



SUBJECT: Appointment of Hearing Officers

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Transportation Services Department

Report Number: TS-10-23

Wards Affected: ALL

File Numbers: 110-04-1

Date to Committee: March 28, 2023

Date to Council: March 30, 2023

Recommendation:

Approve By-law No. XX-2023, being the Screening and Hearing Officer By-law, substantially in the form attached as Appendix A to transportation services department report TS-10-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve Hearing Officer remuneration at the rate of \$500 per diem; and

Authorize the Director of Transportation Services to execute service agreements/ contracts with each of the appointed Hearing Officers, and any extension thereto, with content satisfactory to the Director of Transportation Services and form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

To appoint Hearing Officers working under the City of Burlington Administrative Penalty System (By-law 40-2016) as required per Section 8 of Ontario Regulation 333/07.

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation
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Background and Discussion:

Provincial Requirement for Screening and Hearing Officers

The City of Burlington operates under an Administrative Penalties System (APS) for parking infractions in accordance with authority provided under the Ontario Administrative Penalties Regulation 333/07 (the “Regulation”).

The regulations provide a two-step process for those individuals wishing to dispute a parking ticket.

Step one is a review by a Screening Officer who can vary, amend or cancel the parking ticket.

Step two is a final and binding appeal to a Hearing Officer should the ticket recipient be unsatisfied with the Screening Officer’s decision.

Screening Officers can be employees of the City while Hearing Officers must be independent of the City and are appointed by council. Hearing Officers must be appointed under an implementing bylaw. Currently, the Hearing Officers are appointed by By-law No.09-2020 which is sought to be repealed and replaced in the recommendation made in this report.

Once the bylaw is passed, the City will enter into service agreements with the appointed hearing officers.

Financial Matters:

Total Financial Impact

By-law 09-2020 recommended an updated per diem rate of \$500 per hearing. This rate is recommended to remain the same. The 2023 Parking Services Operating Budget planned for this amount assuming approximately 12 hearings per year.

Source of Funding

Payment for Hearing Officers is offset by the administrative penalty fees collected through parking tickets as approved in the City’s Administrative Monetary Penalties bylaw 40-2016.

Climate Implications

Not applicable.

Enterprise Risk:

The city is required to designate Screening Officers and appoint Hearing Officers as part of the appeal process legislated in Ontario Regulation 333/07.

Conclusion:

The recommended by-law will confirm the Screening Officer hiring process and appoint Hearing Officers to ensure the City's Administrative Penalty System complies with Provincial regulations.

Respectfully submitted,

Stephen Camm
Supervisor of Parking Services
905-335-7777 ext. 7690

Appendices:

- A. By-law XX-2023 to replace City of Burlington Screening and Hearing Officer Appointment By-law 09-2020.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.