



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 5, 2018

Report Number: SRCS.18.15

Department: Community Services
Division: By-law & Licensing Enforcement

Subject: **SRCS.18.15 Administrative Monetary Penalty System Hearing Officers**

Purpose:

To appoint two Administrative Monetary Penalty System Hearing Officers pursuant to the Screening and Hearing Officer By-law #70-16.

Recommendations:

- a) That W. Paul Dray and James B. Georgeff be appointed as Hearing Officers pursuant to the Screening and Hearing Officer Bylaw #70-16 for a term ending on June 12, 2021 or until successors are appointed;
- b) That the by-law attached to SRCS.18.15 (Attachment 1) be enacted to amend Municipal Code Chapter 310 regarding Dog Control and Regulation and delegate authority to the Administrative Monetary Penalty System Hearing Officers to hold hearings, and make hearing decisions, regarding dangerous dog designations.

Contact Person:

Melinda Fartsalas, Supervisor of Administrative Monetary Penalty Systems, extension 5480

Stephen Huycke, Director Legislative Services/Clerk, extension 2529

Report Approval:

Submitted by: Shane Baker, Commissioner of Community Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Page 2

Background:

Administrative Monetary Penalty System (AMPS) Hearing Officers preside over AMPS Hearing Reviews, which are the second level of adjudication in the AMPS process. In accordance with the Town's Administrative Penalty By-law #69-16, Hearing Officers have authority to confirm a decision of the AMPS Screening Officer; or, cancel, reduce or extend time for payment of any administrative penalty or fee. Hearing Officers are required to conduct hearings in accordance with the *Statutory Powers Procedures Act* and the Town's Hearing Procedure Bylaw #70-16.

On May 1, 2017 Council appointed Donald Shane Luther as the Town's primary AMPS Hearing Officer, and Sandra Driesel as a backup Hearing Officer. In December 2017, Sandra Driesel resigned.

Appointment of AMPS Hearing Officers

A recruitment process to explore potential Hearing Officer candidates began in February 2018 with an advertisement posted in the Bulletin Board section of the *Liberal* newspaper. A review panel comprised of the Director of Legislative Services/Town Clerk, the Director of By-law and Licensing Enforcement, and the Supervisor of Administrative Monetary Penalty Systems convened and reviewed the resumes of six applicants. Four applicants were selected and further interviewed by the panel, yielding a consensus of two highly qualified individuals.

W. Paul Dray is currently an appointed Hearing Officer for the City of Vaughan to adjudicate parking and licensing matters under administrative penalties. Mr. Dray is a licensed Paralegal and an appointed Benchler to the Law Society of Ontario. He is an appointee to the Law Society's appeal panel to hear appeals on discipline of licensed members, a Prosecutor for the City of Brampton and a per-diem Provincial Prosecutor for the Guelph Crown Attorney. Mr. Dray is also a certified instructor for the Society of Ontario Adjudicators and Regulators.

James B. Georgeff is a retired Municipal and Provincial Prosecutor, mediator and arbitrator. Mr. Georgeff is currently an instructor with the Municipal Law Enforcement Officers Association. Mr. Georgeff's training and experience includes municipal government by-law enforcement and prosecutions pursuant to the *Provincial Offences Act*, and Hearings conducted pursuant to the *Statutory Powers Procedures Act*.

It is recommended that both W. Paul Dray and James B. Georgeff be appointed as AMPS Hearing Officers to provide a backup role to the current Hearing Officer (Donald Luther) until such time as his appointment ends on May 5, 2020. Two additional Hearing Officers are recommended at the present time in preparation for the potential expansion of AMPS as outlined in SRCS.18.16. An arrangement regarding the allocation of hearing time between the appointed Hearing Officers after May 5, 2020 will be determined at that time.

Page 3

Delegation of Authority for AMPS Hearing Officers to Conduct Dangerous Dog Hearings

Chapter 310 of the Town's Municipal Code regarding Dog Control and Regulation provides that Council will hold hearings pursuant to the provisions of the *Statutory Powers Procedure Act*. The purpose of these hearings is to affirm or rescind the decisions of Provincial Offences Officers regarding dangerous dog designations; and, to substitute requirements for owners of dangerous dogs as determined appropriate through the hearing. Attachment 1 is a proposed amendment to Municipal Code Chapter 310 which will provide for the delegation of authority to hold dangerous dog hearings to individuals appointed as Administrative Monetary Penalty Hearing Officers. This delegation is recommended given that all three of the AMPS Hearing Officers are qualified to conduct dangerous dog hearings and they will be able to conduct such hearings in a timely and cost efficient manner.

Financial/Staffing/Other Implications:

The appointment of two AMPS Hearing Officers carries no financial impact.

Relationship to the Strategic Plan:

The recommendations in this report address the Strategic Plan Goal of "Stronger Connections in Richmond Hill" by maintaining a safe community through education and enforcement.

Conclusion:

The appointment of additional Hearing Officers will maintain the objective of efficient adjudicative services for the residents of the Town.

The delegation of authority to the AMPS Hearing Officers to conduct dangerous dog hearings will provide for a fair and efficient process pursuant to the Dog Control By-law.

Page 4

Report Approval Details

Document Title:	SRCS.18.15 Appointment of AMPS Backup Hearing Officers .docx
Attachments:	- SRCS 18 15 - Dog Control Amending By-law.docx
Final Approval Date:	May 23, 2018

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele - May 22, 2018 - 3:14 PM

Shane Baker - May 22, 2018 - 4:50 PM

Neil Garbe - May 23, 2018 - 11:31 AM