

COMMITTEE OF THE WHOLE (WORKING SESSION) – MARCH 9, 2009

ADMINISTRATIVE PENALTIES

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, recommends:

- 1) That the implementation of a system of Administrative Penalties be approved;
- 2) That appropriate public notice of the proposed by-law amendments be provided prior to the summer hiatus; and
- 3) That Council identify a committee of Council members to interview and recommend suitable candidates for the position of Hearings Officer.

Economic Impact

The one time Capital costs to implement an Administrative Penalties system in the City of Vaughan is \$110,000. These funds are for software upgrades to existing systems, \$63,000, and required hardware, \$45,000. These funds are included in the 2009 Capital Budget for approval.

The ongoing impacts to the Operating Budget to operate the Administrative Penalties system are expected to be \$35,000. These funds are included in the 2009 Operating Budget for approval.

It is expected that the costs to implement and operate this system will be completely offset by revenue within the first year.

Communications Plan

An extensive communication strategy will be developed as part of the project and is attached to the report (Attachment #1).

Purpose

This Report is to provide additional information related to the implementation and requisite by-laws for the Administrative Penalties system.

Background - Analysis and Options

Council, at its meeting of November 10, 2008, Item 3, Report 52, approved the recommendation regarding Administrative Penalties:

"That the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated October 28, 2008, be received and referred to staff for a further report to be brought forward to a Committee of the Whole meeting for consideration.."

Administrative Penalties are an alternative to the traditional method of issuing *Provincial Offences Act* tickets to enforce the Parking and Licensing By-laws.

Bill 130, the *Municipal Statute Law Amendment Act, 2006* amended the *Municipal Act* to permit municipalities to establish a system of Administrative Penalties. This amendment also allows a municipal council to delegate its quasi-judicial and administrative functions to individuals approved by Council.

Under a system of Administrative Penalties, an Officer will issue a Penalty Notice to an alleged offender. The penalty becomes a debt owed to the City. The recipient of the penalty may contest the penalty to a Screening Officer and then a Hearing Officer, both of whom are appointed by Council. Court is not an available option as the Hearing Officer's decision is final.

It is estimated that there are approximately 1,800 parking tickets with a face value of \$180,000 awaiting trial at Provincial Offences Court. Due to the lack of Court time to hear these trials, most may be dismissed for delay. Similarly, there are close to 200 licensing charges pending trial with potential fines of \$75,000. These too are in danger of being lost due to the amount of time it takes to get the matters before a Justice of the Peace. Generally speaking, delays for trials are ranging from 10-24 months.

- **Project Benefits**

This project will generate a number of positive enhancements including increased customer service and increased administration of justice. The project benefits are outlined below.

- a) **Increased Service to Citizens**

- Both the First Attendance (Screening Officer) and the Hearing components of the process are located in Vaughan. This eliminates the need for defendants to drive to either Newmarket or Richmond Hill to have their matters heard.
- The public will have their matters dealt with in an expeditious fashion, normally within a few weeks versus many months, or years.
- This initiative brings the City of Vaughan closer to the model of other municipalities in the GTA (excluding York Region) that have their own municipal courts. This will reduce the reliance on the Region for some less serious matters.
- Removing parking and licensing from the Provincial Offences Court docket frees up additional court time so that citizens will have other matters of concern dealt with in a more efficient and timely manner. This will allow the City to more effectively deal with such other enforcement matters.

- b) **Increased Administration of Justice**

- The public interest is not well served having trial matters waiting in queue for up to 24 months for a trial date. This will result in these matters being quashed due to the length of time between charge and trial, which increases customer and staff frustration. This process will allow hearings to occur within weeks of the offence date, resulting in a more streamlined and efficient offence dispute resolution process.
- The court time that will be able to be re-allocated as a result of the removal of most of the parking and licensing matters for the court schedule will allow more serious matters such as Building Code or Fire Code charges to be dealt with faster. This will result in the decision (and penalty if there is a finding of guilt) to be handed down more quickly, potentially increasing compliance.

