



Staff Report for Council Meeting

Date of Meeting: April 14, 2021

Report Number: SRCS.21.08

Department: Community Services

Division: Community Standards

Subject: SRCS.21.08 Re-appointment of Hearing Officers

Purpose:

To re-appoint W. Paul Dray and James B. Georgeff as Hearing Officers.

Recommendations:

- a) That SRCS.21.08 regarding the appointment of Hearing Officers be received.
- b) That W. Paul Dray and James B. Georgeff be re-appointed as Hearing Officers pursuant to the Screening and Hearing Officer Bylaw No. 70-16, as amended, for a term ending June 12, 2024.

Contact Person:

Melinda Fartsalas, Manager of Adjudication, extension 5480

Tracey Steele, Director of Community Standards, extension 2476

Report Approval:

Submitted by: Darlene Joslin, Commissioner of Community Services

Approved by: Mary-Anne Dempster, 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 have 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 No. 70-16, as amended.

Hearing Officers conduct Hearing Reviews of penalty notices issued for parking and community standards by-law violations. Hearing Reviews are the second level of adjudication in the Administrative Monetary Penalty System (AMPS). 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 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 (Municipal Code Chapter 310). The purpose of these hearings is to affirm, modify or rescind dangerous dog notices such as muzzling orders.

Since the implementation of Administrative Penalties in July 2017, the City has held a roster of two or three Hearing Officers which has ensured the continuity of efficient adjudicative services. The City currently has three appointed Hearing Officers (Donald S. Luther, W. Paul Dray and James B. Georgeff) whose terms expire June 12, 2021. In February of this year, staff was advised that Mr. Luther is unavailable to continue to serve as a City Hearing Officer.

Appointment of 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, municipal law and adjudications.

W. Paul Dray is currently an appointed Hearing Officer for the City, as well as 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 currently an appointed Hearing Officer for the City, as well as 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.

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It is recommended that both W. Paul Dray and James B. Georgeff be re-appointed as Hearing Officers. A roster of two Hearing Officers is sufficient to meet the current Hearing Review demand.

Financial/Staffing/Other Implications:

The re-appointment of the Hearing Officers carries no financial impact.

Relationship to Council's Strategic Priorities 2020-2022:

The City's re-appointment of W. Paul Dray and James B. Georgeff as Hearing Officers ensures the efficient and effective adjudication of Administrative Penalties and Dangerous Dog Notices representing Fiscal Responsibility, one of Council's 2020-2022 Strategic Priorities.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

Hearing Officers preside over administrative Hearing Reviews and are also delegated authority to conduct Dangerous Dog Hearings. The re-appointment of W. Paul Dray and James B. Georgeff as the City Hearing Officers for an additional term ending June 12, 2024 will maintain the objective of efficient adjudicative services for the residents of the City.

Attachments:

None

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Report Approval Details

Document Title:	SRCS.21.08 Re-Appointment of Hearing Officers.docx
Attachments:	
Final Approval Date:	Apr 6, 2021

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

Tracey Steele - Mar 31, 2021 - 12:34 PM

Darlene Joslin - Mar 31, 2021 - 2:20 PM

MaryAnne Dempster - Apr 6, 2021 - 12:37 PM