


<b>Title:</b>	<b>Requesting an Extension of Time to Dispute a Penalty</b>	
Doc No:	<b>6 - Administrative Monetary Penalty</b>	
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Date:	September 1, 2016	
Prepared by:	Rita L. Hardy Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

**SYNOPSIS:**

The purpose of this document is to provide a policy for the extension of time to request a review by either the Screening Officer or Hearing Officer, pursuant to the City’s Parking Administrative Monetary Penalties By-law 40-2016.

**BACKGROUND:**


Typically, a person has 15 days to meet with a Screening Officer to discuss/contest the Penalty Notice. As per the City’s AMP By-law 40-2016, any person may request that the Screening Officer extend the time to request a review within 45 days after the Penalty Notice Date.

Similarly, if a person wishes to contest the Screening Decision, he or she must request a hearing with a Hearing Officer within 15 days from the Screening Decision. Any person may request that the Hearing Officer extend the time to request a review within 45 days after the Screening Decision.

**PROCESS:**

**Screening Meeting**

- a) A person has 15 days to make a voluntary payment or discuss their Penalty Notice with a Screening Officer. Screening Meetings are available on a Tuesday, Wednesday or Thursday between 9.00am and 4.00pm, either in person at City Hall or by phone at 905-335-7816. Appointments are not necessary.
- b) If the person misses the 15 day window to meet with a Screening Officer, the City will send a Past Due Notice advising them that they still have time to meet with a Screening Officer.
- c) If the person needs more time, then they should call the City and ask to speak to the Screening Officer to request an extension of time for that meeting.
- d) As per the City’s by-law, the person only has 45 days from the Penalty Notice Date to request a review of the administrative penalty by a Screening Officer.

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### Extension of Time

- a) The Screening Officer may extend the time to request a review of the administrative penalty when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
- b) Normally an extension of time should be within **60** days of the date of the Penalty Notice. However, if there are graver extenuating circumstances, a Screening Officer may grant an extension for a longer period of time, but the extension of time may not exceed **180** days.
- c) If a person needs to reschedule a Screening Meeting, the Screening Officer will have the discretion to allow or deny the request based on the person's extenuating circumstances.

### Reporting to the Supervisor of Parking Services


- a) The Screening Officer shall report all extensions of time granted or denied to the Supervisor of Parking Services.
- b) This data will be used to properly administer the Administrative Monetary Penalty program.

### Hearing Meeting

- a) Hearings are held once per month on a Thursday between the 9:00am and 12:00pm.
- b) A person who wishes to contest a Screening Decision and appear before a Hearing Officer must complete and submit a *Notice of Intention to Appear at a Hearing Meeting (NIA)* form to Parking Services within 15 days of the Screening Decision.

### Extension of Time

- a) If a person fails to complete and deliver the NIA form to the City within 15 days, the person must submit a written request within 45 days of the Screening Decision. The written request must explain the extenuating circumstances that warrant an extension of time. The Supervisor of Parking Services will forward the request to the Hearing Officer.

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- b) The Hearing Officer may grant or deny the extension of time request. If the request is:
  - i. not granted, the Hearing Officer will send a notice to the person explaining why the request was denied.
  - ii. is granted, the Hearing Officer will advise the Supervisor of Parking Services and a *Notice of Hearing Meeting* will be sent to the person, stipulating the time and date of the Hearing.
  
- c) For further information regarding the rules of procedure for Hearings, please review the City's AMP-1 Document – Rules of Procedure for Screening and Hearing Meetings.

**Suspension of Enforcement Mechanisms**

If an extension of time has been granted, under either process mentioned above, enforcement measures in relation to the Administrative Penalties shall be suspended until the matter has run out of time according to the provisions of the By-law and this Document.

**REFERENCE AUTHORITIES:**

- Municipal Act, 2001, S.O. 2001, c. 25*
- Ontario Regulations 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)