THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: **SCREENING & HEARING OFFICER DECISIONS FOR ADMINISTRATIVE PENALTY SYSTEM (APS) APPEALS**

POLICY NO.: **05.C.05**

Section:	By-Law & Compliance		
Effective Date:	February 25, 2025	**Date of Last Review:**	November 3, 2026
Approval Authority: Council		**Policy Owner:** DCM, Community Services DCM, Strategic Initiatives	

POLICY STATEMENT
The City of Vaughan utilizes the Administrative Penalties System (“APS”) to resolve disputes of municipal by-law contraventions. The APS system is administered by the municipality and supplements the traditional Provincial Offences system, providing a faster, more cost effective, and citizen-focused option for dispute resolution. The Administrative Penalties (“APs”) By-law grants Screening and Hearing Officers the discretion to affirm, cancel or Vary Administrative Penalties and Administrative Fees. Fair and consistent decision-making and ensuring that judgments under APS are grounded in established criteria and evidence, promotes transparency and minimizes the risk of arbitrary or biased outcomes.
PURPOSE
This policy provides guidelines to Screening and Hearing Officers in exercising their discretion in accordance with the APs By-law and further satisfies the requirement of Ontario Regulation 333/07, that the City develop a policy to address undue hardship experienced by individuals required to pay an Administrative Penalty and any applicable Administrative Fees.
SCOPE
This policy applies to Screening and Hearing Officers pursuant to the APs By-law, Ontario Regulation 333/07 and Ontario Regulation 355/22.

This policy is not intended to provide criteria for establishing undue hardship in respect of other City programs or services.

LEGISLATIVE REQUIREMENTS

1. *Municipal Act,* 2001, S.O. 2001, c. 25, as amended, (the "Municipal Act").

2. *Highway Traffic Act*, R.S.O. 1990 c H.8.

3. Ontario Regulation 333/07: Administrative Penalties.

4. Ontario Regulation 355/22: Administrative Penalties for Contraventions Detected Using Camera Systems.

5. *Statutory Powers & Procedures Act,* R.S.O. 1990, c. S.22 ("SPPA"). To the extent any provision of this policy relating to Hearings Officer's conflicts with the SPPA, the SPPA shall take precedence.

DEFINITIONS

1. **Accessible Parking Permit:** A parking permit issued to a Person with a Disability under the Highway Traffic Act, R.S.O. 1990, c. H.8 or a permit, number plate, marker or other device issued by a jurisdiction outside of Ontario and recognized under the applicable Highway Traffic Act that indicates that Person has a Disability.

2. **APS:** Administrative Penalties System.

3. **Administrative Fees:** Applicable fees relating to Administrative Penalties as provided in the City's Fees and Charges By-law.

4. **Administrative Penalty:** A penalty established under authority of the Municipal Act or the *Highway Traffic Act.*

5. **Administrative Penalties By-law:** By-law 240-2024, or its successor By-law.

6. **Appeal:** Either a screening review (first stage of appeal) or hearing review (second stage of appeal) of an Administrative Penalty as set out in the APs By-law, or its successor By-law.

7. **Automated Speed Enforcement System:** A system that consists of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a motor vehicle and determine and record the rate of speed at which the motor vehicle is travelling at the time the photograph is taken, which may be permanently or temporarily located on or adjacent to any highway.

8. **Balance of Probabilities:** Findings of fact are to be made on the basis that it is more likely than not, or more than 50% likely, that the event occurred.

9. **City:** The Corporation of the City of Vaughan.

10. **City Clerk:** The Person appointed by Council as Clerk pursuant to section 228 of the Municipal Act, or their designate.

11. **Contravener:** A person who has contravened any provision of a Designated By-law, or a Motor Vehicle Owner whose Motor Vehicle has been left parked, standing or stopped in contravention of the Parking By-law or Motor Vehicle Owner whose Motor Vehicle has been involved in a speeding contravention under the Highway Traffic Act.

12. **Decision:** The decision made by a Screening or Hearing Officer and delivered to the Contravener in accordance with the APs By-law.

13. **Delegated Power of Decision:** A power or right, conferred by a City By-law, to prescribe the legal rights, powers, privileges, duties and/or liabilities of any Person or party.

