



LEGISLATIVE AND COURT SERVICES MEMORANDUM

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Pending #:

TO: MAYOR A. NUTTALL AND MEMBERS OF COUNCIL
FROM: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES
WARD: ALL
NOTED: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER
RE: HEARING OFFICER AND ADMINISTRATIVE PENALTY BY-LAW HOUSEKEEPING UPDATES
DATE: NOVEMBER 13, 2024

The purpose of this Memorandum is twofold:

- 1 - To provide members of Council with an advance copy of the Screening Officer and Hearing Officer By-law. This By-law establishes the qualifications and duties of the Hearing Officer under an Administrative Penalty Program together with some minor housekeeping amendments to the Administrative Program By-law.
2 - To advise of an amending Bill that will be included on the November 20, 2024 Council agenda to amend By-law 2024-086, establishing the Administrative Penalties Program.

Motion 24-G-100 adopted by City Council provided that staff circulate any program related by-laws to Council through memo prior to being included on the Council Agenda. These By-laws will be included on the November 20, 2024 Council Agenda for consideration.

Screening Officer and Hearing Officer By-law

Attached is the Screening Officer and Hearing Officer By-law. This by-law addresses the role and responsibilities of the Screening and Hearing Officers pursuant to legislation, qualifications given their du-role, daily rate and contract period.

Administrative Penalty By-law Amendment

After By-law 2024-086 was adopted, staff determined that it would be beneficial to clarify the matters Screening Officers can use as part of their review in order to vary the amount to be paid resulting from a violation. On November 20, 2024, a bill will be included on the agenda to address the following amendments:

Section 2.3.6.1.0 will be amended to add "financial hardship" to the list of reasons a Screening Officer may consider upon review to potentially vary the amount of a violation.:

Section 2.3.6.2.0 will be amended to read as follows:

A Screening Officer shall only vary the amount of the Penalty Order upon receiving credible evidence that the Person is subject to financial hardship in addition to the list of reasons set out in 2.3.6.1.0. The Screening Officer must weigh and justify the reasons for a variation. If the reasons provided are so strong to justify a variation, the Screening Officer should set aside a Penalty Order to ensure the integrity of the program.