



By-law No. XX-2024

Screening and Hearing Officer By-law

Consolidated Version *Revised and Verified* ____, 2024

Revision History:	Passed On:

Consolidated for Convenience Only

This consolidated copy of a Woolwich Township By-law is for convenient information. While every effort is made to ensure the accuracy of this copy, the original by-law must be consulted for all legal interpretations and applications. For more information or to view by-laws please contact the Clerks Division. This document is available in alternate formats on request.

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The Corporation of the Township of Woolwich

By-law No. XX-2024

A By-law to Regulate Screening and Hearing Officers

Whereas Sections 102.1 and 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*") and O. Reg. 333/07, authorize municipalities to establish an administrative monetary penalty system requiring a person to pay an administrative penalty for a contravention of any designated by-law;

And Whereas Section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act, 1992*") 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 on September 24, 2024, the Township passed By-law 58-2024, the Administrative Monetary Penalty System By-law;

And Whereas in accordance with the aforesaid Administrative Monetary Penalty System By-law and applicable legislation, a person who receives a penalty notice shall have the right to request a screening review of the administrative penalty by a screening officer appointed by the Town;

And Whereas in accordance with the aforesaid Administrative Monetary Penalty System By-law and applicable legislation, 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 Townships Administrative Monetary Penalty System By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law shall be known as the Screening and Hearing Officer By-law.

Purpose

2. This by-law has been enacted to regulate the selection and appointment of Screening and Hearing officers to ensure that:
 - a. officers operate in accordance with applicable legislation and Council-approved By-laws; and
 - b. there is a clear and transparent process for screenings and hearings.

Scope

3. This by-law shall apply to the selection and appointment of Screening Officers and Hearing Officers for the purposes of AMPS.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

5. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

6. 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 Monetary Penalty System By-law;

“Administrative Monetary Penalty System By-law” means the Administrative Monetary Penalty System By-law of the Township;

“CAO” means the Chief Administrative Officer of the Township, as appointed pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, or his/her designate;

“Clerk” means the Clerk of the Township as appointed pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, or his/her designate;

“Council” means the Council of the Township;

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

“Director” means the department head responsible for the By-law Services section of the Township, or his/her designate or successor;

“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 Monetary Penalty System By-law;

“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 the policy of the Township 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 Monetary Penalty System By-law, to make a decision determining 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;

“Relative” includes any of the following persons:

spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;

- a. Parent or legal guardian;
- b. child, including a stepchild and grandchild;
- c. siblings and children of siblings;
- d. aunt, uncle, niece and nephew;
- e. in-laws, including mother, father, sister, brother, daughter and son; or
- f. 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 Monetary Penalty System 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 Monetary Penalty System 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

“Township” means The Corporation of the Township of Woolwich.

Part III. General Provisions

Screening Officer

7. The position of Screening Officer is established for the purpose of exercising the Power of Decision in the review of an Administrative Penalty by a Screening Officer, as set out in the Administrative Monetary Penalty System By-law.
8. The Screening Officer shall have all the powers of a Screening Officer as set out in the Administrative Monetary Penalty System By-law and, with respect to any matters subject to a by-law designated under Section 102.1 of the *Municipal Act, 2001*, the Regulation.
9. Screening Officer(s) shall be appointed by the Clerk, in accordance with the Policy for Appointment of Screening and Hearing Officers.

Hearing Officer

10. 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 Monetary Penalty System By-law.
11. The Hearing Officer shall have all the powers of a Hearing Officer as set out in the Administrative Monetary Penalty System By-law and, with respect to any matters subject to a by-law designated under Section 102.1 of the *Municipal Act, 2001*, the Regulation.
12. Hearing Officer(s) shall be appointed by the Clerk, in accordance with the Policy for Appointment of Screening and Hearing Officers. In the selection of Hearing Officer(s) for appointment, preference shall be given to eligible candidates:
 - a. with good knowledge of, and experience in, administrative law; and
 - b. of good character.

13. 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.
14. Notwithstanding section 13 the Clerk may revoke the appointment of a Hearing Officer at any time, if the Hearing Officer:
 - a. is found to have contravened any applicable Township policy relating to the administration of the Administrative Monetary Penalty System;
 - b. is found to have contravened any other requirement of the appointment; or
 - c. at any time during the appointment becomes ineligible for appointment.
15. A Hearing Officer shall be remunerated at a rate as established by the Clerk from time to time.
16. A Hearing Officer is deemed not to be an employee of the Township.

Eligibility

17. The following persons are not eligible for appointment as a Screening Officer or a Hearing Officer:
 - a. a member of Council;
 - b. a Relative of a member of Council;
 - c. current employees of the Township; and
 - d. a person indebted to the Township, other than:
 - i. in respect of current property taxes; or
 - ii. pursuant to an agreement with the Township, where the person is in compliance with the terms thereof.

General

18. A Screening Officer or a Hearing Officer shall have no authority to further delegate his/her powers or duties.
19. 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.
20. The Director shall administer this by-law and is delegated the power to:
 - a. prescribe all forms, notices, guidelines, practices, processes and procedures, necessary to implement this by-law and the administrative monetary penalty system, and to amend the same from time to time as the Director deems necessary.
 - b. establish and implement any policies and procedures necessary to implement this by-law and the administrative monetary penalty system, including without limitation the Policy for Appointment of Screening and Hearing Officers, and may amend the same from time to time, as the Director deems necessary.
 - c. appoint, suspend the appointment of and revoke appointments of any Screening Officer and Hearing Officer, in accordance with the Policy for Appointment of Screening and Hearing Officers, and any other applicable policies, by-laws and legislation.

- 21. For the purposes of Subsection 23.2(4) of the *Municipal Act, 2001*, Council has determined that any powers delegated pursuant to this by-law are minor in nature.

Part IV. Conflict and Transition

Conflict

- 22. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

Enactment

- 23. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 22 day of October, 2024.

Mayor

Clerk