

Development Services

Extension of Time to Request a Screening or Hearing Review in the Administrative Penalty System (APS)

Document #: APS-03	Review Date: July 4, 2025
Branch: By-law Enforcement	Revision #: 1
Effective Date: July 7, 2025	Prepared By: Jennifer Nichols
Approved By: Jack Krubnik	

1.0 Purpose

The purpose of this Policy is to set out the process to respond to a Person's request for an extension of time to request a Screening Officer Review or a Hearing Officer Review.

In accordance with Ontario Regulation 333/07, the Town must provide a process for a Person to request an extension of time to request a Screening Officer Review or a Hearing Officer Review.

2.0 Scope

This Policy applies to Screening Officer Reviews and Hearing Officer Reviews conducted by a Screening Officer or Hearing Officer, in accordance with the Administrative Penalty System (APS) By-law.

3.0 Definitions

Term	Definition
<i>Administrative Fee</i>	means any fee specified in the APS By-law;
<i>APS</i>	means Administrative Penalty System;
<i>Administrative Penalty system By-law or APS By-law</i>	means the Town's Administrative Penalty System By-law 2023-062 as amended or any successor by-law;
<i>Council</i>	means the Council of the Town of East Gwillimbury;
<i>Extenuating</i>	means situations in which fairness and mercy may be considered,

Term	Definition
<i>Circumstances</i>	such as a medical emergency or the birth of a child, that warrants an extension of time to request a Screening Officer Review or a Hearing Officer Review;
<i>Hearing Officer</i>	means an individual appointed from time to time pursuant to By-law 2023-085 to perform the functions of a hearing officer in accordance with Section 7 of the APS By-law;
<i>Hearing Officer Review</i>	means the process set out in Section 7 of the APS By-law;
<i>Manager</i>	means the Manager, By-law Enforcement Services, or anyone designated by the Manager to perform duties pursuant to the APS;
<i>Penalty Notice</i>	means a notice given to a Person pursuant to Section 4 of the APS By-law;
<i>Person</i>	Includes an individual or a sole proprietorship, corporation, partnership, or limited partnership, or authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, is the Person whose name appears on the vehicle permit as provided by the Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion is the Person for the purposes of this Policy;
<i>Screening Officer Review</i>	means the process set out in Section 6 of the APS By-law;
<i>Screening Decision</i>	means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 6 the APS By-law;
<i>Screening Officer</i>	means an individual who performs the functions of a Screening Officer in accordance with Section 6 of the APS By-law;
<i>Town</i>	means The Corporation of the Town of East Gwillimbury.

4.0 Screening Officer Review

- a) Within 15 days of receipt of the Penalty Notice the Person will have the option to:
 - (i) make the early payment amount; or
 - (ii) request a review of the Penalty Notice by a Screening Officer.
- b) A Person has 15 days to request a Screening Officer Review to dispute their Penalty Notice. If the Person has not requested a Screening Officer Review of their Penalty Notice on or before the 15th day after the Penalty Notice was issued, they may request

an extension of time to request a Screening Officer Review. The Person shall make this request no later than 30 days after the issued date on the Penalty Notice.

4.1 Granting a Request for an Extension of Time to Request a Screening Officer Review

- a) The request may be granted if the Person requesting the extension demonstrates the existence of Extenuating Circumstances that prevented them from requesting a Screening Officer 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 Manager to justify the Extenuating Circumstances.
- c) The decision to grant an extension of time to request a Screening Officer Review will be at the sole discretion of the Manager.

5.0 Hearing Officer Review

- a) Following the receipt of a Screening Decision the Person will have the option to:
 - i) pay the total amount due listed on the Screening Decision; or
 - ii) request a review of the Screening Decision by a Hearing Officer.
- b) If a Person would like to request a Hearing Officer Review of the Screening Decision they must do so on or before the payment due date listed on their Screening Decision. If the person has not requested a Hearing Officer Review of their Screening Decision on or before the payment due date listed on their Screening Decision, they may request an extension of time to request a Hearing Officer Review no later than 15 days after the date the Screening Decision letter was issued.

5.1 Granting a Request for an Extension of Time to Request a Hearing Officer Review

- a) The request may be granted if the person requesting the extension demonstrates the existence of Extenuating Circumstances that prevented them from requesting a Hearing Officer Review on or before the payment due date on the Screening Decision.
- b) The decision to grant an extension of time to request a Hearing Officer Review will be at the sole discretion of the Manager.

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