



The Corporation of the Town of Orangeville

By-law Number 2025-050

A by-law to establish the positions of Screening and Hearing Officers for the purpose of administration of an Administrative Penalty System within the Town of Orangeville

WHEREAS Section 102.1 and 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") and O. Reg. 333/07, as amended, authorize municipalities to establish an administrative penalty system requiring a person to pay an administrative penalty for a contravention of any designated by-laws;

WHEREAS Section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act, 1992*") authorize municipalities to require a person, subject to such conditions as a municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with the municipal property standards by-law, or an order pursuant to such by-law; and

WHEREAS the Town has passed the Administrative Penalty By-law; and

WHEREAS in accordance with the aforesaid Administrative Penalty By-law and applicable legislation, a person who received a penalty notice shall have the right to request a screening review of the administrative penalty by a screening officer appointed by the Town; and

WHEREAS in accordance with the aforesaid Administrative Penalty By-law and applicable legislation, a person who received a screening decision shall have the right to request a review of the decision by a hearing officer appointed by the Town; and

WHEREAS the Town considers it desirable and necessary to establish the positions of screening officer and hearing officer, which are required for the operation of the Town's Administrative Penalty By-law;

NOW THEREFORE the Council of the Corporation of the Town of Orangeville hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Administrative Penalty” means an **administrative penalty** imposed for a contravention of a Designated By-law, as set out in the **Administrative Penalty By-law**;

“Administrative Penalty By-law” means the Administrative Penalty By-law of the Town, as amended from time to time, or any successor thereof;

“Clerk” means the Clerk of the Town as appointed pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, or their designate;

“Council” means the elected **Council** of the Town;

“County” means the Corporation of the County of Dufferin;

“Designated By-law” means any provision of the Town by-law to which the **Administrative Penalty By-law** applies, as designated therein;

“General Manager” means the General Manager of Corporate Services for the Town of Orangeville, or anyone designated by the General Manager to perform their duties relating to APS;

“Hearing Officer” means any **person** appointed from time to time pursuant to this By-law, to perform the functions of a **Hearing Officer** in accordance with this By-law and the Administrative Penalties By-law;

“Parent” means a **person** who has demonstrated a settled intention to treat a child as a member of their family, whether or not that **person** is the natural **parent** of the child;

“Person” includes an individual, a corporation or other legal entity;

“Policy for Appointing of Screening and Hearing Officers” means the policy for the appointment of **Screening** and **Hearing Officers**, as amended from time to time, or any successor thereof;

“Power of Decision” means a power or right, conferred by or under this By-law and the Administrative Penalties By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any **person**:

a) In the case of a Screening Officer, in respect of a request to review an **administrative penalty**; and

b) In the case of a **Hearing Officer**, in respect of a review of a **screening decision**;

“Regulation” means O. Reg. 333/07, made under the *Municipal Act, 2001*, as amended from time to time or any successor thereof;

“Relative” includes any of the following **persons**:

a) **Spouse**, common-law partner, or any **person** with whom the **person** is living as a **spouse** outside of marriage;

- b) **Parent** or legal guardian;
- c) Child, including stepchild and grandchild;
- d) Siblings and children of siblings;
- e) Aunt, uncle, niece and nephew;
- f) In-laws, including mother, father, sister, brother, daughter and son; or
- g) Any **person** who lives with the **person** on a permanent basis

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in the **Administrative Penalty By-law**;

“Screening Officer” means any **person** appointed from time to time pursuant to this By-law, to perform the functions of a screening officer in accordance with this By-law and the Administrative Penalties By-law;

“Spouse” means a **person** to whom a **person** is married or with whom the **person** is living in a conjugal relationship outside of marriage; and

“Town” means the Corporation of the Town of Orangeville.

2. GENERAL ADMINISTRATION AND EXEMPTIONS

- 2.1 The Short Title of this By-law is the **“Screening and Hearing Officer By-law”**.
- 2.2 The provisions of this By-law do not apply to activities or matters undertaken by the **Town** or the **County** or a local board of the **Town** or the **County**.

3. SCREENING OFFICER

- 3.1. The position of **Screening Officer** is established for the purpose of exercising the **power of decision** in the review of an **administrative penalty** by the **Screening Officer**, as set out in the **Administrative Penalty By-law**.
- 3.2. The **Screening Officer** shall have as all the powers of a **Screening Officer** as set out in the **Administrative Penalty By-law**, with respect to any matters subject to a by-law designated under Section 102.1 and 434.1 of the *Municipal Act, 2001*, the **Regulation**, and Section 15.4.1 of the *Building Code Act, 1992*.
- 3.3. Screening Officers shall be appointed by the **Clerk**, in accordance with the **Policy for Appointing Screening and Hearing Officers**.

