

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. 2024-LS-0010

**FOR THE CONSIDERATION OF
COUNCIL**

April 10, 2024

**SUBJECT: APPOINTMENT OF HEARING OFFICERS FOR THE ADMINISTRATIVE
MONETARY PENALTY SYSTEM**

1. RECOMMENDATION:

1. That Council receive Report No. LS-2024-0010 prepared by the Municipal Law Enforcement Division, Legislative Services dated April 10th, 2024 respecting the appointment of Hearing Officers for the Administrative Monetary Penalty System (AMPS).
2. That Council authorize staff to enter into an agreement with the Town of Newmarket to facilitate and conduct AMPS adjudication reviews pursuant to the Town of Georgina's AMPS By-law No. 2022-0052 (REG-1), as amended.
3. That Council appoint the Hearing Officers listed in this report, in compliance with the Town of Georgina Policy for the Appointment of Screening and Hearing Officers and Town of Georgina Screening and Hearing Officer By-law No. 2022-0053 (AD-1).

2. PURPOSE:

This report seeks Council's authorization for staff to enter into an agreement with the Town of Newmarket to facilitate and conduct AMPS adjudication reviews pursuant to the Town of Georgina's AMPS By-law No. 2022-0052 (REG-1), as amended, and to appoint Hearing Officers for the adjudication of penalty notices.

3. BACKGROUND:

The Town of Georgina AMPS By-law No. 2022-0052 (REG-1), as amended, came into effect on December 18th, 2023. The AMPS By-law transfers the administration of Parking Enforcement from the *Provincial Offences Act* to an Administrative Monetary Penalty System. Under AMPS, parking tickets, or penalty notices, are no longer disputed in court, but rather they are adjudicated by a Hearings Officer under the regulations of AMPS prescribed in the *Municipal Act, 2001*. Under AMPS, Council is required to appoint a Hearing Officer or Officers to adjudicate penalty notices.

In addition to the AMPS By-law, Council has implemented the Screening and Hearing Officer By-law and the Policy for the Appointment of Screening and Hearing Officers.

4. ANALYSIS:

The Town of Georgina's Policy for the Appointment of Screening and Hearing Officers permits Council to appoint Hearing Officers currently under contract with another York Region municipality for the purpose of adjudicating penalties for the Town's Administrative Monetary Penalty System (AMPS). The candidate must be appointed by the partnering municipality and operating under the guidelines for AMPS prescribed under the *Municipal Act, 2001*.

When the Town implemented AMPS for parking in Q4 of 2023, it was with the intention to collaborate with the Town of Aurora and jointly appoint Hearing Officers for the two municipalities. For strategic planning purposes, it is the opinion of staff that the Town is in a better position to collaborate with the Town of Newmarket at this time. This will keep the Town in a position to collaborate further with the Town of Newmarket as further opportunities present themselves.

Staff have reviewed the Town of Newmarket's AMPS policies and they are consistent with the requirements of the *Municipal Act, 2001* for AMPS and the Town of Georgina's Policy for the Appointment of Screening and Hearing Officers.

At this time, the Town of Newmarket has appointed eight Hearing Officers to adjudicate penalty notices for itself and other partnering municipalities. Staff are recommending the appointment of all of the Town of Newmarket's Hearing Officers to adjudicate penalty notices under the Town of Georgina's AMPS By-law.

Under the proposed agreement with the Town of Newmarket, all hearings will be held in accordance with the *Municipal Act, 2001*, and will be held virtually unless an accommodation is requested. If a request is received to hold an in-person hearing, it will be held at the Town of Georgina Civic Centre.

All Hearing Officers have been screened to ensure they are appointable under the Town of Georgina Policy for the Appointment of Screening Officers and Hearing Officers and the Screening Officer and Hearing Officer By-law. The policy and by-law provide that the following are not eligible to be appointed as Hearing Officers for the Town of Georgina:

- a) A member of Council;
- b) A relative of a member of Council;
- c) 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.

The list of Town of Newmarket Hearing Officers recommended to be appointed by Council for the Town of Georgina include:

- a) Ben Drory;
- b) Karen Landry;
- c) Emile Ramlochan;
- d) Ooma Ramroop;
- e) Graeme Turl;
- f) Kim Parish;
- g) Paul Dray; and
- h) Vladimir Nikitin.

It is recommended that the individuals named above be appointed as Hearing Officers for this term of Council, and thereafter until reappointed or until a successor is appointed pursuant to the By-law or is no longer required by the Town.

5. RELATIONSHIP TO STRATEGIC PLAN:

This matter supports the 'Delivering Service Excellence' pillar of the Town's Strategic Plan. Residents will be able to dispute their penalty notices virtually, in the comfort of a location that they choose. The process is less formal and less intimidating for the public to manoeuvre through as compared to the Provincial Offences Court process.

6. FINANCIAL AND BUDGETARY IMPACT:

The proposed agreement between the Town of Newmarket and Town of Georgina for the adjudication of AMPS will cost the Town minimally at this time. As the AMPS program grows to include additional by-laws, some additional funding may need to be required through the Municipal Law Enforcement operating budget, although staff are not anticipating a large increase at this time. Currently, through the proposed agreement with the Town of Newmarket, a standard hearing with twenty minutes allotted will only cost the Town of Georgina twenty-five dollars. Since the transition was made to AMPS from the Provincial Offences process for parking just under four months ago, the Municipal Law Enforcement Division has only received one request for a hearing to dispute a penalty notice out of over 1,600 penalty notices issued in that time frame.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no regulatory requirements for public notice and there has been no public consultation.

8. CONCLUSION:

This report contains recommendations for Council to authorize staff to enter into an agreement with the Town of Newmarket to appoint the following as Hearing Officers for the adjudication of penalty notices under AMPS:

- a) Ben Drory;
- b) Karen Landry;
- c) Emile Ramlochan;
- d) Ooma Ramroop;
- e) Graeme Turl;
- f) Kim Parish;
- g) Paul Dray; and
- h) Vladimir Nikitin.

APPROVALS

Prepared By: Mike Hutchinson, Manager, Municipal Law Enforcement

Recommended By: Michael Bigioni, Director, Legislative Services

Approved By: Ryan Cronsberry, Chief Administrative Officer