- c) **Reduced Environmental Impacts**

- As a result of the parking and licensing matters being dealt with, through First Attendance to Hearing, in Vaughan, the defendant, staff, and any other witnesses will not have to drive the distance to Newmarket or Richmond Hill, therefore reducing the consumption of fuel and carbon emissions.

d) Revenue Timeliness

- While it is not expected to increase revenues through the issuance of more tickets or increased fines, there is a benefit to the Administrative Penalties in that less fine revenue is lost through delays in the prosecution and collection by the courts.
- Under the Administrative Penalties system, the penalty is a debt owed to the City and there are stronger collection powers available to the City to pursue payment. The powers include, but are not limited to, license plate denial for parking offences, to business license suspensions.

- **Administrative Penalty By-laws**

When establishing Administrative Penalties for parking matters, the *Municipal Act* requires that a municipality implement a series of policies and procedures. Although there is no corresponding requirement for licensing Administrative Penalties, it is recommended that such a system closely mirror the requirements for parking. The requisite policies and procedures include:

- Guidelines for Conflict of Interest
- Financial Management and Reporting
- Public Complaints
- Extension of Time for Payment
- Extension of Time to Request a Review
- Prevention of Political Interference
- Relief from Undue Hardship

To effectuate the majority of these policies and procedures, and to create the actual Administrative Penalty Systems, it is recommended that three by-laws be passed: a By-law amending the Licensing By-law, a By-law amending the Parking By-law, and a By-law that creates the position of a Screening Officer and Hearings Officer.

a) Licensing and Parking By-laws

The processes under the Licensing and Parking Administrative Penalty Systems will be substantially identical. When a By-law Enforcement Officer witnesses a contravention of the relevant By-law, the By-law Enforcement Officer may issue a penalty notice to the alleged offender. In the case of a licensing infraction, the set penalty will be \$350. With parking matters, the set penalty will range between \$25 and \$100, depending on the infraction.

Once the offender receives the penalty notice, the offender will have 15 days in which to either pay the penalty or request a review of the penalty notice. If no action is taken within these 15 days, the offender will have an additional 15 days to request an extension to review, provided that he or she establishes that there are extenuating circumstances that warrant granting the extension. If nothing is done in the 30 day period after which the penalty notice is given, the penalty is deemed to have been affirmed.

A Screening Officer is responsible for reviewing the penalty notice. The Screening Officer is similar to a First Attendance Adjudicator in the Provincial Offences context. In reviewing the penalty notice, the Screening Officer will hold a meeting with the offender, and will either affirm, vary, or cancel the penalty. The Screening Officer may cancel or vary the penalty if the offender establishes that he or she did not commit the infraction, or if the penalty would cause undue hardship.

The offender may appeal the Screening Officer's decision to a Hearings Officer within 15 days of being notified of the decision. The offender will have an additional 15 days to request an extension to appeal, provided that he or she is able to demonstrate that there are extenuating circumstances that warrant granting the extension. If nothing is done in the 30 day period after which the offender is notified of the Screening Officer's decision, the decision is affirmed.

The Hearings Officer will hold a Hearing where the offender is given an opportunity to be heard. At the conclusion of the hearing, the Hearings Officer may either affirm the penalty notice, or cancel or vary the penalty notice only if the offender establishes that he or she did not commit the infraction, or if the penalty would cause undue hardship. The decision of the Hearings Officer is final.

Where an administrative penalty is not paid by 15 days after it became due and payable to the City, the City may adopt enforcement measures to collect the penalty. In the case of a licensing infraction, the City may commence legal proceeding in court to collect the penalty, or suspend or revoke the business license of the offender. With respect to the parking infractions, the City may obtain a certificate of default and inform the Registrar of Motor Vehicles of the default so that vehicle permits are not validated.

Staff are also recommending that the City adopt the following administrative fees as part of the Administrative Penalty process:

Each late payment of an administrative penalty	\$50
Each failure to attend hearing before Screening Officer or Hearings Officer	\$100
Documentation Fees	
- Plate Denial	\$35
- Civil Filings	\$150
- Copy of Charges	\$15 (per)

An amendment to the City's General Fees and Charges By-law is necessary to effectuate these changes.

Attached as Attachment #2 and #3 respectively are the draft Licensing By-law Amendment and the draft Parking By-law amendment.

b) Screening Officer and Hearings Officer By-law

It is also recommended that the City pass a By-law that creates the position of Screening Officer and Hearings Officer. This By-law would require Council to appoint appropriately qualified individuals to the positions of Screening Officer and Hearings Officer. With respect to the Screening Officer, it is anticipated that Staff will be recommending current Staff to be the Screening Officer (and alternates). With respect to the Hearings Officer, Staff are recommending that Council create a committee of Council members to interview suitable candidates and recommend a candidate to Council for the Hearings Officer position.

