



PORT COLBORNE

CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8

PLANNING & DEVELOPMENT DEPARTMENT

By-law Enforcement Division

Administrative Monetary Penalty System (AMPS) – Electronic Meetings for Hearings

1) HISTORY, BACKGROUND, PRACTICES

The Administrative Monetary Penalty System (AMPS) is a fast and flexible process for payment, appeal and collection of parking penalties of \$1,000.00 or less. AMPS is fully managed by the City of Port Colborne and replaces the current judicial appeal process.

The City of Port Colborne's AMPS By-law No. 6082/48/14 was passed on July 1, 2014.

The AMPS program allows individuals to submit payment of their parking violation, also known as "parking penalty notice" directly to the Municipality within 15 days of issue to avoid any late penalties.

Additionally, individuals have the right to dispute a parking penalty notice by requesting a Screening Review meeting overseen by a Screening Officer who has the authority to uphold, cancel or reduce the parking penalty.

The holder of the penalty notice has up to 15 days after the Screening Officer's decision to appeal the outcome of the Screening Review meeting and proceed to a Hearing Review meeting. The Hearing Officer's decision is final.

Pursuant to the AMPS by-law, all Hearings conducted by a Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended ("SPPA").

Under subsection 5.2(1) of the SPPA, may hold an electronic hearing in a proceeding. The SPPA further states that a tribunal may make rules governing the practice and procedure before it which is reiterated in the AMPS by-law under Section 30 that all Hearings shall be in accordance with the SPPA.

Furthermore, pursuant to Section 43 of the AMPS by-law, "the Director shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary."

As such, the following rules will apply to electronic meetings:

2) RULES FOR ELECTRONIC MEETINGS FOR HEARINGS

- Video and audio must be enabled at all times during the meeting. In the event that any technical difficulties are faced during the course of the meeting, please see the following steps:
 - In the event of failed audio communication, arrangements will be made to remain on video and to use the telephone number as provided with the Zoom link to be able to continue the remainder of the meeting;
 - In the event of failed video, the meeting will need to be put on hold and an attempt to re-establish video connection will take place. If the video connection cannot be re-established, the meeting will have to be adjourned and re-scheduled.
- Electronic recording of the meeting is not permitted unless consent of both the Hearing Officer and appellant is given.
- The only individuals permitted to be present during the course of the meeting is the Hearing Officer, the appellant (penalty notice recipient), their authorized representative (should they elect to proceed on this basis, however, must be included on the initial application) and a staff member from the Planning & Development Department (solely for the purpose of recording minutes of the meeting).
- Document submission will take place via e-mail prior to the scheduled Hearing. As such, all paperwork that was provided from the Screening Review, including the decision thereof, along with the Hearing application will be compiled into one package and distributed to both the Hearing Officer and appellant for review prior to the meeting. No new material is permitted to be introduced at a Hearing. Should any documentation be requested for reference purposes (i.e. applicable by-law information, etc.) this must be requested by the participants and provided prior to the Hearing.
- A copy of the Hearing decision will be communicated orally at the conclusion of the video meeting and an electronic copy can be provided to the appellant via e-mail.

3) SIGNATURE:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development