

THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: FINANCIAL MANAGEMENT AND REPORTING FOR THE ADMINISTRATIVE PENALTY SYSTEM (APS)

POLICY NO.: 05.C.03

Section:	By-Law & Compliance		
Effective Date:	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council	Policy Owner: DCM, Community Services DCM, Strategic Initiatives		

POLICY STATEMENT

The City of Vaughan utilizes the Administrative Penalties System (“APS”) system to resolve municipal by-law contraventions. APS is administered by the municipality and replaces the traditional Provincial Offences system, providing a faster, more cost effective, and citizen-focused option for dispute resolution.

The City has established financial management policies and procedures, supported by proactive planning, to guide its fiscal management. To maintain the integrity of the APS, all applicable financial management and reporting requirements must be adhered to. Financial accountability is ensured through regular, comprehensive, and transparent performance reporting and analysis, including routine updates on APS financial results and program efficiency.

PURPOSE

Ontario Regulation 333/07 made under the *Municipal Act*, 2001 S.O. 2001, c. 25, requires a municipality establishing an Administrative Penalty System to have a policy to address financial management and reporting.

The purpose of this policy is to provide guidance and establish financial management and the reporting and tracking of Administrative Penalties and fees.

This policy affirms that the City shall follow the existing corporate policies and procedures related to financial management and reporting.

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SCOPE

This policy applies to all financial management and reporting responsibilities and accountabilities regarding APS. All City employees and other persons responsible for the administration of the APS program shall comply with this policy.

This policy excludes all financial management and reporting responsibilities and accountabilities related to the Automated Speed Enforcement System. These responsibilities will be governed by separate policies and procedures established during the system's implementation.

LEGISLATIVE REQUIREMENTS

1. *Municipal Act*, 2001, S .O. 2001, c. 25, as amended, (the "Municipal Act").
2. *Highway Traffic Act*, R.S.O. 1990 c H.8.
3. Ontario Regulation 333/07: Administrative Penalties.

DEFINITIONS

1. **APS:** Administrative Penalty System.
2. **Administrative Fees:** Applicable fees relating to Administrative Penalties as provided in the City's Fees and Charges By-law.
3. **Administrative Penalty:** A penalty established under authority of the Municipal Act or the *Highway Traffic Act*.
4. **Automated Speed Enforcement System:** A system that consists of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a motor vehicle and determine and record the rate of speed at which the motor vehicle is travelling at the time the photograph is taken, which may be permanently or temporarily located on or adjacent to any highway.
5. **City Clerk:** The person appointed by Council as Clerk pursuant to Section 228 of the Municipal Act, or their designate.
6. **Contravener:** A Person who has contravened or allegedly contravened any provision of the Highway Traffic Act or a Designated By-law enacted by the City, or a Motor Vehicle Owner whose Motor Vehicle has been left parked, standing or stopped in Contravention of the Parking By-law or Motor Vehicle Owner whose Motor Vehicle has been involved in a speeding contravention under the Highway Traffic Act.

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- 7. Designated By-law:** A by-law or provision of a by-law that is designated under the APs By-law, as a by-law or provision of a by-law under which a contravention is subject to an Administrative Penalty, in accordance with the authorities granted under the Municipal Act and its Regulations and the provisions of the APs By-law and is listed in Schedule 1 attached to the APs By-law.
- 8. Director:** The Director of By-law & Compliance, Licensing & Permit Services of the City or their designate.
- 9. Hearing Officer:** A person appointed by the City Clerk pursuant to the APs By-law.
- 10. Issuing Officer:** A person authorized by the City to enforce this By-law, a Designated By-law, or the Highway Traffic Act.
- 11. Penalty Notice:** An Administrative Penalty issued for contravention of a Designated By-law.
- 12. Penalty Order:** An Administrative Penalty issued pursuant to the Highway Traffic Act, in relation to contraventions detected using Automated Speed Enforcement Systems.
- 13. Person:** Includes an individual or business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, to whom the context can apply according to law.
- 14. Screening Officer:** A person appointed by the Director pursuant to the APs By-law.

