

BY-LAW No. 2025-XXX
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



BEING A BY-LAW REGARDING SCREENING OFFICERS AND
HEARING OFFICERS FOR THE TOWN'S ADMINISTRATIVE
MONETARY PENALTY SYSTEM

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, confirms the authority of a municipality to delegate its powers and duties subject to restrictions in Part II of the Act;

AND WHEREAS section 102.1 of the *Municipal Act, 2001*, and Ontario Regulation 333/07 (the "*Regulation*") authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 425 of the *Municipal Act, 2001*, authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

AND WHEREAS section 434.1 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 has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23, authorizes municipalities to require a person, subject to such conditions as a municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with the municipal property standards by-law, or an order pursuant to such by-law;

AND WHEREAS under the Administrative Penalties Regulation, O. Reg. 333/07, a person who receives a Penalty Notice in respect of the parking, standing or stopping of vehicles shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

AND WHEREAS under the same 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 Hearing Officer appointed by the municipality;

AND WHEREAS the Council for the Town of Collingwood considers it desirable and necessary to establish the position of a Screening Officer and a Hearing Officer which are required for the operation of the Town's Administrative Monetary Penalty System;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1. In this By-law:

"Administrative Fee" means any fee specified in the AMPS By-law;

"Administrative Penalty" means an administrative penalty established by the AMPS By-law;

"AMPS By-law" means the By-law No. 2025-XXX, A By-law to Implement an Administrative Monetary Penalty System, as may be amended from time to time, or its successor.

"AMPS" means Administrative Monetary Penalty System;

"Council" means the Council of the Town;

"Day" means any calendar day;

"Director" means the Director of Legislative Services for the Town or their designate and includes the Manager;

"Hearing Officer" means a person from time to time appointed by Council pursuant to this By-law, and is deemed to be a person who is not an employee of the Town but who holds an administrative position of the Town in accordance with section 258 of the Municipal Act, 2001;

"Manager of By-law" means the Manager responsible for the By-law Services Division and includes their designate;

"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;

"Person" includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

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

- (i) in the case of a Screening Officer, in respect of a request to review a Penalty Notice; and
- (ii) in the case of a Hearing Officer, in respect of a review of a Screening Decision.

“Regulation” means Ontario Regulation 333/07 under the Municipal Act;

“Relative” includes any of the following persons:

- (i) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- (ii) Parent or legal guardian;
- (iii) child, including a step-child and grandchild;
- (iv) siblings and children of siblings;
- (v) aunt, uncle, niece and nephew;
- (vi) in-laws, including mother, father, sister, brother, daughter and son; or
- (vii) any person, including any dependent, 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 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; and

“Town” means the Corporation of the Town of Collingwood or the land within the geographic limits of the Corporation of the Town of Collingwood as the context requires.

2. SCREENING OFFICER

- 2.1. The position of Screening Officer is established for the purpose of exercising the Power of Decision in the screening review of an Administrative Penalty as set out in the Town’s AMPS By-law.
- 2.2. The Screening Officer shall have all the powers of Review by a Screening Officer as set out in the Town’s AMPS By-law and the Regulation.
- 2.3. A Screening Officer shall be appointed by the Director in consultation with the Town’s Manager of By-law Services.
- 2.4. A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

3. HEARING OFFICER

- 3.1. The position of Hearing Officer is established for the purpose of exercising the Power of Decision in a review of a Screening Decision as set out in the Town's AMPS By-law.
- 3.2. The Hearing Officer shall have all the powers of Review by a Hearing Officer as set out in the Town's AMPS By-law and the Regulation.
- 3.3. A Hearing Officer shall be appointed by Council on the recommendation of the Director in consultation with the Town's Manager of By-law Services. Preference shall be given to an eligible candidate who demonstrates the following, in the opinion of the Director:
 - (i) knowledge of and experience in administrative law; and
 - (ii) good character.
- 3.4. A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

4. GENERAL

- 4.1. The following persons are not eligible for appointment as a Screening Officer or a Hearing Officer:
 - (i) a Member of Council;
 - (ii) a Relative of a Member of Council;
 - (iii) in the case of a Hearing Officer, an employee of the Town; or
 - (iv) a person indebted to the Town other than:
 - a. in respect of current real property taxes; or
 - b. pursuant to an agreement with the Town the terms with which the person is in compliance.
- 4.2. A Screening Officer shall be appointed for such period and subject to such terms and conditions as may be determined by the Director in accordance with the Town's employment or contract policies and guidelines.
- 4.3. A Hearing Officer shall hold office for the term of Council 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 Town.
- 4.4. A Hearing Officer shall be remunerated at the rate established from time to time by the Director.
- 4.5. 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 Hearing Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed representative and only by the person or the person's lawyer or licensed representative during the hearing of the proceeding in which the issue arises.
- 4.6. Section 4.5 does not prevent a Screening Officer or a Hearing Officer from seeking and receiving legal advice.
- 4.7. 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.

5. SEVERABILITY

- 5.1. Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that a such provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

6. INTERPRETATION

- 6.1. This By-law is intended to be construed in accordance with the provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c.21, Sched. F.
- 6.2. Any headings used in this By-Law are used for convenience only and are not to be used as a means of interpretation.
- 6.3. Where a title to a position identified in this By-law no longer exists or is modified, the powers and duties may be exercised by a person deemed to have the responsibilities of the original position until such time as an amending by-law is adopted by Council.
- 6.4. In this By-law, unless the context otherwise requires, words importing the singular shall include the plural, words importing the plural shall include the singular, and gendered terms shall include all genders, where applicable.

7. EFFECTIVE DATE

- 7.1. This By-law shall come into full force and effect on **January XX, 2025**, at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to this By-law.

Enacted and passed this <date> day of <month>, <year>.

Mayor

Clerk