

**The Corporation of the
Township of Selwyn**

By-law No. 2026-059

**Being a By-law to establish an Hearing Officer Position and Associated
Rules of Procedure under the AMPS Program**

Whereas section 23.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Council may delegate its powers and duties to an individual who is an officer, employee or agent of the municipality; and

Whereas section 8(1) of Ontario Regulation 333/07, as amended, provides that an administrative penalty By-law passed by a municipality shall include procedural requirements for a system of administrative penalties; and

Whereas section 8(1)5. of Ontario Regulation 333/07, as amended, provides that a municipality may appoint a hearing officer for the purpose of reviewing screening decisions regarding administrative penalties; and

Whereas section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, provides that a tribunal may make Rules governing the practice and procedure before it;

Now Therefore, the Council of The Corporation of the Township of Selwyn Hereby Enacts As Follows:

Short Title

1. This By-law may be cited as the “Hearing Officer By-law”.

Definitions

2. In this By-law:

“**Child**” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family;

“**Council**” means the Council of the Corporation of the Township of Selwyn;

“**Clerk**” means the person appointed by Council to carry out the duties of the municipal clerk for the Township under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or their designates;

“**Delegated Power of Decision**” means a power or right, conferred by or under a Municipal By-law, to make a decision deciding or prescribing:

- (a) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party thereto; and
- (b) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not;

“**Hearing**” means any hearing or proceeding;

“**Hearing Officer**” means each person from time to time appointed by Council pursuant to section 4 of this By-law;

“**Proceeding**” means any matter brought before a Hearing Officer for a hearing;

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage; and

“Township” means The Corporation of the Township of Selwyn.

Scope

3. The position of Hearing Officer is hereby established for the purpose of exercising Delegated Power of Decision.

Appointment of Hearing Officer

4. A Hearing Officer shall be appointed by Council on the recommendation of the Clerk which recommendation shall give preference to eligible candidates:
 - (a) With a knowledge and prior experience in administrative law;
 - (b) Of good character;
 - (c) Able to carry out a fair and impartial hearing;
 - (d) Able to write a clear and concise decision;
 - (e) Able to communicate effectively with the public;
 - (f) With excellent written and oral communication skills;
 - (g) With an understanding of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, amended;
 - (h) With an understanding of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
 - (i) Who are Canadian citizens;
 - (j) Who can provide a satisfactory Police records check.

Non-Eligibility

5. The following are not eligible for appointment as a Hearing Officer:
 - (a) An employee or member of Council of the Township;
 - (b) The Child of a person referenced in section 5(a);
 - (c) The Parent of a person referenced in section 5(a);
 - (d) The Spouse of a person referenced in section 5(a); or
 - (e) A person indebted to the Township other than:
 - (i) In respect of current real property taxes; or
 - (ii) Pursuant to an agreement with the Township the terms with which the person is in compliance.

Term of Office

6. Each Hearing Officer shall hold office at the pleasure of Council.

Rules of Practice and Procedure

7. The Rules of Practice and Procedure governing all proceedings before a Hearing Officer are set out in Schedule “A” attached to, and forming part of this By-law.

Decision of a Hearing Officer

8. A decision by a Hearing Officer is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, amended, and that Act, except for sections 17.1 (power to award costs), 18 (requirement to send copies of final decision and order) and 19 (enforcement of order by filing with Superior Court of Justice), applies to a Hearing Officer and any hearing conducted by them.

Scheduling of Hearings

9. The Clerk or their designate, shall determine the scheduling of hearings before any Hearing Officer having regard to the efficiency and timeliness of hearing processes and to the availability of Hearing Officers.

Communications with Hearing Officer

10. No person shall attempt, directly or indirectly, to communicate with or influence a Hearing Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Hearing Officer, except a person who is entitled to be hearing in the proceeding or the person’s lawyer or licensed paralegal and only by that person or the person’s lawyer or licensed paralegal during the hearing in which the issue arises.
11. Failure to comply with section 10 constitutes an offence.

