


Appointment of Screening and Hearing Officers for the Administrative Monetary Penalty System (AMPS)

Revision Date:	N/A	Supersedes:	N/A
Effective:	May 8, 2024	AP Owner (Dept/Div):	Commissioner, Corporate Services
Applicable to:	All Town Employees involved in the selection of AMPS Screening and Hearing Officers	Authority:	CAO 

1.0 Overview

This policy provides a consistent and transparent framework for the selection and appointment of Screening Officers and Hearing Officers for the Administrative Monetary Penalty System (AMPS) and acts as a guide for appointees.

The Town of Whitchurch-Stouffville values a clear and transparent process, completed in a fair and equitable manner, for the selection of Screening Officers and Hearing Officers. The selection is to be conducted in accordance with applicable legislation and Council-approved by-laws for the purposes of AMPS.

2.0 Scope and Role

2.1 Screening Officer Role

Screening Officers are appointed to review Penalty Notices issued by Town Enforcement Staff and make decisions on Administrative Penalties and related fees regarding Penalty Notices.

The key functional responsibilities include:

- Authority to review Penalty Notices as set out in the Administrative Monetary Penalty By-law and make decisions on whether to reduce, cancel or affirm a Penalty Notice’s penalty amount.
- Authority to extend the time to pay or, upon proper application, and in accordance with established AMPS policies, procedures and guidelines, extend the time to dispute.

2.2 Hearing Officer Role

Hearing Officers are appointed to review Screening Officer decisions regarding an Administrative Penalty and related fees, as requested by Persons, and make final decisions on the Screening Officer decisions.

The key functional responsibilities include:

- Authority to review the Screening Decision, as set out in the Administrative Monetary Penalty By-law.
- Authority to extend the time to request a review of a Screening Decision, upon proper application, and in accordance with established AMPS policies, procedures and guidelines.
- Authority to conduct a hearing in accordance with the *Statutory Powers and Procedures Act*, including not making any decision respecting a review of a Screening Decision unless the Person (with the Penalty Notice) and the Town have an opportunity to be heard at the scheduled hearing of the review.
- Authority to affirm, cancel or reduce the penalty amount assessed by a Screening Decision, or extend the time for payment of an Administrative Penalty, in accordance with the established AMPS policies, procedures and guidelines, with any such decision being final.

3.0 Definitions

“Administrative Monetary Penalty System By-law” means the by-law passed by the Town to establish Administrative Penalties, as amended from time to time, or any successor thereof;

“Administrative Penalty” means an Administrative Penalty imposed for contravention of a designated by-law, in accordance with the Administrative Monetary Penalty System By-law;

“AMPS” means the Administrative Monetary Penalty System, established pursuant to the Administrative Monetary Penalty System By-law;

“Clerk” means the Town Clerk, or anyone designated by the Clerk to perform his or her duties relating to AMPS;

“Commissioner” means the Commissioner, Corporate Services, or anyone designated by the Commissioner, Corporate Services to perform his or her duties related to AMPS;

“Council” means the Council of the Town;

“Employee” means any Person employed by the Town on a temporary, contract or permanent basis;

“Hearing Officer” means any Person appointed from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with

the Screening and Hearing Officer By-law and the Administrative Monetary Penalty System By-law;

“Joint Panel” means a panel comprised of representatives of the Commissioner, Clerk and the Director of Human Resources, or their designates;

“Penalty Notice” means a Penalty Notice as described in Section 4.0 of the Administrative Monetary Penalty System By-law;

“Person” includes an individual or a corporation;

“Records Retention Schedule” means the Town's Records Retention Schedule providing for the classification, retention and disposition of records in the Town, as amended from time to time, or any successor thereof;

“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 stepchild 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 and Hearing Officer By-law” means the by-law passed by the Town to establish the positions of Screening and Hearing Officers and to provide for the appointment of Screening and Hearing Officers, in relation to Administrative Penalties, as amended from time to time, or any successor thereof;

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in Section 5.8 of the Administrative Monetary Penalty System By-law;

“Screening Officer” means any Person appointed from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Monetary Penalty System By-law;

“Town” means The Corporation of the Town of Whitchurch-Stouffville.

4.0 Policy

4.1 Screening and Hearing Officer Eligibility

The following Persons are not eligible to be appointed or to remain as Screening or Hearing Officers:

- a) A member of Council;
- b) A Relative of a member of Council;
- c) Persons employed in enforcement related work.
- d) A Person indebted to the Town, other than:
 - i) In respect of current property taxes; or
 - ii) Pursuant to an agreement with the Town, where the Person is in compliance with the terms thereof.

4.2 Appointment of Screening Officers

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Clerk in writing.

The Clerk may revoke the appointment of a Screening Officer if, at any time, the Person becomes ineligible for appointment or continuation as a Screening Officer or is otherwise determined by the Clerk to be unable to carry out the duties related to AMPS in a fair and impartial manner or to comply with Town policies or procedures.

4.3 Recruitment of Hearing Officers

The Town may, from time to time, recruit Hearing Officers as contemplated by the Screening and Hearing Officer By-law and/or may enter into an agreement with any third-party hearing services provider. This section pertains to Hearing Officers the Town recruits.

4.3.1 Application and Review Process

Application Process

The recruitment of Hearing Officers will be by way of a posting published by the Town. The posting will outline the role of the Hearing Officers and eligibility criteria.

All applicants must complete an application in the method as determined by the Clerk. The application will be provided on the Town's website.

Review and Appointment

All applications received by the established deadline will be reviewed by the Joint Panel. The applicant review process will be completed in camera as the process involves reviewing personal information of the applicants.

The Joint Panel will then make recommendations for appointments to the Clerk. The Clerk will consider the recommendations and appoint Hearing Officers in writing.

The Town will notify all applicants of the decision of the Clerk and will retain all applications according to their applicable Records Retention Schedule.

Other AMPS Programs

Should the Town decide to expand the AMPS program(s), the Clerk may, but is not required to, expand the duties of and appoint any existing Hearing Officers for that purpose.

4.3.2 Nature of Hearing Officers Position and Term

Hearing Officers are independent and are not Town Employees. Hearing Officers may be required to enter into a contract with the Town outlining the terms of service.

Unless revoked, Hearing Officers shall be appointed for the term of Council (or remainder thereof, where appointed mid-term), and thereafter until reappointed or until a successor is appointed.

Hearing Officers appointed by the Town shall not be guaranteed minimum or maximum hours of work. Rather, Hearing Officers shall be assigned on an as-needed basis with no minimum compensation or frequency of work amounts.

4.3.3 Revocation of Appointment

The Clerk may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Joint Panel, in accordance with the Screening and Hearing Officer By-law.

4.4 Accountability

The Commissioner is responsible for the administration of this policy and has the authority to amend the policy from time to time to ensure the administration of the AMPS program.

5.0 Compliance

In cases of policy violation, the Town may investigate and determine appropriate corrective action.

6.0 References

- Administrative Monetary Penalty System By-law
- Screening and Hearing Officer By-law
- Conflict of Interest Policy and Town Code of Conduct
- Undue Hardship Policy
- Preventing Political Interference Policy

Available in alternative format upon request.