

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
----------	-------------------------	----------

Voted in favour by City of Vaughan Council this 17th day of October, 2023.

Steven Del Duca, Mayor

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