

## Extension of Time to Request a Screening Review or Hearing Review in the Administrative Monetary Penalty System (AMPS)

### Policy Statement and Strategic Plan Linkages

The AMPS program aligns with Council's Strategic Priority of Safe Streets (Transportation) by providing exceptional transportation experiences across all modes through continuous improvement of accessibility, safety and speed reduction.

### Purpose

To provide a policy to respond to a **Person's** request for an extension of time to request a review of a **Penalty Notice** by a **Screening Officer** or a **Screening Decision** by a **Hearing Officer**.

In accordance with Ontario Regulation 333/07, the **Town** must provide a process for a **Person** to request an extension of time to request a **Screening Review** or a **Hearing Review**.

### Definitions

For the purposes of this Policy, the following definitions are defined in accordance with By-laws 2019-62.

**Administrative Fee** means any fee specified in By-law 2019-62;

**AMPS** means Administrative Monetary Penalty System;

**Director of Legislative Services** means the Director of Legislative Services, her or his delegate, or anyone designated by the Director of Legislative Services to perform duties pursuant to the Administrative Monetary Penalty System;

**Hearing Officer** means a person who performs the functions of a Hearing Officer in accordance with section 7 of By-law 2019-62;

**Mitigating or Extenuating Circumstances** means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the **Penalty Notice**, the **Screening Officer** may take this into consideration when adjudicating the matter. These are also circumstances that render a contravention less

serious and may lessen the degree of responsibility. The **Person** claiming mitigating or extenuating circumstances shall provide proof of their claim with oral evidence and documented proof (i.e. medical records, birth announcement), if available.

**Manager of Regulatory Services** means the **Town's** Manager of Regulatory Services or his/her designate.

**Penalty Notice** means a notice given to a **Person** pursuant to section 5 of By-law 2019-62;

**Person** includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different **Persons** are named on each portion, the **Person** whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this Policy;

**Hearing Review** means the process set out in section 7 of By-law 2019-62;

**Screening Review** means the process set out in section 6 of By-law 2019-62;

**Screening Decision** means a notice which contains the decision of a **Screening Officer**, delivered in accordance with section 6 of By-law 2019-62;

**Screening Officer** means a person who performs the functions of a **Screening Officer** in accordance with section 6 of By-law 2019-62;

**Town** means The Corporation of the Town of Newmarket.

## Provisions

### 1. Application

This Policy applies to **Screening Reviews** and **Hearing Reviews** conducted by a **Screening Officer** or **Hearing Officer**, in accordance with **AMPS** By-law 2019-62.

### 2. Screening Review

- (a) Within 15 days of receipt of the **Penalty Notice** the **Person** will have the option to:
  - (i) make the early payment amount; or
  - (ii) request a review of the **Penalty Notice** by a **Screening Officer**.
- (b) A **Person** has 15 days to request a **Screening Review** with a **Screening Officer** to dispute their **Penalty Notice**. If the **Person** has not requested a **Screening Review** of their **Penalty Notice** on or before the 15<sup>th</sup> day after the **Penalty Notice** was issued, they may request an extension of time to request a **Screening**

**Review.** The **Person** shall make this request no later than 30 days after the issued date on the **Penalty Notice**.

### **2.1 Granting a Request for an Extension of Time to Request a Screening Review**

- (a) The request may be granted if the **Person** requesting the extension demonstrates the existence of **Mitigating or Extenuating Circumstances** that prevented them from requesting a **Screening Review** within the original 15 day timeframe set out on the **Penalty Notice**.
- (b) A **Person** may provide supporting written documentation and other information to the **Manager of Regulatory Services** to justify the **Mitigating or Extenuating Circumstances**.
- (c) The decision to grant the request for a **Screening Review** will be at the sole discretion of the **Manager of Regulatory Services** and will be made in accordance with the **Manager of Regulatory Services' Guide to Granting a Request for an Extension of Time to request a Screening Review**.

## **3. Hearing Review**

- (a) Following the receipt of a **Screening Decision** the person will have the option to:
  - (i) pay the total amount due listed on the **Screening Decision**; or
  - (ii) request a review of the **Screening Decision** by a **Hearing Officer**.
- (b) If a **Person** would like to request a **Hearing Review** of the **Screening Decision** they must do so on or before the payment due date listed on their **Screening Decision**. If the person has not requested a **Hearing Review** of their **Screening Decision** on or before the payment due date listed on their **Screening Decision**, they may request an extension of time to request a **Hearing Review**. The **Person** may request an extension of time to request a **Hearing Review** no later than 15 days after the date the **Screening Decision** letter was issued.

### **3.1 Granting a Request for an Extension of Time to Request a Hearing Review**

- (a) The request may be granted if the person requesting the extension demonstrates the existence of **Mitigating or Extenuating Circumstances** that prevented them from requesting a **Hearing Review** on or before the payment due date on the **Screening Decision**.
- (b) A **Person** may provide supporting written documentation and other information to the **Manager of Regulatory Services** to justify the **Mitigating or Extenuating Circumstances**.
- (c) The decision to grant the request for a **Hearing Review** will be at the sole discretion of the **Manager of Regulatory Services** and will be made in

accordance with the **Manager of Regulatory Services'** Guide to Granting a Request for an Extension of Time to request a Hearing Review.

## **Cross-References**

Municipal Act, 2001  
Ontario Regulation 333/07 (Administrative Penalties)  
Town of Newmarket AMPS By-law 2019-62

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## **Details**

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