Title:	Rules of Procedure for Screening and Hearing Meetings	
Doc No:	**1 - Administrative Monetary Penalty**	
Page:	1 of 18	
Date:	December 2020	
Prepared by:	Hayley Parkinson Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

SYNOPSIS:

The purpose of this document is to provide rules of procedure for Screening and Hearing meetings conducted pursuant to the City's Parking Administrative Monetary Penalties By-law 40-2016.

1. DEFINITIONS

Unless the context otherwise requires, the following terms have the following meaning:

"**City**" means The Corporation of the City of Burlington;

"**Document**" includes a written document, file, photograph, chart, graph, map, or anything else the Hearing Officer deems appropriate to admit as evidence;

"**Hearing**" means a hearing before a Hearing Officer pursuant to the City's Parking Administrative Penalty By-law 40-2016;

"**Hearing Officer**" means a Hearing Officer appointed under the City's appointment By-law 41-2016;

"**Declared or Statutory Holiday**" means an Ontario statutory or declared holiday;

"**Notice of Hearing Meeting**" means the document attached as Appendix "B";

"**Notice of Intention to Appear at a Hearing Meeting (NIA)"** means the document attached as Appendix "A";

"**Oral Hearing**" means a hearing at which the parties or their counsel, agents, or other representatives attend in person;

"**Owner**" means the registered owner of the motor vehicle, as provided by the Ministry of Transportation of Ontario (MTO), that appears on the Penalty Notice that is being challenged under this process, or the Owner's designate;

"**Parking Services**" means the Parking Services Unit, Transportation Services at the City;

"**Party**" means the Owner and the City and any person who has been given party status by a Hearing Officer;

"**Rules**" means these rules in this policy;

"**Summons Request Form**" means the document attached as Appendix "C;" and

"**Supervisor**" means the supervisor of Parking Services at the City, or his or her designate.

"Virtual Meetings" means conducted online by electronic means, using ZOOM Video Web conferencing or like web conferencing technology.

The above terms shall have these meanings, whether or not they are capitalized, unless the context otherwise requires.

2. MEETING WITH A SCREENING OFFICER:

The position of a Screening Officer is established for the purpose of exercising Delegated Powers of Decision, pursuant to the City's Parking Administrative Monetary Penalties By-law, and shall be appointed by Council.

1. Screening Meetings may be held in the following manner:

   a. In person: Screening Office is located at City Hall, 426 Brant St. Burlington, Ontario.

   b. Teleconference: If the owner is unable to attend in person you may call 905-335-7777 and Service Burlington will create a case for a Screening Officer to respond to.

   c. E-mail: the owner can e-mail city@burlington.ca and Service Burlington will create a case for a Screening Officer to respond to.

2. The Screening Officer may extend the time to request a review of the Administrative Penalty under extenuating circumstances.

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

4. You may have someone attend the Screening Meeting as your interpreter.

5. You may bring any documents relating to your Penalty Notice to the Screening Meeting.

6. The Meeting will be informal and is an opportunity to explain to the Screening Officer why he or she should reduce or cancel the Penalty. You may also request an extension of time to pay the Penalty. If you are making arguments that the Penalty will cause you undue hardship, you should have some documentation proving your financial situation.

7. On a review of the Penalty, the Screening Officer may affirm the Penalty, or cancel, reduce or extend the time for payment of the Penalty, including any late payment administrative fees, on the following grounds:

   a) where the person establishes, on a balance of probabilities that the motor vehicle was not parked, standing or stopped as described in the Penalty Notice; or
   b) the cancellation, reduction or extension of the time for payment of the Penalty, including any late payment administrative fees, is necessary to reduce hardship.

8. You may request a review of the Screening Decision by filing a *Notice of Intention to Appear at a Hearing Meeting* form with Parking Services within 15 days after the Screening Meeting. Parking Services will mail you a *Notice of Hearing Meeting* with the date, time and place of that meeting, along with any documents the City might have that you might need for the Hearing.

3. MEETING WITH A HEARING OFFICER:

The position of a Hearing Officer is established for the purpose of exercising Delegated Powers of Decision, pursuant to the City's Parking Administrative Monetary Penalties By-law, and shall be appointed by Council.

