



Rules of Procedure for Hearings Pursuant to the Town's Administrative Monetary Penalty System

Procedure Number:	2025-06
Applies to:	Administrative Monetary Penalty System Hearings
Approval Date:	2025-12-03
Revision Date(s):	N/A

1. Purpose

- 1.1 The purpose of these Rules of Procedure ("**Rules**") is to establish a fair, open, consistent, and transparent process for Hearings conducted under the Town of Collingwood's Administrative Monetary Penalty System ("**AMPS**"). These Rules are intended to govern all proceedings before a Hearing Officer exercising a delegated power of decision under the Town's Screening and Hearing Officer By-law, and are made pursuant to section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("**SPPA**").

2. Legislative Authority

- 2.1 These Rules shall be interpreted and applied in accordance with:
- (a) *Municipal Act, 2001*, S.O. 2001, c. 25;
 - (b) Ontario Regulation 333/07: Administrative Penalties;
 - (c) *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22;
 - (d) Town of Collingwood AMPS By-law No. 2025-003; and
 - (e) Town of Collingwood Screening and Hearing Officer By-law No. 2025-004.

3. Scope and Application

- 3.1 These Rules apply to all proceedings before a Hearing Officer exercising a delegated power of decision under the Town's Screening and Hearing Officer By-law.

3.2 Where a statute or by-law provides for a different procedure to govern such proceedings, that procedure prevails.

4. Interpretation

4.1 These Rules shall be interpreted broadly to ensure the most just, expeditious, and cost-effective determination of matters on their merits.

4.2 Where procedures are not provided for in these Rules, a Hearing Officer may take any steps necessary and permitted by law to effectively determine the matter.

4.3 A defect in form or other technical breach shall not invalidate a proceeding.

4.4 Where a Party has not complied with a Rule or procedural order, a Hearing Officer may:

- (a) grant amendments or other relief subject to conditions;
- (b) adjourn the proceeding until compliance is achieved; or
- (c) take any other steps considered just and reasonable in the circumstances.

5. Calculation of Time

5.1 When calculating time under these Rules:

- (a) days between events are counted by excluding the first day and including the last;
- (b) if a deadline falls on a Holiday, the act may be done on the next business day;
- (c) all times refer to local time in Collingwood, Ontario; and
- (d) documents filed after 4:30 p.m. or on a Holiday are deemed filed on the next business day.

6. Definitions

6.1 For the purpose of these Rules:

“Appellant” means a person appealing the decision of a Screening Officer under the Town's AMPS By-law;

“AMPS” means the Town's Administrative Monetary Penalty System;

“Coordinator” means the By-law Services Coordinator responsible for scheduling Hearings and managing documentation;

“Document” means any written record, sound recording, photograph, chart, map, and any information recorded or stored by any device;

“Electronic Hearing” means a Hearing conducted by conference telephone, videoconference or other technology allowing participants to hear one another;

“Hearing” means any proceeding before a Hearing Officer;

“Hearing Officer” means an individual recommended by the Clerk and appointed by Council under By-law 2025-004;

“Holiday” means any Saturday, Sunday, statutory holiday, and any day on which Town offices are closed;

“Motion” means a request for a decision, order, or direction of the Hearing Officer made during a proceeding;

“Oral Hearing” means a Hearing at which the parties or their representatives attend in person;

“Party” means a person who is the subject of a Hearing, a person who has requested a Hearing pursuant to law, and any person given party status by a Hearing Officer, including the Town;

“Penalty Notice” means a notice issued under the Town's AMPS By-law;

“Screening Decision” means a decision issued by a Screening Officer under the AMPS By-law; and

“**Town**” means the Corporation of the Town of Collingwood.

7. Roles and Responsibilities

7.1 For the purpose of these Rules, the following roles carry the responsibilities set out below:

- (a) **Coordinator:** Schedules Hearings, provides notices, and manages evidence exchange.
- (b) **Hearing Officer:** Conducts Hearings impartially and independently, ensures procedural fairness, issues oral decisions at the Hearing, and provides written decisions. The Hearing Officer may also reserve their decision and release it later.
- (c) **Manager of By-law Services:** Acts as the Town's legal representative when required.
- (d) **Town Counsel:** May represent the Town at Hearings at the Town's discretion.

