



Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			POLICY #:
POLICY: Screening and Hearing Review Process for the Administration of the Administrative Penalty System			
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1. Policy Statement

1.1 The *Municipality* of Hastings Highlands is committed to the fair, consistent, and efficient enforcement of its bylaws through the Administrative Penalty System (APS). This Policy establishes clear procedures to support the timely and transparent issuance, review, and resolution of *administrative penalties*.

1.2 By providing a structured, accessible process, the APS helps ensure accountability, promotes voluntary compliance, and reduces reliance on the provincial court system, in accordance with applicable legislation.

2. Purpose

2.1 The purpose of this Policy is to provide procedures for *Screening Review* and *Hearing Review* conducted pursuant to the *Municipality's Administrative Penalty System Bylaw*. It establishes a fair, transparent, and consistent process for individuals to dispute *administrative penalties* issued under the *Municipality's Designated Bylaws*.

2.2 This Policy outlines the roles and responsibilities of *Screening Officers* and *Hearing Officers*, timelines for requests and *Decisions*, and standards for procedural fairness. It is intended to ensure that all parties are heard and that *Decisions* are made fairly, impartially, and in accordance with established procedures.

3. Scope

3.1 This Policy applies to all elected Members of *Council*, *Screening Officers*, *Hearing Officers* and Municipal staff involved in the enforcement and administration of APS.

4. Definitions

4.1 For the purposes of this Policy, the following definitions are defined in accordance with the *Administrative Penalty System Bylaw*:

Administrative Fee(s) means any fee specified in this bylaw or set out in Schedules 'A' and 'B';

Administrative Penalty means an *Administrative Penalty* established by the *Administrative Penalty System Bylaw* for a *Contravention* of a *Designated Bylaw*, as defined therein;

Administrative Penalty System Bylaw means the bylaw passed by the *Municipality* to establish *Administrative Penalties* for the contravention of *Designated Bylaws*, as amended from time to time, or any successor thereof;

APS means Administrative Penalty System;

Conflict of Interest means a situation in which a *Person's* personal, financial, professional, or other interests could improperly influence, or appear to influence, the performance of their duties or Decision-making responsibilities;

Contravention means, in the context of an Administrative Penalty System Bylaw, a violation, breach, or failure to comply with a law, specifically a *Designated Bylaw*.

Council means the *Council* of the Corporation of the *Municipality* of Hastings Highlands;

Decision means a notice that contains a *Decision* made by a *Screening Officer* or *Hearing Officer* delivered in accordance with the *Administrative Penalty System Bylaw*;

Designated Bylaw means a bylaw, or a part or provision of a bylaw, that is designated under the *Administrative Penalty System Bylaw*;

Hearing Officer means any *Person* who is appointed, from time to time, to perform the functions of a *Hearing Officer* in accordance with the *Administrative Penalty System Bylaw*;

Hearing Review means the process related to the review of a *Screening Officer's Decision*;

Mitigating or Extenuating Circumstances means unforeseen or exceptional situations beyond a *Person's* control that can justify or explain a failure to meet a requirement or deadline. These circumstances are typically serious and must significantly impact a *Person's* ability to act within the expected time frame.

Municipality means the Corporation of the *Municipality* of Hastings Highlands;

Officer means a Municipal Bylaw Enforcement *Officer*, Chief Building Official, Fire Chief or designate appointed by the *Municipality* to administer and enforce the *Administrative Penalty System Bylaw*;

Penalty Notice means a formal notification issued by an *Officer* informing an individual or organization that they are in contravention a *Designated Bylaw* in accordance with the *Administrative Penalty System Bylaw*;

Person means and includes any individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal

representatives of a *Person* to whom the context can apply according to law;

Relative includes any of the following *Persons*:

- (a) spouse, common-law partner, or any *person* with whom the *person* is living as a spouse outside of marriage;
- (b) Parent or legal guardian;
- (c) child, including a stepchild and grandchild;
- (d) siblings and children of siblings;
- (e) aunt, uncle, niece and nephew;
- (f) in-laws, including mother, father, sister, brother, daughter and son; or
- (g) any *Person*, including but not limited to a dependent, who lives with the *Person* on a Permanent basis.