This By-law will prohibit Members of Council and their relatives from being appointed Screening Officer. It will also prohibit employees, Members of Council, and their relatives from being appointed as Hearings Officer. The term "relative" has the same meaning as found in the City's Hiring and Nepotism Policy No. 05.5.17. These provisions will prevent the appearance of conflicts of interest.

This By-law will also make it an offence for any person to communicate with the Screening Officer or Hearings Officer for the purpose of influencing their decision. This will address the political interference requirements of the *Municipal Act*.

Attached as Attachment #4 is the draft Screening and Hearings Officer By-law.

c) Policies not codified into By-laws

Policies relating to Financial Management and Public Complaints are being developed. Also, Staff will adopt standing operating procedures to deal with these issues prior to the final implementation of the Administrative Penalty System.

- **Project Timelines**

The vendors have advised that they require 6 – 8 weeks to deliver their products to Vaughan, and the ITS Department will need a week or two to test the product. As the vendors are unable to commence their work until the 2009 Capital Budget is approved, presumably on April 7, 2009, the earliest implementation date of this program will be August 1, 2009. Earlier reports had indicated that the launch date could be June 1, 2009, but this is no longer possible. The remaining major steps in the project are outlined in the table 1.1 below, with a target completion date.

Table 1.1
(March – July 2009)

Identified Task	Responsible Dept
Software Modifications	External Vendor
Software Testing	External/ITM
Ticket Design and Order	Enforcement/External
Ticket Machine/Hardware Acquisition	External
Staff Training Manual	Enforcement
Collection Protocols	Enforcement/Finance
Communication Strategy	Corp Comm/Enforcement
Retain Hearing Officer	Enforcement/HR
Establish Hearing Schedule	Enforcement
Bylaws Approved	Council
Update Departmental Website	Corp Comm/Enforcement
Establish New Revenue Accounts	Finance
Re-allocation of court time	Region/Legal/Enforcement

Although the majority of the work thus far has been performed by Enforcement Services staff, the stakeholders and departments listed above will be requested to provide support to complete the outstanding tasks in Table 1.1

Relationship to Vaughan Vision 2020

This project is in keeping with the Vaughan Vision in that it speaks to Enhancing Productivity, Cost Effectiveness and Innovation ; Pursuing Excellence in Service Delivery; and, Enhancing and Ensuring Community Safety, Health & Wellness

Regional Implications

As the Region operates the Courts used by the City to prosecute our by-law matters, they will be involved in the re-allocation of court time.

Conclusion

The project to implement a system of Administrative Penalties has developed well and is now at the stage where final approvals are required to permit the ordering of equipment and to commence the process of retaining the services of a Hearings Officer in time for an August 1 launch date.

Attachments

1. Communications Strategy
2. Draft Licensing By-law Amendment
3. Draft Parking By-law Amendment
4. Draft Screening and Hearings Officer By-law

Report prepared by:

Tony Thompson, Director, Enforcement Services
Rick Girard, Managing Supervisor, Enforcement Services
Chris G. Bendick, Solicitor

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services
and City Solicitor

Tony Thompson
Director of Enforcement Services

ADMINISTRATIVE PENALTIES COMMUNICATIONS STRATEGY

Feb.10. 2009

PROJECT LEAD

Rick Girard, Managing Supervisor, Enforcement Services

OBJECTIVES

1. Communicate the rationale for introducing Administrative Penalties.
2. Gain public acceptance for the switch from the current court-based system.
3. Address any issues through identification of potential public concerns (e.g. fairness)

TARGET AUDIENCES

External –

Public
Media
Business Community

Internal –

City staff

KEY MESSAGES

1. APS is a fair, efficient and modern system.
2. The existing court-based system is inefficient, due to delays.
3. This new system helps ensure community safety.

