

To: City Council

From: Adam Grant, Commissioner,
Safety and Facilities Services Department

Report Number: CNCL-24-02

Date of Report: January 24, 2024

Date of Meeting: January 29, 2024

Subject: Proposed Replacement and Consolidation of the By-laws
Establishing and Appointing Screening and Hearing Officers

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to review the City's existing Hearings Officer By-law 26-2008, as amended ("Current By-law"), and to propose a replacement Screening and Hearing Officers By-law ("Proposed By-law") that will consolidate the appointment process of Screening and Hearing Officers and increase efficiencies for staff administering the Administrative Monetary Penalty ("A.M.P.") hearing process.

Attachment 1 is the current Hearings Officer By-law 26-2008, as amended.

Attachment 2 is the proposed Screening and Hearing Officers By-law.

Attachment 3 is the proposed By-law to amend By-law 24-2011, as amended and By-law 63-2013, as amended.

2.0 Recommendation

It is recommended to City Council:

1. That in accordance with Report CNCL-24-02 dated January 24, 2024 concerning a proposed replacement and consolidation of the By-laws establishing and appointing Screening and Hearing Officers, Council pass a By-law to appoint Screening and Hearing Officers as set out in Attachment 2 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,

2. That the proposed amendments to the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to remove the appointment process for Screening Officers be approved and the amending by-law be passed as set out in Attachment 3 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
3. That Hearings Officer By-law 26-2008, as amended, and By-law 163-2022, be repealed.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Legal Services
- Legislative Services

5.0 Analysis

5.1 Background

The City's A.M.P. system is established in accordance with the authority provided under Ontario Regulation 333/07: Administrative Penalties (the "Regulation") as per the Municipal Act, 2001, S.O. 2001 c. 25 ("Municipal Act, 2001"). Administrative penalties for parking related by-law infractions are administered through the Parking Administrative Penalty System By-law 24-2011, as amended ("By-law 24-2011"). Non-parking administrative penalties are administered through the Administrative Penalty Process By-law 63-2013, as amended ("By-law 63-2013").

Under the Regulation, the City is required to appoint a Screening Officer for the purpose of reviewing administrative penalties where a review has been requested by a person who receives a penalty notice. The Regulation also requires the City to appoint a Hearing Officer for the purpose of reviewing the decisions of the Screening Officer where a request for such a review has been made by a person receiving notice of the decision.

With regard to the administration of the system, Section 7 of the Regulation requires the municipality to maintain standards relating to: prevention of political interference; what constitutes a conflict of interest; financial management and reporting; and, the filing and processing of complaints made by the public. The Regulation stipulates that the appointment of Hearing Officers must be consistent with the municipality's standards relating to what constitutes a conflict of interest in relation to the administration of the A.M.P. system.

In 2008, Council passed the Current By-law to establish the position of Hearings Officer, and in 2010, Council approved additional amendments. Though consistent with the requirements of the Regulation as outlined above, the Current By-law has not been updated since the 2010 amendment (Attachment 1). The appointment of Screening Officers is provided for equally in By-laws 24-2011 and 63-2013.

5.2 Current State and Future Growth

Any community member who has received a penalty notice, known as an Administrative Monetary Penalty (“A.M.P.”), may request a review through the City’s appeal process. Should an individual choose to dispute a penalty notice, they first attend a screening with a Screening Officer. If the matter is still in dispute following a screening, the individual may request a review by a Hearing Officer.

The administration and coordination of the A.M.P. appeal system is a shared responsibility between M.L.E.L.S. and Legal Services. The City presently contracts with two (2) Screening Officers and two (2) Hearing Officers who processed 2,979 screenings and 98 hearings in 2023.

The City is forecasting that the demand for appeals will grow significantly with the introduction of additional Municipal Law Enforcement Officers and increased compliance projects focused on ensuring public health and safety. Additionally, the demand for appeals could further increase with the potential implementation of Automated Speed Enforcement (A.S.E.) systems which staff are presently investigating per Council’s November 20, 2023 direction (SF-23-35).

5.3 Review of the Current Hearing Officer By-law

City staff are faced with delays and inefficiencies in appointing Hearing Officers and administering the A.M.P. system due to the provisions of the Current By-law. After a substantial review of the Current By-law and administrative process, staff have identified opportunities and are proposing changes to assist in streamlining the process and improve customer service.

