

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW 39-2014

A by-law to establish the positions of screening officer and hearing officer and to appoint persons to these positions
File: 745 (TS-1-14)

WHEREAS the Council of The Corporation of the City of Burlington considers it desirable and necessary to establish the position of Screening Officer and Hearing Officer who may be delegated quasi-judicial and other authority under various City by-laws;

AND WHEREAS the Council of The Corporation of the City of Burlington deems it advisable to appoint Screening Officers and Hearing Officers hereinafter referred to for the purposes designated.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. In this By-law:

“**City**” means The Corporation of the City of Burlington;

“**Council**” means the council of the City;

“**Delegated Power of Decision**” means a power or right, conferred by or under a City

By-law, to make a decision deciding or prescribing the legal rights, powers, privileges,

immunities, duties or liabilities of any person or party;

“**Hearing Officer**” means a person from time to time appointed by Council pursuant to

this By-law;

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

1. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
2. Parent, including step-child and grandchild;
3. Siblings and children of siblings;
4. Aunt, uncle, niece, and nephew;

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5. In-laws, including mother, father, sister, brother, daughter, and son; or
6. Any other person who lives with the person on a permanent basis;

“Screening Officer” means a person from time to time appointed by Council pursuant to this By-law.

2. The position of 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.
3. The following are not eligible for appointment as a Screening Officer:
 1. A member of Council of the City; or
 2. The Relative of a person referenced in paragraph 3.1.
4. The position of 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;
5. The following are not eligible for appointment as a Hearing Officer:
 1. An employee or member of Council of the City;
 2. The Relative of a person referenced in paragraph 5.1.; or
 3. A person indebted to the City other than:
 - a) in respect of real property taxes; or
 - b) pursuant to an agreement with the City the terms with which the person is in compliance.
6. The Screening and Hearing Officers shall be appointed for such period and subject to such terms and conditions as may be determined by City staff in accordance with the City’s employment or contract policies and guidelines.

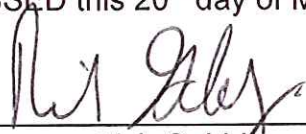
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7. The Screening and Hearing Officers shall have no authority to further delegate his/her powers or duties.
8. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing a Screening Officer or a Hearing Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer. Exceptions include:
 1. a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal; and
 2. only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises.Failure to comply with this section constitutes an offence.
9. The persons listed in **Schedule "1"** are appointed as Screening Officers.
10. The persons listed in **Schedule "2"** are appointed as Hearing Officers.
11. This By-law shall come into force and take effect on June 1, 2014.
12. By-law 19-2012, as amended, is repealed on the date this by-law takes effect.

ENACTED AND PASSED this 20th day of May 2014.





Rick Goldring MAYOR



Angela Morgan CITY CLERK

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Schedule "1"
Screening Officers

Name	Position	Company
Denis (Dan) Gheller	Screening Officer	City of Burlington
Joe Taylor	Screening Officer	City of Burlington
Rita L. Hardy	Supervisor of Parking Services	City of Burlington

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Schedule "2"
Hearing Officers

Name	Position / Title	Company
Robert Bailey	Hearing Officer	City of Burlington
Sam Sarraf	Hearing Officer	City of Burlington