1. If the owner is not satisfied with the resolution of the Screening Meeting, they have the opportunity to request a Hearing before a Hearing Office. All hearing meetings are final and will be scheduled with a Parking Services Clerk. Hearing meetings shall be held in the following manner:

   a. In person: A Parking Services Clerk will schedule a time with you should you wish to meet in person.

   b. Virtual meeting: conducted online by electronic means, using ZOOM Video Web conferencing or like web conferencing technology

   c. Teleconference: hearing meeting will be held over the phone

2. APPLICATION

a) the following Rules apply to all matters before a Hearing Officer exercising a delegated power of decision under the City's By-laws.

b) these Rules do not apply if a statue or by-law provides for a different procedure to govern matters of a Hearing Officer in the exercise of his or her duties.

3. INTERPRETATION

a) these Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a Hearing on its merits.

b) 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 him or her.

c) a Hearing Officer may exercise any of his or her powers under these Rules on his or her own initiative or at the request of a party.

4. EXPRESSION OF TIME

In this Policy, any expression of time shall be calculated as standard time except in periods when daylight saving time is declared to be in effect, where upon time shall be calculated as daylight saving time.

To calculate time under these Rules or a procedural order:

a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

b) where the time for doing an act under these Rules expires on a Statutory Holiday, the act may be done on the next day that is not a holiday;

c) where a time of day is mentioned in these Rules or in any procedural order, the time referred to shall be the time observed locally in the City Burlington; and

d) where a document is filed or served after 4:30 p.m. on any day or at any time on a Statutory Holiday, the document shall be deemed to have been filed or served on the next day that is not a holiday.

5. A party to a Hearing may be represented by counsel, agent, or other representative. A representative may act on behalf of and represent a person in respect of a Hearing before the Hearing Officer where the Hearing Officer is satisfied that:

a. The person is entitled to be heard by the Hearing Officer;

b. The representative is a lawyer, a licensed paralegal or a person who is exempt from the requirements to be licensed by By-law passed *Law Society Act, R.S.O. 1990, c. L.8;*

c. The person has authorized in writing the representative to act on behalf of and to represent the person in the Hearing;

d. The written authorization specifies the representative's qualification for the purpose of paragraph 6.3(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particulate ground prescribed by By-Law passed pursuant to the *Law Society Act, R.S.O. 1994, c. L.8* upon which the representative purports to be exempt; and

e. The written authorization has been submitted in the Hearing before the Hearing Officer and remains in effect.

6. The hearings may be recorded for the duration of the Hearing Meeting.

7. 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; or

   b. Intimate financial or personal matters or 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, in which case the Hearing Officer may hold the Hearing in the absence of the public.

8. If a citizen is interested in watching or listening to the Hearing meeting, the public can access the ZOOM webinar on the City of Burlington's online calendar website.

9. No person shall take or attempt to take photographs, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any Hearing otherwise open to the public, except in the following circumstances:

a. The person bears all costs related to the proposed recording;

b. Where the person proposes verbatim transcription:

i) The recording is undertaken by a qualified verbatim reporter;

ii) All testimony and submissions respecting the Hearing are recorded; and

iii) The person delivers to Parking Services no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter.

c. The Hearing Officer determines that the Hearing will not be disrupted or delayed if approval is given;

d. The Hearing Officer determines that the approval will not result in any prejudice to any party to the Hearing;

e. Prior to the commencement of the Hearing, the Hearing Officer authorizes the recording and has not revoked the authorization; and

f. The recording is undertaken only in accordance with the Hearing Officer's approval including any terms or conditions to such approval.

10. A party may be at any Hearing:

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.

11. 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 ask the Owner, or his or her representative to make submissions first;

c. The clerk or Hearing Officer will swear or affirm the witnesses or parties presenting evidence;

d. If witnesses are called, the process for each witness to give evidence is: direct examination, cross-examination and reexamination, if any;

e. The Hearing Officer may ask questions of the witness or parties at any time;

f. A party may make a brief closing statement;

g. This process is subject to change by the Hearing Officer if he or she finds that there is a fairer way of proceeding.

12. All parties to a hearing shall bring to the Hearing legible copies of all documentation they intend to rely on during the Hearing for the Hearing Officer and the other parties.

