



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 29, 2022
SUBJECT/REPORT NO:	Hearing Officer Appointment By-law for Administrative Penalty System (PED22200) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking 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. 17-225, attached as Appendix “A” to Report PED22200, which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That the General Manager of the Planning and Economic Development Department be granted delegated authority to sign and execute Hearing Officer Agreements, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

An Administrative Penalty System (APS) for enforcement of various municipal By-laws has been implemented as per approved By-law No. 17-225. One requirement of APS is that Council appoint, by by-law, independent Hearing Officers to hear final appeals of penalty notices. The appointment of Hearing Officers is required as a new term of council has commenced.

Alternatives for Consideration – Not Applicable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The estimated cost for Hearing Officers is \$12,000 annually, which will be offset by the administrative fees approved as part of the APS and included in the City's User Fees and Charges By-law.

Staffing: Hearing Officers are appointed by Council, for the duration of Council term, and are not City of Hamilton employees.

Legal: Hearing Officers are required as part of the APS (City of Hamilton By-law No.17-225) which is governed by *Ontario Regulation 333/07* of the *Municipal Act*.

HISTORICAL BACKGROUND

At its meeting of May 27, 2015, Council approved the implementation of an APS. Following this approval, on December 9, 2015, Council approved By-law No. 15-278 to appoint Hearing Officers for the remainder of that council term. On July 12, 2019 Council approved By-law No.19-172 to appoint Hearing Officers for the remainder of the present council term. It is now time to appoint new Hearing Officers for the new council term.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- *Municipal Act*, Section 102.1;
- *Ontario Regulation 333/07* (Administrative Penalties); and,
- Administrative Penalty By-law No. 17-225.

RELEVANT CONSULTATION

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The City of Hamilton APS was developed as a more effective and efficient alternative to disputing Municipal By-law penalties in the Provincial Offences Court. APS eliminates the need for Court time, as the final appeal for those disputing a penalty notice is a review by a Council-appointed Hearing Officer, at a City-owned facility.

Hearing Officers will be paid \$500 per full day and \$300 per half day for their services. These amounts were developed based on a review from the previous appointment term. The costs will be offset by the administrative fees approved as part of the APS (included in the User Fees and Charges By-law).

SUBJECT: Hearing Officer Appointment By-law for Administrative Penalty System (PED22200) (City Wide) - Page 3 of 3

Based on historical data from the past appointment term, it is expected that hearings will continue to be held monthly at a minimum. 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 are currently being held at 80 Main Street West, Parking Office.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22200 – Hearing Officer By-law