

Committee of the Whole (2) Report

DATE: Tuesday, November 7, 2023

WARD(S): ALL

TITLE: AMPS BY-LAW AMENDMENTS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff seek to make amendments to Administrative Monetary Penalties By-law 063-2019, as amended, by designating a number of by-laws under this by-law and creating penalties for failing to comply with such by-laws.

Report Highlights

- In accordance with the City's By-law Strategy, staff continue to review by-laws on a cyclical basis; however, as issues, challenges and opportunities arise, staff also bring forward recommended by-law amendments.
- To promote more effective and expeditious compliance with the City's Sign By-law 140-2018, Nuisance By-law 195-2000, Encroachment By-law 034-2017, Waste Collection 135-2017 and Anti-Graffiti 46-2009 By-laws, staff are recommending that these by-laws be designated under the City's Administrative Monetary Penalties By-law 063-2019, and that penalties for failing to comply with their provisions be established.

Recommendations

1. THAT the City's Encroachment By-law 034-2017 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$400 for every offence;
2. THAT the City's Nuisance By-law 195-2000 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the

- Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$450 for every offence;
3. THAT the City's Sign By-law 140-2018 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$400 for every offence;
 4. THAT the City's Waste Collection By-law 135-2017 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$350 for every offence;
 5. THAT the City's Anti-Graffiti By-law 46-2009 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$400 for every offence; and
 6. THAT the City's Administrative Monetary Penalties By-law 063-2019 be amended by adding the above by-laws as designated by-laws, with no other material changes to the By-law, and in a manner satisfactory to the City Solicitor.

Background

The administrative monetary penalties program was established in Vaughan in 2009. The main aim of the program was to divert minor by-law matters from the court system to a municipal adjudicatory system, governed by legislation, specifically O. Reg. 333/07 under the *Municipal Act, 2001*, and implemented through by-law. The City's program began with its Parking By-law, followed by its Business Licensing By-law. Nearly a decade-and-a-half later, Administrative and Monetary By-law 063-2019, governs how the City of Vaughan adjudicates matters for all by-laws designated under the program, which currently encompasses twenty-two regulatory by-laws. This enables enforcement officers to issue administrative monetary penalties for violations of those by-laws. Monetary penalties have proven an effective tool in enforcement and as such staff are proposing that additional by-laws be designated under Administrative and Monetary By-law 063-2019.

Previous Reports/Authority

- [Administrative Monetary Penalties By-law](#) (approved by Council on May 1, 2019)
- [Nuisance By-law](#) (approved by Council on May 23, 2000)
- [Encroachment By-law](#) (approved by Council on April 19, 2017)
- [Sign By-law](#) (approved by Council on June 19, 2018)
- [Waste Collection By-law](#) (approved by Council on October 24, 2017)
- [Anti-Graffiti By-law](#) (approved by Council on March 23, 2009)

Analysis and Options

Staff propose to designate the following City by-laws under the City's Administrative Monetary Penalties By-law 063-2019:

- Sign By-law 140-2018;
- Nuisance By-law 195-2000;
- Encroachment By-law 034-2017;
- Waste Collection By-law 135-2017; and
- Anti-Graffiti By-law 46-2009.

In this way, matters can be brought to adjudication and disposed of in a much more efficient and quick way. This in effect will give Enforcement Services the authority and ability to use such tools, if required, and to more effectively achieve compliance.

The proposed penalty amounts correspond to the existing fines under the *Provincial Offences Act*. The administrative penalties are recommended as follows:

- 1) administrative monetary penalties for the non-compliance with Anti-Graffiti By-law - \$400.00;
- 2) administrative monetary penalties for the non-compliance with Nuisance By-law - \$450.00;
- 3) administrative monetary penalties for the non-compliance with Waste Collection By-law - \$350.00;
- 4) administrative monetary penalties for the non-compliance with Encroachment By-law - \$400.00; and
- 5) administrative monetary penalties for the non-compliance with Sign By-law - \$400.00.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report. At this time, it is difficult to assess the magnitude of the additional revenue as a result of these additional designated by-laws.

Operational Impact

There are no impacts to other departments as a result of the recommendations of this report. Staff expect that there will be an increase to the number of screenings and hearings and will monitor and advise through next year's budget process whether there may be any resource requirements.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

Staff are recommending to designate five existing by-laws under the City's administrative monetary penalties program, and to create penalties for failing to comply with these by-laws. This will provide Enforcement Services with a more efficient tool to effectively gain compliance with existing regulations.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachments

N/A

Prepared by

Kristina Palayeva, Regulatory Business Analyst, ext. 8721

Approved by



Gus Michaels, Deputy City Manager,
Community Services

Reviewed by



Nick Spensieri, City Manager