

**THE MUNICIPAL CORPORATION OF
THE TOWNSHIP OF MCMURRICH/MONTEITH**

BY-LAW #33-2026

**A By-law to establish the position of Screening Officer
and Hearings Officer and to appoint persons
as Screening Officers and Hearings Officers
in the Township of McMurrich/Monteith**

WHEREAS Council of The Township of McMurrich/Monteith considers it desirable and necessary to establish the position of a Screening Officer and Hearings Officer to who may be delegated quasi-judicial and other authority under various Municipal By-laws.

AND WHEREAS Council of The Township of McMurrich/Monteith deems it advisable to appoint the Screening Officers and Hearings Officers hereinafter referred to for the purposes designated.

NOW THEREFORE the Council of The Municipal Corporation of the Township of McMurrich/Monteith ENACTS AS FOLLOWS:

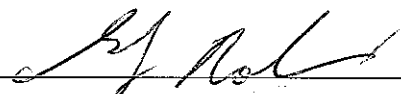
1. In this By-law:
 - a) "Township" means The Municipal Corporation of the Township of McMurrich/Monteith;
 - b) "Council" means the council of the Township;
 - c) "Delegated Power of Decision" means a power or right, conferred by or under a Township By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person or party;
 - d) "Hearings Officer" means the person from time to time appointed by Council pursuant to the By-law;
 - e) "Relative" includes any of the following persons:
 - i. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
 - ii. Parent, including step-child and grandchild;
 - iii. Siblings and children of siblings;
 - iv. Aunt, uncle, niece, and nephew;
 - v. In-laws, including mother, father, sister, brother, daughter, and son; or;
 - vi. Any other person who lives with the person on a permanent basis.
 - f) "Screening Officer" means the person from time to time appointed by Council pursuant to this By-law; and
2. The position of Screening Officer is established for the purpose of exercising Delegated Powers of Decision, and shall be appointed by Council.
3. The following are not eligible for appointment as a Screening Officer:
 - a) A member of Council of the Township; or
 - b) The relative of a person referenced in paragraph 3(a);
4. The position of Hearings Officer is established for the purpose of exercising Delegated Powers of Decision, and shall be appointed by Council.

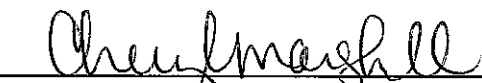
5. The following are not eligible for appointment as a Hearings Officer:
- a) An employee or member of Council of the Township;
 - b) The Relative of a person referenced in paragraph 5(a); or
 - c) A person indebted to the Municipality other than
 - i. In respect of current real property taxes; or
 - ii. Pursuant to an agreement with the Municipality the terms with which the person is in compliance.
6. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing a Screening Officer or a Hearings 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 Hearings Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.
7. The person listed in Schedule A is appointed as the Hearing Officer.
8. The persons listed in Schedule B are appointed as Screening Officers.
9. That the AMPS Screening Officer and Hearing Officer Process in relation to the AMPS Policy #ADM-015 for The Township of McMurrich/Monteith, attached hereto as "Schedule C" and forming part of this By-law be adopted.
10. That the Screening Officer Decision Form attached hereto as "Schedule D" form part of this By-law.

Administrative Corrections

The Clerk of the Township of McMurrich/Monteith is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the By-law and schedule(s) as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council
this 16th day of June, 2026.


Glynn Robinson, Mayor


Cheryl Marshall, Municipal Clerk

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF

MCMURRICH/MONTEITH BY-LAW #33-2026

Schedule "A"

Hearing Officer Appointment:

1. Debbie Ann Hall
Debbie Ann Hall Paralegal Services Professional Corporation
280 Manitoba Street
Bracebridge, ON
P1L 1S5

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF

MCMURRICH/MONTEITH BY-LAW #33-2026

Schedule "B"

Screening Officer Appointment:

1. Mardi Boshold
2. Allyson Pedwell
3. Brandilea Decaire

SUBJECT:	AMPS Screening Officer and Hearing Officer Process Policy for the Administrative Monetary Penalty System (AMPS) Program By-law #33-2026 – Schedule C	POLICY #: ADM-015	PAGE 1 of 4
----------	---	----------------------	----------------

1. POLICY STATEMENT

1.1. The Township of McMurrich/Monteith deployed an Administrative Monetary Penalty System (AMPS) for the administration of the various by-laws in force in the Township. The Township has authorized the appointment and use of Screening and Hearing Officers to hear and decide the outcome of disputes related to Penalty Notices issued for by-law violations.

2. PURPOSE

2.1. This Policy is to provide guidelines for Screening Reviews and Hearing Appeals conducted pursuant to the Township of McMurrich/Monteith Administrative Monetary Penalty System By-law.