POLICY

1. GENERAL FINANCIAL MANAGEMENT AND REPORTING

- a. The City's budget preparation focuses on setting priorities based on the City's Strategic Plan, Council priorities, service delivery goals, standards, and past financial performance, while ensuring prudent financial management. Priority setting and budgeting with respect to APS shall be the responsibility of the Director.
- b. Through the process of current and capital financial management and reporting for APS, the Director shall:
 - i) Review and monitor the current year's actual, budgeted, and projected financial performance and operating results;

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- ii) Compare current program financial activity with past performance to identify trends, issues, and opportunities;
 - iii) Set priorities for maintaining and improving APS program service levels;
 - iv) Develop long-term plans for APS, including multi-year operating and capital budget analysis and projections;
 - v) Identify and mitigate factors affecting the APS budget and financial performance, such as inflation, fixed costs, and legislative requirements beyond the City's control;
 - vi) Comply with all corporate reporting standards and requirements in the City's financial management and reporting processes;
 - vii) Ensure all required financial signing authorities are established and followed by all staff involved in APS administration; and
 - viii) Comply with all City procurement policies and procedures related to APS.
- c. To facilitate priority setting and budgeting in accordance with Section 1 the City Clerk shall provide the Director with data on Hearings for consideration as part of the annual budget review process. This data may include, but is not limited to:
- i) Number of hearings held, categorized by type of Hearing;
 - ii) Hearings outcomes;
 - iii) Attendance records of Hearings Officers, Issuing Officers and staff;
 - iv) Hearing schedules;
 - v) Actual and projected budget for Hearing Officers;
 - vi) Administration costs for hearings, categorized by type of hearing; and
 - vii) Revenue related to hearings.

2. PAYMENT OF A PENALTY NOTICE OR PENALTY ORDER

- a. The Issuing Officer responsible for serving an Administrative Penalty is prohibited from accepting payment for the Administrative Penalty.

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- b. Screening and Hearing Officers are prohibited from directly accepting any payment from any Person in respect of a Penalty Notice.
- c. City employees must comply with corporate and departmental cash/payment handling procedures and financial reconciliation practices.
- d. Following the issuance of a Penalty Notice or Penalty Order; or decision from a Screening or Hearing Officer, a Person may make payment by using one of the following methods:
 - i) Online using Visa, Mastercard or American Express at: <https://payvaughanticket.com>. The Person may print or email a receipt of payment as proof of payment for their records.
 - ii) In person using Debit, Visa, Mastercard, American Express, cheque or money order at:

By-law and Compliance, Licensing and Permit Services
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

When making payment in person, the Person is provided with a receipt of payment for their records.
 - iii) By mail using cheque or money order only. The Penalty Notice or Penalty Order number must be written on the front of the cheque or money order and shall be made payable to "The Corporation of the City of Vaughan". A receipt is not provided when using this method of payment.
- e. Credit card and online payments are subject to a transaction fee.
- f. Payment is not considered made until received by the City. Persons must allow sufficient mailing time for payments to be received by the payment due date. Post-dated cheques or payment by installments are not accepted. Non-sufficient funds (NSF) cheques will be subject to an administrative charge.
- g. Upon receipt of a Penalty Notice or Penalty Order payment, a City employee will apply the payment to a specific Penalty Notice or Penalty Order in the City's penalty notice management system.
- h. A Person's credit card information is not kept by the City's system, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

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3. REFUND OF PAYMENT

- a. Refund of payments will only be provided in accordance with City by-laws, policies, procedures and applicable legislation.

4. ADMINISTRATIVE & APPEAL FEES

- a. Various Administrative and Appeal Fees may be payable by a Person with a Penalty Notice or Penalty Order as set out in the City's Fees and Charges By-law and the *Highway Traffic Act*. Where applicable, such fees shall be paid in addition to the Administrative Penalty.
- b. If a Person has paid an Administrative Fee for a Penalty Notice or Penalty Order, which is subsequently cancelled by a Screening or Hearing Officer, the City shall refund in full such Administrative Fees to the Person.
- c. If a scheduled Screening or Hearing is cancelled at the request of the Director or City Clerk, late payment or administrative fees will not be incurred until the appeal is rescheduled and a Screening or Hearing Officer makes a decision on the appeal.

5. IMPLEMENTATION & COMPLIANCE

- a. This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees involved in the enforcement and administration of APS and all current and new employees, with the potential for interaction with the APS program.
- b. Procedures may be defined by the Director to address specific implementation of this policy.
- c. Any contravention of this Policy shall be brought to the attention of the Director.
- d. In cases of Policy violation, the Director may investigate and determine appropriate corrective action.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years If other, specify here	Next Review Date:	Click or tap to enter a date.
Related Policy(ies):			

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Related By-Law(s):	010-2023 – Fees and Charges, 240-2024 Administrative Penalties (“APs”) By-law
Procedural Document:	
Revision History	
Date:	Description:
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