

Hearing Officer Contract for Services

The Town of Newmarket is seeking up to 4 individuals to provide contracted Hearing Officer services. This contract calls for experienced, qualified individuals who are available to work on average approximately 1-2 days per month, on an as-needed basis.

The Hearing Officer will have three roles. Note, these roles are not listed in order of importance but are meant to demonstrate the different areas of adjudication for the Hearing Officer.

First, the Hearing Officer will review decisions made by Screening Officers in relation to municipal by-law penalties issued as part of the Town of Newmarket Administrative Monetary Penalty System (AMPS). In this capacity, the duties of a Hearing Officer include:

- Conduct hearings in accordance with the Statutory Powers Procedure Act, ensuring equal access, fair treatment and due process for all parties.
- Make final and binding decisions, which are independent and free from outside influence, on whether to confirm, vary or cancel administrative penalty amounts and/or time to pay administrative penalties in accordance with the AMPS By-law and associated policies, procedures and guidelines.

Second, the Hearing Officer will review Municipal orders and/or decisions issued by Town staff in relation to municipal by-laws. These matters presently include orders or decisions made under the Town's Animal Control By-law, Business Licence By-law, Fence By-law, Fireworks By-law, Mobile Business Licensing By-law, and Sign By-law (collectively, "Regulatory By-laws"). Additional Regulatory By-laws may be added to this list. In this capacity, the duties of a Hearing Officer include:

- Conduct hearings in accordance with the Statutory Powers Procedure Act, ensuring equal access, fair treatment and due process for all parties.
- Review files and evidence, and make final and binding decisions, which are independent and free from outside influence, on whether to modify, rescind, or uphold the order or decision of Town staff.

Third, this role will expand to provide Hearing Reviews under the Town's future Automated Speed Enforcement Systems program in 2024. This program is pursuant to Ontario Regulation 355/22 under the Highway Traffic Act, which will also operate using the AMPS model for appeals and adjudication of Penalty Orders issued for speeding violations in Community Safety Zones. Additional information on this program and the adjudication process will be shared once available.

Eligibility Requirements:

In order to fulfil this contract, the individual must be independent from the Town of Newmarket and free from conflicts of interest.

The contractor shall not be:

1. Convicted of an offence under a Federal or Provincial enactment, for which a pardon has not been granted, at least ten (10) years before applying for the appointment; or,
2. Currently cited in a By-law notice, order or have outstanding ticket(s) issued, or otherwise indebted to the Town of Newmarket, (e.g. non-payment of property taxes, parking violations, licensing violations, etc.); or,

3. A current employee of the Town of Newmarket; or,
4. A Member of Town of Newmarket Council, or have been one within the last three (3) years.

The terms of these services will be formalized through an agreement signed by both the contractor and Town. The agreement will include the contractor providing proof insurance, as determined and required by the Town.

Requirements:

- Demonstrated knowledge and experience with respect to adjudicative processes, including conducting trials or hearings for established tribunals or court.
- Formal post-secondary education in Law Enforcement, Administrative Law, Public Administration, training courses offered by Society of Ontario Adjudicators and Regulators (SOAR), or related and/or have an equivalent combination of education and experience.
- Experience in interpreting and applying appropriate legislation, including municipal by-laws, the Municipal Act, 2001, the Provincial Offences Act and the Statutory Powers Procedure Act.
- Formal training and experience in alternative dispute resolution.
- Ability to demonstrate effective analytical skills, including formulating reasoned decisions and communicating them clearly and effectively, both verbally and in writing.
- Committed to ongoing professional development to enhance expertise and remain current in the field. Willing to attend, participate and complete training, as required by the Town.
- Demonstrated respect for diversity, equity and inclusivity in maintaining a fair and transparent process for all persons, regardless of physical or mental abilities.
- Excellent communication skills (verbal, written and presentation), and highly effective leadership and facilitation abilities.
- Ability to deal courteously and effectively with staff, appellants, legal representatives, and the public.
- Good organizational, time management and interpersonal skills.
- Demonstrated knowledge in use of computer software including Microsoft Office Suite (Word, Excel).
- Flexibility to provide services on an as-needed basis (approximately 1-2 days per month), Hearing schedules will be determined in consultation with Legislative Services Staff.

Payment for Services:

Services will be paid by invoice.

A full day (up to 6 hours) will be paid at \$600.00, a half day (up to 3 hours) will be paid at \$300.00. Any additional time at a Hearing beyond 6 hours, spent writing decisions, or preparing for a Hearing will be paid at \$90/hour.

Application Instructions:

If you are interested in this opportunity, send an expression of interest with your qualifications in a cover letter and resume to hearings@newmarket.ca by **4:30 PM on Friday, November 3, 2023**.