



Hastings Highlands

Beautiful By Nature

Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			POLICY #:
POLICY: Extension of Time to Request a Screening Review or Hearing Review for the Administration of the Administrative Penalty System			
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1. Policy Statement

This Policy is to respond to a Person's request for an extension of time to request a review of a Penalty Notice by a Screening Officer or a Screening Decision by a Hearing Officer.

2. Purpose

Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a municipality establishing an Administrative Penalty System to develop procedures to allow a Person to obtain an extension of time in which to request a review by a Screening Officer, or a review by a Hearing Officer.

3. Scope

This policy applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer or Hearing Officer, in accordance with the Municipality's Administrative Penalty System Bylaw.

4. Definitions

Administrative Fee means any fee specified in the Administrative Penalty Systems Bylaw or its Schedule 'B';

Administrative Penalty means an administrative penalty established by the Administrative Penalty Systems Bylaw for a contravention of a Designated Bylaw, as defined therein;

APS means Administrative Penalty System;

Administrative Penalty Systems Bylaw means the bylaw passed by the Municipality to establish administrative penalties for Designated Bylaws, as amended from time to time, or any successor thereof;

Chief Administrative Officer or CAO means the employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council.

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

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

Hearing Decision means a notice that contains the decision made by a Hearing Officer;

Hearing Review means the process related to review of a screening decision;

Integrity Commissioner means the Integrity Commissioner as appointed by Council from time to time;

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;

Municipal Freedom of Information and Protection of Privacy Act means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended from time to time, or any successor thereof;

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 Systems Bylaw;

Penalty Notice means a formal notification issued by an Officer informing an individual or organization that they have violated a bylaw in accordance with the Administrative Penalty Systems 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;

Screening Decision means a notice which contains the decision of a Screening Officer;

Screening Officer means any person who is appointed, from time to time, to perform the functions of a Screening Officer in accordance with the Administrative Penalty Systems Bylaw;

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

5. Policy Communication

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

5.2. Staff will be advised of the new Policy via distribution through the Senior Leadership Team.

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

6.1. Within 15 days from the date of the Penalty Notice issuance, a Person will have the option to:

- (a) make a voluntary payment; or
- (b) request a review of the Penalty Notice by a Screening Officer.

6.2. If the Person has not requested a Screening Review of their Penalty Notice on or before the 15th day after the Penalty Notice was issued, they may request an Extension of Time to Request a Screening Review. The Person shall make this request no later than 30 calendar days after the issued date on the Penalty Notice.

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

7.1. The request for an extension may be granted if the Person requesting the extension demonstrates the existence of mitigating or extenuating circumstances that prevented them from requesting a Screening Review within the original 15-day timeframe set out on the Penalty Notice.

7.2. A Person may provide supporting written documentation and other information to the Screening Officer to justify the mitigating or extenuating circumstances.

7.3. Examples of extenuating mitigating and extenuating circumstances may include:

- (a) Medical emergencies or serious illness
- (b) Death or serious illness of an immediate family member
- (c) Natural disasters or extreme weather events
- (d) Legal obligations (e.g., court appearances)
- (e) Accidents or unexpected travel disruptions

To be considered valid, such circumstances usually require some form of supporting documentation (e.g., a doctor's note, death certificate, police report, etc.).

7.4. The decision to grant the request for an Extension of Time to Request a Screening Review will be at the sole discretion of the Screening Officer. The decision will be made in accordance with the APS Bylaw.

8. Hearing Review

8.1. Following the receipt of a Screening Decision, the Person will have the option to:

- (a) pay the total amount due; or
- (b) request a review of the Screening Decision by a Hearing Officer.

8.2. If a Person would like to request a Hearing Review of the Screening Decision, they must do so on or before the payment due date set out in the Screening Decision. If the Person has not requested a Hearing Review of their Screening Decision on or before the payment due date set out in the Screening Decision, they may request an Extension of Time to Request a Hearing Review. The Person may request an Extension of Time to Request a Hearing Review on or before 30 days after the payment due date established in the Screening Decision.

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

9.1 The request for an extension may be granted if the Person requesting the extension demonstrates the existence of mitigating or extenuating circumstances that prevented them from requesting a Hearing Review on or before the payment due date set out in the Screening Decision.

9.2 A Person may provide supporting written documentation and other information to the Hearing Officer to justify the mitigating or extenuating circumstances.

9.3 Examples of mitigating and extenuating circumstances may include:

- (a) Medical emergencies or serious illness
- (b) Death or serious illness of an immediate family member
- (c) Natural disasters or extreme weather events
- (d) Legal obligations (e.g., court appearances)
- (e) Accidents or unexpected travel disruptions

To be considered valid, such circumstances usually require some form of supporting documentation (e.g., a doctor's note, death certificate, police report, etc.).

9.4 The decision to grant the request for an Extension of Time to Request a Hearing Review will be at the sole discretion of the Hearing Officer. The decision will be made in accordance with the APS Bylaw.