

**DATE:** September 13, 2021

**REPORT NO:** PD-108-2021

**SUBJECT:** Recommendation Report - Approval of a new by-law: Non-Parking Administrative Penalty By-law

**CONTACT:** Brian Treble, Director of Planning & Building  
Tiana Dominick, By-law Enforcement Officer

**OVERVIEW:**

- **Currently, the Township of West Lincoln uses Provincial Offences Court for the judicial process of non-compliance with our municipal by-laws. This process can take months to years, and is completed through utilizing our Township legal counsel, and issuing a Part III Notice; ultimately summoning the defendant.**
- **The Administrative Monetary Penalty System, also known as “AMPS,” is legislated under the Municipal Act, 2001, and is used for the Parking By-law 89-2000. AMPS is a faster, more flexible process for payment, appeal, and collection of penalties as it completely avoids the court setting, and has been proven to be a more effective method of enforcement.**
- **Many surrounding municipalities are transferring their prosecution method for all municipal by-laws from Provincial Offences Court to the Administrative Monetary Penalty System in order to streamline the process, and to establish a more customer service focused approach while also holding defendants accountable by issuing a monetary penalty notice immediately upon identifying the violation.**

**RECOMMENDATION:**

1. That, Report PD-108-2021, regarding “Recommendation Report - Approval of a new Non-Parking Administrative Monetary Penalty By-law”, dated September 13<sup>th</sup>, 2021, be RECEIVED; and,
2. That, a by-law be adopted at Council with multiple short form schedules in the form found at attachment 1 to this report including Clean Yards, Site Alteration, Boulevard, Swimming Pool, Sign, with potentially more amendments in the near future.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #2 and 3**

- **Support for Business and Employment Opportunities for residents**
- **Strategic, Responsible Growth**

## **BACKGROUND AND CURRENT SITUATION:**

Currently, the Township of West Lincoln only uses AMPS for parking enforcement. Other by-laws such as Clean Yards, Property Standards, and Site Alteration are prosecuted through the Provincial Offences Court process with the assistance of Township legal counsel.

The Administrative Monetary Penalty System (AMPS) is a faster, more flexible process for payment, appeal, and collection of penalties. AMPS can replace the judicial appeal process, avoiding the Provincial Offences court process which can take months to years. In Ontario, the use of municipal AMPS is legislated under the Municipal Act, 2001. This measure was introduced to assist the over-burdened courts by streamlining the process and allowing municipalities to handle their by-law infractions internally.

With AMPS replacing our current judicial process for laying Provincial Offence charges, valuable court time will be freed up and utilized by the courts for more serious matters. Presently, with COVID-19 enforcement, it is even more likely that the Provincial court system will reveal long waiting times for alternate municipal matters as they navigate through new legislation with no precedents, brought on by the coronavirus pandemic. The AMPS process can also provide the public with greater flexibility as to where, when and how they can interact with our Township in resolving their violations and penalty notices, creating a more streamlined, customer-focused service approach.

The penalty notice (similar format to a parking ticket) is issued to the registered owners on the tax roll. The reason for this is that all property owners are responsible for what occurs on their property. If only one person receives a penalty notice, a reasonable defense is that the other owner was responsible. The ticket may be served via. in person, through regular mail or registered mail to the individual's last known address, by facsimile (fax) to the individual's last known transmission number, by email to the individual's last known email address, or on a vehicle (if parking enforcement related). The recipient of the penalty notice has two options: to either voluntarily pay the fine, or to proceed with a screening with a Screening Officer.

After 15-days post issuance, a late fee and letter is then sent out. There will then be 30 days to pay in full at that point. This is the same process as parking tickets. If still not paid, then the penalty can be added to the municipal tax roll and is collected in this matter. These penalties are also considered a priority lien, meaning if the property sells, the municipality will be paid for the taxes and these penalties.

## **FINANCIAL IMPLICATIONS:**

Schedule "A" of the said by-law institute an administrative monetary penalty, which would likely cover the administration of the by-law. Furthermore, defendants are subject

to late fees, hearing fees, and screening fees. There will be a small fee to have additional ticket books printed for the enforcement of the by-law. Staff have sourced a supplier who can customize 50 perforated, carbonless ticket books for the price of \$219.00 + HST.

**INTER-DEPARTMENTAL COMMENTS:**

Township Planning and By-law Enforcement staff have had discussions about this report, as well as staff from the Clerk's Department, Public Works Department and Township legal counsel.

**CONCLUSION:**

Ultimately, staff recommend that a Non-Parking Administrative Monetary Penalty By-law (AMPS) be enacted to transfer the prosecution of enforcement from Provincial Offences Court to AMPS, an internal process which creates a more streamlined, customer service approach- while also holding defendants accountable through the issuance of a penalty notice.

**ATTACHMENTS:**

1. Draft By-law - Non-Parking Administrative Monetary Penalty By-law (AMPS) and corresponding Schedules
2. Draft of the proposed Penalty Notice format

**Prepared & Submitted by:**



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**Tiana Dominick**  
**By-law Enforcement Officer**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**