
Report of the Regional Solicitor and General Counsel

Appointment of Hearing Officers for the Administrative Penalty Tribunal

1. Recommendations

1. Council appoint the individuals listed in Private Attachment 1 (“appointees”) as York Region Administrative Penalty Tribunal Hearing Officers for a term of two years commencing on December 2, 2024 pursuant to *A Bylaw to Establish an Administrative Penalty Tribunal and to Establish the Roles of Screening and Hearing Officers*, Bylaw No. 2024-38, subject to the appointees entering into an agreement to be approved and executed by the Regional Solicitor and General Counsel (“Regional Solicitor”).
2. Council delegate authority to the Regional Solicitor to execute individual Hearing Officer agreements with the appointees in accordance with the provisions described in this report.

2. Summary

This report recommends the appointment of Hearing Officers for the York Region Administrative Penalty Tribunal to enable hearing appeals of administrative penalty orders. The names and biographical information of the appointees are set out in Private Attachment 1 in accordance with subsection 239(2)(b) of the *Municipal Act, 2001*, as the attachment contains personal information about identifiable individuals.

Key Points

- Appointees described in the Private Attachment are recommended for appointment as Administrative Penalty Tribunal Hearing Officers who, upon appointment, will commence hearing appeals of administrative penalty orders issued pursuant to the *Highway Traffic Act* and municipal bylaws designated by Council
- Recommended appointees meet eligibility requirements and preferred qualifications described in the York Region Hearing and Screening Officer Bylaw

- Hearing Officers are recruited through a public appointment posting. A joint committee consisting of staff members from the Clerk’s Office, Legal Services, and People, Equity and Culture interviewed and selected candidates for the Regional Solicitor’s consideration and recommendation to Council for appointment as required by York Region’s Hearing and Screening Officer Bylaw

3. Background

In [June 2022](#), Council approved the Regional Solicitor’s establishment of a Regional Administrative Penalty Tribunal for Automated Speed and Red Light Camera offences

In November 2024, York Region’s Administrative Penalty Tribunal is expected to commence processing payments and administering appeal processes for administrative penalties for contraventions detected using camera systems in accordance with the authority provided under [Ontario Regulation 355/22](#). The Administrative Penalty Tribunal’s role will ultimately expand to include penalty orders issued for applicable municipal bylaws including payment processing and administration of related disputes.

Under the Administrative Penalty Tribunal, Screening and Hearing Officers support the two-step process available to those who wish to dispute a penalty order

Persons who receive administrative penalty orders may appeal the order to a Screening Officer who is required to be a York Region employee. The decision of the Screening Officer may be subsequently appealed to a Hearing Officer who is required to be independent from the Region.

Given their critical role in supporting the integrity and transparency of the appeal process, Hearing Officer candidates are recommended to Council by the Regional Solicitor based on minimum eligibility requirements and preferred qualifications for Hearing Officers approved by Council in compliance with the York Region Hearing and Screening Officer Bylaw.

4. Analysis

Hearing Officers were recruited through a rigorous selection process

Recruitment of Hearing Officers was managed by the Legal and Court Services Court and Tribunal Services Branch, Administrative Penalty Tribunal. This process was supported by a joint committee consisting of representatives from the Regional Clerk’s Office, Legal Services, and People, Equity, and Culture, ensuring a rigorous selection process. The Hearing Officer positions were advertised through suitable channels for contracted service opportunities. The postings clearly outlined the role, eligibility criteria, and responsibilities of Hearing Officers. All applicants followed the application process established by the Region.

Hearing Officers will be compensated on a per diem basis. They will be paid \$600 for a full day (up to 6.5 hours) or \$300 for a half day (up to 3.5 hours), with multiple hearings scheduled per day. Payment will be made via invoice. Reimbursement for mileage or transportation costs will not be provided. The assignment of hearing reviews to Hearing Officers will be determined by Tribunal staff based on Hearing Officers' availability, legislated timelines for hearing appeals, and the volume of appeal hearings.