Screening Officer means a *Person* from time to time appointed pursuant to the *Administrative Penalty System Bylaw* who performs the duties of *Screening Officer* as set out pursuant to the *Administrative Penalty System Bylaw*;

Screening Review means the process related to review of a *Penalty Notice*.

5. Policy Communication and Training

5.1 This Policy will be posted on the *Municipality's* website.

5.2 This Policy shall form part of the orientation for all Members of Council at the start of a new term of Council.

5.3 This Policy shall form part of the orientation for all *Screening Officers*, *Hearing Officers* and all those involved in the enforcement and administration of APS.

6. Screening Review and Hearing Review

6.1 A *Person* who receives an *Administrative Penalty* may request a review by a *Screening Officer* and, if still unresolved, by a *Hearing Officer*.

6.2 Submission requirements, procedures, and *Decision* criteria for *Screening Review* and *Hearing Review* requests are governed by the *Municipality's Administrative Penalty System Bylaw*, this policy, and related policies and procedures.

6.3 A *Person's* right to request a *Screening Review* or *Hearing Review* are exercised by submitting a '*Screening Review* or *Hearing Review* Request Form' in the manner, form and timeline prescribed on the *Penalty Notice* and in the *Administrative Penalty System Bylaw*. *Screening Review* and *Hearing Review* Request Forms are available on the Municipality's website, in-person or by mail (upon request).

6.4 All relevant supporting documentation - such as written statements, photographs, or records - necessary to substantiate the request must be provided.

7. Screening Officer and Hearing Officer Review - Decision-Making Guidelines

7.1 Authority of the Screening Officer and Hearing Officer - The *Screening Officer* and *Hearing Officer* are appointed pursuant to the *Municipality's Administrative Penalty System Bylaw*. The *Screening Officer* and *Hearing Officer* may affirm, cancel, or vary the penalty and any associated *Administrative Fees* in accordance with applicable policies and procedures.

7.2 Screening Review Request Submission - A *Person* seeking a *Screening Review* must submit a completed *Screening Review Request Form* within the timelines specified in the *Penalty Notice* and as outlined in the *Administrative Penalty System Bylaw*. The submission must include all relevant supporting documentation deemed necessary to substantiate the grounds for the review.

7.3 Preliminary Assessment - Upon receipt, the *Screening Officer* or *Hearing Officer* will conduct an initial assessment to determine if the submission complies with procedural requirements and contains sufficient information to proceed.

7.4 Interview - Prior to rendering a *Decision*, the *Screening Officer* or *Hearing Officer* shall conduct an interview with the *Person* by one of the following methods:

- (a) Telephone;
- (b) Virtual meeting platform (e.g., Zoom, Microsoft Teams);
- (c) In-person at the Municipal Office (33011 Hwy 62, Maynooth, ON).

7.5 The interview method will be determined based on availability, the *Person's* preference, and any accommodation needs.

7.6 Application of Decision-Making Guidelines - *Decisions* shall be guided by the '*Decision-Making Guidelines* detailed in Appendix 'A' of this policy, which are informed by the *Administrative Penalty System Bylaw* and other relevant municipal policies. The *Screening Officer* or *Hearing Officer* will consider all evidence, *Mitigating or Extenuating Circumstances*, and any applicable legal provisions.

7.7 Issuance of Decision - The *Screening Officer* or *Hearing Officer* shall issue a written *Decision* within the timeline specified by the *Administrative Penalty System Bylaw*. The *Decision* will affirm, cancel, or vary the *Administrative Penalty* and any related fees and provide reasons for the outcome.

7.8 Right to Appeal to Hearing Officer - If dissatisfied with the *Screening Officer's Decision*, the *Person* may request a *Hearing Review* by submitting an appeal within the prescribed timeline. The *Hearing Officer's* review is final and binding.

7.9 Finality and Enforcement - Upon conclusion of the *Hearing Officer's Decision*, or if no further review is requested within applicable timelines, the *Administrative Penalty* (as affirmed or varied) shall be deemed final and enforceable. Failure to comply with a final *Administrative Penalty* may result in enforcement actions as prescribed under the *Administrative Penalty System Bylaw* and applicable legislation.

7.10 Record-Keeping - All *Screening Review* and *Hearing Review* requests, supporting documentation, interview notes, and final *Decisions* shall be retained in accordance with municipal records retention policies to ensure transparency and accountability.