3. PROCEDURE

Screening Officer Review

The Screening Officer is selected by the Clerk and appointed by Council to conduct screening reviews in the public interest. A screening review may be held in the following manner:

- a) Virtual meeting: conducted online by electronic means, using web conferencing technology with specific link provided by the Township.
- b) In person: Designated room at the Township of McMurrich/Monteith Municipal office located at 31 William Street, Sprucedale, Ontario.

You may have an agent attend the Screening Meeting to represent you.

You may have someone attend the Screening Meeting as your interpreter. An interpreter will not be provided by the Township.

The review will be informal and is an opportunity to explain to the Screening Officer why they should reduce or cancel the Administrative Penalty. You may also request an extension of time to pay the Penalty as specified in the AMPS By-law. If you are making arguments that the Penalty will cause you financial hardship, you must provide documentation as listed in the Financial Hardship Policy.

After review of a Screening Review request, a Screening Officer may affirm the Administrative Penalty, including any Administrative Fee(s), or cancel or reduce the Administrative Penalty, including any Administrative Fee(s), or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s) on the following grounds:

- a) where a Person establishes on a balance of probabilities, that they did not contravene the Designated By-law as described in the Penalty Notice;
- b) the Penalty Notice is defective in substance or form;
- c) the Penalty Notice was not served in accordance with Section 6 of the AMPS By-law; or
- d) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

You may request an appeal of the Screening Decision by a Hearing Officer within 15 days of the Screening Decision. The Notice will indicate the date, time, and link for virtual meeting, along with any documents the Township deems necessary for you to have prior to the Hearing Appeal.

APPROVED BY: Council	ISSUE DATE:	REVISION DATE:
----------------------	-------------	----------------

Hearing Officer Appeal

These Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a Hearing on its merits. Where procedures are not provided for in these Rules, a Hearing Officer may do whatever is necessary and permitted by law to effectively determine the matter before them. A Hearing Officer may exercise any of their powers under these Rules on their own initiative or at the request of a party.

Hearing Officers are individuals appointed by Council to conduct Hearing Appeals in the public interest.

If the owner is not satisfied with the Screening Decision, they have the opportunity to request a Hearing Appeal before a Hearing Officer. All Hearing Appeals will be scheduled by the By-law Enforcement Department.

A Hearing meeting shall be held in the following manner:

- a) Virtual meeting: conducted online by electronic means, using web conferencing technology with specific link provided by the Township.

You may have an agent attend the Hearing Appeal to represent you.

A party at any hearing may:

- a) Present evidence and submissions; and
- b) Call and examine witnesses and conduct cross-examinations of witnesses reasonably required for a full and fair disclosure of all matters relevant to the issues in the Hearing.

Unless the Hearing Officer directs otherwise, the process for all Hearings shall be as follows:

- a) The Hearing Officer will call the Hearing to order and may advise the parties of the Hearing process;
- b) The Hearing Officer will swear or affirm the witnesses or parties presenting evidence;
- c) The Hearing Officer will ask the officer for all information relevant to the Penalty Notice;
- d) The Hearing Officer will ask the Owner, or their representative to make submissions;
- e) If witnesses are called, the process for each witness to give evidence is: direct examination, cross-examination and re-examination, if any;
- f) The Hearing Officer may ask questions of the witness or parties at any time;
- g) A party may make a brief closing statement;

This process is subject to change by the Hearing Officer if they find that there is a fairer way of proceeding.

The Hearing Officer may adjourn a Hearing at any time on such conditions as they consider just.

Where a person is properly notified of a Hearing and does not attend at the time and place appointed, the Hearing Officer may proceed in that person's absence and without further notice to that person.

Where a person fails to attend at the date, time and place scheduled for a hearing, the process of Section 5.6 of the Township's current Administrative Monetary Penalty System By-law shall apply.

After conducting a Hearing, a Hearing Officer may affirm the Administrative Penalty, including any Administrative Fee(s), or cancel or reduce the Administrative Penalty, including any Administrative Fee(s), or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s) on the following grounds:

- a) where a Person establishes on a balance of probabilities, that they did not contravene the Designated By-law as described in the Penalty Notice;
- b) the Penalty Notice is defective in substance or form;
- c) the Penalty Notice was not served in accordance with Section 6; or
- d) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

The Hearing Officer does not have the power to award costs of the Hearing to a party.

The Hearing Officer will provide their decision with their reasons in support of the decision, if any, to the By-law Enforcement Department who shall send a copy of the decision to the parties.

The Hearing Officer may at any time correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in their decision, direction or order.

The Decision of a Hearing Officer is final.

Adjudication Fee

An individual who receives an upheld decision in a review by a Hearing Officer in relation to a Penalty Notice issued through AMPS shall be responsible for an additional Adjudication fee of \$25.00.

