



## Township of Georgian Bay AMPS Screening Officer and Hearing Officer Process

Policy Number: 2024-010-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 Township has authorized the appointment and use of Screening and Hearing Officers to hear and decide the outcome of disputes related to Penalty Notices issued for by-law violations.

### B. Purpose

This Policy is to provide guidelines for Screening Reviews and Hearing Appeals conducted pursuant to the Township of Georgian Bay Administrative Monetary Penalty System By-law 2024-004

### C. Definitions

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

**Administrative Fee** 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;

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

**Document** means a written document, file, photograph, chart, graph, map, or anything else the Screening Officer or Hearing Officer deems appropriate to admit as evidence;

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

**Hearing Decision** means a notice that contains the decision of a Hearing Officer;

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

**Officer** means a Municipal Law Enforcement Officer, Police Officer or any other Person appointed by by-law to enforce a Township By-law;

**Owner** means the registered owner of the motor vehicle, as provided by the Ministry of Transportation of Ontario (MTO), that appears on the Penalty Notice that is being challenged under this process, or the Owner's designate; or:

- i. a person with legal title to property;
- ii. the spouse of a person; or,
- iii. a person authorized in writing by the legal title holder to act on their behalf;

**Party** means the Owner and the Township, and any person who has been given party status by a Hearing Officer;

**Rules** means the rules in this policy;

**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.

**Virtual Meetings** means conducted online by electronic means, using web conferencing technology.

### D. General Terms and Procedures

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### Screening Officer Review

The Screening Officer is selected by the Chief Administrative Officer and appointed by Council to conduct screening reviews in the public interest.

A screening review may be held in the following manner:

- a) Virtual meeting: conducted online by electronic means, using web conferencing technology with specific link provided by the Township.
- b) In person: Designated room at the Township of Georgian Bay office located at 99 Lone Pine Road, Port Severn Ontario

You may have an agent attend the Screening Meeting to represent you.

You may have someone attend the Screening Meeting as your interpreter. An interpreter will not be provided by the Township.

The review will be informal and is an opportunity to explain to the Screening Officer why they should reduce or cancel the Administrative Penalty. You may also request an extension of time to pay the Penalty as specified in the Extension of Time to Pay Policy. If you are making arguments that the Penalty will cause you financial hardship, you must provide documentation as listed in the Financial Hardship Policy.

After review of a Screening Review request, a Screening Officer may affirm the Administrative Penalty, including any Administrative Fee(s), or cancel or reduce the Administrative Penalty, including any Administrative Fee(s), or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s) on the following grounds:

- a) where a Person establishes on a balance of probabilities, that they did not contravene the Designated By-law as described in the Penalty Notice;
- b) the Penalty Notice is defective in substance or form;
- c) the Penalty Notice was not served in accordance with Section 8; or
- d) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

## **AMPS Screening Officer and Hearing Officer Process**

You may request an appeal of the Screening Decision by a Hearing Officer within 15 days of the Screening Decision. The Fire and Emergency Services department will provide a Notice of Hearing Appeal by a form of service specified in By-law 2024-004 Section 8. The Notice will indicate the date, time, and link for virtual meeting, along with any documents the Township deems necessary for you to have prior to the Hearing Appeal.

### **Hearing Officer Appeal**

These Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a Hearing on its merits. Where procedures are not provided for in these Rules, a Hearing Officer may do whatever is necessary and permitted by law to effectively determine the matter before them. A Hearing Officer may exercise any of their powers under these Rules on their own initiative or at the request of a party.

Hearing Officers are individuals appointed by Council to conduct Hearing Appeals in the public interest.

If the owner is not satisfied with the Screening Decision, they have the opportunity to request a Hearing Appeal before a Hearing Officer. All Hearing Appeals will be scheduled by the Fire and Emergency Services Department.

A Hearing meeting shall be held in the following manner:

- a) Virtual meeting: conducted online by electronic means, using web conferencing technology with specific link provided by the Township.

You may have an agent attend the Hearing Appeal to represent you.

A party at any hearing may:

- a) Present evidence and submissions; and
- b) Call and examine witnesses and conduct cross-examinations of witnesses reasonably required for a full and fair disclosure of all matters relevant to the issues in the Hearing.

Unless the Hearing Officer directs otherwise, the process for all Hearings shall be as follows:

- a) The Hearing Officer will call the Hearing to order and may advise the parties of the Hearing process;
- b) The Hearing Officer will swear or affirm the witnesses or parties presenting evidence;
- c) The Hearing Officer will ask the officer for all information relevant to the Penalty Notice;

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- d) The Hearing Officer will ask the Owner, or their representative to make submissions;
- e) If witnesses are called, the process for each witness to give evidence is: direct examination, cross-examination and re-examination, if any;
- f) The Hearing Officer may ask questions of the witness or parties at any time;
- g) A party may make a brief closing statement;

This process is subject to change by the Hearing Officer if they find that there is a fairer way of proceeding.

