



Staff Report for Council Meeting

Date of Meeting: April 8, 2020

Report Number: SRCS.20.12

Department: Community Services

Division: Community Standards

Subject: **SRCS.20.12 Appointment of Hearing Officer**

Purpose:

To re-appoint Donald Shane Luther as a Hearing Officer.

Recommendations:

- a) That Donald Shane Luther be re-appointed as Hearing Officer pursuant to the Screening and Hearing Officer Bylaw No. 70-16, as amended, for a term ending on June 12, 2021.

Contact Person:

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

Report Approval:

Submitted by: Darlene Joslin, Acting Commissioner of Community Services

Approved by: Mary-Anne Dempster, Acting City Manager

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

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Background:

Hearing Officers are delegated authority to conduct hearings on behalf of the City in accordance with the Statutory Powers Procedures Act and the City's Hearing Procedure Bylaw.

Hearing Officers preside over Administrative Monetary Penalty System (AMPS) Hearing Reviews, which are the second level of adjudication in the AMPS process. In accordance with the City's Administrative Penalty By-law No. 69-16, as amended, Hearing Officers have authority to confirm, cancel, reduce or extend time for payment of an administrative penalty or fee associated with a penalty notice (ticket) issued pursuant to a designated community standards bylaw.

Appointed City Hearing Officers also conduct appeals pursuant to the City's Dog Control and Regulation By-law No. 260-99, as amended (Chapter 310 of the City's Municipal Code). The purpose of these hearings is to affirm, modify or rescind dangerous dog orders such as muzzling orders.

On May 1, 2017, Council appointed Donald Shane Luther as the City's primary AMPS Hearing Officer for a three-year term ending May 8, 2020. On June 5, 2018, Council further appointed W. Paul Dray and James B. Georgeff as Hearing Officers for a term ending on June 12, 2021.

Appointment of AMPS Hearing Officers

The Screening and Hearing Officer By-law No. 70-16, as amended, provides that Council appoint Hearing Officers with preference to eligible candidates with knowledge and experience in administrative law. Donald Shane Luther is currently appointed as a Hearing Officer for the City of Vaughan and Go Transit AMPS programs. Mr. Luther has experience as a judge in Yukon, the Northwest Territories and Newfoundland and Labrador.

To ensure the continuity of efficient adjudicative services, it is recommended that the roster of Hearing Officers remain at three, and that Donald Shane Luther be re-appointed for an additional term ending June 12, 2021. The proposed re-appointment term aligns with the ending term of Mr. Dray and Mr. Georgeff to provide a more streamlined process for future appointments.

Financial/Staffing/Other Implications:

The re-appointment of Donald Shane Luther as Hearing Officer carries no financial impact.

Relationship to the Strategic Plan:

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

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Conclusion:

Richmond Hill maintains a roster of three Hearing Officers who are appointed quasi-judicial decision-making authority pursuant to the City's Screening and Hearing Officer By-law No. 70-16. The Hearing Officers preside over AMPS Hearing Reviews and are also delegated authority to conduct Dangerous Dog Hearings. The re-appointment of Donald Shane Luther as one of three City Hearing Officers for an additional term ending June 12, 2021 will maintain the objective of efficient adjudicative services for the residents of the City.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call the contact person listed in this document.

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Report Approval Details

Document Title:	SRCS.20.12 Appointment of Hearing Officer.docx
Attachments:	
Final Approval Date:	Mar 26, 2020

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

Tracey Steele - Mar 25, 2020 - 2:06 PM

Darlene Joslin - Mar 25, 2020 - 4:48 PM

MaryAnne Dempster - Mar 26, 2020 - 7:45 AM