Legal Advice

12. For greater certainty, section 10 does not prevent a Hearing Officer from seeking and receiving legal advice from the Township’s Solicitor.

Administrative Support

13. The Community and Corporate Services Department shall provide administrative support related to proceedings before a Hearing Officer, including, without limitation, the making and keeping of minutes and records of all requests for hearings and appeals and decisions arising therefrom and of all other official business of the Hearing Officer.

Inspection of Records

14. Section 253 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, applies with necessary modifications to documents made or kept pursuant to section 13.

Schedule

15. Any Schedule attached to this By-law shall be deemed to form part of this By-law.

Severability

- 16.** If any of the provisions of this by-law are deemed to be *ultra vires* by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Effective Date

- 17.** This by-law shall come into force the day on which it is passed.

Read a first, second and third time and passed this 23rd day of June, 2026.

Originally Signed
Mayor, Sherry Senis

Originally Signed
Clerk, Angela Chittick

The Corporation of the Township of Selwyn

By-law No. 2026-059

Schedule “A”

Rules of Practice and Procedure for Hearings Before a Hearing Officer

Definitions

1. In these Rules, unless the context otherwise requires, the following terms have the following meanings:

“**Appellant**” means a person making an appeal under any By-law of the Township which permits an appeal to a Hearing Officer;

“**Clerk**” means the person appointed by Council to carry out the duties of the municipal clerk for the Township under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or their designates;

“**Document**” includes a written document, sound recording, videotape, file, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device;

“**Electronic Hearing**” means a hearing held by some form of electronic technology allowing persons to hear and see one another;

“**Electronic Recording**” means a record created, generated, sent, communicated, received, or stored by electronic means;

“**Hearing**” means any hearing in a proceeding;

“**Hearing Officer**” means a Hearing Officer appointed under the Township’s Hearing Officer By-law;

“**Holiday**” means:

- (a) Any Saturday or Sunday;
- (b) New Year’s Day;
- (c) Family Day;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Victoria Day;
- (g) Canada Day;
- (h) Civic Holiday;
- (i) Labour Day;
- (j) National Day for Truth and Reconciliation;
- (k) Thanksgiving Day;
- (l) Christmas Day;

- (m) Boxing Day and extended Holiday Closure; and
- (n) Any special holiday proclaimed by the Governor General of Canada or the Lieutenant Governor of Ontario, and where New Year's Day or Canada Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday;

“Motion” means a request for a decision, order or direction of the Hearing Officer made during a proceeding;

“Oral Hearing” means a hearing at which the parties or their counsel, agents, or other representatives attend in person;

“Party” means a party specified as a party by law, the person who is the subject of a hearing, a person who has requested a hearing pursuant to law and any person who has been given party status by a Hearing Officer, and shall, where applicable, include the Township;

“Proceeding” means a matter brought before a Hearing Officer for a hearing;

“Rules” means these Rules; and

“Written Hearing” means a hearing held by means of the exchange of documents whether in written form or by electronic means.

Application

2. These Rules apply to all proceedings before a Hearing Officer exercising a delegated power of decision under the Township's Hearing Officer By-law.
3. These Rules do not apply if a statute or By-law provides for a different procedure to govern proceedings of a Hearing Officer in the exercise of their duties.

Interpretation

4. These Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a hearing on its merits.
5. Where procedures are not provided for in these Rules, a Hearing Officer may do whatever is necessary and permitted by law to effectively determine the matter before them.
6. A Hearing Officer may exercise any of their powers under these Rules on their own initiative or at the request of a party.
7. A defect in form or other technical breach will not make a proceeding invalid.
8. Where a party to a proceeding has not complied in full with any Rule or procedural order, the Hearing Officer may:
 - (a) Grant all necessary amendments or other relief, subject to such conditions as the Hearing Officer considers just;
 - (b) Adjourn the proceeding until it is satisfied that such Rule or procedural order has been complied with; or
 - (c) Take such other steps as the Hearing Officer considers just and reasonable.