OVERVIEW OF COMMUNICATION CHALLENGES

1. There may be the perception that taking the process of administering such penalties out of the courts is unfair. There is a need to clearly communicate the fairness of the system (e.g. the dismissal of legitimate fines due to court delays is unfair).
2. It is important to communicate any exceptions to the system, especially offences related to disabled parking being prosecuted under the *Provincial Offences Act*.
3. There is the potential for this being seen as a money-grab that also involves the hiring of another bureaucrat. Communications have to stress the efficiency and fairness of the system.
4. While we should communicate the financial value to the city as a productivity measure, this needs to be done in the context of the greater good of public protection against consequence-free law-breaking (parking and licensing infractions are violations and not being punished for them can lead to community disrespect for law itself).
5. We should communicate that other municipalities are also adopting the administrative system.

ACTION STEPS

ACTIVITY	DESCRIPTION	DATES
Website content	FAQs, Backgrounder, Fact Sheet on AMPS (role of Hearing Officer, process of AMPS, etc.)	TBD
Printed materials	Gatefold brochure for community facilities, libraries, bylaw office and post to website.	TBD
Media	Media Advisory and News release on APs, release simultaneous with website launch.	TBD
Other media opportunities	Business media: Business Community News on Vaughan Chamber of Commerce site. Brief article in Business Link with website link. VBEC E-Blast notice with link to new website	TBD
Other communications opportunities	City Update, City Page (run for a few issues, with link to website) Councillor newsletters (with link to website)	TBD

PERFORMANCE MEASUREMENTS

- Monitor media coverage
- Track website visits
- Track telephone inquiries

THE CITY OF VAUGHAN

BY-LAW

DRAFT

BY-LAW NUMBER -2009

A By-law to further amend Licensing By-law 315-2005, as amended, to provide for a system of administrative penalties.

WHEREAS section 151(1)(g) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to a conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any part of a system of licenses established by the municipality

AND WHEREAS the Council for The Corporation of the City of Vaughan, after holding a public meeting on _____ to consider public input on proposed amendments, considers it desirable and necessary to further amend Licensing By-law 315-2005, as amended, to provide for a system of administrative penalties and administrative fees as an additional means of encouraging compliance with the Licensing By-law

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Section 2.1 of Licensing By-law 315-2005, as amended, (the "Licensing By-law") is hereby amended by adding the following definitions in alphabetical sequence:
"Hearings Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.
"Screening Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.
2. Section 6.1(c) of the Licensing By-law is hereby amended by replacing the phrase "compliance with this By-law or with any other requirement or prohibition imposed by any other law; or" with the phrase "accordance with the law or with honesty and integrity".
3. Section 6.1 of the Licensing By-law is hereby amended by adding the following section:

k) Where the applicant or licensee has failed to pay an administrative penalty imposed in accordance with this By-law.

4. The following section is hereby added to the Licensing By-law:

8.0 ADMINISTRATIVE PENALTIES

- (1) Every person that contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with this section, be liable to pay to the City an administrative penalty in the amount of \$350.
- (2) A Licensing Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.
- (3) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - i. Particulars of the contravention;
 - ii. The amount of the administrative penalty;
 - iii. Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - iv. A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt to the City.
- (4) No Licensing Officer may accept payment in respect of the administrative penalty.
- (5) A person who receives a penalty notice may request a review of the administrative penalty by the Screening Officer within fifteen days after the penalty notice was given to the person.
- (6) A person may request that the Screening Officer extend the time to request a review within thirty days after the penalty notice was given at which time the administrative penalty shall be deemed to be affirmed.
- (7) The Screening Officer may extend the time to request a review of an administrative penalty where the person demonstrates extenuating circumstances that warrant the extension of time.
- (8) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or the Screening Officer may cancel, reduce, or extend the time for

payment of the administrative penalty, including any late payment administrative fees, on the following grounds:

