

ORIGINAL

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW 050-26

SCREENING AND HEARING OFFICER BY-LAW

A By-Law to appoint Screening and Hearing Officers for the purpose of administration of an Administrative Penalty System within the Town of Innisfil

WHEREAS Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Municipal Act, 2001*”) and O. Reg. 333/07, as amended, authorizes The Corporation of the Town of Innisfil to establish an administrative penalty system requiring a person to pay an administrative penalty for a contravention of any By-Law respecting the parking, standing or stopping of vehicles;

AND WHEREAS Ontario Regulation 355/22, as amended, provides for the use of Administrative Penalties for camera-based offences;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* authorize the Corporation of the Town of Innisfil to delegate its administrative and hearing powers;

AND WHEREAS in accordance with the aforesaid By-Law and the Regulation, a person who receives a Penalty Notice shall have the right to request a screening review of the administrative penalty by a Screening Officers appointed by the Town;

AND WHEREAS in accordance with the aforesaid By-Law and the Regulation, a person who receives a Screening Decision shall have the right to request a review of the decision by a Hearing Officer appointed by the Town;

AND WHEREAS the Town considers it desirable and necessary to establish the positions of Screening Officer and Hearing Officer, which are required for the operation of the Town's Administrative Penalty By-Laws;

AND WHEREAS the Town considers it appropriate that the Clerk be delegated the authority to appoint Screening Officers and Hearing Officers under the administrative penalty system;

NOW THEREFORE the Council of The Corporation of the Town of Innisfil enacts as follows:

Section 1: GENERAL

1.1 SHORT TITLE

This By-Law may be cited as the “Screening and Hearing Officer By-Law”.

1.2 HEADINGS

Any headings used in this By-Law are used for convenience only and are not to be used as a means of interpretation.

1.3 TERMINOLOGY

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The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts and individuals, male or female, and to include singular or plural meaning where the context so requires, will in all cases be assumed as though fully expressed.

1.4 SEVERABILITY

In the event that any provision, or part thereof, of this By-Law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed and the remaining portion of such provision and provisions of this By-Law shall remain in full force and effect.

1.5 REFERENCE TO STATUTES

References in this By-Law to any statute, regulation, By-Law, or any provision thereof, includes such statute, regulation, By-Law or provision thereof as amended, revised, re-enacted an/or consolidated from time to time and any successor statute, regulation or By-Law thereto.

1.6 DELEGATED AUTHORITY

The Authority to administer this By-Law on behalf of the Town is delegated to the **Clerk**, as well as any Town Staff member or agent acting under the authority of the aforementioned persons.

1.7 TIME

Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

1.8 SCHEDULES

Any schedule attached to this By-Law forms part of this By-Law.

Section 2: DEFINITIONS

2.1 In this By-Law:

“Administrative Penalty” means an administrative penalty established by the **Administrative Penalty By-laws**.

“Administrative Penalty By-laws” means the by-laws passed by the Town to establish administrative penalties, as amended from time to time, or any successor thereof.

“CAO” means the Town’s Chief Administrative Officer, or anyone designated by the Town’s Chief Administrative Officer to perform his or her duties pursuant to this By-Law;

“Clerk” means the person appointed by Council as Clerk pursuant to Section 228 of the Municipal Act, 2001, or their designate;

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“Designated By-law” – means any provision of a Town By-law to which the **Administrative Penalty By-laws** applies, as designated therein;

“Hearing Officer” means any person appointed from time to time pursuant to the **Screening and Hearing Officer By-law**, to perform the functions of a hearing officer in accordance with the **Screening and Hearing Officer By-law** and the **Administrative Penalty By-laws**;

“Person” includes an individual or a corporation;

“Policy for Appointment of Screening and Hearing Officers” means a policy for the appointment of **Screening and Hearing Officers** as approved by Council, and amended from time to time, or any successor policy thereof;

“Power of Decision” means a power or right, conferred under this By-Law and the Administrative Penalty By-Laws to decide or prescribe the legal rights, powers, privileges, immunities, duties or liability of any person:

- a) In the case of a **Screening Officer**, in respect of a request to review an Administrative Penalty; and
- b) In the case of a **Hearing Officer**, in respect of a review of a Screening Decision;

“Regulation” means O.Reg 333/07, made under the *Municipal Act, 2001*, as amended from time to time, or any successor thereof and O.Reg 355/22, made under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof;

“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 who lives with the person on a permanent basis;

“Screening Decision” means a notice which contains the decision of a Screening Officer as set out in section 4 of the Administrative Penalty By-Law and as set out in Section 5 of the Administrative Penalty By-Law for Contraventions Detected Using Camera Systems.

“Screening Officer” means any person appointed from time to time pursuant to this By-Law to perform the functions of a screening officer in accordance with this By-Law and the **Administrative Penalty By-laws**.