Calculation of Time

9. To calculate time under these Rules or a procedural order:
- (a) Where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
 - (b) Where the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday;
 - (c) Where time of day is mentioned in these Rules or in any order in a proceeding, the time referred to shall be the time observed locally in the Township; and
 - (d) Where a document is filed or served after 4:00 p.m. on any day or at any time on a holiday, the document shall be deemed to have been filed or served on the next day that is not a holiday.

Extending or Abridging Time

10. A Hearing Officer may extend or abridge any time prescribed in these Rules or established by a procedural order during a proceeding, on such terms as are just.
11. Where a party cannot meet a time limit prescribed by the Rules, the party shall promptly notify the Clerk and apply for an extension of time by motion.

Filing

12. Filing of any document by any party to a hearing with the Clerk may be affected by personal delivery, by ordinary or registered mail, by fax transmission, by courier, by email or otherwise as the Hearing Officer may order.
13. All written documents filed shall be legible.
14. All documents filed with the Clerk by a party shall be served on all other parties by the party forthwith after filing.
15. Where a document is filed, the Clerk shall date stamp the document. Subject to Rule 9, the date of the receipt stamp on the document shall be deemed to be the date of filing, unless the Hearing Officer orders otherwise.
- (a) A Party may request confirmation from the Clerk that a document filed was properly received.
16. Where the Hearing Officer and the Clerk have no record of the receipt of a document alleged to have been filed, the documents shall be deemed not to have been filed, unless the Hearing Officer orders otherwise.
17. Where a filing is made by fax or email, the document shall include the following items:
- (a) The name, address and telecommunications number of the sender;
 - (b) The date and time the document is transmitted;
 - (c) The telephone number or email address from which the document is transmitted;
 - (d) The total number of pages transmitted; and

- (e) The name and telecommunications numbers of a person to contact if a problem arises with the transmission of the fax.

18. The Hearing Officer may direct that where a document is filed by electronic transmission, by email, or by fax, the original and all copies required shall be delivered by a specified time.

Service of Documents

19. Service means the effective delivery of a document to a person or to the representative of that person. Service may be made by:

- (a) Personal delivery by delivering the document to the person;
- (b) Courier service to the person's last known address;
- (c) Ordinary or registered mail to the person's last known address;
- (d) Email to the person's last known email address;
- (e) Fax to the person's last known fax transmission number; or
- (f) Otherwise as the Hearing Officer may order.

20. Without limiting the ability for the Hearing Officer to order service in some other manner, the Hearing Officer may direct service be made by public advertisement.

21. Where an oral or electronic hearing is in progress, service may also be made by:

- (a) Providing the document to the parties present at the hearing;
- (b) Serving the document on any other party who is not present and requests a copy of the document; or
- (c) Any other means directed by the Hearing Officer.

22. Where a service is made by fax, the document shall include a cover page containing the following items:

- (a) The name, address, and telecommunication numbers of the sender;
- (b) The name of the person to be served;
- (c) The date and time which the document was transmitted;
- (d) The telephone number from which the document is transmitted;
- (e) The total number of pages transmitted including the cover page; and
- (f) The name and telecommunication numbers of a person to contact if a problem arises with the transmission of the fax.

23. A document that is more than 20 pages may not be served by fax on other parties unless prior consent from the intended recipient is obtained.

24. Subject to Rule 9, service will be effective:

- (a) If the document is delivered by personal delivery, courier, email or fax, on the same day that delivery is made;

- (b) If the document is delivered by regular or registered mail, on the fifth (5th) day after the date of mailing;
- (c) If service is made by public advertisement, on the last day of publication where there is more than one day of publication or the day of publication where there is only one day of publication; or
- (d) If service is made by any other means, within the time frames directed by the Hearing Officer.