14. **Designated By-law:** A by-law or provision of a by-law that is designated under the APs By-law, as a by-law or provision of a by-law under which a contravention is subject to an Administrative Penalty, in accordance with the authorities granted under the *Municipal Act* and its Regulations and the provisions of the APs By-law, as listed in Schedule 1 of the APs By-law.

15. **Director:** The Director of By-law & Compliance, Licensing & Permit Services of the City or their designate.

16. **Documentation:** Any paper or electronic document that supports or substantiates a claim or defense related to an alleged contravention.

17. **Extenuating Circumstances:** Situations that do not excuse or justify the contravention but are demonstrated conditions or factors providing a broader context that explains why the contravention occurred. These circumstances may lessen the seriousness of the contravention and their level of culpability.

18. **Extraordinary Circumstances:** An event (or events) that is outside of the control of the Contravener that has prevented the Contravener from adhering to the Designated By-law. The Contravener must provide Documentation to support claims of Extraordinary Circumstances.

19. **Hearing Officer:** A Person appointed by the City Clerk pursuant to the APs By-law.

20. **Issuing Officer:** A Person authorized by the City to enforce the APs By-law, a Designated By-law, or the *Highway Traffic Act*.

21. **Late Payment Fee:** An additional fee a Contravener must pay if they fail to pay an Administrative Penalty for a Penalty Notice within the prescribed time frame pursuant to the Fees and Charges By-law.

22. **Penalty Notice:** An Administrative Penalty issued for contravention of a Designated By-law.

23. **Penalty Order:** An Administrative Penalty issued pursuant to the Highway Traffic Act, in relation to contraventions detected using Automated Speed Enforcement Systems.

24. **Person:** Includes an individual, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, to whom the context can apply according to law.

25. **Punitive:** Penalties designed to punish the violator rather than enforce compliance.

26. **Screening Officer:** A Person appointed by the Director pursuant to the APs By-law or its successor by-law.

27. **Vary:** The reduction of an Administrative Penalty amount, or extension of time for payment of an Administrative Penalty, or an approved plan of periodic payments of an Administrative Penalty.

POLICY

1. ROLES AND RESPONSIBILITIES

a. The Director shall:

i) Take all reasonable actions to ensure that APs dispute screenings are conducted in compliance with all City policies, procedures, by-laws, and any applicable provincial or federal statutes, acts, laws, or regulations.

ii) Carry out routine reviews of APs dispute screening proceedings and decisions to assess for any irregularities or contraventions of City policies, procedures, or by-laws, by Screening Officers, or other City employees, and to evaluate the effectiveness of policies and procedures, making updates where necessary.

iii) Review any complaints received regarding APS dispute screenings or the conduct of Screening Officers and conduct investigations, as required, in

compliance with City policies and procedures.

b. The City Clerk shall:

i) Take all reasonable actions to ensure that APs dispute hearings are conducted in compliance with all City policies, procedures, by-laws, and any applicable provincial or federal statutes, acts, laws, or regulations.

ii) Carry out routine reviews of APs dispute hearing proceedings and decisions to assess for any irregularities or contraventions of City policies, procedures, or by-laws, by Hearing Officers, or other City employees, and to evaluate the effectiveness of policies and procedures, making updates where necessary.

iii) Review any complaints received regarding APs dispute hearings or the conduct of Hearing Officers and conduct investigations, as required, in compliance with City policies and procedures.

2. GENERAL PROVISIONS

a. Any Person who receives an Administrative Penalty has the right to Appeal the Penalty Notice or Penalty Order in accordance with the Administrative Penalties By-law.

b. A Screening or Hearing Officer has the authority to affirm, cancel or vary the Administrative Penalty, including any Administrative Fees, in accordance with this Policy and the Administrative Penalties By-law, or its successor by-law.