- i. Where the person establishes, on a balance of probabilities, that the person did not commit the act described in the penalty notice; or
 - ii. the cancellation, reduction or extension of the time for payment of the administrative penalty, including any late payment administrative fees, is necessary to relieve undue hardship
- (9) Before making a decision under subsections 6 or 8, the Screening Officer shall conduct a meeting between the person and the Screening Officer.
- (10) A person who receives notice of the Screening Officer's decision may request a review of the Screening Officer's decision by a Hearings Officer within fifteen days of receiving notification of the Screening Officer's decision.
- (11) A person may request that the Hearings Officer extend the time to request a review the Screening Officer's decision within thirty days of notification of the Screening Officer's decision at which time the decision of the Screening Officer's decision shall be deemed to be affirmed.
- (12) The Hearings Officer may extend the time to request a review of the Screening Officer's decision where the person demonstrates extenuating circumstances that warrant the extension of time.
- (13) Upon review of the Screening Officer's decision, the Hearings Officer may affirm the administrative penalty, or the Hearings Officer may cancel, reduce, or extend the time for payment of the administrative penalty on the following grounds:
 - a. where the person establishes, on a balance of probabilities, that the person did not commit the act described in the penalty notice; or
 - b. the cancellation, reduction or extension of the time of payment of the administrative penalty is necessary to relieve undue hardship
- (14) Before making a decision under subsections 10, 11, or 12, the Hearings Officer shall conduct a hearing where the person, the Licensing Officer, and the Director of Enforcement Services are given an opportunity to be heard.
- (15) All hearings conducted by the Hearings Officer shall be in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended.

- (16) Any decision of the Hearings Officer is final.
- (17) Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to subsections 8 or 13, the City shall refund the amount cancelled or reduced.
- (18) Where a person fails to attend a meeting with a Screening Officer or a hearing in front of a Hearings Officer, the administrative penalty shall be affirmed, and the City may levy against the person a failure to attend fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (19) Where an administrative penalty has been paid within fifteen days after the date that it becomes due and payable to the City, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.
- (20) Where an administrative penalty is not paid within fifteen days after the date it becomes due and payable to the City, the City may levy against the person a late payment administrative fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (21) An administrative penalty that is deemed to be affirmed pursuant to subsection 6 or 18, or affirmed, reduced or in respect of which the time for payment has been extended pursuant subsection 8 or 12, the administrative monetary penalty becomes a debt to the City of each person to whom the penalty notice was given.

5. The following section is hereby added to the Licensing By-law:

8.1 DELEGATION

- (1) For the purposes of subsection 23.3(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Chief Licensing Officer, the Screening Officer and the Hearings Officer pursuant to this By-law are of a minor nature.

READ a FIRST, SECOND and THIRD time and finally passed this day of , 2009.

Linda D. Jackson, Mayor

Sybil Fernandes, Deputy City Clerk

THE CITY OF VAUGHAN

BY-LAW

DRAFT

BY-LAW NUMBER -2009

A By-law to further amend Parking By-law 1-96, as amended, to provide for a system of administrative penalties and administrative fees.

WHEREAS section 102.1 of the *Municipal Act, 2001*, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles.

AND WHEREAS Council for The Corporation of the City of Vaughan considers it desirable and necessary to further amend Parking By-law 1-96, as amended, to provide for a system of administrative penalties and administrative fees as an additional means of encouraging compliance with the Parking By-law.

NOW THEREFORE the Council for The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Section 2(1) of Parking By-law 1-96, as amended, (the "Parking By-law") is hereby amended by adding the following definitions in alphabetical sequence:

"Hearings Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.

"Screening Officer" means a person from time to time appointed by Council pursuant to the Screening and Hearings Officer By-law.

2. The following section is hereby added to the Parking By-law:

10.1 ADMINISTRATIVE PENALTIES

- (1) If a motor vehicle has been left parked, standing or stopped in contravention of this By-law, except for section 8, the motor vehicle owner shall, upon issuance of a penalty

notice in accordance with this section, be liable to pay to the City an administrative penalty in the amount prescribed in Schedule "A" Part 10 of this By-law.

- (2) For the purposes of this section, the motor vehicle owner is deemed to be,
 - i) the person whose name appears on the permit for the vehicle; and
 - ii) if the vehicle permit consists of a motor vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.
- (3) The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall not apply to a contravention of this By-law, except for section 8.
- (4) A Municipal Law Enforcement Officer who finds a motor vehicle parked, standing or stopped in contravention of this By-law, except for section 8, may issue a penalty notice addressed to the motor vehicle owner, which shall include the following information:
 - i) Particulars of the contravention;
 - ii) The amount of the administrative penalty;
 - iii) Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - iv) A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt to the City.
- (5) The issuing Municipal Law Enforcement Officer shall serve the penalty notice on the motor vehicle owner by:
 - i) affixing it to the motor vehicle in a conspicuous place at the time of the contravention;
 - ii) delivering it personally to the person having care and control of the vehicle at the time of the contravention;
 - iii) delivering it personally to the operator of the motor vehicle at the time of the contravention; or
 - iv) delivering it personally to the motor vehicle owner as soon as reasonably practicable.
- (6) No Municipal Law Enforcement Officer may accept payment in respect of the administrative penalty.
- (7) A motor vehicle owner who receives a penalty notice may request a review of the administrative penalty by the Screening Officer within fifteen days after the penalty notice was given to the motor vehicle owner.

