



<b>POLICY:</b> Extension of Time to Review	<b>NO. OF PAGES:</b> 3
<b>SECTION:</b> Administrative Penalty System for Parking and Non-Parking Offences	<b>REVISED:</b>
<b>EFFECTIVE DATE:</b> March 25, 2024	

### **Policy Statement**

The Town of Milton has adopted an Administrative Penalty System (APS) for the administration and dispute resolution of non-parking By-law offences in the Town of Milton.

The Town has authorized the appointment and use of Screening and Hearing Officers to hear and decide the adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

In accordance with the Municipal Act, the Town must provide a process for a Person to request an extension of time to request a Screening Review or a Hearing Review.

### **Purpose**

To provide a policy to respond to a Person’s request for an extension of time to request a review of a Penalty Notice by a Screening Officer or a Screening Decision by a Hearing Officer.

### **Scope**

The Person has a time-limited right to request a review of the administrative penalty by a Screening Officer.

Within 15 days from the date of the Penalty Notice issuance, a Person will have the option to:

- 1) make a voluntary payment; or
- 2) request a review of the administrative penalty by a Screening Officer.



## **Screening Review**

(a) Within 15 days of receipt of the Penalty Notice the Person will have the option to:

- (i) make a voluntary payment; or
- (ii) request a review of the Penalty Notice by a Screening Officer.

(b) A Person has 15 days to request a Screening Review with a Screening Officer to dispute their Penalty Notice. If the Person has not requested a Screening Review of their Penalty Notice before the 15th day after the Penalty Notice was issued, they may request an extension of time to request a Screening Review. The Person shall make this request no later than 60 days after the issued date on the Penalty Notice.

## **Granting a Request for an Extension of Time to Request a Screening Review**

(a) The request may be granted if the Person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Screening Review within the original 15 day timeframe set out on the Penalty Notice.

(b) A Person may provide supporting written documentation and other information to the Director of Legal & Legislative Services or designate to justify the Mitigating or Extenuating Circumstances.

(c) The decision to grant the request for an Extension of Time to request a Screening Review will be at the sole discretion of the Director of Legal & Legislative Services or designate. The decision will be made in accordance with the Director of Legislative & Legal Services or designate to Granting a Request for an Extension of Time to request a Screening Review.

Mitigating or Extenuating Circumstances means situations that do not provide an excuse or justify the infraction, but proves the Person was not able to schedule a review of the Penalty Notice.

This Policy applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer or Hearing Officer, in accordance with APS By-law X.



## **Hearing Review**

(a) Following the receipt of a Screening Decision the person will have the option to:

- (i) pay the total amount due; or
- (ii) request a review of the Screening Decision by a Hearing Officer

(b) If a Person would like to request a Hearing Review of the Screening Decision, they must do so on or before the payment due date. If the person has not requested a Hearing Review of their Screening Decision on or before the payment due date, they may request an extension of time to request a Hearing Review. The Person may request an extension of time to request a Hearing Review no later than 30 days after the date of the Screening Review.

## **Granting a Request for an Extension of Time to Request a Hearing Review**

(a) The request may be granted if the person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Hearing Review on or before the payment due date.

(b) A Person may provide supporting written documentation and other information to the Director of Legislative & Legal Services or designate to justify the Mitigating or Extenuating Circumstances.

(c) The decision to grant the request for an Extension of time to Request a Hearing Review will be at the sole discretion of the Director of Legislative & Legal Services or designate. The decision will be made in accordance with the Director of Legal & Legislative Services or designate Guide to Granting a Request for an Extension of Time to request a Hearing Review.