13. The Hearing Officer may adjourn a Hearing at any time on such conditions as he or she considers just.

14. 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.

15. Where a person does not attend at the time and place appointed, as per rule 11.10,

    a. That person shall be deemed to have abandoned the Hearing;

    b. The Screening Decision and the Administrative Penalty shall be deemed to be final;

c. That person shall pay to the City an administrative fee for failing to appear at the Hearing.

16. SUBMITTING DOCUMENTS FOR HEARING

1. Documents may be submitted to the Parking Services Clerk before a Hearing Meeting to Parking Services by the following methods:

   City of Burlington, 426 Brant Street
   Parking Services, City Hall 1st Floor
   Burlington, ON L7R 3Z6
   905-335-7874 (fax)
   cobtransportation@burlington.ca

2. Where a document is submitted in advance, the Parking Service's Clerk shall date stamp the document. The date of the receipt stamp on the document shall be deemed to be the date of receipt, unless the Hearing Officer orders otherwise.

3. All documents submitted in advance of the Hearing meeting to the Parking Services Clerk by a party shall be given to all other parties.

4. Documents relating to evidence do not need to be submitted before a Hearing, but may be produced during the Hearing. The party producing the documents should ensure to have originals, were possible.

5. All written documents shall be legible.

17. NOTICE OF INTENTION TO APPEAR AT A HEARING MEETING

1. Where an Owner requests a Hearing before a Hearing Officer, the notice shall be in the form provided by the City "*Notice of Intention to Appear at a Hearing Meeting*" (NIA) and shall be submitted to the Supervisor.

2. The Owner has 15 days from the date of the Screening Decision to submit the NIA. If this notice is not submitted within the prescribed time. The Owner must submit a written request within 45 days of the Screening Decision for an extension of time to request a Hearing.

3. A request for an extension of time must clearly indicate the extenuating circumstances that merit an extension of time.

4. Within 5 days after receiving a NIA, the Supervisor shall notify the Owner, or his or her agent, if:

    a) the documents are incomplete; or

    b) the documents are received after the prescribed time has lapsed.

5. Where the Supervisor decides not to process the NIA due to a deficiency, the Supervisor shall provide the party notice of such decision, specifying the deficiencies which need to be corrected. Such notice shall advise that the NIA may be commenced upon the party correcting the deficiencies listed in the notice except if the notice has been received after the time required for requesting a review before a Hearing Officer.

6. Once the Supervisor has the Owner's information regarding a request for an extension of time, the Supervisor shall forward the request to the Hearing Officer.

7. Subject to the above, upon receipt of a NIA, the Supervisor shall set the Hearing date and determine the location and format of the Hearing. Upon setting the Hearing date and determining the location and format of the Hearing, the Supervisor shall, provide a written Notice of Hearing Meeting to the parties and others as required by law and as the Supervisor considers necessary.

8. A Notice of Hearing Meeting shall contain:

   a) a reference to the statutory authority or by-law authority under which the Hearing is being held:

   b) a statement of the time, location and the purpose of the Hearing;
   c) a statement that if the party does not participate in the Hearing in accordance with the notice, the Hearing Officer may proceed without the party's participation and the party will not be entitled to any further notice in the matter;

   d) any other information that the Supervisor considers necessary for the proper conduct of the Hearing.

18. DISMISSING REQUEST FOR HEARING BEFORE HEARING DATE

1. 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 City'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.

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

informing the parties of their right to make written submissions to the Hearing Officer within 10 days of notice being given.

19. ADJOURMENTS/ RE-SCHEDULING HEARING DATES

1. A party may request to re-schedule a Hearing Meeting with at least fourteen (14) days written notice.

2. The written request to re-schedule the Hearing Meeting shall be submitted to the Supervisor of Parking Services pursuant to rule 5 at least fourteen (14) days prior to the Hearing Meeting date.

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

20. PROCEDURAL ORDERS

1. In any Hearing, the Hearing Officer may issue procedural orders which shall govern the conduct of the Hearing.

2. The Hearing Officer may, at any time during a Hearing, amend any procedural order which he or she has issued.

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

4. Where a provision of these Rules is inconsistent with a procedural order, the procedural order shall prevail.

5. Subject to any procedural order issued by the Hearings Officer, the parties to a Hearing may, on consent, waive any of the provisions of these Rules.