5.3.1 Streamline Appointment or Removal of Hearing Officers

Every appointment or removal of a Hearing Officer requires a report from staff to Council with approval required to affect any changes. Once appointed, every Hearing Officer serves the same term as the Council that appointed them, typically the full four (4) years, at a remuneration rate also set by Council. The appointment process can take several weeks – if not months – being added to an end-to-end hiring process, which can negatively impact the City’s competitiveness in securing the right candidates and providing a timely response to appeals.

The Regulation requires that the municipality appoint a Hearing Officer to perform the duties as outlined within said Regulation. Neither the Municipal Act, 2001, nor the Regulation name Council as the authority that appoints, removes or sets terms for a Hearing Officer. It is therefore within the City’s discretion as to which party performs these responsibilities. However, as noted in Section 5.1, the Regulation requires the City to

develop standards relating to the administration of the system of administrative penalties, which includes policies and procedures to prevent political interference in the administration of the system.

Under the current process, with Council as the final decision maker for Hearing Officer appointments, it may be perceived as potential political interference. In light of this, and to avoid any such perception of political interference, staff consider it best practice to remove Council from the appointment process. This will also align the Hearing Officer appointment process with the principles of the City's Enforcement By-law 92, 2014, and the City's existing process for appointing Screening Officers, discussed further in Section 5.5 of this report.

5.3.2 Increase Efficiencies of Administrative Processes

The majority of provisions in the Current By-law deal with matters unrelated to the appointment of Hearing Officers. Much of the language in the Current By-law instead covers matters related to the hearings process. This restricts both the Hearing Officer and staff in how they may administer hearings or approve changes to any relevant administrative policies and procedures.

5.4 Recommended Amendments to the Hearing Officer By-law

While there is not a substantive number of changes proposed, staff are recommending a repeal and replacement of the Current By-law to allow for thorough formatting changes to be made in addition to the changes highlighted below.

5.4.1 Reassign Responsibility for Appointments and Remuneration to City Staff

In order to address the aforementioned delays and inefficiencies, staff recommend that appointment and remuneration responsibilities be assigned to the C.A.O. to allow for a more expeditious hiring and appointment process. Furthermore, the decreased lead-time for hiring will allow the City to respond in a timely manner to any potential increase in the demand for hearings as forecasted in Section 5.2 of this report.

The Proposed By-law specifically authorizes the C.A.O. to appoint Screening and Hearing Officers on the recommendation of the Director of M.L.E.L.S. in consultation with the City Solicitor and reassigns the determination of the remuneration rate to City staff. The remuneration of the Screening and Hearing Officers is accommodated in the M.L.E.L.S. annual Operating Budget.

5.4.2 Remove Administrative Procedural Language

In simplifying or removing by-law clauses of a prescriptive nature, the City can ensure Hearing Officers and City staff maintain greater flexibility, accuracy and efficiency in performing their duties. The table below includes the clauses from the Current By-law which have been revised and integrated in the City’s Hearings Administration Procedure where they can be maintained in a relevant and consistent manner to actual proceedings.

Subject	Section in By-law	Revised Clause
Scheduling	6.1	City staff, shall determine the scheduling of proceedings before any Hearing Officer having regard to the efficiency and timeliness of hearings processes and to the availability of Hearing Officers.
Representation	6.3	A representative may act on behalf of and represent a Person in respect of a proceeding or hearing before the Hearing Officer at the discretion of the Hearings Officer.
Interpreter	6.4	If a person requires an interpreter for the purpose of any proceeding before a Hearing Officer, the person must provide the interpreter at the person’s own expense.
Recordings	6.5	Hearings are not permitted to be recorded unless the Appellant has requested authorization, and received permission to do so, a minimum of three (3) calendar days in advance of the Hearing by contacting the Hearing Coordinator

5.5 Consolidation of Screening Officer Appointment Process

Staff also recommend consolidating the appointment process for Screening Officers into the Proposed By-law. Under By-laws 24-2011 and 63-2013, Screening Officers are appointed directly by the C.A.O. The inclusion of identical language in both by-laws is unnecessary and complicates the process administratively.

Since the responsibilities of Screening Officers and Hearing Officers are directly related, staff find it most appropriate to use one (1) by-law to outline the appointment processes for each position. The recommended change amends both By-law 24-2011 and By-law 63-2013 to remove the above cited clause and include it in the Proposed By-law. The Proposed By-law updates the C.A.O.’s title but otherwise makes no change to the existing appointment process. The changes are set out in the table below.