25. The Hearing Officer may direct a party who has served a document to file an affidavit of service that indicates how, when and to whom service was made.

Notice of Appeal / Request for Hearing

26. Where an appellant requests a hearing before a Hearing Officer, the Notice of Appeal shall be electronic or in writing, shall be filed with the Clerk, and shall include:

- (a) An identification of the appellant and any other party;
- (b) The addresses, telephone numbers, email address and, where available, fax number for each person identified in paragraph (a);
- (c) The name, address, telephone number and email address of any agent, representative or lawyer representing the appellant or any other party identified in paragraph (a);
- (d) Where special services or accommodation are required, including translation services or services for the visually or hearing impaired;
- (e) The signature of the appellant or representative.

27. Within five (5) days after receiving a notice of appeal, the Clerk shall notify the appellant or the appellant's representative, if:

- (a) The documents are incomplete;
- (b) The documents are received after the time required for filing a notice of appeal has elapsed; or
- (c) There is some other technical defect in the notice of appeal.

28. Where the Clerk decides not to process the notice of appeal due to a deficiency listed in Rule 27, the Clerk shall provide the party filing the request for hearing notice of such decision, specifying the deficiencies which need to be corrected. Such notice shall advise that the notice of appeal may be commenced upon the party correcting the deficiencies listed in the notice except if the notice has been received after the time required for commencing the proceeding has elapsed.

29. Subject to Rules 27 and 28, upon receipt of a request for a hearing pursuant to Rule 26, the Clerk shall set the hearing date and determine the location and format of the hearing. Upon setting the hearing date and determining the location and format of the hearing, the Clerk shall provide a written notice of hearing to the parties and others as required by law and as the Clerk considers necessary.

30. A Notice of Hearing shall contain:

- (a) A reference to the statutory authority or By-law authority under which the hearing is being held;
- (b) A statement of the time and the purpose of the hearing;
- (c) A statement that if the party does not participate in the hearing in accordance with the notice, the Hearing Officer may proceed without the party's participation, and the party will not be entitled to any further notice in the proceeding; and
- (d) Any other information the Clerk considers necessary for the proper conduct of the hearing.

31. In addition to the requirements for a Notice of Hearing set out in Rule 30, a Notice of Hearing for an oral hearing shall contain:

- (a) The location of the hearing; and
- (b) A statement that the hearing will be open to the public unless the Hearing Officer directs otherwise.

32. In addition to the requirements for a Notice of Hearing set out in Rule 30, a Notice of Hearing for an electronic hearing shall contain:

- (a) Details about the manner in which the hearing will be held; and
- (b) A statement that the Hearing Officer shall not hold an electronic hearing if a party satisfies the Hearing Officer that holding an electronic hearing rather than an oral hearing is likely to cause the party significant prejudice.

33. In addition to the requirements for a Notice of Hearing set out in Rule 30, a Notice of Hearing for a written hearing shall contain:

- (a) A statement that the parties will be required to exchange documents with other parties; and
- (b) A statement that the parties will have an opportunity to ask questions in writing on the documents, which the other parties will be required to answer, and will have an opportunity to make submissions.

Dismissing Proceedings without a Hearing

34. The Hearing Officer may dismiss a proceeding without a hearing if:

- (a) The proceeding is frivolous, vexatious or is commenced in bad faith;
- (b) The proceeding relates to matters that are outside the jurisdiction of the Hearing Officer; or
- (c) Some aspect of the statutory requirements for bringing the proceeding has not been met.

35. Before dismissing a proceeding under Rule 34, the Hearing Officer shall give notice of their intention to dismiss the proceeding to all parties setting out the reasons for the dismissal and informing the parties of their right to make written submissions to the Hearing Officer within ten (10) days of notice being given.

