



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 1, 2015
SUBJECT/REPORT NO:	Hearing Officer Appointment By-law for Administrative Penalty System (PED14120(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kerry Davren (905) 546-2424 Ext. 6009
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Hearing Officer By-law, being a by-law to appoint Hearing Officers in accordance with the Administrative Penalty By-law No.15-138, attached as Appendix “A” to Report PED14120(b), which has been prepared in a form satisfactory to the City Solicitor, be approved.

EXECUTIVE SUMMARY

An Administrative Penalty System (APS) for parking by-law infractions (except those related to disabled parking) was implemented on August 23, 2015 as per approved By-law No. 15-138. One requirement of APS is that Council appoint, by by-law, independent Hearing Officers to hear final appeals of parking penalty notices.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The estimated cost for Hearing Officers is \$4,800 annually, which will be offset by the administrative fees approved as part of the Administrative Penalty System and included in the City’s User Fees and Charges By-law.

Staffing: Hearing Officers are appointed by Council for the duration of the Council term and are not City of Hamilton employees. It is recommended that at

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least three Hearing Officers be appointed per term in order to ensure appropriate coverage.

Legal: Hearing Officers are required as part of the Administrative Penalty System (City of Hamilton By-law No.15-138) which is governed by *Ontario Regulation 333/07* of the *Municipal Act*.

HISTORICAL BACKGROUND

At its meeting of May 27, 2015, Council approved the Administrative Penalty By-law No.15-138 which allows parking by-law infractions, with the exception of disabled parking, to be administered under an Administrative Penalty System (APS). By-law No.15-138 came into force on August 23, 2015.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- *Municipal Act*, Section 102.1
- *Ontario Regulation 333/07* (Administrative Penalties)
- Administrative Penalty By-law No. 15-138

RELEVANT CONSULTATION

Legal Services and Human Resources were consulted in preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton Administrative Penalty System (APS) was developed as a more effective and efficient alternative to disputing parking tickets in the Provincial Offences Court. APS eliminates the need for Court time as the final appeal for those disputing a parking penalty notice is a review by a Council-appointed Hearing Officer at a City-owned facility.

Hearing Officers will be paid \$400 per full day and \$200 per half day for their services. These amounts were developed based on a review of other municipalities as shown in Appendix "B". The costs will be offset by the administrative fees approved as part of the Administrative Penalty System (included in the User Fees and Charges By-law).

Based on historical enforcement data, it is expected that Hearings will be held several times per year. Staff have the ability to increase or decrease the number of Hearing days based on demand. Modifications to the schedule will be made as required to ensure the most efficient and cost effective operation. Hearing Officers will be scheduled on a rotating basis based on their availability.

Hearings will be held at 77 James Street North, Suite 250 A, which is existing leased space.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
- 2.3 Enhance customer service satisfaction.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED14120(b) – Hearing Officer By-law

Appendix "B" to Report PED14120(b) – Salary Comparison to Other Municipalities

KD/MH/dt