By-law	Action	Affected Section
24-2011	Remove	17. The City's City Manager may appoint as Screening Officers such individuals and on such terms as the City Manager considers appropriate.
63-2013	Remove	17. The City's City Manager may appoint as Screening Officers such individuals and on such terms as the City Manager considers appropriate.
Proposed (Attachment 2)	Include	2.2 The C.A.O. may appoint as Screening Officers, such individuals and on such terms as the C.A.O. considers appropriate.

6.0 Financial Implications

There are no financial implications associated with the approval of the Proposed By-law. The Proposed By-law provides staff the responsibility to establish the rate of remuneration for Hearing Officers.

The current remuneration for a Screening Officer is \$500 per day and a Hearing Officer is \$300 for a half day. The M.L.E.L.S. 2024 Operating Budget includes \$56,500 to accommodate the costs of the Screening Officer and Hearing Officer remuneration.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report responds to the Oshawa Strategic Plan Goal of Accountable Leadership.



Phil Lyon, Director,
Municipal Law Enforcement and Licensing Services



Adam Grant, Commissioner,
Safety and Facilities Services Department



**By-Law 26-2008
of The Corporation of the City of Oshawa**

Being a By-law to establish the position of Hearings Officer.

Whereas:

1. Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the position of a Hearings Officer to whom may be delegated quasi-judicial and other authority under various City By-laws.

Now therefore the Council of The Corporation of the City of Oshawa enacts as follows:

1. In this By-law,
 - (a) "Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of her or his family;
 - (b) "City" means The Corporation of the City of Oshawa;
 - (c) "Council" means the council of the City;
 - (d) "Delegated Power of Decision" means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing,
 - i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not.
 - (e) "Hearings Officer" means each person from time to time appointed by Council pursuant to section 3 of this By-law; (37-2010)
 - (f) "Parent" means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child; and
 - (g) "Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
2. The positions of Hearings Officers are established for the purpose of exercising Delegated Powers of Decision. (37-2010)
3. Hearings Officers shall be appointed by Council on the recommendation of the City Manager in consultation with the City Solicitor which recommendation shall give preference to eligible candidates: (37-2010)
 - (a) with knowledge of and experience in administrative law; and
 - (b) of good character.
4. The following are not eligible for appointment as a Hearings Officer:
 - (a) An employee or member of Council of the City;
 - (b) The Child of a person referenced in paragraph 4(a);
 - (c) The Parent of a person referenced in paragraph 4(a);
 - (d) The Spouse of a person referenced in paragraph 4(a); or
 - (e) A person indebted to the City other than
 - i) in respect of current real property taxes; or

ii) pursuant to an agreement with the City the terms with which the person is in compliance.

5. Each Hearings Officer shall hold office for the term or remainder of the term of the Council that appointed the Hearings Officer and thereafter until the Hearings Officer is reappointed or a successor is appointed pursuant to this By-law. (37-2010)
6. Each Hearings Officer shall be remunerated at the rate from time to time established by Council. (37-2010)
 - 6.1 The City's Director, Municipal Law Enforcement and Licensing Services, shall determine the scheduling of proceedings before any Hearings Officer having regard to the efficiency and timeliness of hearings processes and to the availability of Hearings Officers. (37-2010)
 - 6.2 In any process or hearing before the Hearings Officer, a statement respecting any matter related to the process or hearing purporting to be signed by the City's Director, Municipal Law Enforcement and Licensing Services or by a person authorized by a City by-law to undertake inspections is, without proof of the office or signature of the Director or such person, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the process or hearing. (37-2010)
 - 6.3 A representative may act on behalf of and represent a person in respect of a proceeding or hearing before the Hearings Officer where the Hearings Officer is satisfied that: (37-2010)
 - (a) the person is entitled to be heard by the Hearings Officer;
 - (b) the representative is a lawyer, a licensed paralegal or a person who is exempt from the requirement to be licensed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8;
 - (c) the person has authorized in writing the representative to act on behalf of and to represent the person in the particular proceeding or hearing;
 - (d) the written authorization specifies the representative's qualification for the purpose of paragraph 6.3(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particular ground prescribed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8 upon which the representative purports to be exempt; and
 - (e) the written authorization has been filed in the proceeding or hearing before the Hearings Officer and remains in effect.
 - 6.4 If a person requires an interpreter for the purpose of any proceeding before a Hearings Officer, the person must provide the interpreter at the person's own expense. (37-2010)
 - 6.5 No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any proceedings of the Hearings officer otherwise open to the public, except in the following circumstances: (37-2010)
 - (a) No fewer than three (3) days prior to the proceeding, the person gives written notice to the City of the person's intention to request the Hearings Officer for permission to record the proceeding which notice specifies the proposed means of recording;
 - (b) The person bears all costs related to the proposed recording;
 - (c) Where the person proposes verbatim transcription:
 - i) the recording is undertaken by a qualified verbatim reporter;
 - ii) all testimony and submissions respecting the proceeding are recorded; and