3. CRITERIA FOR DECISION

a. In deciding whether to affirm, vary or cancel an Administrative Penalty, a Screening Officer shall consider all relevant evidence provided by the Issuing Officer and the Contravener and determine whether it was reasonable for the Issuing Officer to impose the Administrative Penalty.

b. In deciding whether to affirm, vary or cancel an Administrative Penalty, a Hearing Officer shall consider all relevant evidence provided by the Issuing Officer and the Contravener and shall determine whether the decision of the Screening Officer was reasonable.

c. A Screening and Hearing Officer must consider the following information provided by the Issuing Officer, as applicable, which may be regarded as sworn testimony:

i) Penalty Notice or Penalty Order;

ii) Both sworn and unsworn statements, as well as affidavits;

iii) Supporting Evidence, including but not limited to photographs and videos;

iv) Supporting evidence related to a charge issued under the Automated Speed Enforcement System in accordance with Ontario Regulation 355/22.

d. Where the Screening or Hearing Officer determines that there is insufficient evidence and Documentation provided by the Issuing Officer, they must cancel the Penalty Notice or Penalty Order.

e. Screening and Hearing Officer must consider evidence provided by the Contravener, which may be regarded as sworn testimony.

f. After reviewing all evidence and documentation, if the Screening or Hearing Officer determines that on a Balance of Probabilities, it is more likely that the Contravener committed the act described in the Penalty Notice or Penalty Order, they must affirm the Administrative Penalty.

g. After reviewing all evidence and documentation, if the Screening or Hearing Officer determines that on a Balance of Probabilities, the Contravener did not commit the act described in the Penalty Notice or Penalty Order, they must cancel the Administrative Penalty.

h. The Screening or Hearing Officer must first affirm the Administrative Penalty. Only after this can the Screening or Hearing Officer consider criteria for cancelling or varying a penalty in accordance with this policy and the APs By-law, or its successor by-law.

i. The Hearing Officer is not bound by the Screening Officer's decision, including any amount varied. The Hearing Officer must base all decisions on the evidence and Documentation presented during the hearing and may either affirm or vary the original penalty to an amount deemed appropriate for ensuring compliance.

j. Where multiple Penalty Notices or Penalty Orders have been issued to the same Contravener for similar offences, and the cumulative amount of the penalties is considered Punitive, the Hearing Officer must:

i) Decide on each penalty individually; and

ii) Ensure the amount of any varied penalty is appropriate for enforcing compliance, taking into consideration similar contravention(s) within the last five years.

k. A Decision issued by a Screening or Hearing Officer under this Policy and the APs By-law, or its successor By-law should include, at minimum:

i) Date of Decision;

ii) Penalty Notice(s) or Penalty Order(s) numbers;

iii) Particulars of the contravention(s);

iv) Name of the Screening or Hearing Officer;

v) Reasons to affirm, cancel or vary the Penalty Notice or Penalty Order, as may be further described below;

vi) A description of the documentation and evidence considered in making the Decision;

vii) Original amount of the Administrative Penalty;

viii) Amount payable for the Administrative Penalty; and

ix) Information regarding Late Payment Fees or applicable Administrative Fees:

l. Notwithstanding subsection 3 (k), a Decision shall include reasons.

m. Photocopies of the Documentation may be required and attached to the Decision and will be retained according to the City's Records Retention By-Law.

n. A copy of the Screening Decision must be uploaded to the City's APS management software and made available to the City Clerk for processing Hearings.

o. The Hearing Decision must be issued to the Contravener in accordance with the APs By-law.

4. CRITERIA FOR CANCELLING AN ADMINISTRATIVE PENALTY

a. A Screening or Hearing Officer can only cancel an Administrative Penalty if they are satisfied that:

i) The City did not establish, on a Balance of Probabilities, that the contravention occurred as alleged in the Penalty Notice or Penalty Order;

ii) The Contravener demonstrates, through Documentation, that on a Balance of Probabilities, Extraordinary Circumstances prevented them from complying with a Designated By-law or the *Highway Traffic Act*;

iii) The Penalty Notice or Penalty Order is substantively or procedurally defective or there is a lack of evidence provided by the Issuing Officer to support that on a Balance of Probabilities the contravention occurred;

iv) Multiple Penalty Notices for the same incident were issued to the same Contravener, and it has been determined that an administrative duplication of the Penalty Notice or Penalty Order is not required.

b. To support subsection 4 (a) (ii) the Contravener must provide all evidence, including Documentation, to demonstrate the existence of Extraordinary Circumstances at least seven calendar days prior to a hearing.

c. A Decision to cancel an Administrative Penalty by the Screening or Hearing Officer must set out reason(s).

d. Any Decision made by a Screening or Hearing Officer to cancel a Penalty Notice or Penalty Order in accordance with Section 4 must be documented and made available for review by the Director or City Clerk, as applicable.