8. Notice of Appeal/Request for Hearing

8.1 An Appellant requesting a Hearing must complete a hearing request form and submit it to the Coordinator using one of the methods below:

- (a) By mail: Town of Collingwood, By-law Services Division, P.O. Box 157, 97 Hurontario Street, Collingwood, Ontario L9Y 3Z5;
- (b) By email: amps@collingwood.ca; or
- (c) In person: Town Hall, 97 Hurontario Street, Collingwood, ON, L9Y 3Z5, during regular business hours (8:30 a.m. to 4:30 p.m., Monday to Friday).

8.2 Within five (5) days of receiving the hearing request form, the Coordinator shall notify the Appellant if:

- (a) any of the submitted documents are incomplete;
- (b) the hearing request form was received after the time required for filing the request for a Hearing; or
- (c) the hearing request form contains a technical defect.

- 8.3** If deficiencies exist, the Coordinator shall provide written notice specifying what must be corrected. The notice shall advise that the appeal may proceed once deficiencies are corrected, except where the request was filed after the deadline, in which case the appeal cannot proceed.
- 8.4** Upon receiving a valid request for appeal, the Coordinator shall set the Hearing date and determine the format (oral or electronic).
- 8.5** A written Notice of Hearing shall be provided to all parties and shall include:
- (a) a reference to the statutory authority or by-law authority under which the Hearing is being held;
 - (b) a statement of the time and the purpose of the Hearing;
 - (c) a statement that failure to participate shall result in the Hearing being deemed abandoned; and
 - (d) any other information necessary for the proper conduct of the Hearing.
- 8.6** For Oral Hearings, the notice shall include the Hearing location and a statement that confirms the Hearing is open to the public unless otherwise directed.
- 8.7** For Electronic Hearings, the notice shall include details of the technology to be used and a statement that confirms the Hearing format will be changed if a Party demonstrates that an Electronic Hearing would cause significant prejudice.

9. Hearing Format and Public Access

- 9.1** Hearings may be conducted orally, electronically, in writing, or by any combination permitted under the SPPA.
- 9.2** Hearings are Electronic Hearings by default unless a Party demonstrates that an Oral Hearing is necessary to avoid significant prejudice.
- 9.3** Hearings shall be open to the public except where the Hearing Officer is of the opinion that:
- (a) matters involving public security may be disclosed;

- (b) intimate financial or personal matters or other matters may be disclosed at the Hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that Hearings be open to the public; or
- (c) in the case of an Electronic Hearing, it is impractical to hold the Hearing in a manner that is open to the public.

10. Accessibility and Accommodation

- 10.1** A Party requiring accommodation due to a disability must notify the Coordinator as early as possible before the Hearing.
- 10.2** Where interpretation services are required, the Party may arrange for an interpreter at their own expense.

11. Authorized Representative

- 11.1** A Party may be represented by counsel, paralegal, or any authorized agent, provided written authorization is filed with the Coordinator before the Hearing.
- 11.2** The Hearing Officer may exclude a representative who is not competent to represent the Party adequately, is disruptive, or is acting contrary to the proper administration of justice.

12. Disclosure and Evidence Exchange

- 12.1** All evidence, including Documents and photographs, must be emailed to the Coordinator at amps@collingwood.ca at least five (5) days before the Hearing.
- 12.2** Each submission must include the Appellant's name and applicable Penalty Notice number.
- 12.3** The Town shall provide the Appellant with any Documents it intends to rely upon at least five (5) days before the Hearing.

12.4 The Hearing Officer may order the exchange of Documents, oral or written examinations, or other forms of disclosure. Privileged Documents are not required to be disclosed.

12.5 The Hearing Officer may refuse to admit late evidence unless fairness requires its admission and may impose conditions.

13. Motions

13.1 A Party bringing a Motion shall file a notice of Motion setting out the relief sought, the grounds for the Motion, and the evidence to be relied upon, and shall serve it on all other parties. The Hearing Officer shall direct the procedure and may set time limits. Motions may also be made during a Hearing, with or without notice, and disposed of as appropriate.

