



**Procedure
Administrative Penalty System
SCREENING / HEARING REVIEW**

SYNOPSIS

The purpose of this document is to provide procedures for Screening and Hearing reviews conducted pursuant to the Town of Niagara-on-the-Lake Administrative Penalty By-Law 4744-14.

REQUEST FOR REVIEW BY A SCREENING OFFICER

1. When you receive a Penalty Notice, you have 15 days from the Penalty Notice date to request that the Penalty Notice and/or Administrative Penalty be reviewed by a Screening Officer by submitting a Request for Screening Form to the Town.
2. **The Screening process is to review and determine whether or not the Parking Infraction was committed**
3. Screening appointments are scheduled for the 2nd Tuesday of each month: in person at the Town Municipal Office, 1593 Four Mile Creek Road, Niagara-on-the-Lake or by telephone conference.
4. If you do not request a review within 15 days you may request an extension of time by submitting a Request for Screening Form. You have 60 days from the Penalty Notice date to request an extension of time.
5. The Screening Officer may extend the time to request a review if you have demonstrated there are extenuating circumstances that warrant the extension.
6. You may have someone attend the Screening meeting as your agent if you complete the Authorization of Agent section of the Screening Request Form.
7. You may have someone attend the Screening meeting as your interpreter.
8. You may bring any documents relating to your Penalty Notice to the Screening meeting.

9. The Screening meeting will be informal and is an opportunity to explain to the Screening Officer why they should cancel, reduce or extend the time for payment.
10. If you wish to establish that payment of the Administrative Penalty, including any Administrative Fee, will cause you undue hardship, you should provide documentation proving your financial situation. In the alternative, you will need to explain to the Screening Officer why payment will cause you undue hardship and the Screening Officer will have to make a determination as to your credibility. Therefore it is recommended that you provide documentation to support your position.
11. On a review of the Penalty Notice and/or Administrative Penalty, the Screening Officer may affirm the Penalty Notice and/or Administrative Penalty; or cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
 - a) where the person establishes, on a balance of probabilities that they did not contravene the Designated-Law as described in the Penalty Notice; or
 - b) where the person establishes, on a balance of probabilities that the reduction or extension of the time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to reduce any undue hardship.
12. You may request a review of the Screening Decision by a Hearing Officer within 15 days of delivery of the Screening Decision by filing a Request for Review by Hearing Officer Form.

REQUEST FOR REVIEW BY A HEARING OFFICER

1. You, your lawyer or your paralegal may request a review of the Screening Decision by a Hearing Officer within 15 days of delivery of the Screening Decision by submitting a Request for Review by Hearing Officer Form to the Town.
2. If your request for a Review by Hearing Officer is not filed within 15 days an extension of time may be requested by submitting a Request for Review by Hearing Officer Form within 30 days of the delivery of the Screening Decision.
3. Your request for an extension of time must clearly indicate the extenuating circumstances that merit an extension of time.
4. On a review of the Screening Decision, the Screening Officer may affirm the Screening Decision; or cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:

- c) where the person establishes, on a balance of probabilities that they did not contravene the Designated-Law as described in the Penalty Notice; or
 - d) where the person establishes, on a balance of probabilities that the reduction or extension of the time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to reduce any undue hardship.
5. Hearings conducted by a Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*.
6. Any decision by a Hearing Officer is final.

REFERENCE AUTHORITIES

Municipal Act, 2001, S.O. 2001, c. 25

Ontario Regulation 333/07 (Administrative Penalties)

Town of Niagara-on-the-Lake By-Law (APS 4744-14)

Town of Niagara-on-the-Lake By-Law (Appointment of Screening/Hearing Officer 4745-14)

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