5. CRITERIA FOR REDUCING A PENALTY NOTICE

a. The Screening or Hearing Officer may reduce the penalty amount by up to 25% if the Contravener demonstrates Extenuating Circumstances that lessen the severity of the contravention and their level of culpability.

b. Notwithstanding subsection 5 (a), the Screening or Hearing Officer may further reduce the penalty amount beyond 25%, to an appropriate level for enforcing compliance, if the Contravener provides evidence, including Documentation, confirming, on the Balance of Probabilities, that an Extenuating Circumstance occurred which significantly lessened the severity of the Contravention and the Contravener's level of culpability.

c. Any Decision to reduce the Administrative Penalty to accommodate Extenuating Circumstances may also consider the severity of the contravention and the Contravener's history of similar contraventions within the five years preceding the Contravention.

d. Notwithstanding subsections 5(a) and 5(b), a Screening or Hearing Officer may reduce an Administrative Penalty issued under section 9.0(2) of the Parking By-law (064-2019) for parking in a designated Accessible Parking Space without a currently valid Accessible Parking Permit. The penalty may be reduced to an amount appropriate in the circumstances, but not less than $60, where:

   i) the City has no record of a previous contravention of section 9.0(2) of the Parking By-law (064-2019), involving the same Contravener during the five years preceding the Contravention for which the Administrative Penalty was paid or affirmed;

   ii) the Contravener provides evidence that the Accessible Parking Permit was being used for the benefit of the permit holder, whether as the driver or as a passenger being picked up or transported; and

   iii) the Accessible Parking Permit had expired, and the Contravener provides evidence of its subsequent renewal or reasonable documented steps taken to renew it. In considering a reduction, the Screening or Hearing Officer may consider how long the permit had been expired, the circumstances surrounding the expiry and the steps taken to correct the non-compliance. An expired permit remains invalid under the *Highway Traffic Act* and its applicable regulations, and this provision does not extend its validity or create a grace period.

e. A reduction under subsection 5(d) should generally not be granted where the evidence establishes misuse, alteration, transfer or other improper use of an Accessible Parking Permit contrary to the *Highway Traffic Act* and its applicable regulations. In determining whether a reduction remains appropriate, the Screening or Hearing Officer may consider the nature and circumstances of the non-compliance.

f. Subsections 5(d) and 5(e) do not limit the discretion of a Screening or Hearing Officer to consider other Extenuating Circumstances, Extraordinary Circumstances or financial hardship in accordance with this Policy.

g. The Contravener must provide all evidence, including Documentation, to demonstrate the existence of Extenuating Circumstances at least seven calendar days prior to a hearing.

h. A Decision to reduce the amount of a Penalty Notice or Penalty Order due to Extenuating Circumstances by the Screening or Hearing Officer must set out reason(s).

i. Any Decision made by a Screening or Hearing Officer to reduce a Penalty Notice or Penalty Order by more than 25% due to Extenuating Circumstances in accordance with Section 5 must be documented and made available for review by the Director or City Clerk, as applicable.

6. CRITERIA FOR CONSIDERING FINANCIAL HARDSHIP

a. To consider claims of financial hardship, the Contravener must provide the Screening or Hearing Officer with Documentation to substantiate the claim. Such Documentation includes but is not limited to:

   i) An income tax return or a Canada Revenue Agency Notice of Assessment for the most recent taxation year;

   ii) The most recent statement of earnings from their employer showing the total earnings paid in the year to date including overtime, or, if such a statement is not available, their three most recent pay stubs; or

   iii) The most recent statement of income showing income received from employment insurance, social assistance, a pension, workers compensation or disability payments.

b. The Contravener must provide all evidence, including Documentation, to substantiate the claim of financial hardship demonstrate at least seven calendar days prior to a hearing.

c. Screening and Hearing Officers shall first consider whether Documentation provided supports that the Contravener's income is at or below the Low-Income Cut-Offs for Urban Area Population of 100,000 – 499,999 as referenced on the Statistics Canada website for the most current year available.

d. Notwithstanding Section 6 (c), if a Contravener's income is above the Low-Income Cut-Offs, the Screening or Hearing Officer may still consider exceptional circumstances that support the Contravener's claim of financial hardship. The Contravener must provide evidence, including Documentation, to support the claimed circumstances.