6. A party seeking a waiver of any of the provisions of these Rules shall do so on a timely basis.

21. SHARING INFORMATION

1. 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.

2. 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.

3. Where the good character, propriety of conduct or competence of a party is an issue in a Hearing, the party is entitled to be furnished prior to the Hearing with reasonable information of any allegations with respect thereto.

22. SUMMONS TO WITNESS

1. The Hearing Officer may require any person, including a party, to attend at the Hearing to give evidence under oath or affirmation and to produce in evidence documents and things as specified by the Hearing Officer relevant to the subject matter of the Hearing and admissible at a Hearing.

2. A party may request a summons to witness, which may be issued by the Hearing Officer, provided that he or she is satisfied by the requesting party that the witness is able to give material evidence in the Hearing.

3. A summons to witness must be given to the witness no later than 5 days before the Hearing meeting. The requesting party is responsible for providing proof to the Hearing Officer that the witness was given the summons 5 days before the Hearing date.

4. A summons issued under this rule shall be in the form prescribed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 5.22 and signed by the Hearing Officer and shall be served personally on the person summoned.

5. A person summoned under rule 10.1 is entitled to receive from the City and a person summoned under Rule 10.2 is entitled to receive from the party who summoned him/her the fees or allowances for attending at or otherwise participating in the Hearing as are paid to a person

summoned to attend before the Superior Court of Justice (Tariff 'A' of the Rules of Civil Procedure).

23. HEARING MEETING

1. All Hearing meetings shall be an oral Hearing.
    a. The person shall access the electronic hearing using ZOOM video conferencing to access the hearing meeting. All applicants will be scheduled with a Parking Service Clerk with respect to the date and time of the hearing.
    b. All hearings shall be open to the public. Access to the Hearing Meetings can be found on the City of Burlington website at burlington.ca/parking

2. The proceedings may be digitally recorded for the duration of the Hearing Meeting.

3. A party to a Hearing may be represented by counsel, agent or other representative. A representative may act on behalf of and represent a person in respect of a Hearing before the Hearing Officer where the Hearing Officer is satisfied that:

    a) the person is entitled to be heard by the Hearing Officer;

    b) the representative is a lawyer, a licensed paralegal or a person who is exempt from the requirement to be licensed by By-law passed *Law Society Act*, R.S.O. 1990, c. L.8;

    c) the person has authorized in writing the representative to act on behalf of and to represent the person in the Hearing;

    d) the written authorization specifies the representative's qualification for the purpose of paragraph 6.3(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particular ground prescribed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1994, c. L.8 upon which the representative purports to be exempt; and

    e) the written authorization has been submitted in the Hearing before the Hearing Officer and remains in effect.

4. 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; or

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, in which case the Hearing Officer may hold the Hearing in the absence of the public.

5. No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any Hearing otherwise open to the public, except in the following circumstances:

   a) no fewer than three (3) days prior to the Hearing, the person gives written notice to the Supervisor of the person's intention to request the Hearing Officer for permission to record the Hearing which notice specifies the proposed means of recording;

   b) the person bears all costs related to the proposed recording;

   c) where the person proposes verbatim transcription:
      i) the recording is undertaken by a qualified verbatim reporter;
      ii) all testimony and submissions respecting the Hearing are recorded; and
      iii) the person delivers to the Supervisor no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter.

   d) the Hearing Officer determines that the Hearing will not be disrupted or delayed if approval is given;

   e) the Hearing Officer determines that the approval will not result in any prejudice to any party to the Hearing;

   f) prior to the commencement of the Hearing, the Hearing Officer authorizes the recording and has not revoked the authorization; and

   g) the recording is undertaken only in accordance with the Hearing Officer's approval including any terms or conditions to such approval.

6. A party may at any Hearing:

   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.