- iii) the person delivers to the City no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter within three (3) days of the reporter's completion of the transcript;
 - (d) the Hearings Officer determines that the proceeding will not be disrupted or delayed if approval is given;
 - (e) the Hearings Officer determines that the approval will not result in any prejudice to any party to the proceeding;
 - (f) prior to the commencement of the proceeding, the Hearings Officer authorizes the recording and has not revoked the authorization; and
 - (g) the recording is undertaken only in accordance with the Hearings Officer's approval including any terms or conditions to such approval.
7. No person shall attempt, directly or indirectly, to communicate with or influence a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Hearings Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.
8. Section 7 does not prevent a Hearings Officer from seeking and receiving legal advice including from a lawyer in the City's Legal Services.
9. The functions of a secretary-treasurer shall be provided for Hearings Officers by City civic administration including, without limitation, the making and keeping of minutes and records of all applications and the decisions thereon and of all other official business of Hearings Officers. (37-2010)
10. Section 253 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (Inspection of Records) applies with necessary modifications to documents made or kept pursuant to section 9.
11. Proceedings before Hearings Officers shall be subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. (37-2010)
12. This By-law is in effect on the date of its passing.
- By-law passed this twentieth day of February, 2008.



**By-law XX-2024
of The Corporation of the City of Oshawa**

Being a By-law to establish the positions and appointment processes of Screening Officer and Hearing Officer.

Whereas Section 434.1 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Municipal Act") authorizes The Corporation of the City of Oshawa (the "City") to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act; and,

Whereas Section 102.1 of the Municipal Act, and Ontario Regulation 333/07 (the "Regulation") authorize the City to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing or stopping of vehicles; and,

Whereas pursuant to the Regulation, a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality; and,

Whereas pursuant to the Regulation, a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the positions of Screening Officer and Hearing Officer which are required for the operation of the City's Administrative Penalty Process By-law 63-2013, as amended, and the Parking Administrative Penalty System By-law 24-2011, as amended;

Now therefore the Council of the Corporation of the City of Oshawa enacts as follows:

1. Definitions

1.1 In this By-law,

- a. "Chief Administrative Officer" means the Chief Administrative Officer of The Corporation of the City of Oshawa or their designate;
- b. "Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of her or his family;
- c. "City" means The Corporation of the City of Oshawa;
- d. "City Staff" means employees of the City;
- e. "Council" means the council of the City;

- f. “Delegated Power of Decision” means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing,
 - i. The legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
 - ii. The eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is entitled thereto or not.
- g. “Director” means the City’s Director of Municipal Law Enforcement and Licensing Services.
- h. “Hearing Officer” means each person from time to time appointed by the C.A.O. pursuant to this By-law;
- i. “Parent” means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child;
- j. “Power of Decision” means a power or right, conferred by or under this By-law, the City’s Administrative Penalty Process By-law and Parking Administrative Penalty System By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person.
- k. “Screening Officer” means each person from time to time appointed by the C.A.O. pursuant to this By-law; and,
- l. “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

2. Appointment of Screening Officer

- 2.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in respect of a request to review an administrative penalty as set out in the City’s Administrative Penalty Process By-law and/or Parking Administrative Penalty System By-law.
- 2.1 Screening Officers shall be appointed by the C.A.O. on the recommendation of the Director which recommendation shall give preference to eligible candidates:
 - a. With knowledge of and experience in administrative law;
 - b. Of good character;
 - c. Able to carry out a fair and impartial screening;
 - d. Able to write a clear and concise decision;
 - e. Able to communicate effectively with the public;
 - f. With excellent written and oral communication skills;

- g. With an understanding of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*; and,
- h. With an understanding of the *Municipal Act, 2001, S.O. 2001, c. 25*.

2.2 The following are not eligible for appointment as a Hearing Officer:

- a. An employee or member of Council of the City;
- b. The Child of a person referenced in paragraph 3.3(a);
- c. The Parent of a person referenced in paragraph 3.3(a);
- d. The Spouse of a person referenced in paragraph 3.3(a); or
- e. A person indebted to the City other than
 - i. In respect of current real property taxes; or
 - ii. Pursuant to an agreement with the City the terms with which the person is in compliance.