8. Extension of Time to Request a Screening Review or Hearing Review

8.1 A *Person's* right to request an Extension of Time to Request a *Screening Review* or *Hearing Review* is governed by the *Municipality's Administrative Penalty System Bylaw* and supporting policies, including the Extension of Time Policy.

8.2 A *Person's* right to request an Extension of Time to Request a *Screening Review* or *Hearing Review* is exercised by submitting an Extension of Time to Request a *Screening Review* or *Hearing Review* in the manner, form and timeline prescribed on the *Penalty Notice* and as outlined in the *Administrative Penalty System Bylaw*.

8.3 Request Forms are available on the *Municipality's* website, in-person or by mail or email (upon request).

8.4 Extension of Time Requests shall be granted by the *Screening Officer* or *Hearing Officer* in accordance with the '*Decision-Making Guidelines*' outlined in Appendix 'A' of the '*Screening Review* and *Hearing Review* Process for the Administration of APS' policy, which is informed by the *Administrative Penalty System Bylaw* and applicable supporting policies.

8.5 Such requests will be approved where the *Person* establishes, on a balance of probabilities, the presence of *Mitigating or Extenuating Circumstances* that prevented the timely submission of a *Screening Review* or *Hearing Review*.

8.6 *Mitigating or Extenuating Circumstances* will be considered valid only when supported by appropriate documentation, such as a medical certificate, death certificate, or police report (see Appendix 'A'). Such documentation is required to be submitted with the Extension of Time Request Form.

8.7 Where an extension of time to request a *Screening Review* or *Hearing Review* is not granted by the *Screening Officer* or *Hearing Officer*, the *Administrative Penalty* and any applicable *Administrative Fee(s)* are deemed to be confirmed.

8.8 The *Screening Officer* or *Hearing Officer* shall issue a written *Decision* on the Extension of Time Request within the timeline prescribed in the *Administrative Penalty System Bylaw*. The *Decision* shall grant or deny the request and shall include written reasons, based on whether the *Person* has established, on a balance of probabilities, the existence of *Mitigating or Extenuating Circumstances* in accordance with this policy and applicable guidelines.

Appendix 'A' **Decision-Making Guidelines for Screening and Hearing Officers**

Purpose and Legislative Context

These guidelines have been developed to assist *Screening Officers* and *Hearing Officers* in exercising their authority under the *Municipality's Administrative Penalty System (APS) Bylaw* in a manner that is fair, transparent, and consistent with governing legislation. Specifically, these guidelines are informed by and supported through compliance with Ontario Regulation 333/07 under the *Municipal Act, 2001*, which requires that all municipalities administering an APS establish clear and accountable policies and procedures. In accordance with section 7 of O. Reg. 333/07, this includes:

- Policies and procedures to prevent political interference in the administration of the system;
- Guidelines to define and prevent *Conflicts of Interest*, and redress them when they occur;
- Policies and procedures regarding financial management and reporting related to APS;
- Procedures for the filing and processing of complaints from the public concerning the APS.

While these supporting policies are not reproduced in detail within this appendix, they form an essential legal and procedural foundation for the fair administration of APS in the *Municipality of Hastings Highlands*.

The *Decision-Making Guidelines* provided are intended to ensure that every review of a *Penalty Notice* is procedurally fair, legally compliant, and grounded in the principles of proportionality, accountability, and consistency. *Screening Officers* and *Hearing Officers* are responsible for determining whether to affirm, vary, or cancel a penalty, or to grant or deny an Extension Review Request, based on an objective assessment of all relevant facts, evidence, and applicable municipal policies.

1. Jurisdiction and Validity of the Penalty

Before proceeding to the merits of the matter, *Screening Officers* and *Hearing Officers* must confirm that the *Municipality* has the authority to issue *Administrative Penalties* for the alleged *Contravention* and that the *Screening Officer* or *Hearing Officer* is properly appointed under the *Administrative Penalty System Bylaw*. This includes verifying that:

- The bylaws in question are *Designated Bylaws* for APS enforcement;
- The *Penalty Notice* was properly issued and served;
- The *Screening Officer* or *Hearing Officer* has jurisdiction to conduct the review.

Where jurisdiction is lacking or procedural deficiencies render the *Penalty Notice* invalid, the matter must not proceed, and the penalty should be cancelled.

