

**DATE:** April 22, 2025

**REPORT NO:** LLS-03-2025

**SUBJECT:** **Recommendation Report  
Property Standards and Administrative Monetary Penalties By-law Amendments**

**CONTACT:** Tim Carr, By-law Enforcement Officer  
Jessica Dyson, Director, Legal and Legislative Services

**OVERVIEW:**

- Administration is recommending by-law amendments to the Township's Property Standards By-law and the Township's Administrative Monetary Penalties By-law.
- An update to the Property Standards By-law is recommended to specifically prohibit the discharge of sump pumps and roof drains directly into Township ditches, as roadside ditches are not designed or intended for those direct flows. There are a number of ongoing issues that the Township's Operations and By-law Divisions have been made aware of.
- The Township currently uses the Administrative Monetary Penalty System (AMPS) under Non Parking AMPS By-law (No. 2021-84) for most of the Township's by-laws. The following amendment recommendations are being brought forward:
  - o Amending the Township's AMPS By-law (No. 2021-84) to **add** the following by-laws to the penalty system:
    - By-law 98-105 Property Standards,
    - By-law No. 2017-129 Fence By-law,
    - By-law No. 78-13 Fouling of Township Roads,
    - By-law No, 2008-34 Regulation of Parks and Facilities
    - By-law No, 2013-51 Public Nuisance By-law
  - o Including an addition to the financial administration section of the Township's AMPS By-law (No. 2021-84), that states administrative penalty be added to the tax roll for any property in the local municipality.
  - o Amending Schedules "B", "C", "D", "E", "F", "H" to By-law 2021-84, being the Administrative Monetary Penalty System (AMPS) (Non-Parking) Penalty By-law, to include an administrative penalty that "Interferes with/obstruct an Officer in performance of their duty"

## RECOMMENDATION:

1. That, Recommendation Report LLS-03-2025, titled “Property Standards and Administrative Monetary Penalties By-law Amendments”, dated April 22, 2025 be received; and,
2. That, an amending by-law as found in Schedule “A” to this report, be passed to amend the Township of West Lincoln Property Standards By-law (No. 98-105); and,
3. That, an amending by-law as found in Schedule “B” to this report, be passed to amend the Township of West Lincoln Administrative Penalties for Non-parking By-law (No. 2021-84)

## ALIGNMENT TO STRATEGIC PLAN:

**Build** – a safe, connected, caring and active community.

**Advance** – organizational capacity and effectiveness.

## BACKGROUND:

### *Property Standards By-law Update:*

By-law Services has been responding to ‘Report a Concern’ submissions from residents, as well as internal inquiries from Operations staff in the past, regarding the regulations of sump pumps/roof drainage regulations. Administration has concern that having sump pumps/roof drainage discharging into the municipal ditches can overflow the ditches as they are not designed to handle such an influx of water.

### *Administrative Monetary Penalty (AMPS) Update:*

Currently, the Township of West Lincoln uses Administrative Monetary Penalty System (AMPS) for parking enforcement and enforcement of a number of other Township’s By-laws. Five by-laws are excluded from AMPS and are currently prosecuted through the Provincial Offences Court process with the assistance of Township legal counsel.

## CURRENT SITUATION:

### *Property Standards By-law Update:*

Currently, By-law Services has dealt with these concerns in the past by using the “neighboring property” regulation within section 2.28.3 of the Township’s Property Standards By-Law (No.98-105), due to the municipal lands being Township property and not owned by the homeowner. To further clarify that neighboring property also includes municipal property and right of ways, Administration is proposing to add “municipal lands” to the prohibitions on where sump pumps/roof discharge can be clarified to staff and residents. This would also simplify enforcement measures as the by-law would clearly state that discharging into a municipal ditch is prohibited. This proposed amendment is included in the draft amendment by-law to the Property Standards By-law (No. 98-105), attached as Schedule “A” to this report.

