

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 15, 2022**

Item 8, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 15, 2022.

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#### **8. AMENDMENTS TO ADMINISTRATIVE MONETARY BY-LAW**

**The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Community Services, dated February 8, 2022:**

##### **Recommendations**

1. That the recommendations in Attachment 1 of this report be adopted in their substantive form; and
2. That all by-law amendments brought before Council for approval be in a form satisfactory to the City Solicitor.

## Committee of the Whole (2) Report

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**DATE:** Tuesday, February 8, 2022

**WARD(S):** ALL

**TITLE:** AMENDMENTS TO ADMINISTRATIVE MONETARY BY-LAW

**FROM:**

Gus Michaels, Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

This report seeks approval for a number of housekeeping amendments to the Administrative Monetary By-law, including language that clarifies that reduced penalty amounts revert back to the original amount when not paid on time, language that clarifies the application of time frames, and other administrative matters.

**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.
- The recommendations in this report are intended to add further clarity for the public with respect to the reduction of penalty amounts, the application of time frames, and other administrative matters.

**Recommendations**

1. That the recommendations in Attachment 1 of this report be adopted in their substantive form; and
2. That all by-law amendments brought before Council for approval be in a form 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 (at the time, parking

tickets) 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 Administrative and Monetary By-law, 063-2019, governs how the City of Vaughan adjudicates matters for all by-laws designated under the program. Currently, there are thirteen by-laws that are designated under the program.

The by-law outlines how penalty notices are served, describes a contravener's options (i.e., pay or dispute) and lays out the process for screenings and hearings. It also stipulates a contravener's responsibilities with respect to scheduling screening appointments and paying penalties and other applicable fees (such as late fees and fail-to-attend fees), and it sets out the City's remedies when amounts go into default.

Through ongoing application, staff come across instances that suggest better ways of clarifying both process and a contravener's responsibilities, using more transparent and accessible language.

### **Previous Reports/Authority**

[Administrative and Monetary Penalties By-law 063-2019](#) (consolidated), approved by City Council on May 1, 2019.

[Item No. 26 of Report No. 27 of the Committee of the Whole](#), approved by City Council on September 27, 2018.

### **Analysis and Options**

There are two main recommendations in this report that require a number of technical amendments to ensure consistency of language across the by-law. The first pertains to the application of time frames. Contraveners are required to either pay or dispute penalty notices within 15 days of service, as defined in the by-law. One amendment proposed ensures that the point of reference for time frames be the date of service, which can vary – e.g., service being the same day for a parking ticket that is placed on the windshield of a vehicle, but being five days after from the date of mailing if served by post mail. Related to this issue is the matter of expiry, which is generally based on 15 day blocks. When a penalty notice is served, contraveners have 15 days to either pay or dispute. Once a penalty notice is affirmed, contraveners have 15 days to pay before late fees are applied. Finally, once late fees have been applied, contraveners have an additional 15 days to pay both the penalty notice and added fees before the matter is sent to the Ministry of Transportation for a plate denial. These time frames can be complicated for contraveners when a deadline falls on a non-business day. Staff are proposing amendments that would provide greater clarity around how deadlines are applied.

The second recommendation pertains to the rules with respect to penalty reductions, which may be granted by a Screening Officer or Hearings Officer. Current language in the by-law infers that a reduced penalty amount that is not paid on time shall be deemed affirmed and become a debt to the City. An administrative monetary penalty, as defined, is a monetary penalty as set out in a designated by-law (and thus at the amount prescribed by such by-law). Thus, once it has been affirmed due to failure to pay, the penalty is considered to be at the original amount. This process is in line with established practice since the introduction of AMPs and is also in line with common administrative court protocols. For greater transparency, staff are proposing to introduce explicit language that indicates that any reduced penalty that is not paid on time reverts back to its original amount.

In addition, staff propose to add language to clarify the process for seeking relief under the by-law's hardship conditions as well as to clarify the requirements for a contravener's authorized agent.

### **Financial Impact**

There is no financial impact to the City's budget as a result of the recommendations of this report.

### **Broader Regional Impacts/Considerations**

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

### **Conclusion**

The recommendations in this report are expected to provide further precision and clarity to the language in the Administrative and Monetary Penalties By-law and thus make it more transparent and accessible to the public. This meets Council Good Governance strategic priority by improving transparency and accountability.

**For more information**, please contact: Gus Michaels, Deputy City Manager, Community Services, ext. 8735

### **Attachments**

1. Proposed Amendments to Administrative Monetary Penalties By-law

### **Prepared by**

Rudi Czekalla-Martinez, Manager, Policy and Business Planning, ext. 8782

**Approved by**

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels,  
Deputy City Manager,  
Community Services

**Reviewed by**

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager

### **Proposed Amendments to the Administrative Monetary Penalties By-law**

1. Amend section 4.0(4) and 4.0(5), which speak to service of penalty notices, by clarifying when service is deemed to have occurred.
2. Add section 5.0(6.1) to clarify that an authorized agent may appear or communicate on a contravener's behalf as long as it is done in a manner satisfactory to the Director.
3. Amend section 5.0(7) to simplify the language of the section, without changing meaning or intent.
4. Add section 5.0(7.1) to clarify that a contravener seeking relief under the by-law's hardship provisions must provide proof of such circumstances and that the Screening Officer, in order to permit the submission of such proof, may adjourn and reserve his or her decision.
5. Add section 6.0(5.1) to mirror the authorized agent provisions of 5.0(6.1).
6. Amend 6.0(6) to clarify that the Hearing Officer may cancel, affirm or vary the decision of the Screening Officer.
7. Replace section 8.0(9) with two new section: section 8.0(9), which is to speak to reduced penalty notices not paid on time reverting back to the original amount; and section 8.0(10), which is to speak to affirmed penalty notices becoming debts to the City and the City having the recourse to file a certificate of default in court in order to enforce payment.
8. Add Part 9.1 – Administrative Matters, which shall include sections to:
  - (a) clarify how due dates for making payments and requesting disputes are determined;
  - (b) clarify fees for dishonoured payments; and
  - (c) establish the rules around due dates when such dates do not fall on a business day.