e. In cases of financial hardship, the Screening or Hearing Officer must prioritize extending the deadline to make payment and only reduce the amount of the Penalty Notice or Penalty Order, to an appropriate level for enforcing

compliance, if determined that an extended payment deadline is insufficient to alleviate the hardship.

f. The Screening or Hearing Officer must review the Documentation provided by the Contravener to support financial hardship and must be satisfied that the Documentation is relevant, authentic, and credible.

g. Any Decision to reduce the Administrative Penalty to accommodate financial hardship may also consider the severity of the contravention and the Contravener's history of similar offences within the five years preceding the Contravention.

h. In addition to reducing a Penalty Notice or Penalty Order under Section 6, the Screening or Hearing Officer may also consider extending the time for payment to alleviate financial hardship.

i. The Screening or Hearing Officer must consider the following guidelines when granting an extension of the time to pay a Penalty Notice or Penalty Order:

Penalty Notice or Penalty Order Amount	Recommended Maximum Extension of Time to Pay Penalty Notice
<$50.00	30 Days
$50 - $250	60 Days
$251 - $500	90 Days
$501 - $750	120 Days
$751 - $1000	180 Days
>$1000	12 Months

Table 1: Recommended Maximum Extension of Time to Pay Penalty Notice

j. All Documentation provided by the Contravener in support of financial hardship must be treated confidentially, in accordance with the Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56.

k. Any Decision to Vary a Penalty Notice or Penalty Order due to financial hardship must detail the Documentation considered and must set out reason(s).

l. Any Decision made by a Screening or Hearing Officer to reduce a Penalty Notice or Penalty Order due to financial hardship must be documented and made available for review by the Director or City Clerk, as applicable.

7. CRITERIA FOR EXTENDING DEADLINE TO APPEAL

a. If Extenuating Circumstances prevented the Contravener from initiating an Appeal within the prescribed deadlines outlined in the APs By-law, or its successor, the Contravener may request an extension to the Appeal

deadline.

b. When the Contravener submits an Appeal that includes a request for an extension of the prescribed Appeal deadline, the Screening or Hearing Officer must first decide whether to grant the extension. If the Contravener cannot demonstrate, on a Balance of Probabilities, that an Extenuating Circumstance caused a valid reason for the delay in filing the Appeal, the Screening or Hearing Officer must dismiss the Appeal and uphold the penalty, including any required Administrative Fees.

c. When deciding whether to grant an extension to the prescribed Appeal deadlines, the Screening or Hearing Officer must consider whether:

i) The Contravener has demonstrated that, on a Balance of Probabilities, an Extenuating Circumstance caused a valid reason for the delay in filing the Appeal;

ii) The delay does not prejudice the other party involved in the hearing; and

iii) The extension is in the interest of justice and fairness.

8. FAILURE TO ATTEND A SCREENING

a. If the Contravener or their authorized representation, fails to attend a scheduled screening, the Screening Officer may review the Administrative Penalty in accordance with this policy and the APs By-law and render a Decision.

b. A Decision made under Section 8 (a) must include any applicable Administrative Fees for failing to attend a Screening.

9. FAILURE TO ATTEND A HEARING

a. If the Contravener, or their authorized representation, fails to attend a scheduled hearing within 10 minutes of the scheduled start time, the Hearing Officer may review the Administrative Penalty in accordance with this policy and the APs By-law and render a Decision.

b. A Decision made under Section 9 (a) may include any applicable Administrative Fees for failing to attend an Appeal.

10. IMPLEMENTATION

a. This Policy must form part of the orientation for all Screening and Hearing Officers and City employees involved in the enforcement and administration of

APS and all current and new employees, with the potential for interaction with the APS program.

b. Procedures may be defined by the Director or City Clerk, as required, to address specific implementation of this Policy.

c. In cases of policy violation, the Director or City Clerk, as required, may investigate and determine appropriate corrective action.

ADMINISTRATION			
Administered by the Office of the City Clerk.			
Review Schedule:	3 Years If other, specify here	**Next Review Date:**	November 3, 2029
Related Policy(ies):			
Related By-Law(s):	240-2024		
Procedural Document:	PRC.52 – Screenings for Dispute Under the Administrative Penalty System (APS)		

Revision History	
Date:	**Description:**
25-Feb-25	Approved at Council. Report No. 6 Item No. 6
03-Nov-26	Administrative amendments approved at Policy Committee.