7. 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) typically, the City will not send a representative since the Hearing Officer will have all the City's documentary evidence in advance of the Hearing;

    c) the Hearing Officer will ask the Owner, or his or her representative to make submissions first;

    d) if the City has a representative, the City will then be allowed to ask questions of the Owner or witnesses and may provide its own submissions;

    e) the Owner will then be given the opportunity to question the City representative or reply to any comments the City made in its submissions;

    f) the clerk or Hearing Officer will swear or affirm the witnesses or parties presenting evidence;

    g) if witnesses are called, the process for each witness to give evidence is: direct examination, cross-examination and reexamination, if any;

    h) the Hearing Officer may ask questions of the witnesses or parties at any time;

    i) a party may make a brief closing statement;

    j) this process is subject to change by the Hearing Officer if he or she finds that there is a fairer way of proceeding.

8. All parties to a Hearing shall bring to the Hearing legible copies of all documents they intend to rely on during the Hearing for the Hearing Officer and the other parties, if the documents have not already been submitted or given to that party.

9. The Hearing Officer may adjourn a Hearing at any time on such conditions as he or she considers just.

10. 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.

11. Where a person does not attend at the time and place appointed, as per rule 11.10,

    a) that person shall be deemed to have abandoned the Hearing;

    b) the Screening Decision and the Administrative Penalty shall be deemed to be final;

    c) that person shall pay to the City an administrative fee for failing to appear at the Hearing.

12. Parties requiring accommodation shall submit a written request well in advance of the Hearing and the Hearing Officer shall use his or her discretion in granting or denying such requests.

24. EVIDENCE AT HEARINGS

1. The Hearing Officer may admit as evidence at a Hearing, whether or not given or proven under oath or affirmation or admissible in a court,

    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.

2. 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.

3. Nothing in Rule 12.1 overrides the provisions of any act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any Hearing.

4. 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.

5. Where a document has been filed in evidence at a Hearing, the Hearing Officer may, or the person producing it or entitled to it may, with the leave of the Hearing Officer, cause the document to be photocopied and the Hearing Officer may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the Hearing Officer.

6. The Hearing Officer may, in making a decision in any Hearing,

    a) take notice of facts that may be judicially noticed; and

    b) take notice of any generally recognized scientific or technical facts, information or opinions within his or her scientific or specialized knowledge.

25. WITNESSES

1. 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 oath or affirmation.

2. There shall be no undue harassment or embarrassment of a witness as he or she is 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.

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

4. Where a witness appears unwilling or unable to give answers to the questions being asked, the Hearing Officer may permit the party calling the witness to examine the witness by means of leading questions.

5. A witness has the right to be advised by counsel or an agent as to his or her rights. Such counsel shall take no other part in the Hearing without the permission of the Hearing Officer.

26. DECISIONS

1. The Hearing Officer will determine the issues before him or her as he or she considers just. All decisions of a Hearing Officer shall be in writing.

2. The Hearing Officer may affirm the Screening Decision, or cancel, reduce or extend the time for payment of the Administrative Penalty, including any late payment administrative fees, on the following grounds:

a) on a balance of probabilities, the motor vehicle was not parked, standing or stopped as described in the Penalty Notice; or

b) the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any late payment administrative fees, is necessary to reduce hardship.

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

4. The Hearing Officer will provide his or her decision with his or her reasons in support of the decision, if any, to the Supervisor and the Supervisor shall send a copy of the decision to the parties.

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

6. The Decision of a Hearing Officer is final.

27. RECORD OF HEARING

1. The Supervisor shall compile a record of any Hearing before a Hearing Officer which shall include:

a) the notice of the Hearing;

b) all orders and decisions made by the Hearing Officer;

c) all documentary evidence filed at the Hearing subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any Hearing; and

d) any other documents that in the opinion of the Supervisor or the Hearing Officer should be included in the record of Hearing.

28. STATUTORY POWERS AND PROCEDURE ACT

These rules are intended to be rules contemplated by section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

29. SEVERABILITY

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.

30. GENERAL:

The City's Supervisor of Parking Services shall determine the scheduling of meeting or Hearing before any Screening or Hearing Officer having regard to the efficiency and timelines of these processes and to the availability of the Officers.

Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

FORMS:

Notice of Intention to Appear at a Hearing Meeting
Notice of Hearing Meeting
Summons Request Form

REFERENCE AUTHORITIES:

Municipal Act, 2001, S.O. 2001, c. 25
Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22
Ontario Regulation 333/07 (Administrative Penalties)
City of Burlington By-law (AMP 40-2016)
City of Burlington By-law (Appointment of Screening and Hearing Officers 41-2016)