Communication with Hearing Officer

36. In any proceeding, the Hearing Officer may issue procedural orders which shall govern the conduct of the proceeding.
37. The Hearing Officer may, at any time during a proceeding, amend any procedural order which they have issued.
38. The Hearing Officer may, where satisfied that the special circumstances of the proceeding so require, vary or waive compliance with all or any part of any Rule at any time by making a procedural order.
39. Where a provision of these Rules is inconsistent with a procedural order, the procedural order shall prevail.
40. Subject to any procedural order issued by a Hearing Officer, the parties to a proceeding may, on consent, waive any of the provisions of these Rules.
41. A party seeking a waiver of any of the provisions of these Rules shall do so on a timely basis.

Motions

42. The party bringing the motion shall file with the Clerk a copy of the notice of motion setting out the relief sought, the grounds for the motion, the evidence to be relied upon and serve a copy of the material filed on the other parties.
43. The Hearing Officer shall direct the procedure to be followed for hearing the motion and may set applicable time limits.
44. A motion may be made during a hearing, with or without notice, and shall be disposed of in such a manner as the Hearing Officer considers appropriate.

Disclosure

45. The Hearing Officer may, at any stage in a proceeding, make orders for:
 - (a) The exchange of documents;
 - (b) The oral or written examination of any party; or
 - (c) Any other form of disclosure.

Summonses

46. The Hearing Officer may require any person, including a party, to attend at the hearing to give evidence under oath or affirmation and to produce in evidence documents and things as specified by the Hearing Officer relevant to the subject matter of the hearing and admissible at a hearing.
47. A party may request a summons to witness which may be issued by the Hearing Officer provided that they are satisfied by the party requesting the summons that the person to be summoned is able to give material evidence in the proceeding.
48. A summons issued under Rules 46 or 47 shall be in the form prescribed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, and signed by the Hearing Officer and shall be served personally upon the person summoned.
49. A person summoned under Rule 46 is entitled to receive from the Township and a person summoned under Rule 47 is entitled to receive from the party

who summoned them, the fees or allowances for attending at or otherwise participating in the hearing as are paid to a person in accordance with Tariff 'A' of the *Rules of Civil Procedure*.

Hearings

50. The Hearing Officer may hold:

- (a) An oral hearing;
- (b) An electronic hearing; or
- (c) A hearing which combines the above formats.

51. Video and audio must be enabled at all times by all participants during the hearing. In the event that any technical difficulties are faced during the course of the hearing, the following steps shall be followed:

- (a) In the event of a failed audio communication, arrangements will be made to remain on video and to use the telephone number as provided with the information and video link for the Electronic Hearing to the Person, and/or authorized representative if applicable, to be able to continue the remainder of the hearing.
- (b) In the event of a failed video, the hearing will be put on hold and an attempt to re-establish video connection will take place. If the video connection cannot be re-established, the hearing will be adjourned and re-scheduled.

52. Electronic recording of the hearing is not permitted unless consent of all participants is given, save and except for the purpose of administering the hearing and recording of minutes of the hearing by designated staff.

53. (1) The only individuals permitted to be present during the course of the hearing are:

- (a) the Hearing Officer;
- (b) the person (Penalty Notice recipient);
- (c) the person's authorized representative, in accordance with these Rules;
- (d) the Clerk;
- (e) the Officer who issued the Penalty Notice;
- (f) designated staff members, solely for the purpose of administering the hearing and recording minutes; and
- (g) where applicable, a person designated under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended, or any other applicable legislation.

(2) For greater certainty, a person described under paragraph 53(g) will not be permitted to participate in the hearing without the permission of the Hearing Officer.

54. Document submission will take place via email prior to the scheduled hearing. All paperwork provided from the Screening Decision, including the decision thereof, along with the Request for Review by a Screening Officer, will be compiled into one (1) package and distributed to the Hearing Officer, Clerk, the Officer who issued the Penalty Notice, and the Person, and/or their authorized

representative, if applicable, for review prior to the hearing. No new material is permitted to be introduced at a hearing.