### *Administrative Monetary Penalty (AMPS) Update:*

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 or years. In Ontario, the use of municipal administrative penalties is legislated under section 434.1 of 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. Consolidating Townships By-laws to be enforced in the same manner helps advance organizational effectiveness by using a more streamlined process.

In order to continue to advance the organizations effectiveness by using a more streamlined process, administration is recommending including five additional designated by-laws, or portions thereof, through the administrative monetary penalty system. Administration is proposing that the Township's Administrative (Non-parking) Penalty By-law (No.2021-84), be amended to added the following by-laws, which are included in the draft amendment by-law to the Administrative (Non-parking) Penalty By-law (No.2021-84), attached as Schedule "B" to this report:

- By-law 98-105 Property Standards,
  - Proposed - Schedule "J" to By-law 2021-84
- By-law No. 2017-129 Fence By-law,
  - Proposed - Schedule "K" to By-law 2021-84
- By-law No. 78-13 Fouling of Township Roads,
  - Proposed - Schedule "L" to By-law 2021-84
- By-law No, 2008-34 Regulation of Parks and Facilities
  - Proposed - Schedule "M" to By-law 2021-84
- By-law No, 2013-51 Public Nuisance By-law
  - Proposed - Schedule "N" to By-law 2021-84

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 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).

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. Administration is recommending an addition to section 8.0 "financial administration" of the Township's Administrative (Non-parking) Penalty By-law (No.2021-84), to be consistent with operational processes, that includes administrative penalty be added to the tax roll for any property in the local municipality, as outlined in section 434.2(2) of the *Municipal Act*.

Administration is also recommending amending the current Schedules “B”, “C”, “D”, “E”, “F”, “H” to By-law 2021-84, being the Administrative Monetary Penalty System (AMPS) (Non-Parking) Penalty By-law, to include the following administrative penalty:

*“Interfere with/obstruct an officer in performance of their duty”*

This proposed amendment is included in the draft amendment by-law to the Administrative (Non-parking) Penalty By-law (No.2021-84), attached as Schedule “B” to this report.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications to the Township of West Lincoln in regards to the Property Standards by-law amendment.

The AMPS by-law institutes 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. Moving away from the Provincial Court system for By-law Enforcement will also result in lower costs, due to less legal counsel involvement required, as well as less staff time. Using AMPS for the enforcement of Township by-laws is a more efficient and cost-effective manner to obtain compliance.

### **INTER-DEPARTMENTAL COMMENTS:**

This report has been reviewed with Operations and Infrastructure Department regarding the amendment to the Property Standards By-law and drainage into Township ditches. This report has also been reviewed by the Director of Corporate Services/CFO, the Director of Growth and Sustainability, Legal Counsel, and the CAO.

### **CONCLUSION:**

Administration is recommending an amendment to Section 2.28.3 of By-law No. 98-105 (Property Standards By-law). The amendment would be to add “municipal lands” to the prohibited areas that a sump pump or roof drainage can discharge.

Administration is also recommending that the remaining Township By-laws which can be enforced through AMPS be added to By-law No. 2021-84 Non-Parking Administrative Monetary Penalty By-law (AMPS) to finalize the transfer the prosecution of enforcement from Provincial Offences Court to AMPS, where possible; and to create an internal process which creates a more streamlined, customer service approach, while also holding defendants accountable through the issuance of a penalty notice. This may not work in all instances, but is proposed as a first step for challenging enforcement files in hopes of more immediate compliance.

**SCHEDULE:**

**Schedule A** – Draft By-law Amendment 2025-XX - to amend Property Standards By-law 98-105

**Schedule B** - Draft By-law Amendment 2025-XX – to amend Administrative (Non-parking) Penalty By-law 2021-84

**Prepared & Submitted by:**

**Approved by:**

**Tim Carr**  
**By-law Enforcement Officer**

**Truper McBride**  
**CAO**

**Jessica Dyson**  
**Director, Legal and Legislative Services**