



## The Corporation of Town of New Tecumseth

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# Screening Officer and Hearing Officer Operation Automated Speed Enforcement

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**Policy Type:** Corporate

**Policy No.:** AC-POL-004-2025

**Name of Dept:** Clerks/Administration Dept

**Revision No.:** 1

**Status:** Current

**Resolution No.:** 2025-192

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### 1. **Policy Statement**

The Town of New Tecumseth is committed to establish and maintain public trust and confidence about decisions and processes under the Automated Speed Enforcement (ASE) Program.

### 2. **Purpose**

The Purpose of this policy is to establish professional and ethical standards for reviewing Penalty Orders in the Automated Speed Enforcement Program.

The decision making process work will be done in accordance with applicable Ontario Legislation and Regulations, and other ASE policies.

### 3. **Scope**

This policy applies to all Screening Officers, Hearing Officers, Supervisors, and Managers performing Automated Speed Enforcement duties and responsibilities for the Municipality.

### 4. **Definitions**

**"Defaulted Fines Control Centre"** means Service Ontario Centre.

**"Hearing Officer"** means a person mentioned in subsection 10 (3) of O. Reg. 355/22, appointed by the Municipality to review administrative penalties.

**"Municipality"** means the Corporation of the Town of New Tecumseth.

**"Manager"** means the Manager, Municipal Law Enforcement for the Municipality.

**"O. Reg 355/22"** means Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems.

**"Owner"** in relation to a motor vehicle, means,

- A) the holder of the permit for the motor vehicle; or
- b) if the motor vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.

**"Penalty Order"** means an order made under subsection 21.1(2) of the Highway Traffic Act R.S.O. 1990, c. H8.

**"Screening Officer"** means a person mentioned in subsection 10 (2) of O. Reg. 355/22, employed by the Municipality to review administrative penalties.

**"Supervisor"** means the Supervisor, Municipal Law Enforcement for the Municipality.

## 5. Policy

### Review and Appeal Process

- 5.1 Screening Officer reviews are to be set by an Owner as soon as practical within 30 days after the day the Penalty Order is deemed served.
- 5.2 Screening Officer reviews will be conducted using electronic means such as virtual meeting or by telephone.
- 5.3 In person or written Screening Officer reviews will only be provided if an accommodation request is made to the Supervisor or designate.
- 5.4 Hearing Officer reviews can only be conducted within 30 days after a Screening Officer review has been completed.
- 5.5 Hearing Officer reviews will be conducted using electronic means such as virtual meeting, by telephone, or in writing.
- 5.6 The Owner or Authorized Agent shall attend the Screening Officer or Hearing Officer review at the scheduled date and time as determined by an appointment. Sessions must start promptly, with the Screening Officer or Hearing Officer allowing only a 10-minute grace period from the scheduled start time. This grace period will consequently shorten the total review time. A

Hearing Officer review may be commenced within 30 days from the date of the decision of the Screening Officer review.

- 5.7 A Screening Officer or Hearing Officer shall only grant an extension of time to request a review if the time limit has lapsed through no fault of the Owner's own actions and it is fair and reasonable to do so. The circumstances include:
- The Owner was ill and was in the care of a medical facility which prohibited the owner from making a request to appeal;
  - The Owner was out of the country for an extended period (more than 30 days) and not aware of the Penalty Order;
  - The Owner was incarcerated, detained, deceased, or incapacitated during the appeal period; or
  - The Owner was deployed with emergency services or the Canadian Armed Forces and had no ability to request during the appeal period.

The Owner must provide evidence supporting the extraordinary circumstance which prevented them from being able to appeal within the limitation period set by O. Reg. 355/22.

5.8 A Screening Officer shall not grant an Owner an extension of time to appeal in circumstances including:

- Moved and did not update their address with MTO or the municipality;
- Had employment or personal commitments with no time to request the appeal;
- Forgot about or mis-diarized a due date to request the appeal;
- Was sick but not in the care of a medical professional; or
- Cannot support their claim(s) with reliable and trustworthy documentation.

5.9 A Screening Officer review may be rescheduled no later than three (3) business days in advance of the scheduled screening or hearing review appointment by submitting a request by e-mail to [ase@newtecumseth.ca](mailto:ase@newtecumseth.ca). Only one (1) rescheduling is permitted per Penalty Order.

5.10 If a request to reschedule a Screening Officer review is not received in accordance with Section 5.9 and the person fails to appear at the review, the \$60.00 fee for non-attendance shall apply and the Screening Officer shall confirm the Penalty Order.

5.11 The Screening Officer may make an exception to Section 5.9, in circumstances as outlined in Section 5.7. The Owner must provide evidence supporting the extraordinary circumstance which prevented them from being able to appear for the scheduled appointment.

5.12 The Screening Officer and Hearing Officer review will be conducted in English.

Interpreter services will not be provided. The Owner shall arrange for an interpreter if one is required. This shall be at the Owner's expense. Interpreters must be at least 16 years of age or older.