4. HEARING OFFICER

- 4.1. The position of **Hearing Officer** is established for the purpose of exercising the **power of**

decision in a review of a **screening decision**, as set out in the **Administrative Penalty By-law**.

- 4.2. The **Hearing Officer** shall have all the powers of a **Hearing Officer** as set out in the **Administrative Penalty By-law** and, with respect to matters subject to a by-law designated under Section 102.1 and 434.1 of the *Municipal Act, 2001*, the **Regulation**, and Section 15.4.1 of the *Building Code Act, 1992*.
- 4.3. **Hearing Officers** shall be appointed by the **Clerk**, in accordance with the **Policy for Appointment of Screening and Hearing Officers**. In the selection of **Hearing Officers** for appointment, preference shall be given to eligible candidates;
 - a) with good knowledge of, and experience in, administrative law; and
 - b) of good character
- 4.4. **Hearing Officers** shall be appointed for the term of **Council**, and thereafter until the **Hearing Officer** is reappointed or a successor is appointed pursuant to this By-law or is no longer required by the **Town**.
- 4.5. Notwithstanding Section 4.4, the **Clerk** may revoke the appointment of a **Hearing Officer** at any time if the **Hearing Officer**:
 - a) is found to have contravened any applicable Town policy relating to the administration of the **administrative penalty system**;
 - b) is found to have contravened any other requirement of the appointment; or
 - c) at any time during the appointment, becomes ineligible for appointment.
- 4.6. A **Hearing Officer** shall be remunerated at a rate as established by the **General Manager** or their designate from time to time.
- 4.7. A **Hearing Officer** is deemed not to be an employee of the **Town**.

5. ELIGIBILITY

- 5.1. The following **persons** are not eligible for appointment as a Screening Officer or a **Hearing Officer**:
 - a) A **Town** employee
 - b) A member of **Council**;
 - c) A **relative** of a member of **Council**;
 - d) A **person** indebted to the **Town**, other than:
 - i. In respect of current property taxes; or
 - ii. Pursuant to an agreement with the **Town**, where the **person** is in compliance

with the terms thereof.

6. GENERAL

- 6.1. A **Screening Officer** or a **Hearing Officer** shall have no authority to further delegate their powers or duties.
- 6.2. Neither a **Screening Officer** nor a **Hearing Officer** has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law, other than the constitutional applicability or operability of any statute, regulation or by-law.
- 6.3. The **General Manager** shall administer this by-law and is delegated the power to prescribe all forms, notices, guidelines, practices, processes and procedures necessary to implement this By-law and the **administrative penalty System**, and to amend the same from time to time as the **General Manager** deems necessary.
- 6.4. The **General Manager** is delegated the power to establish and implement any policies necessary to implement this by-law and the **Administrative Penalty System**, including, without limitation, the **Policy for Appointment of Screening and Hearing Officers**, and may amend the same from time to time, as the **General Manager** deems necessary.
- 6.5. The **Clerk** is delegated the power to appoint, suspend the appointment of and revoke appointments of any Screening Officer and **Hearing Officer**, in accordance with the **Policy for Appointment of Screening and Hearing Officers**, and any other applicable policies, by-laws and legislation.
- 6.6. For the purposes of Sect 23.2(4) of the *Municipal Act, 2001*, **Council** has determined that any powers delegated pursuant to this By-law are minor in nature.

7. INTERPRETATION

- 7.1. Unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this By-law.
- 7.2. The part and section headings contained throughout this document are for reference purposes only and do not form a part of this By-law. This By-law is to be interpreted without reference to such headings.
- 7.3. References in the By-law to any statute or statutory provisions include references to that statute or statutory provision as it may from time to time be amended, extended, or re-enacted.
- 7.4. This By-law shall be read with all changes in gender or number as the context requires.
- 7.5. The words "include", "includes", and "including" are not to be read or interpreted as limiting

the words, phrases, or descriptions that precede it.

8. SEVERABILITY

- 8.1. Should any provision, or any part of a provision, of this By-law, be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of **Council** that such a provision, or part of a provision, be severed from this By-law and every other provision of the By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

9. EFFECTIVE DATE

- 9.1 This by-law shall come into effect upon approval by the Council, subject to section 284.11 of the Municipal Act.

Read a first, second and third time and finally passed this 11th day of August 2025.



Lisa Post, Mayor



Raylene Martell, Clerk