2. Determination of Contravention

The Officer must determine, on a balance of probabilities, whether the *Contravention* occurred. This assessment must be based on a review of:

- The *Penalty Notice* and supporting materials from the issuing officer;
- Any submissions, documents, or photographs presented by the *Person*;
- The credibility and reliability of all evidence provided.

If the Officer is not satisfied that the *Contravention* is more likely to have occurred, the penalty must be cancelled.

3. Procedural Fairness and Natural Justice

The Officer must ensure that the *Person* was provided with:

- Timely and adequate notice of the *Screening Review* or *Hearing Review*;
- A reasonable opportunity to present submissions and respond;
- Access to accommodations, language assistance, or procedural support as required.

Where procedural fairness is compromised, whether through lack of notice, insufficient opportunity to respond, or barriers to participation, the Officer may defer the review or cancel the penalty where necessary to preserve the integrity of the process.

4. Mitigating and Extenuating Circumstances

The Officer must consider whether the *Person* has presented valid *Mitigating or Extenuating Circumstances* that explain the *Contravention* or their failure to respond in a timely manner. These may include:

- i. Medical emergencies
- ii. Death or serious illness of a close relative
- iii. Natural disasters or extreme weather events
- iv. Legal obligations (e.g., court appearances)
- v. Accidents or unexpected travel disruptions

To be considered valid, such circumstances will require the *Person* to submit some form of supporting documentation (e.g., a doctor's note, death certificate, police report, etc.) with their Request for an Extension.

A *Screening Officer* or *Hearing Officer* may request documentation to support such claims and must assess their relevance and credibility. Where justified, such circumstances may support extension of the

Screening Review or *Hearing Review* Request Process or variation of cancellation of the penalty.

5. Undue Hardship Considerations

Where the *Person* does not contest the *Contravention* but requests relief due to hardship, the Officer may vary the penalty amount or extend the time for payment. This determination should be based on:

- Evidence of financial distress or inability to pay;
- Physical or mental health limitations;
- Social or personal hardship that materially affects the *Person's* ability to comply.

Screening Officers and *Hearing Officers* may adjust payment terms in accordance with the *Municipality's* Undue Hardship Policy, ensuring that relief is reasonable and proportionate.

6. Conduct, Good Faith, and History of Compliance

The Officer may consider the overall conduct of the *Person*, including:

- Whether they attempted to comply with the bylaw before or after the contravention;
- Whether they proactively communicated with the *Municipality*;
- Whether the incident was isolated or part of a pattern of non-compliance.

Evidence of good faith and a willingness to resolve the matter may support leniency, while repeat violations or disregard for the bylaw may support affirmation of the penalty.

7. Discretion, Proportionality, and Public Interest

Screening Officers and *Hearing Officers* must exercise discretion judiciously and in accordance with the objectives of the *APS* regime. The penalty must be proportionate to the nature and seriousness of the *Contravention* and must serve the public interest, which includes:

- Promoting voluntary compliance;
- Upholding municipal standards and bylaws;
- Ensuring fairness and transparency in enforcement.

Decisions must be supported by evidence, consistent with past determinations in similar circumstances, and responsive to the facts of the case.

8. Determine the Outcome: Extension of Time Requests and Decisions to Affirm, Cancel, or Vary

Determination of Extension of Time Requests for Screening Officer Reviews and Hearing Officer Reviews - An Extension of Time Request should be granted where:

- The *Person* establishes, on a balance of probabilities, the existence of *Mitigating or Extenuating Circumstances* that reasonably prevented timely submission of the review request;
- Supporting documentation has been provided to substantiate the claimed circumstances (e.g., medical notes, legal summons, death certificates, etc.);
- Granting the extension supports procedural fairness and does not undermine the integrity of the process.

An Extension of Time Request should be denied where:

- No credible basis or documentation has been provided;
- The reasons presented do not meet the threshold for *Mitigating or Extenuating Circumstances*;
- There is evidence of undue delay or lack of good faith in pursuing the review.

Affirmation of the Penalty - Affirmation is appropriate where:

- The *Contravention* is established on the balance of probabilities;
- No credible *Mitigating or Extenuating Circumstances* have been presented;
- Procedural fairness has been upheld;
- The penalty is proportionate and supported by the facts.

