



*Hastings Highlands*

*Beautiful By Nature*

| Municipality of Hastings Highlands - Corporate Policies and Procedures                                                                                |                   |                            |                       |
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| <b>DEPARTMENT:</b><br>Administration                                                                                                                  |                   |                            | <b>POLICY #:</b>      |
| <b>POLICY:</b><br>Extension of Time to Request a Screening Review or Hearing Review for the Administration of the Administrative Penalty System (APS) |                   |                            |                       |
| <b>DATE:</b><br>June 18, 2025                                                                                                                         | <b>REV. DATE:</b> | <b>COVERAGE:</b><br>Public | <b>PAGE #:</b><br>1-4 |

## 1. Policy Statement

1.1 This Policy is to respond to a *Person's* request for an *Extension of Time to Request a Screening Review or Hearing Review*.

## 2. Purpose

2.1 Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a *municipality* establishing an Administrative Penalty System (APS) to develop procedures to allow a *Person* to obtain an *Extension of Time to Request a Screening Review or Hearing Review*.

## 3. Scope

3.1 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

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

**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;

**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*.

**Day** means any calendar *day*;

**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* of a *Designated Bylaw* in accordance with the *Administrative Penalty System Bylaw*;

**Penalty Notice Date** means the official date on which a Penalty Notice is issued or recorded. It's an important reference point because it typically determines:

- when the notice is considered to have been given or served,
- the deadline for paying the penalty,
- the timeframe for disputing or appealing the notice, and
- when additional fees or consequences may begin if no action is taken;

**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 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

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

5.2 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 *Penalty Notice Date* (date of 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 *Penalty Notice 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 *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

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

7.5 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 *Administrative Penalty System Bylaw*.

## 8. Hearing Review

8.1 Following the receipt of a *Screening Officer's Decision*, the *Person* will have the option to:

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

8.2 If a *Person* would like to request a *Hearing Review* of the *Screening Officer's Decision*, they must do so on or before the payment due date set out in the *Screening Officer's Decision*. If the *Person* has not requested a *Hearing Review* of their *Screening Officer's Decision* on or before the payment due date set out in the *Screening Officer's 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 Officer's 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 Officer's 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 *Administrative Penalty System Bylaw*.