

The Corporation of the City of Thorold

By-law No. 131-2021

Being a by-law to establish the positions of Screening Officers and Hearing Officers

Whereas the Council of The Corporation of the City of Thorold considers it desirable and necessary to establish the position of Screening Officer and Hearing Officer who may be delegated quasi-judicial and other authority under various City by-laws; and

Whereas the Council of The Corporation of the City of Thorold deems it advisable to appoint Screening Officers and Hearing Officers hereinafter referred to for the purposes designated.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

1. In this By-law:

“City” means the Corporation of the City of Thorold;

“Council” means the Council of the *City*;

“Delegated Power of Decision” means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person or party;

“Hearing Officer” means a person from time to time appointed by Council pursuant to this By-law;

“Relative” includes any of the following persons:

1. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
2. Parent, including step-child and grandchild;
3. Siblings and children of siblings;
4. Aunt, uncle, niece or nephew;
5. In-laws, including mother, father, sister, brother, daughter, and son;  
or
6. Any other person who lives with the person on a permanent basis;

“Screening Officer” means a person from time to time appointed by Council pursuant to this By-law.

2. The position of Screening Officer is established for the purpose of exercising Delegated Powers of Decision pursuant to the City’s Administrative Penalty By-law, and shall be appointed by Council.
3. The following are not eligible for appointment as a Screening Officer:
  1. A member of Council of the City; or
  2. The relative of a person referenced in paragraph 3.1.

4. The position of Hearing Officer is established for the purpose of exercising Delegated Powers of Decision, pursuant to the City's Parking Administrative Penalties By-law.
5. A Hearing Officer shall be appointed by Council on the recommendation of staff which recommendation shall give preference to eligible candidates:
  - a. with knowledge of and experience in administrative law; and
  - b. of good character.
6. The following are not eligible for appointment as a Hearing Officer:
  1. An employee or a member of Council of the City;
  2. The relative of a person referenced in paragraph 6.1; or
  3. A person indebted to the City other than:
    - a. in respect of real property taxes; or
    - b. pursuant to an agreement with the City the terms with which the person is in compliance.
7. Staff shall determine the scheduling of proceedings before any Hearing Officer having regard to the efficiency and timeliness of hearing processes and to the availability of Hearing Officer.
8. The Screening and Hearing Officers shall be appointed for such period and subject to such terms and conditions as may be determined by City staff in accordance with the City's employment or contract policies and guidelines.
9. The Screening and Hearing Officers shall have no authority to further delegate his/her powers or duties.
10. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing a Screening Officer or Hearing Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer. Exceptions include:
  1. A person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal; and
  2. Only by that person the person's lawyer or licensed paralegal during the Hearing of the proceeding in which the issue arises.
11. Section 10 does not prevent a Screening and Hearing Officer from seeking and receiving legal advice, including from the City's Solicitor.
12. If a person requires an interpreter for the purpose of any proceeding before a Hearing Officer, the person must provide the interpreter at the person's own expense.
13. No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any proceedings of the Hearing otherwise open to the public.
14. The functions of a recording secretary shall be provided for a Hearing Officer by City staff including, without limitation, the making and keeping of minutes and records of all applications and the decisions thereon and of all other business of Hearing Officer.

15. Proceedings before a Hearing Officer shall be subject to the Statutory Powers Procedure Act, R.S.O. 1990, c. 22.
16. Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990 c. P.33, and the Municipal Act, 2001, as both may be amended from time to time.
17. The persons listed in Appendix A are appointed as Screening Officers.
18. The contractors listed in Appendix B are appointed as Hearing Officers.
19. This by-law shall be retroactive to August, 2020.
20. That By-law No. 05-2021 be hereby repealed.

Read a first, second and third time and finally passed by Council this 7th day of December, 2021.

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Terry Ugolini, Mayor

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Joanne Hyde, City Clerk

**Appendix A**

**Screening Officers**

<b>Name</b>	<b>Position</b>	<b>Company</b>
Joanne Goulet	Deputy City Clerk	City of Thorold
Jason Simpson	Chief Building Official	City of Thorold

**Appendix B**

**Hearing Officers**

<b>Name</b>	<b>Position</b>	<b>Company</b>
Janet Rutherford	Independent Contractor	Rutherford Prosecutions

**Report Approval Details**

Document Title:	Screening Officers and Hearing Officers Positions - By-laws 2021-131-21.docx
Attachments:	
Final Approval Date:	Dec 1, 2021

This report and all of its attachments were approved and signed as outlined below:

**Joanne Hyde - Dec 1, 2021 - 9:34 AM**