


Title:	Requesting Leniency of a Penalty Due to Undue Hardship	
Doc No:	7 - Administrative Monetary Penalty	
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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 outline when a Screening Officer or Hearing Officer may find “undue hardship,” pursuant to the City’s Parking Administrative Monetary Penalties By-law 40-2016.

BACKGROUND:

Any person who receives a Penalty Notice is given the right to request a review of the Administrative Penalty by a Screening Officer.

The Screening Officer has the authority to cancel, reduce or extend the time for payment of the Administrative Penalty, including any Fees, if the Screening Officer finds that the Administrative Penalty would cause hardship on the person who must pay the Penalty.


A person who receives notice of the decision of the Screening Officer shall, if in disagreement with the decision, be given the right to a review of the Screening Officer’s decision by a Hearing Officer appointed for that purpose.

Similarly, the Hearing Officer has the authority to take into consideration undue hardship when determining whether to cancel, reduce or extend the time for payment of the Administrative Penalty.

PROCESS:

The Screening Officer or Hearing Officer:

1. may cancel, affirm, or vary the penalty, upon such grounds that are set out in the Parking Administrative Monetary Penalties By-law 40-2016.
2. may excuse a person from paying all or part of the administrative penalty, including any administrative fees that may cause undue hardship.
3. will satisfy themselves at the meeting or hearing as to the authenticity/credibility of the oral or documentary evidence and will refer to that evidence in their decision.

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The person must provide oral and documented proof, if available, of financial hardship. For example: Old Age Security, Canada Pension, Guaranteed Income Supplement, Disability Pension, O.S.A.P. or any other form of social assistance.

All information and documentation will be treated in a confidential manner. Photocopies of the documentation may be required.

For more information regarding the rules of procedure for Screening or Hearing meetings, please see the City's AMP-1 Document – Rules of Procedure for Screening and Hearing Meetings.

REFERENCE AUTHORITIES:

Municipal Act, 2001, S.O. 2001, c. 24

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)