13.2 If a Motion is filed by the Appellant, the notice of Motion and supporting materials must be emailed to the Coordinator at amps@collingwood.ca.

14. Hearing Procedure

14.1 Hearings are conducted in accordance with the principles of natural justice and procedural fairness.

14.2 Order of Presentation:

(a) Town Presents First:

- i. Direct examination of Town witnesses;
- ii. Cross-examination by the Appellant or representative;
- iii. Reply (re-examination) by the Town, if necessary.

(b) Appellant Presents Next:

- i. Direct examination of Appellant witnesses;
- ii. Cross-examination by the Town's representative;
- iii. Reply (re-examination) by the Appellant, if necessary.

14.3 Both parties may make opening and closing statements.

14.4 The Hearing Officer may ask questions at any time during the Hearing.

15. Evidence at Hearings

15.1 The Hearing Officer may admit as evidence any relevant oral testimony, Documents, or other things, whether or not given under oath or admissible in court, and may act on such evidence, but may exclude anything unduly repetitious.

15.2 Nothing is admissible that would be inadmissible in court by reason of legal privilege, or that is inadmissible by the statute or by-law under which the proceeding arises.

15.3 Where satisfied as to authenticity, a copy of a Document or other thing may be admitted as evidence.

15.4 The Hearing Officer may take notice of facts that may be judicially noticed and of generally recognized scientific or technical facts within the Hearing Officer's specialized knowledge.

16. Failure to Attend

16.1 Where a Party is properly notified and does not attend within fifteen (15) minutes of the scheduled start time, the Hearing shall be deemed abandoned. The Hearing Officer may proceed in the Party's absence, and without further notice, affirm the Screening Decision, confirm the Penalty Notice and applicable fees, and impose a non-appearance fee of \$100.00.

16.2 No further appeal rights shall be available after the Hearing is deemed abandoned.

17. Dismissal Without a Hearing

17.1 The Hearing Officer may dismiss a proceeding without a Hearing if:

- (a) the proceeding is frivolous, vexatious, or commenced in bad faith;

- (b) the matter is outside the jurisdiction of the Hearing Officer; or
- (c) statutory requirements for bringing the proceeding have not been met.

17.2 Before dismissing a proceeding, the Hearing Officer shall provide notice of intent to dismiss, including the reasons, and allow an opportunity for written submissions within ten (10) days, except where the request for Hearing was filed after the deadline.

18. Summonses

18.1 The Hearing Officer may require any person, including a Party, to attend and give evidence under oath or affirmation or to produce Documents or other items relevant to the Hearing, in accordance with section 12 of the SPPA.

18.2 A Party may request a summons for a witness who can provide material evidence. Summonses must be in the form prescribed by the SPPA and must be served personally.

19. Decisions

19.1 The Hearing Officer shall provide an oral decision at the Hearing unless the decision is reserved.

19.2 A written decision shall follow and be sent by the Coordinator within ten (10) days unless additional time is required.

19.3 Decisions are final and binding under the Town's AMPS By-law.

19.4 The Hearing Officer may correct typographical, clerical, or calculation errors.

20. References and Related Documents

- (a) *Municipal Act, 2001*, S.O. 2001, c. 25;
- (b) Ontario Regulation 333/07: Administrative Penalties;
- (c) *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22;
- (d) Town of Collingwood:

- i. AMPS By-law 2025-003;
- ii. Screening and Hearing Officer By-law 2025-004;
- iii. Conflict of Interest Policy;
- iv. Financial Management Policy;
- v. Financial Hardship Policy;
- vi. Political Interference Policy; and
- vii. Public Complaints Policy.

21. Consequences of Non-Compliance

21.1 Non-compliance with these Rules or procedural orders may result in adjournment, exclusion of evidence, other steps considered just and reasonable by the Hearing Officer, or, in the case of a Hearing Officer, suspension or termination of appointment pursuant to applicable Town policy.

22. Waiver of Rules, Procedural Orders, and Severability

22.1 The Hearing Officer may, where satisfied that special circumstances so require, vary or waive compliance with all or any part of these Rules at any time by making a procedural order.

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

23. Review Cycle

23.1 These Rules shall be reviewed once per term of Council, or earlier if required due to legislative or policy changes.