

The Corporation of the Town of Tecumseh

By-Law Number 2025-007

Being a by-law for the appointment of screening officers and hearing officers to adjudicate reviews and appeals of administrative penalties

Whereas Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Municipal Act**”), provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

And Whereas section 151(1)(g) of the *Municipal Act* authorizes the Town 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 any part of a system of licences established by the municipality;

And Whereas Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-law of the municipality passed under the *Municipal Act*;

And Whereas a person who receives a administrative penalty notice in regards to a designated by-law of the municipality shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

And Whereas a person who receives a Screening Officer decision in relation to an administrative penalty shall have the right to request 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 Town of Tecumseh considers it desirable and necessary to establish the positions of a Screening Officer and a Hearing Officer which are required for the operation of the Town’s administrative monetary penalty system;

Now Therefore be it resolved that the Council of The Corporation of The Town of Tecumseh hereby enacts as follows:

1. Short Title

1.1. This By-law may be referred to as the “Screening and Hearing Officer By-law”.

2. Definitions

2.1. In this By-law:

“**Administrative Penalty**” means an administrative penalty established by the AMPS By-law;

“AMPS” means a system of administrative monetary penalties;

“AMPS By-law” means the Town’s by-law to establish a comprehensive system of administrative monetary penalties in the Town of Tecumseh, as amended or replaced from time to time;

“Chief Administrative Officer” means the person from time to time occupying the office of the Chief Administrative Officer of the Corporation of the Town of Tecumseh, or such successor office as the case may be, and includes any individual who has been delegated to act in his or her place under this By-law;

“Council” means the Council of the Town;

“Hearing Officer” means a person appointed from time to time in accordance with Section 4.3 of this By-law to perform the functions of a Hearing Officer in accordance with Section 4 of this By-law;

“Officer” means any individual appointed by a Town by-law, or pursuant to delegated authority to appoint under a Town by-law, to enforce a Town by-law, or a police officer employed by the Ontario Provincial Police or any other police service having jurisdiction in the Town;

“Person” includes an individual, corporation, partnership, or limited partnership, or an authorized representative thereof;

“Power of Decision” means a power or right conferred by or under this By-law and the AMPS By-law to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person:

- a) in the case of a Screening Officer, in respect of a request to review a Penalty Notice; or
- b) in the case of a Hearing Officer, in respect of a request to review a Screening Decision;

“Regulation” means Ontario Regulation 333/07, as amended, made pursuant to the Municipal Act;

“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 step-child 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 any dependent, who lives with the person on a permanent basis;

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

“Screening Officer” means a person appointed from time to time by the Chief Administrative Officer to perform the functions of a Screening Officer pursuant to Section 3 of this By-law;

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

“Town” means The Corporation of the Town of Tecumseh.

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 prescribed in the AMPS By-law.
- 3.2. A Screening Officer shall have all the powers of Review by Screening Officer as prescribed in the AMPS By-law and the Regulation.
- 3.3. Screening Officer (s) shall be appointed by the Chief Administrative Officer for such period and subject to such terms and conditions as may be determined by the Chief Administrative Officer
- 3.4. A Screening Officer has no authority 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.

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 prescribed in the AMPS By-law.
- 4.2. A Hearing Officer shall have all the powers of Review by Hearing Officer as prescribed in the AMPS By-law and the Regulation.
- 4.3. Hearing Officer (s) shall be appointed by Council on such terms and conditions as determined by Council.
- 4.4. A Hearing Officer has no authority 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. General

5.1. The following persons are not eligible for any appointment as a Screening Officer or a Hearing Officer:

- a) a member of Council;
- b) a Relative of a member of Council;
- c) an Officer;
- d) in the case of a Hearing Officer, an employee of the Town; or
- e) a person indebted to the Town other than:
 - i) in respect of current real property taxes; or
 - ii) pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.

5.2. A Screening Officer and a Hearing Officer shall have no authority to delegate his or her powers or duties.

5.3. The following names listed in Schedule A of this by-law be appointed for the respective positions of Screening or Hearing Officer for the Town.

6. Severability

6.1. Should any provision, or any part of a provision, of this By-law be declared as invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of the Council that such a provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

7. Interpretation

7.1. The provisions of Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

8. Enactment

8.1. This By-law shall come into force and effect upon the final passage thereof.

Read a first, second, third time and finally passed this 28th day of January, 2025.

Gary McNamara, Mayor

Robert Auger, Clerk

Schedule A**By-Law 2025-007**

Appointments for Screening Officer and Hearing Officer under the Town's
Administrative Monetary Penalties System

Name	Position
Robert Auger	Screening Officer