- 5.13 An Owner may be represented by an Authorized Agent at a Screening Officer or Hearing Officer review. A verbal affirm will be accepted by a Screening Officer in the event that the Owner did not provide the "Authorization to Act as Agent" form prior to the Penalty Order review. The Hearing Officer will only have a review with an Authorized Agent when the "Authorization to Act as an Agent" form is completed and received.
- 5.14 No witnesses shall be called in an appeal.
- 5.15 The Screening Officer or Hearing Officer may consider the following information, if available:
  - Photographs or images taken by the camera system or enforcement system, as applicable
  - Statements including certified statements made by the authorized person who imposed the Penalty Order
  - Documents, including certified documents, setting out the name and address of the person who is subject to the Order, a description of the permit and the number plate of the motor vehicle.
  - Statements by the appellant made in writing or in the way appeal is conducted.
  - Statements by or on behalf of the Municipality in which the contravention that is subject of the Penalty Order occurred, made either in writing or in the way the appeal is conducted.
  - Any other information, materials or submissions that the Screening or Hearing Officer considers to be credible or trustworthy in the circumstances.
- 5.16 The Screening Officer will review evidence and determine if the Penalty Order will be confirmed, varied, or set aside. Refer to the Setting Aside/Cancellation of Penalty Orders Policy (ASE) AC-POL-003-2025.
- 5.17 A Screening Officer may grant an extension of time to pay or order a plan of periodic payments should an Owner establish their inability to pay the Penalty Order within the prescribed timeframe.
- 5.18 The Owner must set out in the prescribed form, the reason they are seeking an extension of time to pay and the time being requested to pay the Penalty Order in full.
- 5.19 Should the Screening Officer consider it appropriate to do so, they will provide an opportunity for the Owner to show supporting documentation as to their current financial circumstances to justify the extension of time they are requesting to pay their Penalty Order. Supporting Documentation Includes:

- A copy of the Canadian Revenue Agency Notice of Tax Assessment for the last full calendar year;
- Proof of receipt of any income supplement and the amount of such supplement including Old Age Security, pension information (CPP, Disability, or other pensions), Ontario Student Assistance Program, and any child or spousal support orders.

5.20 If an extension of time to pay or plan of periodic payments is ordered, a copy of the decision setting out the extended time for payment and/or approved plan of periodic payments shall be provided to the Owner. The decision shall set out a first lump sum payment with a due date as well as the dates and amounts of the following periodic payments.

5.21 The Order of periodic payments shall make the first lump sum payment equivalent to the Victims Justice Fund Account amount plus up to 15% of the penalty amount for Penalty Orders totaling \$750 or less, and at least a total of \$250 where the total penalty order is greater than \$750.

5.22 The Screening Officer shall consider the following chart when determining a fair and reasonable time to pay or plan of periodic payments.

<b>Amount Owing</b>	<b>Extension Period to Pay</b>
<b>\$50.00 - \$250.00</b>	<b>2 months</b>
<b>251.00 - \$500.00</b>	<b>3 months</b>
<b>\$501.00 - \$750.00</b>	<b>4 months</b>
<b>\$751.00 - \$1,000.00</b>	<b>6 months</b>
<b>\$1001.00 - \$1,799.00</b>	<b>12 months</b>
<b>\$1,800.00 and over</b>	<b>24 months</b>

5.23 If the Owner fails to comply with an approved periodic payment plan established by the Screening Officer or Hearing Officer and does not settle their outstanding amount by the plan's deadline, the outstanding penalty will be forwarded to the Defaulted Fines Control Centre for collection.

5.24 A variation of a Penalty Order shall only be considered where an extension of time to pay or a plan of periodic payments would not be appropriate in the circumstances to address the economic issue or concern.

5.25 The Screening Officer and Hearing Officer must weigh and justify the reasons for a variance to a Penalty Order and any variation to a Penalty Order shall be done in a fair and appropriate manner.

5.26 If the amount of the penalty is decreased, the amount to be credited to the Victim's Justice Fund Account is to be reduced proportionally to decrease in

the total penalty amount.

- 5.27 If the reasons provided by an Owner are so strong to justify a variation, as per By-law No. 2025-039, the Screening Officer or Hearing Officer should set aside the Penalty Order to ensure the integrity of the program.
- 5.28 A Screening Officer or Hearing Officer review may be adjourned where the Officer deems it appropriate to do so.
- 5.29 Screening Officer review adjournment requests should not be agreed to on a scheduled review date unless the reason for the adjournment is provided and the reason is significant in nature such as the Owner has been hospitalized, been arrested, has been delayed in another country due to a flight cancellation etc. The Owner can always appeal to a Hearing Officer should the adjournment not be granted.
- 5.30 The Screening Officer or Hearing Officer must inform staff of the adjournment so it may be rescheduled and the review shall remain in a “pending” status in the ASE system.
- 5.31 Following a Screening Officer or Hearing Officer review, a Notice of Decision shall be issued outlining the term for payment, Penalty Amount owing and any further information on how to remit payment or appeal the decision, if applicable.
- 5.32 If the Owner or Authorized Agent fails to appear at the Hearing Officer review, the \$60.00 fee for non-attendance shall apply and the Hearing Officer shall confirm the Penalty Order.
- 5.33 The Screening Officer or Hearing Officer shall ensure a written Notice of Decision is provided to the owner no later than 7 working days of the review. It shall be sent by mail, courier, or electronic means.
- 5.34 The decision of a Hearing Officer is final.

## 6. **Implementation**

This policy shall become effective immediately upon approval by Council. Any Revisions, modifications, or interpretations of this policy may be conducted by the manager of By-Law Enforcement or the Clerk with the consultation and support from the Chief Administrative Officer

**Approved By:**

**Department:**

**Status:**

Chris Glanville, HONS.,B.A. MLEO, Manager, Municipal Law Enforcement	Clerks/Administration Dept	Approved - 05 Jun 2025
Pamela Fettes, Clerk/Director of Administration Services	Clerks/Administration Dept	Approved - 05 Jun 2025
Bruce Hoppe, MCIP, RPP, Interim General Manager, Strategic Services	Infrastructure and Development Division	Approved - 05 Jun 2025
Neil Garbe, CAO	CAO	Approved - 05 Jun 2025