- (8) A motor vehicle owner may request that the Screening Officer extend the time to request a review within thirty days after the penalty notice was given at which time the administrative penalty shall be deemed to be affirmed.
- (9) The Screening Officer may extend the time to request a review of an administrative penalty where the motor vehicle owner demonstrates extenuating circumstances that warrant the extension of time.
- (10) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or the Screening Officer may cancel, reduce, or extend the time for payment of the administrative penalty, including any late payment administrative fees, on the following grounds:
 - i) Where the motor vehicle owner establishes, on a balance of probabilities, that the motor vehicle was not parked, standing or stopped as described in the penalty notice; or
 - ii) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any late payment administrative fees, is necessary to relieve undue hardship
- (11) Before making a decision under subsections 8 or 10, the Screening Officer shall hold a meeting with the motor vehicle owner.
- (12) A motor vehicle owner who receives notice of the Screening Officer's decision may request a review of the Screening Officer's decision by a Hearings Officer within fifteen days of receiving notification of the Screening Officer's decision.
- (13) A motor vehicle owner may request that the Hearings Officer extend the time to request a review the Screening Officer's decision within thirty days of notification of the Screening Officer's decision at which time the decision of the Screening Officer's decision shall be deemed to be affirmed.
- (14) The Hearings Officer may extend the time to request a review of the Screening Officer's decision where the motor vehicle owner demonstrates extenuating circumstances that warrant the extension of time.
- (15) Upon review of the Screening Officer's decision, the Hearings Officer may affirm the administrative penalty, or the Hearings Officer may cancel, reduce, or extend the time for payment of the administrative penalty on the following grounds:

- i) where the motor vehicle owner establishes, on a balance of probabilities, that the motor vehicle was not parked, standing or stopped as described in the penalty notice; or
 - ii) the cancellation, reduction or extension of the time of payment of the administrative penalty is necessary to relieve undue hardship
- (16) Before making a decision under subsections 13 or 15, the Hearings Officer shall conduct a hearing where the motor vehicle owner, the Municipal Law Enforcement Officer, and the Director of Enforcement Services are given an opportunity to be heard.
- (17) All hearings conducted by the Hearings Officer shall be in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.
- (18) Any decision of the Hearings Officer is final.
- (19) Where a motor vehicle owner has paid an administrative penalty that is then cancelled or reduced pursuant to subsections 10 or 15, the City shall refund the amount cancelled or reduced.
- (20) Where a motor vehicle owner fails to attend a meeting with a Screening Officer or a hearing in front of a Hearings Officer, the administrative penalty shall be affirmed, and the City may levy against the motor vehicle owner a failure to attend fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (21) Where an administrative penalty is not paid within 15 days after the date it becomes due and payable to the City, the City may levy against the motor vehicle owner a late payment administrative fee as prescribed by the City's Fees and Charges By-law, as amended from time to time.
- (22) An administrative penalty that is deemed to be affirmed pursuant to subsections 8 or 20, or affirmed, reduced or in respect of which the time for payment has been extended pursuant section 10 or 15, the administrative penalty becomes a debt to the City of each person to whom the penalty notice was given.
- (23) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may file a certificate of default in a court of competent jurisdiction, upon which time the certificate shall be deemed to be an order of the court and the City may enforced it as such.

- (24) If an administrative penalty is not paid within 15 days after the date that it becomes due and payable to the City, the City may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of the motor vehicle owner nor issue a new permit to the motor vehicle owner until the penalty is paid.
3. The following section is hereby added to the Parking By-law:
- 10.2 DELEGATION**
- (1) For the purposes of subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Screening Officer and Hearings Officer pursuant to this By-law are of a minor nature.
4. Section 11(1) of the Parking By-law is hereby deleted and the following substituted therefore:
- (1) Every person who contravenes section 8 of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
5. Section 12(1) of the Parking By-law is hereby amended by inserting the words "section 8 of" in between the words "under" and "this".
6. This By-law shall come into effect when Council appoints a Hearings Officer pursuant to the Screening and Hearings Officer By-law.