55. Any documentation requested for reference purposes must be requested by the participants prior to the hearing.
56. A copy of the Hearing Decision will be communicated orally at the conclusion of the Hearing, and a written decision will be provided to the Person, and their authorized representative, if applicable, via email as soon as practicable.
57. A party to a proceeding may be represented by counsel, agent or another representative. A representative may act on behalf of and represent a person in respect of a proceeding or hearing before the Hearing Officer where the Hearing Officer is satisfied that:
 - (a) The person is entitled to be heard by the Hearing Officer;
 - (b) The representative is a lawyer, a licensed paralegal or a person who is exempt from the requirement to be licensed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8, as amended;
 - (c) The person has authorized in writing the representative to act on behalf of and to represent the person in the particular proceeding or hearing;
 - (d) The written authorization specifies the representative's qualification for the purpose of paragraph 57(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particular ground prescribed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8, as amended, upon which the representative purports to be exempt; and
 - (e) The written authorization has been filed in the proceeding or hearing before the Hearing Officer and remains in effect.
58. If a person requires a translator at any time during a proceeding, the person must provide the translator at the person's own expense.
59. Hearings shall be open to the public except where the Hearing Officer is of the opinion that:
 - (a) Matters involving public security may be disclosed;
 - (b) Intimate financial or personal matters or other matter may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs desirability of adhering to the principle that hearings be open to the public, in which case the Hearing Officer may hold the hearing in the absence of the public.
60. No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or audible representations by electronic means or otherwise, at any hearing otherwise open to the public, except in the following circumstances:
 - (a) No fewer than three (3) days prior to the hearing, the person gives written notice to the Clerk of the person's intention to request the Hearing Officer for permission to record the hearing which notice specifies the proposed means of recording;

- (b) The person bears all costs related to the proposed recording;
- (c) Where the person proposes verbatim transcription:
 - (i) The recording is undertaken by a qualified verbatim reporter;
 - (ii) All testimony and submissions respecting the hearing are recorded; and
 - (iii) The person delivers to the Clerk no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter within three (3) days of the reporter's completion of the transcript;
- (d) The Hearing Officer determines that the hearing will not be disrupted or delayed if approval is given;
- (e) The Hearing Officer determines that the approval will not result in any prejudice to any party to the proceeding;
- (f) Prior to the commencement of the hearing, the Hearing Officer authorizes the recording and has not revoked the authorization; and
- (g) The recording is undertaken only in accordance with the Hearing Officer's approval including any terms or conditions to such approval.

61. A party may:

- (a) At any hearing, present evidence and submissions; and
- (b) At an oral or electronic hearing, call and examine witnesses and conduct cross examinations of witnesses reasonably required for a full and fair disclosure of all matters relevant to the issues in the proceeding.

62. Unless the Hearing Officer directs otherwise, the process for all hearings shall be as follows:

- (a) The Hearing Officer will call the hearing to order and may advise the parties of the hearing process;
- (b) The Hearing Officer may decide which of the parties they wish to hear from first, but it is customary that the Township proceed first;
- (c) A party may make a brief opening statement;
- (d) The Hearing Officer will swear or affirm the witnesses;
- (e) Each party will present its case by calling witnesses. The process for each witness to give evidence is:
 - (i) Direct examination;
 - (ii) Cross-examination; and
 - (iii) Re-examination, if any;
- (f) The Hearing Officer may ask questions of the witnesses at any time;
- (g) A party may make a brief closing statement; and

- (h) This process is subject to change by the Hearing Officer should they find that there is a fairer way of proceeding.
- 63. All parties to a hearing shall bring to the hearing legible copies of all documents they intend to rely upon during the hearing for the Hearing Officer and other parties.
- 64. The Hearing Officer may adjourn the hearing at any time on such conditions as they consider just.
- 65. Where a person is properly notified of a hearing and does not attend at the time and place appointed, the Hearing Officer may proceed in that person's absence and without further notice to that person.

