



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2022-042

A BY-LAW TO APPOINT SCREENING AND HEARING OFFICERS FOR THE PURPOSES OF ADMINISTRATION OF AN ADMINISTRATIVE MONETARY PENALTY SYSTEM WITHIN THE TOWNSHIP OF KING

WHEREAS Section 102.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (“*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 section 434.1 of the *Municipal Act, 2001* authorizes the Township to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the Township;

AND WHEREAS in accordance with the *Municipal Act, 2001*, the Township has passed an Administrative Penalty By-law;

AND WHEREAS in accordance with the aforesaid by-law and the Regulation, a person who receives a Penalty Notice shall have the right to request a screening review of the administrative penalty by a Screening Officers appointed by the Township;

AND WHEREAS in accordance with the aforesaid by-law and the Regulation, a person who receives a Screening Decision shall have the right to request a review of the decision by a Hearing Officer appointed by the Township;

AND WHEREAS the Township considers it desirable and necessary to establish the positions of Screening Officer and Hearing Officer, which are required for the operation of the Township’s Administrative Penalty By-law;

NOW THEREFORE The Corporation of the Township of King enacts as follows:

Title

1. This By-law shall be known and cited as the “Screening and Hearing Officer By-law”.

Interpretation and Definitions

A reference to any legislation, by-law, or any provision thereof in this By-law shall include reference to any amendment to, modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.

2. For the purposes of this by-law:

Administrative Penalty – means an administrative penalty imposed for a contravention of a Designated By-law, as set out in the Administrative Penalty By-law’;

Administrative Penalty By-law – means By-law No. 2022-040 of the Township,

Council – means the elected Council of the Township;

Designated By-law – means any provision of a Township by-law to which the Administrative Penalty By-law applies, as designated therein;

Director - means the Director of Growth Management Service, of the Township (or any successor job title) or anyone designated by the Director of Growth Management Services to perform his or her duties pursuant to this By-law;

Hearing Officer – means any person appointed from time to time pursuant to this By-law, to perform the functions of a hearing officer in accordance with this By-law and the Administrative Penalty By-law;

Joint Panel – means a panel comprised of representatives of the Township of King, the Town of Aurora and the Town of Georgina, as set out in the Policy for Appointment of Screening and Hearing Officers;

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 corporation;

Policy for Appointment of Screening and Hearing Officers – means a policy for the appointment of screening and hearing officers;

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 Hearing Officer, in respect of a review of a Screening Decision

Regulation – means O. Reg. 333/07, made under the *Municipal Act, 2001* and any regulation enacted with respect to section 434.1 of the *Municipal Act, 2001*

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 or legal guardian;
- c) child, including a step child and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece and nephew;
- f) in-laws, including mother, father, sister, brother, daughter and son; or
- g) any person who lives with the person on a permanent basis

Screening Decision – means a notice which contains the decision of a Screening Officer, as set out in the Administrative Penalty By-law’;

Screening Officer – means any person appointed from time to time pursuant to this By-law, to perform the functions of a screening officer in accordance with this By-law and the Administrative Penalty By-law; and

Spouse – means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage

Township – means The Corporation of the Township of King;

Township Solicitor – means the Township Solicitor, or anyone designated by the Township Solicitor to perform his or her duties pursuant to this By-law;

Screening Officer

3. 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 Administrative Penalty By-law.
4. The Screening Officer shall have all the powers of a screening officer as set out in the Administrative Penalty By-law' and the Regulation.
5. Screening Officer(s) shall be appointed by the Director, in consultation with the Township Solicitor, in accordance with the Township's Policy for Appointment of Screening and Hearing Officers.

Hearing Officer

6. 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 Administrative Penalty By-law.
 - 1) The Hearing officer shall have all the powers of a hearing officer as set out in the Administrative Penalty By-law and the Regulation.
 - 2) Hearing Officer(s) shall be appointed by Council on the recommendation of the Joint Panel, in accordance with the Township's Policy for Appointment of Screening and Hearing Officers. The recommendation shall give preference to an eligible candidate:
 - a) with good knowledge of, and experience in, administrative law; and
 - b) of good character
7. Hearing Officers shall be appointed for the term of Council, and thereafter until the Hearing Officer is reappointed or a successor is appointed pursuant to this By-law or is no longer required by the Township.
8. Notwithstanding Section 7 of this By-law, Council may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Joint Panel, if the Hearing Officer:
 - 1) is found to have contravened any applicable Township policy relating to the administration of the Administrative Penalty system;
 - 2) is found to have contravened any other requirement of the appointment; or
 - 3) at any time during the appointment becomes ineligible for appointment
9. A Hearing Officer shall be remunerated at a rate as established by Council from time to time.
10. A Hearing Officer is deemed not to be an employee of the Township, but a person who holds an administrative position in accordance with Section 258 of the *Municipal Act, 2001*.

Eligibility

11. The following persons are not eligible for appointment as a Screening Officer or a Hearing Officer:
 - 1) A member of Council;
 - 2) A Relative of a member of Council;
 - 3) In the case of a Hearing Officer, an employee of the Township;
 - 4) A person indebted to the Township, other than:

- a) In respect of current property taxes; or
- b) Pursuant to an agreement with the Township, where the person is in compliance with the terms thereof.

General

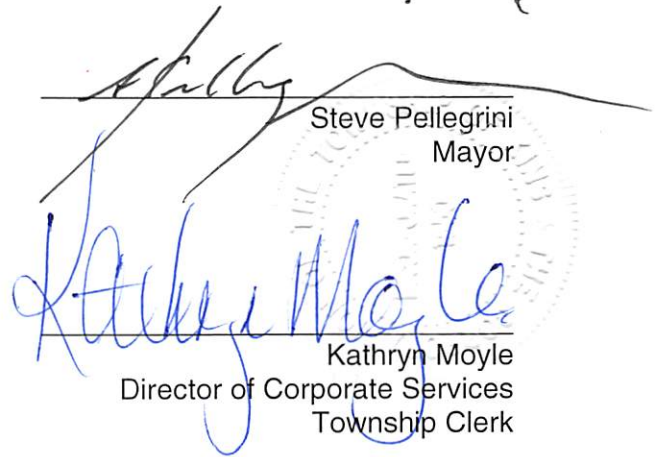
- 12. A Screening Officer or a Hearing Officer shall have no authority to further delegate his/her powers or duties.
- 13. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.
- 14. For the purposes of subsection 23.2(4) of the *Municipal Act, 2001*, Council has determined that the powers delegated to the Screening Officer and the Hearing Officer are minor in nature.

Severability

- 15. Should any provision, or any part of a provision, of this By-law, be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, 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.
- 16. This By-law shall come into effect on February 1, 2023.

READ a FIRST and SECOND time this 30th day of May 2022

READ a THIRD time AND FINALLY PASSED this 30th day of May 2022.



Steve Pellegrini
Mayor

Kathryn Moyle
Director of Corporate Services
Township Clerk

Growth Management Services Dept. – By-law Enforcement
Division Report GMS-BY-2022-02 on May 9th
and GMS-BY-2022-03 on May 30th, 2022)