delegate, or anyone designated by the Chief Administrative Officer to permit duties pursuant to the Administrative Monetary Penalty System;

Director means the Director of Fire and Emergency Services of the Township or their delegate;

Hearing Officer means a Person appointed by Council to perform the functions of a Hearing Officer in accordance with this By-law;

Hearing Appeal means a review of a Screening Decision by a Hearing Officer;

Mitigating or Extenuating Circumstances means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the Penalty Notice, the Screening Officer may take this into consideration when adjudicating the matter. These are also circumstances that render a contravention less serious and may lessen the degree of responsibility. The Person claiming mitigating or extenuating circumstances shall provide proof of their claim with oral evidence and documented proof (i.e. medical records, birth announcement), if available.

Penalty Notice means a notice for a contravention of a Designated By-law;

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

Screening Officer means a Person appointed by Council to perform the functions of a Screening Officer in accordance with this By-law;

Screening Review means a review of an Administrative Penalty by a Screening Officer;

Township means the Corporation of the Township of Georgian Bay in the District of Muskoka.

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D. General Terms and Procedures

Application

This Policy applies to Screening Reviews and Hearing Appeals conducted by a Screening Officer or Hearing Officer, in accordance with AMPS By-law 2024-004.

Screening Review

Within 15 days of receipt of the Penalty Notice the Person will have the option to:

- a) make the payment amount; or
- b) request a review of the Penalty Notice by a Screening Officer.

A Person has 15 days to request a Screening Review with a Screening Officer to dispute their Penalty Notice. If the Person has not requested a Screening Review of their Penalty Notice on or before the 15th day after the Penalty Notice was issued, they may request an extension of time to request a Screening Review. The Person shall make this request no later than 45 days after the issued date on the Penalty Notice.

- a) The request may be granted if the Person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Screening Review within the original 15 day timeframe set out on the Penalty Notice.
- b) A Person may provide supporting written documentation and other information to the Director to justify the Mitigating or Extenuating Circumstances.
- c) The decision to grant the request for a Screening Review will be at the sole discretion of the Director.

Hearing Appeal

Following 15 days after receiving the receipt of a Screening Decision the person will have the option to:

- a) pay the total amount due listed on the Screening Decision; or
- b) request an appeal of the Screening Decision by a Hearing Officer.

If the person has not requested a Hearing Appeal of their Screening Decision on or before the payment due date listed on their Screening Decision, they may request an extension of time to request a Hearing Appeal. The Person may request an extension of time to request a Hearing Appeal no later than 45 days after the date the Screening Decision letter was issued.

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- a) The request may be granted if the person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Hearing Appeal on or before the payment due date on the Screening Decision.
- b) A Person may provide supporting written documentation and other information to the Director to justify the Mitigating or Extenuating Circumstances.
- c) The decision to grant the request for a Hearing Appeal will be at the sole discretion of the Director.

E. Supported By

Strategic Plan
Transparency Withing Government Municipal
Fiscal and Resident Responsibility
Well Managed Infrastructure