



Extension Of Time To Request A Screening Review Or Hearing Review In The Administrative Monetary Penalty System (AMPS)

Policy Category: Governance

Policy No.: GR-AMPS-006

Implementing Procedure No.:

- GR-AMPS-PR01
- GR-AMPS-PR02

Approving Authority:
City Clerk

Effective Date:
July 1, 2024

Last Reviewed Date:

Next Review Year:
Annually

Area(s) this Policy applies to:
Administrative Monetary Penalty System

Owner Department:
Legislative Services

Reference Authorities:

- Municipal Act, 2001
- Ontario Regulation 333/07 (Administrative Penalties)
- City of Markham AMPS By-law 2024-137
- City of Markham Screening and Hearing Officer By-law 2015-94

1. Purpose Statement

To provide a policy to respond to a **Person's** request for an extension of time to request a review of a **Penalty Notice** by a **Screening Officer** or a **Screening Decision** by a **Hearing Officer**.

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

2. Applicability

This Policy applies to **Screening Reviews** and **Hearing Reviews** conducted by a **Screening Officer** or **Hearing Officer**, in accordance with **AMPS** By-law 2024-137


3. Definitions

For the purposes of this Policy, the following definitions are defined in accordance with By-laws 2024-137 and 2015-94.

“**Administrative Fee**” means any fee specified in By-law 2024-137;

“**AMPS**” means Administrative Monetary Penalty System;

“**City**” means The Corporation of the City of Markham;

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“**Clerk**” means the City Clerk, her or his delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

“**Hearing Officer**” means a person who performs the functions of a Hearing Officer in accordance with Section 6 of By-law 2024-137, and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94;

“**Extenuating Circumstances**” means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the **Penalty Notice**, the **Screening Officer** may take this into consideration when adjudicating the matter. These are also circumstances that render a contravention less serious and may lessen the degree of responsibility. The **Person** claiming extenuating circumstances shall provide proof of their claim with oral evidence and documented proof (i.e. medical records, birth announcement), if available.

“**Manager, AMPS**” means the Manager, Administrative Monetary Penalty Systems

“**Penalty Notice**” means a notice given to a **Person** pursuant to Section 2 of By-law 2024-137;

“**Person**” includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario 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, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this Policy;

“**Hearing Review**” means the process set out in Section 6 of By-law 2024-137;

“**Screening Review**” means the process set out in Section 3 of By-law 2024-137;

“**Screening Decision**” means a notice which contains the decision of a **Screening Officer**, delivered in accordance with Section 3.2 of By-law 2024-137;



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“**Screening Officer**” means a person who performs the functions of a **Screening Officer** in accordance with Section 3 of By-law 2024-137, and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94.

4. Policy

4.1 Screening Review


- (a) Within 15 days of receipt of the **Penalty Notice** the **Person** will have the option to:
- make a voluntary payment; or
 - request a review of the **Penalty Notice** by a **Screening Officer**.
- (b) A **Person** has 15 days to schedule a **Screening Review** with a **Screening Officer** to dispute their **Penalty Notice**. If the **Person** has not requested a **Screening 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 Review**. The **Person** shall make this request no later than 45 days after the date of the **Penalty Notice**.

4.1.1 Granting a Request for an Extension of Time to Request a Screening 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 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 **Screening Officer** to justify the **Extenuating Circumstances**.
- (c) The decision to grant the request for a **Screening Review** will be at the sole discretion of the **Manager, AMPS** and will be made in accordance with By-law 2024-137.

4.2 Hearing Review

- (a) Following the receipt of a **Screening Decision** the person will have the option to:
- pay the total amount due listed on the **Screening Decision**; or

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- (ii) request a review of the **Screening Decision** by a **Hearing Officer**.
- (b) If a **Person** would like to request a **Hearing 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 Review** of their **Screening Decision** on or before the payment due date, they may request an extension of time to request a **Hearing Review**. The **Person** may request an extension of time to request a Hearing Review no later than 45 days after the date the **Screening Decision** letter was issued.

4.2.1 Granting a Request for an Extension of Time to Request a Hearing 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 Review** on or before the payment due date on the **Screening Decision**.
- (b) A **Person** may provide supporting written documentation and other information to the **Manager, AMPS** to justify the **Extenuating Circumstances**.
- (c) The decision to grant the request for a **Hearing Review** will be at the sole discretion of the Manager, AMPS and will be made in accordance with By-law 2024-137.



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5. Administration and Contact

This Policy shall be administered by the **Clerk's** Office, Legislative Services Department. Procedures may be defined, and amended from time to time, by the **Clerk** to address specific implementation of this Policy.

City of Markham
Attention: Manager, AMPS
Legislative Services Department
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Markham, Ontario
L3R 9W3

Telephone: 905-477-5530
Email: amps@markham.ca
www.markham.ca/amps