TOWN OF HALTON HILLS
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POLICY

POLICY TITLE: Administrative Monetary Penalty – Extension of Time to Pay

POLICY NUMBER: PLCY-2022-0005

DATE: June 13, 2022 (Revision Date – January 1, 2025)

Policy Statement

The Town of Halton Hills has implemented an Administrative Monetary Penalty System (AMPS) for the administration of various parking and regulatory by-laws in effect in the Town.

Under the structure of Administrative Penalties, when an enforcement officer issues a penalty notice to a person or a vehicle in violation of the municipality's parking and/or regulatory by-laws, the penalty becomes a balance due to the municipality.

A penalty notice must be given to the owner as soon as reasonably practical and must include basic information that will inform the owner of the contravention, the penalty, the owner's right to request a review of the penalty and of the consequences if the penalty is not reviewed.

The Town 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 parking violations.

Purpose

The purpose of this document is to provide a guideline and method by which an extension of time to pay may be considered pursuant to the Town's Administrative Monetary Penalties By-law 2024-0081 and 2025-0008.

Scope

The owner has a time-limited right to request a review of the administrative penalty by a Screening Officer.

Within 15 days of the date of the penalty notice, the owner will have the option to:

1. Make a voluntary payment; or
2. Request a review of the administrative penalty by a Screening Officer.

Extension of Time for Payment Procedure

Screening Officer

The Screening Officer has the discretion to cancel, vary or extend the time for payment of an administrative penalty. This process is to address obvious errors without requiring an owner to request a review by a Hearing Officer. The Screening Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis. Each review will examine whether the owner has demonstrated on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time however, the Screening Officer is under no obligation to grant the extension.

After a review is held, the Screening Officer shall deliver a screening decision to the owner. Unless otherwise stated in the screening decision, any administrative penalty that has been affirmed or varied shall be deemed to include the applicable MTO fee set out in the Town's User Fees By-law and shall be due and payable following delivery of the screening decision.

Hearing Officer

An owner may request a review of a screening decision by a Hearing Officer and shall do so within 15 days after the screening decision has been delivered to the owner. If an owner has not requested a review within 15 days of the screening decision, an owner may request that the Hearing Officer extend the time to request a review within 30 days of the screening decision being delivered to the owner. An owner's right to request an extension of time expires if it has not been exercised within 30 days after the screening decision has been delivered at which time:

a) the owner shall be deemed to have waived the right to request a hearing;
b) the screening decision and the administrative penalty, if applicable as modified in the screening decision, shall be deemed to be affirmed and due and payable as of the date of the screening decision; and
c) the screening decision and the administrative penalty shall not be subject to any further review.

An owner's right to request a review or an extension of time is exercised by

a) electronically submitting a completed request for a review of a screening decision or extension of time form available online; or
b) attending in person at the Town's administrative offices to complete a request for review of a screening decision or extension of time form.

A review or a request for an extension of time to request a review shall only be scheduled by the Town if the owner has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in By-law 2024-0081 and By-law 2025-0008.

The Hearing Officer has the authority to:

1. Confirm, vary or cancel the administrative penalty; or
2. Extend the time for payment of an administrative penalty.

Like the Screening Officer, the Hearing Officer will consider all reasonable requests for an extension of time to pay on a case-by-case basis but is not obligated to grant the extension. After the hearing is complete, the hearing officer shall deliver to the owner a decision of a hearing officer. Any administrative penalty that has been affirmed or varied shall be deemed to include the MTO fee set out in schedule C of By-law 2024-0081 and shall be payable on the 5th day following the delivery of the decision of the hearing officer.

Any decision by a hearing officer is final and not subject to further review.