2.2 The C.A.O. may appoint as Screening Officers, such individuals and on such terms as the C.A.O. considers appropriate.

2.3 The C.A.O. may revoke the appointment of a Screening Officer at any time.

2.4 Each Screening Officer shall be remunerated at the rate from time to time established by City Staff.

3. Appointment of Hearing Officer

3.1 The position of Hearing Officer is established for the purpose of exercising Delegated Powers of Decision.

3.2 Hearing Officers shall be appointed by the C.A.O. on the recommendation of the Director in consultation with the City Solicitor which recommendation shall give preference to eligible candidates:

- a. With knowledge of and experience in administrative law;
- b. Of good character;
- c. Able to carry out a fair and impartial hearing;
- d. Able to write a clear and concise decision;
- e. Able to communicate effectively with the public;
- f. With excellent written and oral communication skills;
- g. With an understanding of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*; and,

h. With an understanding of the *Municipal Act, 2001, S.O. 2001, c. 25*.

3.3 The following are not eligible for appointment as a Hearing Officer:

- a. An employee or member of Council of the City;
- b. The Child of a person referenced in paragraph 3.3(a);
- c. The Parent of a person referenced in paragraph 3.3(a);
- d. The Spouse of a person referenced in paragraph 3.3(a); or
- e. A person indebted to the City other than
 - i. In respect of current real property taxes; or
 - ii. Pursuant to an agreement with the City the terms with which the person is in compliance.

3.4 Each Hearing Officer is independent and not a City employee. Each Hearing Officer may be required to enter into a contract with the City outlining the terms of service.

3.5 Each Hearing Officer shall be appointed for such a term as the C.A.O. considers appropriate and thereafter until reappointed or until a successor is appointed pursuant to this By-law or is no longer required by the City.

3.6 The C.A.O. may revoke the appointment of a Hearing Officer at any time on the recommendation of the Director in consultation with the City Solicitor.

3.7 Each Hearing Officer shall be remunerated at the rate from time to time established by City Staff.

4. General Provisions

4.1 No person shall attempt, directly or indirectly, to communicate with or influence a Screening Officer or Hearing Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.

4.2 Section 4.1 does not prevent a Hearing Officer from seeking and receiving legal advice.

4.3 Staff will provide administrative support related to proceedings before a Hearing Officer, including without limitation, the making and keeping of minutes and records of all requests for hearings and appeals and decisions arising therefrom and all other official business of Hearing Officers.

4.4 Section 253 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (Inspection of Records) applies with necessary modifications to documents made or kept pursuant to section 4.3 of this By-law.

4.5 Proceedings before Screening and Hearing Officers shall be subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and the City's established Policies and Procedures.

4.6 This By-law is in effect on the date of its passing.

4.7 The short title of this By-law is the "Screening and Hearing Officer By-law."

By-law passed this ___ day of _____, 2024.

Mayor

City Clerk



**By-law XX-2024
of The Corporation of the City of Oshawa**

Being a By-law to amend Parking Administrative Penalty System By-law 24-2011, as amended, and Administrative Penalty Process By-law 63-2013, as amended.

Whereas Section 434.1 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Municipal Act") authorizes The Corporation of the City of Oshawa (the "City") to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act; and,

Whereas Section 102.1 of the Municipal Act, and Ontario Regulation 333/07 (the "Regulation") authorize the City to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing or stopping of vehicles; and,

Whereas pursuant to the Regulation a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the position of Screening Officer which is required for the operation of the City's Administrative Penalty Process By-law 63-2013, as amended, and the Parking Administrative Penalty System By-law 24-2011, as amended; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable to consolidate the appointment process of Screening and Hearing Officers under a single by-law as outlined in Report CNCL-24-02;

Whereas the Screening and Hearing Officers By-law XX-2024, as outlined in Attachment 2 to Report CNCL-24-02 provides for the appointment of Screening Officers and makes the appointment process contained in the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to be redundant;

Now therefore the Council of the Corporation of the City of Oshawa enacts as follows:

1. The Parking Administrative Penalty System By-law 24-2011 is amended by deleting Section 17.
2. The Administrative Penalty Process By-law 63-2013 is amended by deleting Section 17.
3. This By-law is in effect on the date of its passing.

By-law passed this ___ day of _____, 2024.

Mayor

City Clerk