

POLICY

POLICY TITLE: Administrative Monetary Penalty – Extension of Time to Request a Review

POLICY NUMBER: PLCY-2022-0006

DATE: June 13, 2022

Policy Statement

The Town of Halton Hills has implemented an Administrative Monetary Penalty System (AMPS) for the administration of various parking by-laws in effect in the Town.

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of the municipality's parking by-law, the penalty becomes a balance due to the municipality.

A penalty notice must be given to the owner as soon as reasonably practical and must include basic information that will inform the owner of the contravention, the penalty, the owner's right to request a review of the penalty and of the consequences if the penalty is not reviewed.

The Town has authorized the appointment and use of Screening and Hearing Officers to hear and decide the outcome of disputes related to penalty notices issued for parking violations. The system of administrative penalties incorporates defined options for the person against whom the an administrative penalty is imposed to exercise, including an ability to request an extension of time for payment of an administrative penalty notice.

Purpose

The purpose of this document is to provide a guideline regarding the extension of time to request a review of an Administrative Penalty pursuant to the Town's Administrative Monetary Penalties By-law 2022-0002.

Scope

The owner has a time-limited right to request an extension of time to request a review of the administrative penalty by a Screening Officer. The owner's right to request an

extension of time expires if it has not been exercised within 45 days after the penalty notice date at which time;

- a) the owner shall be deemed to have waived the right to request a review;
- b) the administrative penalty shall be deemed to be affirmed, due and payable on the 16th day after the penalty notice date; and
- c) the administrative penalty shall not be subject to any further review.

Extension of Time to Review Procedure

Screening Officer

An owner's right to request an extension of time to review is exercised by:

- a) electronically submitting a completed request for screening or extension of time form, as the case may be, available on the Town's website; or
- b) attending in person at the location listed in the penalty notice to complete a request for screening or extension of time form.

Granting a Request for an Extension of Time to Request a Screening Review

A request for an extension of time to request a review shall only be scheduled by the Town if the owner has exercised his or her right to request an extension of time to review within the time limits set out in sections 11 or 12 of By-law 2022-0002.

The screening Officer may only extend the time to request a review of an administrative penalty where the owner has demonstrated, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time. Where an extension of time is not granted by the screening officer, the decision of the screening officer is final and not subject to any further review. The administrative penalty is deemed to be affirmed, due and payable on the 16th day after the penalty notice date.

Mitigating or Extenuating Circumstances means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the Penalty Notice, the Screening Officer may take this into consideration when adjudicating the matter. These are also circumstances that render a contravention less serious and may lessen the degree of responsibility. The Person claiming mitigating or extenuating circumstances shall provide proof of their claim with oral evidence and at times may require to show documented proof, if available.

This Policy applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer or Hearing Officer, in accordance with the Town's AMPS By-law 2022-0002.

Granting a Request for an Extension of Time to Request a Hearing Review

A request for an extension of time to request a review shall only be scheduled by the

Town if the owner has exercised his or her right to request an extension of time to review within the time limits set out in sections 19 or 20 of By-law 2022-0002.

The Hearing Officer may only extend the time to request a review of an administrative penalty where the owner has demonstrated, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time. Where an extension of time is not granted by the hearing officer, the decision of the screening officer is final and not subject to any further review. The administrative penalty is deemed to be affirmed, due and payable on the 16th day after the penalty notice date.

Any decision by a Hearing Officer is final and not subject to further review.

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