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage; and

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“**Town**” means the Corporation of the Town of Innisfil.

Section 3: SCREENING OFFICER

- 3.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in the screening review of an Administrative Penalty, as set out in the Administrative Penalty By-Laws.
- 3.2 The Screening Officer shall have all the powers of a screening officer as set out in the Administrative Penalty By-Laws and the Regulation.
- 3.3 Screening Officer(s) shall be appointed by the Clerk, in consultation with the appropriate Town Staff. Accordingly, the Clerk is hereby delegated authority to amend Schedule A of this By-law.

Section 4: HEARING OFFICER

- 4.1 The position of Hearing Officer is established for the purpose of exercising the Power of Decision in a review of a Screening Decision, as set out in the Administrative Penalty By-Laws.
- 4.2 The Hearing Officer shall have all the powers of a hearing officer as set out in the Administrative Penalty By-Laws and the Regulation.
- 4.3 Hearing Officer(s) shall be appointed by the Clerk, in consultation with the appropriate Town Staff. Accordingly, the Clerk is hereby delegated authority to amend Schedule B of this By-law.
- 4.4 When appointing Hearing Officers, the Clerk must give preference to eligible candidates:
 - a) With good knowledge of, and experience in, administrative law; and
 - b) Of good character.
- 4.5 Hearing Officers shall be appointed for a term of 5 years, as per the conditions of their retainer agreement and thereafter until the Hearing Officer is reappointed or a successor is appointed pursuant to this By-Law or is no longer required by the Town.
- 4.6 Notwithstanding Section 4.5 of this By-Law, the Clerk may revoke the appointment of a Hearing Officer at any time, if the Hearing Officer:
 - a) is found to have contravened any applicable Town policy relating to the administration of the Administrative Penalty system;
 - b) is found to have contravened any other requirement of the appointment;
 - c) at any time during the appointment becomes ineligible for appointment; or
 - d) is found to be in breach of their retainer agreement.

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- 4.7 A Hearing Officer shall be remunerated at a rate as established by contract/ retainer agreement in alignment with established market rates from time to time.
- 4.8 A Hearing Officer is deemed not to be an employee of the Town, but a person who holds an administrative position in accordance with Section 258 of the *Municipal Act, 2001*.

Section 5: ELIGIBILITY

- 5.1 The following persons are not eligible for appointment as a Screening Officer or a Hearing Officer:
- a) A member of Council;
 - b) A Relative of a member of Council;
 - c) In the case of a Hearing Officer, an employee of the Town;
 - d) A person indebted to the Town, other than:
 - i) In respect of current property taxes; or
 - ii) Pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.
 - e) A person acting as legal counsel or otherwise acting as a representative in a legal proceeding against the Town.
 - f) A person involved in litigation or legal proceedings against the Town.
- 5.2 Hearing Officers cannot act as agents for applicants or individuals appearing in Provincial Offences Court.
- 5.3 Hearing Officers must be free from bankruptcy proceedings.

Section 5: GENERAL

- 5.1 Screening Officers and Hearing Officer shall have no authority to further delegate their powers or duties.
- 5.2 Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or By-Law or the constitutional applicability or operability of any statute, regulation or By-Law.
- 5.3 For the purposes of subsection 23.2(4) of the *Municipal Act, 2001*, Council has determined that the powers delegated to Screening Officers and Hearing Officers are minor in nature.
- 5.4 Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, or under any other Federal or Provincial statute or Regulation where continuing to perform duties may erode public confidence in the administration of justice, the Screening Officer or Hearing Officer shall disclose same to the Clerk within 5 business days of the charge being laid, and appropriate action will be taken by the Town, which, if determined appropriate, may include suspension from duties until the final

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disposition of the charge and, upon final disposition, may include, but is not limited to, termination of duties related to the Administrative Penalty System and/or revocation of appointment.

Section 6: REPEALED BY-LAWS AND EFFECTIVE DATE

- 6.1 Bylaw 054-22 plus all amendments and any bylaw or part of any bylaw passed previously by the Town of Innisfil which are in conflict with the provisions of this bylaw, are hereby repealed.
- 6.2 This By-law shall come into force and effect on May 20th, 2026.

Passed this 20th day of May 2026.



Lynn Dollin, Mayor



Jennifer Marshall, Clerk

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SCHEDULE "A": SCREENING OFFICERS

The following Persons/Positions are hereby appointed as Screening Officers under this By-Law:

Manager of Municipal Law	Supervisor of Administrative Penalties
Supervisor of Customer Service	Municipal Law Enforcement Programs Coordinator
Municipal Law Enforcement Officer	Customer Service Representative
Customer Service Ambassador	Screening Officer

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SCHEDULE “B”: HEARING OFFICERS

The following Persons are hereby appointed as Hearing Officers under this By-Law:

Michael Skof	Camille Kinapen
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