The Hearing Officer may adjourn a Hearing at any time on such conditions as they consider just.

Where a person is properly notified of a Hearing and does not attend at the time and place appointed, the Hearing Officer may proceed in that person's absence and without further notice to that person.

Where a person fails to attend at the date, time and place scheduled for a hearing, the process of Section 7.8 of the Township's Administrative Monetary Penalty System By-law 2024-004 shall apply.

After conducting a Hearing, a Hearing Officer may affirm the Administrative Penalty, including any Administrative Fee(s), or cancel or reduce the Administrative Penalty, including any Administrative Fee(s), or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s) on the following grounds:

- a) where a Person establishes on a balance of probabilities, that they did not contravene the Designated By-law as described in the Penalty Notice;
- b) the Penalty Notice is defective in substance or form;
- c) the Penalty Notice was not served in accordance with Section 8; or
- d) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

The Hearing Officer does not have the power to award costs of the Hearing to a party.

The Hearing Officer will provide their decision with their reasons in support of the decision, if any, to the Fire and Emergency Services department who shall send a copy of the decision to the parties.

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The Hearing Officer may at any time correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in their decision, direction or order.

The Decision of a Hearing Officer is final.

### **Submitting Documents**

You must submit any documents or supporting evidence you wish to use in your Screening Review or Hearing Appeal 14 days prior to the date via electronic mail to the following address: [amps@gbtownship.ca](mailto:amps@gbtownship.ca).

Where a document is submitted in advance, Township staff shall date stamp the document. The date stamped on the document shall be deemed to be the date of receipt.

The party producing the documents should ensure to have originals, where possible and that all documents are legible.

### **Dismissing request for hearing appeal before hearing date**

The Hearing Officer may dismiss a Request without a Hearing if:

- a) the request is frivolous, vexatious, or is commenced in bad faith;
- b) the request relates to matters that are outside the jurisdiction of the Hearing Officer;
- c) the request was not commenced within the proper time limits required in the Townships by-law or the Owner failed to demonstrate extenuating circumstances that warrant the extension of time; or
- d) some aspect of the statutory requirements for requesting a Hearing has not been met.

Before dismissing a request under this Rule, the Hearing Officer shall give notice of their intention to dismiss the request to all parties setting out the reasons for the dismissal.

### **Adjournments/Re-scheduling**

A party may request to re-schedule a Screening Review or Hearing Appeal within at least fourteen (14) days prior to the hearing date to the following email: [amps@gbtownship.ca](mailto:amps@gbtownship.ca).

Only one single adjournment will be made available to the owner.

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Last minute requests to re-schedule will be forwarded to the Hearing Officer, in writing, who will use their discretion in determining whether to grant or deny the request.

### **Sharing Information**

The Hearing Officer may, at any stage in a matter make orders for:

- a) the exchange of documents;
- b) the oral or written examination of a party; or
- c) any other form of sharing information.

The Hearing Officer's power to make such orders for sharing information is subject to any statute or regulation that applies to the Hearing and nothing in this Rule requires the sharing of any information which is privileged by law.

### **Disclosure Request**

The person who is requesting a Hearing Appeal may request disclosure of documents thirty (30) days prior to the date of the Hearing Appeal. This request must be on prescribed form submitted via email to [amps@gbtownship.ca](mailto:amps@gbtownship.ca).

### **Witnesses**

Unless these Rules provide otherwise, witnesses at a Hearing shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination. The Hearing Officer may determine whether or not evidence from a witness needs to be given under affirmation.

There shall be no undue harassment or embarrassment of a witness as they are giving evidence. The Hearing Officer may disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the Hearing.

The Hearing Officer may at any time during a Hearing direct that a witness be recalled for further examination.

### **Evidence at Hearings**

The Hearing Officer may admit the following as evidence at a Hearing:

- a) any oral testimony; and

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- b) any document or other thing, relevant to the subject matter of the Hearing and may act on such evidence, but the Hearing Officer may exclude anything unduly repetitious.

Nothing is admissible in evidence at a Hearing, that would be inadmissible in a court by reason of any privilege under the law of evidence or that is inadmissible by the statute or by law under which the Hearing arises or any other statute.

Where the Hearing Officer is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a Hearing.

### **Record of Hearing**

The Fire and Emergency Services department shall compile a record of any Hearing before a Hearing Officer which shall include:

- a) the notice of the Hearing;
- b) all decisions made by the Hearing Officer;
- c) all documentary evidence filed at the Hearing; and
- d) any other documents that in the opinion of the Clerk or designate, or the Hearing Officer should be included in the record of Hearing.

### **Severability**

If any provision of these Rules is or becomes illegal, invalid or unenforceable, the illegality, invalidity or enforceability of that provision shall not affect the legality, validity or enforceability of the remaining provisions of these Rules.

## **E. Supported By**

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