Hearing Officers will conduct reviews of Screening Officer decisions in written, virtual, and in-person formats to support accommodation and accessibility.

Recommended Hearing Officers for the Administrative Penalty Tribunal meet the requirements of selection as defined in York Region's Hearing and Screening Officer Bylaw

Hearing Officer eligibility requirements are outlined in York Region's Hearing and Screening Officer Bylaw. Recommended candidates participated in an application and review process through the joint committee to evaluate eligible candidates and the preferred qualifications of the role. The joint committee review supports transparent evaluation and recommendation of candidates for appointment.

Appointees will be required to enter into an agreement with the Region

Hearing Officer appointees have been supplied a copy of the Hearing Officer appointment agreement, which addresses compensation, confidentiality requirements, technology requirements, and scheduling. Before their appointment may take effect, they will be required to execute this agreement.

York Region's Administrative Penalty Tribunal program, through the adjudication of the Region's camera-based automated enforcement initiatives, supports the Strategic Plan and aligns with Vision. Automated speed and red-light camera enforcement on the Regional road network enhance traveller and community safety and align with the 2023-2027 Strategic Plan's priority of supporting community health, safety, and well-being. These enforcement measures also support the Traveller Safety Plan, which is being implemented with road safety partners. The expansion of the Region's camera-based enforcement program demonstrates a commitment to providing a responsive public service, a key focus area of Vision.

5. Financial Considerations

This report does not present current or anticipated financial changes to the Region's budget or fiscal position. Table #1 shows the current and proposed available budget for Hearing Officer expenses, split between gross expenditures and net tax levy. It also shows the incremental resources and revenue offset requested through this report and the resulting net tax levy impact.

Table # 1
Operating Budget

Base Budget (in plan):	2024 Approved	2025 Proposed	2026 Outlook	Ongoing Annual Impact
Gross Expenditures	\$105,960	\$267,724	\$338,988	\$338,988
Net Tax Levy	-	-	-	-
Fiscal Impact:	2024 Approved	2025 Proposed	2026	Ongoing Annual Impact
Budget Request				
Incremental Cost	\$105,960	\$161,764	\$177,224	\$338,988
Revenue Offset:	(105,960)	(161,764)	(177,224)	(338,988)
(from Fine revenue)				
Net Tax Levy Impact	-	-	-	-

6. Local Impact

York Region’s Administrative Penalty Tribunal aims to foster trust in local government through transparent handling of penalties, raising community awareness about traffic laws, and promoting a culture of safety. The Administrative Penalty Tribunal is expected to significantly enhance efficiency and accessibility by reducing the backlog of traffic violation cases in the traditional court system, leading to faster and less costly resolutions. The planned online platform for payment and dispute submissions will also make the process more accessible, minimizing the need for in-person visits. Public safety will be supported as the efficient penalty process will deter violations, encouraging better compliance with traffic laws.

7. Conclusion

The appointment of independent, qualified Hearing Officers is crucial to the success of the Administrative Penalty Tribunal. Their role ensures independence, impartiality and fairness, resulting in more accurate and consistent decisions. Their expertise and unbiased approach will enhance transparency and build public trust. Additionally, efficient case handling and protection of due process rights support the administration of justice and contribute to a reliable and credible system that benefits the entire community.

This report seeks Council approval to appoint the recommended candidates in Attachment 1 as Hearing Officers to perform the role of Hearing Officer for the Administrative Penalty Tribunal.

For more information on this report, please contact Barb Ryner, Director Court & Tribunal Services at 1-877-464-9675 ext. 73209. Accessible formats or communication supports are available upon request.

Recommended by:



Dan Kuzmyk
Regional Solicitor and General Counsel



Approved for Submission: **Erin Mahoney**
Chief Administrative Officer

October 2, 2024
#16259706

Private Attachment 1 – Appointee List (#16259862)