Evidence at Hearings

- 66. The Hearing Officer may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible in a court:
 - (a) Any oral testimony; and
 - (b) Any document or other thing, relevant to the subject matter of the proceeding and may act on such evidence, but the Hearing Officer may exclude anything unduly repetitious.
- 67. Nothing is admissible in evidence at a hearing that would be inadmissible in a court by a reason of any privilege under the law of evidence or that is inadmissible by the statute or By-law under which the proceeding arises or any other statute.
- 68. Nothing in Rule 66 overrides the provisions of any Act expressly limiting the extent or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any hearing.
- 69. Where the Hearing Officer is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.
- 70. Where a document has been filed as evidence at a hearing, the Hearing Officer may, or the person producing it or entitled to it may with the leave of the Hearing Officer, cause the document to be photocopied and the Hearing Officer may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the Hearing Officer.
- 71. In any Hearing before the Hearing Officer, a statement respecting a matter related to the Hearing purporting to be signed by any of the following individuals in relation to their respective individual areas of responsibility is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement of all purposes in the hearing:
 - (a) The Municipal Planner;
 - (b) The Township's Chief Building Official;
 - (c) An Animal Control Officer for the Township of Selwyn;
 - (d) A Municipal By-law Enforcement Officer; or
 - (e) A person authorized by a Township By-law to undertake inspections.

72. The Hearing Officer may, in making a decision in any hearing:

- (a) Take notice of facts that may be judicially noticed; and
- (b) Take notice of any generally recognized scientific or technical facts, information or opinions within their scientific or specialized knowledge.

Witnesses

- 73.** Unless these Rules provide otherwise, witnesses at a hearing shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination. The Hearing Officer may determine whether evidence from a witness needs to be given under oath or affirmation.
- 74.** There shall be no undue harassment or embarrassment of a witness as they are giving evidence.
- 75.** The Hearing Officer may disallow a question put to a witness that is vexatious or irrelevant to any matter that may be properly inquired into at the hearing.
- 76.** The Hearing Officer may at any time during a hearing direct that a witness be recalled for further examination.
- 77.** Where a witness appears unwilling or unable to give answers to the questions being asked, the Hearing Officer may permit the party calling the witness to examine the witness by means of leading questions.
- 78.** A witness has the right to be advised by counsel or an agent as to their rights, but such counsel shall take no other part in the hearing without permission of the Hearing Officer.

Decisions

- 79.** The Hearing Officer will determine the issues before them as they consider just.
- 80.** All decisions of a Hearing Officer shall be in writing.
- 81.** The Hearing Officer does not have the power to award costs of proceedings to a party.
- 82.** The Hearing Officer will provide their decision with their reasons in support of the decision, if any, to the Clerk and the Clerk shall send a copy of the decision to the parties.
- 83.** The Hearing Officer may at any time correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in their decision, direction or order.

Record of Proceedings

- 84.** The Clerk shall compile a record of any proceedings before a Hearing Officer which shall include:
- (a) The notice of the hearing;
 - (b) All orders and decisions made by a Hearing Officer;
 - (c) All documentary evidence filed at the hearing subject to any limitation expressly imposed by any other Act on the extent or purposes for which any such documents may be used in evidence in any proceeding; and

- (d) Any other documents that in the opinion of the Clerk or the Hearing Officer should be included in the record of proceedings.

Statutory Powers and Procedures Act

- 85. These Rules have been approved by the Council for the Corporation of the Township of Selwyn and are intended to be Rules contemplated by section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

Severability

- 86. If any provision of these Rules is or becomes illegal, invalid or unenforceable, the illegality, invalidity, or enforceability of that provision shall not affect the legality, validity or enforceability of the remaining provisions of these Rules.