Submitting Documents

You must submit any documents or supporting evidence you wish to use in your Screening Review or Hearing Appeal 14 days prior to the date via electronic mail to the following address: admin@mcmurrichmonteith.com

Where a document is submitted in advance, Township staff shall date stamp the document. The date stamped on the document shall be deemed to be the date of receipt. The party producing the documents should ensure to have originals, where possible and that all documents are legible.

Dismissing request for hearing appeal before hearing date

The Hearing Officer may dismiss a Request without a Hearing if:

- a) the request is frivolous, vexatious, or is commenced in bad faith;
- b) the request relates to matters that are outside the jurisdiction of the Hearing Officer;
- c) the request was not commenced within the proper time limits required in the Township's by-law or the Owner failed to demonstrate extenuating circumstances that warrant the extension of time; or
- d) some aspect of the statutory requirements for requesting a Hearing has not been met.

Before dismissing a request under this Rule, the Hearing Officer shall give notice of their intention to dismiss the request to all parties setting out the reasons for the dismissal.

Adjournments/Re-scheduling

A party may request to re-schedule a Screening Review or Hearing Appeal within at least fourteen (14) days prior to the hearing date to the following email: admin@mcmurrichmonteith.com

Only one single adjournment will be made available to the owner.

Last minute requests to re-schedule will be forwarded to the Hearing Officer, in writing, who will use their discretion in determining whether to grant or deny the request.

Sharing Information

The Hearing Officer may, at any stage in a matter make orders for:

- a) the exchange of documents;
- b) the oral or written examination of a party; or

- c) any other form of sharing information.

The Hearing Officer's power to make such orders for sharing information is subject to any statute or regulation that applies to the Hearing and nothing in this Rule requires the sharing of any information which is privileged by law.

Disclosure Request

The person who is requesting a Hearing Appeal may request disclosure of documents thirty (30) days prior to the date of the Hearing Appeal. This request must be on prescribed form submitted via email to admin@mcmurrichmonteith.com.

Witnesses

Unless these Rules provide otherwise, witnesses at a Hearing shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination. The Hearing Officer may determine whether or not evidence from a witness needs to be given under affirmation.

There shall be no undue harassment or embarrassment of a witness as they are giving evidence. The Hearing Officer may disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the Hearing.

The Hearing Officer may at any time during a Hearing direct that a witness be recalled for further examination.

Evidence at Hearings

The Hearing Officer may admit the following as evidence at a Hearing:

- a) any oral testimony; and
- b) any document or other thing, relevant to the subject matter of the Hearing and may act on such evidence, but the Hearing Officer may exclude anything unduly repetitious.

Nothing is admissible in evidence at a Hearing, that would be inadmissible in a court by reason of any privilege under the law of evidence or that is inadmissible by the statute or by law under which the Hearing arises or any other statute.

Where the Hearing Officer is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a Hearing.

Record of Hearing

The By-law Enforcement Department shall compile a record of any Hearing before a Hearing Officer which shall include:

- a) the notice of the Hearing;
- b) all decisions made by the Hearing Officer;
- c) all documentary evidence filed at the Hearing; and
- d) any other documents that in the opinion of the Clerk or designate, or the Hearing Officer should be included in the record of Hearing.

4. SEVERABILITY

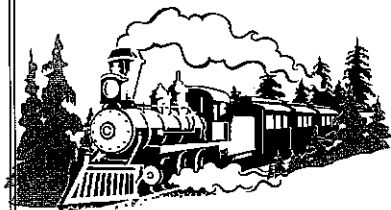
- 4.1 If any provision of these Rules is or becomes illegal, invalid or unenforceable, the illegality, invalidity or enforceability of that provision shall not affect the legality, validity or enforceability of the remaining provisions of these Rules.

5. ADMINISTRATION

- 5.1 This policy shall be administered by the Clerk.

6. EVALUATION

- 6.1 The effectiveness of this policy will be evaluated by the CAO and Clerk from time to time or as required by legislative changes.
- 6.2 Any identified deficiencies or non-compliance issues will be addressed promptly, with corrective measures documented and implemented.



SCREENING OFFICER DECISION
Township of McMurrich/Monteith
P.O. Box 70, 31 William Street
Sprucedale, ON P0A 1Y0

Applicant's Name		
Penalty Notice Number		
1	The administrative penalty is cancelled and no further action is required.	☐
2	The administrative penalty is reduced to _____ is payable on or before: _____ (see Note below)	☐
3	The administrative penalty is affirmed . The amount of \$_____ is payable on or before _____ (see Note below)	☐
4	The request for extension is refused. (see Note below)	☐
5	The request for extension is allowed and the new date is: _____ (see Note below)	☐
6	Other Decision:	☐
7	Screening Officer Comments:	
Screening Date:		Screening Officer Signature:

Note: An additional \$50 late payment fee will be added if payment is not made within the due date timeframe.