



Town of Newmarket
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Shared Hearing Officer Agreements Information Report

Report Number: INFO-2023-15

Department(s): Legislative Services

Author(s): Ben Worthington, (Acting) Manager of Regulatory Services

Date: June 21, 2023

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to outline the benefits of sharing the Town's contracted Hearing Officers with Municipal partners whereby, one Hearing Officer can preside over disputes from multiple Municipalities.

Background

At its September 30th, 2019, Council Meeting, Council adopted AMPS By-law 2019-62, which introduced and established an AMPS model, which came into effect on January 15, 2020.

Since the implementation of the AMPS model, Town residents and visitors have experienced significant efficiencies when disputing Penalty Notices. Including their ability to avoid onerous and often lengthy Provincial court processes, previously needed for compliance with Town by-laws enacted.

The AMPS model allows any person that has received a monetary Penalty Notice, to dispute the penalty. First by going through an internal Screening Review, whereby the Town staff will "screen" the Penalty Notice in question and provide a decision to the disputant.

If the penalty is upheld at the Screening Review and the disputant wishes to have the Penalty Notice reviewed further, they may request a secondary external Hearing Review. The Town contracts out a private Hearing Officer, as an impartial body to the

Town, to review the matter in full and provide a final decision on the Penalty Notice in question.

It is common for Hearing Officers to be contracted out by multiple Municipalities through individual agreements with those organizations.

For larger Municipalities, Hearing Reviews are held quite frequently as their volume of dispute requests are naturally much higher, where smaller Municipalities hold Hearing Reviews less frequently.

Sharing Hearing Officers with partnering Municipalities will allow the Town to make better use of our currently contracted Hearing Officers. It will increase the frequency of Hearing Reviews in-turn providing more Hearing dates for disputants and it provides an opportunity for the Town to work with our N6 Municipal partners.

Discussion

Benefits of Shared Hearing Officers

Shared Hearing Officers provide a platform for partnering Municipalities to distribute the expenses associate with contracting private Hearing Officers for Hearing Reviews while maximizing the use of the Hearing Officers time during contracted hours. Additionally, with the increase in volume of Hearing Reviews, the Town will be able to host Hearing Reviews more frequently, providing greater options to both Town residents and the residents of our partnering Municipalities.

Additionally, exposure to Hearing Reviews from other municipalities would provide the unique opportunity to all partnering Municipalities to see what by-law violations are commonly being disputed. Additionally, we would gain knowledge of common disputes being presented by residents at these Hearing Reviews, which in-turn would allow all partnering Municipalities to learn from any challenges that present themselves through Hearing Reviews.

Lastly, shared Hearing Officers presents an opportunity to collaborate with our N6 partners in York Region, and across the province. Currently King and Georgina have expressed interest in the shared Hearing Reviews.

Primary internal Screening Reviews would remain the responsibility of each individual Municipality. It is only the secondary and final review by a Hearing Officer that is to be shared.

Cost Recovery Fees

Shared Hearing Review agreements operate under the following cost recovery fees to the Town of Newmarket:

BASE FEES

Hearing Officer Cost	A \$25 fee for each 20-minute timeslot allocated per parking-related Hearing Review matter
½ Day Hearing Review	\$300.00 charged in addition to Hearing Officer Cost where a single dispute on a Hearing Review docket ranges between 1-3 hours
Full Day Hearing Review	\$600.00 charged in addition to Hearing Officer Cost where a single dispute on a Hearing exceeds 3 hours

MUNICIPALITY RATES

Recognizing that the preparation, operation, and overall delivery of the AMPS Hearing Review program incurs additional administrative costs. Newmarket will charge a **Municipality Rate**, as described below, to offset any remaining costs associated with the successful delivery of this Agreement:

LEVEL	MUNICIPALITY SIZE	Annual Membership Fee (\$)
Level 1	<50,000	\$1,000
Level 2	50,001 – 75,000	\$2,000
Level 3	75,001 – 100,000	\$3,000
Level 4	100,001 – 150,000	\$4,000
Level 5	150,001 – 200,000	\$5,000

Conclusion

Shared Hearing Officers will be a cost neutral benefit to the Town and our partnering Municipalities.

Staff will continue to monitor the shared Hearing Officers for a period of one-year and report back to Council, if any issues arise.

Business Plan and Strategic Plan Linkages

This report aligns with the Corporate Mission and Vision for seeking improvements for being Well-Equipped & Managed and Well-Planned & Connected. Additionally, this report aligns with promoting Council's Priority for a customer-first way of life that is Well Beyond the Ordinary.

Consultation

Consultation with contracted Hearing Officers, N6 Municipal partners, and Legal and Finance departments were conducted, no concerns raised.

Human Resource Considerations

None.

Budget Impact

Expenses incurred by the increase in Hearing Reviews will be offset by the Cost Recovery Fees.

Attachments

None.

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Karen Reynar, Director of Legal and Procurement Services

Esther Armchuk, Commissioner of Corporate Services

Contact

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