

Item:



Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD(S): ALL

TITLE: SCREENING AND HEARING OFFICER APPOINTMENTS

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff are seeking delegated authority to appoint and Hearing Officers in accordance with the parameters established in the By-law itself. Delegation will streamline the process and ensure service continuity without compromising the integrity of the appointments.

Report Highlights

- The City has offered dispute resolution for parking and licensing matters through its Administrative Monetary Penalties (“AMPs”) program since 2009.
- Under the current provisions of the AMPs By-law, the selection of Screening and Hearing Officers must be ratified by Council.
- Staff propose to fully delegate the appointments to the Director and Chief Licensing Officer in order to streamline the process and ensure service continuity.

Recommendations

1. THAT City Council fully delegate the appointment of Screening and Hearing Officers to the Director and Chief Licensing Officer;
2. THAT City Council authorize staff to undertake any actions necessary to give effect to the approved strategy, including amendments to any City by-laws.

Background

The Administrative Monetary Penalties (“AMPs”) program is a quasi-judicial alternative to the court process for designated by-laws. The authority to establish such a system was introduced as part of the 2006 review of the Municipal Act. In Vaughan, penalties for offences under both Parking and Business Licensing have been administered through the AMPs process since 2009.

Those found to be in contravention and subject to a penalty may dispute the penalty before a Screening Officer. This decision may be further appealed to a Hearing Officer. Currently, the Screening Officer position is a full-time non-union position at the City. Hearing Officers, with a much lighter case load, are contracted out.

Under the current provisions of the City’s by-laws, any additions, deletions or changes to the appointed Screening and Hearing Officers must be ratified by Council. This means that the process is subject to the meeting schedule of Council and is further constrained by Council’s summer hiatus.

Previous Reports/Authority

[Item 6, Report No. 6](#) of the Committee of the Whole: Delegation of Officer Appointments (approved by Council on February 21, 2018).

Analysis and Options

Screening and Hearing Officers are crucial positions within the City. They adjudicate on all matters pertaining to designated by-laws (i.e., Parking and Licensing). In addition, Hearing Officers also adjudicate on fence height exemptions and Dog Ownership Liability Act offences. Without these positions, the City would not be able to provide the required appeal process pursuant to both its by-laws and provincial legislation.

Under the current appointment process for Screening and Hearing Officers, if a position or contract were severed unexpectedly, the City could be in a position of not being able to fill that position expeditiously enough to continue service. For this reason staff are proposing that the authority to appoint both types of positions be fully delegated to the Director and Chief Licensing Officer. Selection of both positions would still be subject to the parameters established in the Administrative Monetary Penalties By-law and in line with O. Reg 333/07 of the Municipal Act, 2001.

Under Section 23.1 of the Municipal Act, 2001, the City may delegate its powers and duties to a person or body, subject to prescribed restrictions. A similar delegation was previously granted to the Director and Chief Licensing Officer with respect to the appointment of both Municipal Law Enforcement Officers and Property Standards Officers ([Item 6, Report No. 6](#) of the Committee of the Whole).

Staff are recommending an appointment process by which the Director and Chief Licensing Officer would be responsible for maintaining an up-to-date listing of all appointed Screening and Hearing Officers. Such list would be filed with the City Clerk and be made available for public inspection upon request.

Financial Impact

There is no financial impact as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no implications to the Region or to other levels of government as a result of the approval of the recommendations of this report.

Conclusion

Delegation of Screening and Hearing Officer appointments will streamline the appointment process and allow staff to be more responsive to any required changes.

For more information, please contact: Gus Michaels, Director and Chief Licensing Officer

Attachments

No attachments.

Prepared by

Rudi Czekalla-Martinez, Manager, Policy & Business Planning, ext. 8782