Cancellation of the Penalty - Cancellation should be reserved for circumstances where fairness or legality demands it. Cancellation is appropriate where:

- Jurisdiction is lacking or the notice is procedurally invalid;
- The *Contravention* is not proven;
- Significant procedural unfairness occurred;
- *Mitigating or Extenuating Circumstances* wholly justify cancellation.

Variation of the Penalty - Variation of the *Administrative Penalty* is appropriate where:

- The *Contravention* has occurred, but relevant *Mitigating and Extenuating Circumstance* exist;
- The *person* demonstrates undue hardship;
- Adjusting the penalty better promotes fairness and proportionality.

Variations may include reducing the monetary penalty, extending payment deadlines, or implementing a payment plan, all in accordance with established municipal policies.

Undue Hardship Penalty Reduction Scale

Level of Hardship Description Examples	Recommended Penalty Reduction	Considerations & Examples
No Hardship - No evidence or insufficient evidence of hardship; full penalty applies.	0%	Standard penalty enforced without adjustment.
Minimal Hardship - Minor financial or personal impact; hardship is evident but manageable without undue difficulty.	Up to 20% reduction	Minor financial inconvenience or limited personal impact.
Moderate Hardship - Noticeable financial or personal difficulty affecting ability to pay the full penalty.	21% to 40% reduction	Temporary income loss or constrained financial resources.
Severe Hardship - Significant financial distress or personal circumstances making the full penalty unduly burdensome.	41% to 70% reduction	Disability, chronic illness, or loss of primary income source.
Extreme Hardship - Imposition of the full penalty would cause substantial risk to essential living conditions.	71% to 90% reduction	Risk of homelessness or inability to meet basic living expenses.
Exceptional Hardship - Extraordinary conditions warranting near-total or full waiver of the penalty.	91% to 100% reduction	Catastrophic events such as natural disasters or severe hardship.

Procedure

Claim Submission: An individual or entity requesting a hardship-based penalty reduction must submit a written request, including supporting documentation that demonstrates the nature and extent of the hardship.

Assessment: The *Screening Officer* or *Hearing Officer* will assess the request, considering financial, personal, and social impacts, applying the Undue Hardship Penalty Reduction Scale as a guide.

Decision: Based on the evidence provided, the *Screening Officers* and *Hearing Officer* will determine an appropriate penalty reduction within the prescribed ranges.

Documentation: All *Decisions* must be clearly documented, including the rationale for the reduction, and retained for audit and appeal purposes.

Appeal: *Decisions* made under this framework may appeal in accordance with the *Municipality's* Administrative Penalty System (APS) Appeal Procedures.

9. Conflict of Interest and Political Independence - *Screening Officers* and *Hearing Officers* must act independently and free from external influence. *Screening Officers* and *Hearing Officers* must:

- Disclose any actual or perceived *Conflict of Interest*;
- Refrain from participating in reviews involving family, close associates, or prior relationships;
- Report any attempt at political interference or undue influence.

These obligations align with O. Reg. 333/07 and support the impartial administration of the APS.

10. Decision Documentation and Communication

Decisions must be served in the manner required by the *Administrative Penalty System Bylaw* (e.g., email, regular mail, in-person) and must comply with recordkeeping requirements.

Each *Decision* must be written and must include:

- A summary of the evidence and facts considered;
- The *Decision* outcome (affirmed, varied, or cancelled);
- A clear rationale for the *Decision*, referencing applicable legislation and policies;
- Information on next steps, such as payment instructions or further appeal options.

11. Accountability, Consistency, and Public Confidence

Screening Officers and *Hearing Officers* are expected to apply these guidelines consistently and professionally to support the integrity of the APS. *Decisions* should be principled, defensible, and respectful of the rights of individuals while upholding the *Municipality's* interest in bylaw compliance. Consistent application across similar cases strengthens public trust and ensures that the APS remains an effective and just enforcement mechanism.

Summary Table – Screening Officer or Hearing Officer's Decision Checklist

Decision Factor	Reviewed?	Notes
Jurisdiction and Validity	✓ / X	
Contravention Proven	✓ / X	
Procedural Fairness	✓ / X	
Decision Factor	Reviewed?	Notes
Mitigating or Extenuating Circumstances	✓ / X	
Undue Hardship	✓ / X	
Good Faith Conduct	✓ / X	
Appropriate Use of Discretion	✓ / X	
Conflict of Interest Disclosure	✓ / X	
Decision Documented and Served	✓ / X	