READ a FIRST, SECOND and THIRD time and finally passed this day of , 2009.

Linda D. Jackson, Mayor

Sybil Fernandes, Deputy City Clerk

Comprehensive Parking By-law
 Schedule "A" Part 10,
 Parking Infraction Table for Administrative Penalties

Infraction	Description	Fine Amount
1	Park on highway, left wheels to curb	\$25.00
2	Park in a non-designated area	\$35.00
3	Park on highway, within 30m of intersection	\$30.00
4	Park on highway, within 25m of a bus stop	\$25.00
5	Park on highway, within 6m of a bus stop	\$25.00
6	Park on highway, within 3m of fire hydrant	\$30.00
7	Park in an area designated Police Vehicles Only	\$25.00
8	Park in an area designated Taxi Cab Stand	\$25.00
9	Park in an area designated Emergency No Parking	\$30.00
10	Park in front of or within .6m of a private roadway	\$35.00
11	Park so as to obstruct sidewalk	\$25.00
12	Park so as to obstruct pedestrian crossover	\$35.00
13	Park within 9m of pedestrian crossover	\$35.00
14	Park interfere with movement of traffic	\$35.00
15	Park interfere with snow clearing	\$100.00
16	Park on highway between 2:00 a.m. & 6:00 a.m.	\$35.00
17	Park on boulevard	\$35.00
18	Park on highway, within 9m of intersection	\$30.00
19	Park on highway during prohibited time	\$35.00
20	Stop on a highway beside stopped or parked vehicle	\$30.00
21	Stopping on highway during prohibited time	\$35.00
22	Stop on highway within an intersection	\$30.00
23	Stop on a bridge or tunnel/underpass	\$30.00
24	Parking in a fire route	\$100.00
25	Park within 3m of a Fire Department Connection	\$35.00
26	Parking on private/municipal property	\$35.00
27	Park in a school bus loading zone	\$25.00
28	Park within 15m of level railway crossing	\$55.00
29	Park more than 0.15m from curb	\$35.00
30	Park-longer than 3hr between 6am & 2am	\$35.00

THE CITY OF VAUGHAN

BY-LAW

DRAFT

BY-LAW NUMBER -2009

A By-law to establish the position of Screening Officer and Hearings Officer.

WHEREAS Council of The Corporation of the City of Vaughan considers it desirable and necessary to establish the position of a Screening Officer and Hearings Officer to who may be delegated quasi-judicial and other authority under various City By-laws.

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. In this By-law:
 - a. "City" means The Corporation of the City of Vaughan;
 - b. "Council" means the council of the City;
 - c. "Delegated Power of Decision" means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person or party;
 - d. "Hearings Officer" means the person from time to time appointed by Council pursuant to this By-law;
 - e. "Relative" includes any of the following persons:
 - i. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
 - ii. Parent, including step-child and grandchild;
 - iii. Siblings and children of siblings;
 - iv. Aunt, uncle, niece, and nephew;
 - v. In-laws, including mother, father, sister, brother, daughter, and son; or
 - vi. Any other person who lives with the person on a permanent basis
 - f. "Screening Officer" means the person from time to time appointed by Council pursuant to this By-law; and
2. The position of Screening Officer is established for the purpose of exercising Delegated Powers of Decision, and shall be appointed by Council.

3. The following are not eligible for appointment as a Screening Officer:
 - a. A member of Council of the City; or
 - b. The Relative of a person referenced in paragraph 3(a);

4. The position of Hearings Officer is established for the purpose of exercising Delegated Powers of Decision, and shall be appointed by Council.

5. The following are not eligible for appointment as a Hearings Officer:
 - a. An employee or member of Council of the City;
 - b. The Relative of a person referenced in paragraph 5(a); or
 - c. A person indebted to the City other than
 - i. In respect of current real property taxes; or
 - ii. Pursuant to an agreement with the City the terms with which the person is in compliance.

6. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing a Screening Officer or a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearings Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.

7. Section 10 does not prevent a Screening Officer or Hearings Officer from seeking and receiving legal advice including from a lawyer employed by City.

READ a FIRST, SECOND and THIRD time and finally passed this day of , 2009.

Linda D. Jackson, Mayor

Sybil Fernandes, Deputy City Clerk