

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 155-2023**

**A By-law of The Corporation of the City of Vaughan to amend the Administrative Monetary Penalties By-law 063-2019, as amended, to add the Fire Burn Permit By-law to the list of by-laws for which an Administrative Monetary Penalty may be imposed and to make changes to the process of requesting screening and hearing reviews.**

**WHEREAS** section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act*”), as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

**AND WHEREAS** section 391(1) of the *Municipal Act*, as amended, provides for a municipality to impose fees or charges on persons for services or activities it provides and for the use of its property;

**AND WHEREAS** section 102.1 of the *Municipal Act*, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with any bylaws respecting the parking, standing or stopping of vehicles;

**AND WHEREAS** section 434.1 of the *Municipal Act*, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** section 434.2 of the *Municipal Act*, as amended, provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

**AND WHEREAS** the Province of Ontario adopted the “Administrative Penalties” regulation, O. Reg 333/07 pursuant to the *Municipal Act*, as amended, which applies to administrative penalties that are required by the municipality in respect of the parking, standing or stopping of vehicles;

**AND WHEREAS** the City of Vaughan considers it appropriate to have the option to issue Administrative Monetary Penalties for Fire Burn Permit By-law infractions and to make other changes to the Administrative Monetary Penalties By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan amends the Administrative Monetary Penalties By-law as follows:

1. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing the definition of Director from section 3.0(1) and replacing it with the following:  
  
“Director” means the Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan or his or her designate;
2. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing sections 5.0(2) and 5.0(3) and replacing them with the following sections:  
  
(2) Where extenuating circumstances exist, the time to request a review of an *Administrative Monetary Penalty* may be extended by the *Director* if a request is made by a *Contravener* within thirty (30) days of the service date

of the *Penalty Notice*.

- (3) A request for an extension under the above section shall be made in writing in a form approved by, or otherwise satisfactory to, the *Director*.
3. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing section 5.0(4) and replacing it with the following sections:
  - (4) If the *Contravener* has not requested a review by the *Screening Officer* or an extension of time to request a review from the *Director* as per sections 5.0(1) and 5.0(2), the Administrative Monetary Penalty shall be deemed to be affirmed and late payment fees, as set out in the Fees and Charges By-law, as amended, shall apply.
4. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing sections 5.0(5) and 5.0(6) and replacing them with the following sections:
  - (5) Where an extension to request a review has been granted, late payment fees shall not be applied until fifteen (15) days after disposition of the matter or at a time otherwise set by the *Screening Officer*.
  - (6) Where an extension to request a review has been granted, enforcement mechanisms in relation to the *Administrative Monetary Penalty* shall be suspended.
5. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by replacing the words “under Sections 5.0(3) or 5.0(7)” with the words “under Section 5.0(7)” in section 5.0(8).
6. That Administrative Monetary Penalties By-law 063-2019, as amended, be further

amended by repealing sections 6.0(2) and 6.0(3) and replacing them with the following:

(2) Where extenuating circumstances exist, the time to request a review of the *Screening Officer's* decision may be extended by the *Director* if a request is made by a *Contravener* within thirty (30) days of notification of a *Screening Officer's* decision.

(3) A request for an extension under the above section shall be made in writing in a form approved by, or otherwise satisfactory to, the *Director*.

7. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing section 6.0(4) and replacing it with the following:

(4) If the *Contravener* has not requested a review by the *Hearings Officer* or an extension of time to request a review from the *Director* as per sections 6.0(1) and 6.0(2), the *Screening Officer's* decision shall be deemed affirmed.

8. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by repealing section 6.0(5) and replacing it with the following:

(5) Where an extension to request a review of the *Screening Officer's* decision has been granted, late payment fees shall not be applied until fifteen (15) days after disposition of the matter or at a time otherwise set by the *Hearing Officer*.

9. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by replacing the words "under Sections 6.0(3) or 6.0(6)" with the words "under Section 6.0(6)" in section 6.0(7).

10. That Administrative Monetary Penalties By-law 063-2019, as amended, be further

amended by adding the following to Schedule 1 – Designated By-laws:

155-2023	Fire Burn Permit By-law	Part 6.0
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Voted in favour by City of Vaughan Council this 17<sup>th</sup> day of October, 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 41 of the Committee of the Whole.  
Adopted by Vaughan City Council on October 17, 2023.  
City Council voted in favour of this by-law on October 17, 2023.  
Approved by Mayoral Decision MDC 005-2023 dated October 17, 2023.  
**Effective Date of By-Law: October 17, 2023**