

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2024-0018

**FOR THE CONSIDERATION OF
COUNCIL**

November 6, 2024

**SUBJECT: ADDITIONAL BYLAWS ADDED TO THE ADMINISTRATIVE MONETARY
PENALTY SYSTEM**

1. RECOMMENDATION:

1. That Council receive Report No. LS-2024-0018 dated November 6th, 2024 prepared by the Municipal Law Enforcement Division, Legislative Services respecting additional bylaws being added to the Administrative Monetary Penalty System.
2. That Council approve the addition of twenty-one bylaws to the Administrative Monetary Penalty System.

2. PURPOSE:

This report is presented to seek Council's approval of the addition of a further twenty-one bylaws to the Administrative Monetary Penalty System for enforcement purposes.

3. BACKGROUND:

On October 28th, 2020 Council received Report No. CAO-2020-0011, which contained an introduction to the Administrative Monetary Penalty System (AMPS). Council authorized staff to prepare for the implementation of an AMPS program.

On June 8th, 2022, Council received Report No. LS-2022-0010 recommending certain amendments to Town of Georgina Traffic Bylaw No. 2002-0046 (TR-1) and the enactment of AMPS Bylaw No. 2022-0052 (REG-1) for the purpose of establishing an AMPS program.

On September 11th, 2024, Council adopted a new AMPS bylaw, being Bylaw No. 2024-0061 (REG-1), to enable Automated Speed Enforcement under the AMPS program.

4. **ANALYSIS:**

The *Municipal Act, 2001* allows municipalities to develop an Administrative Monetary Penalty System (AMPS) program to process and adjudicate parking bylaw contraventions, as well as contraventions of other municipal bylaws. The AMPS process can replace the processes the Town of Georgina currently uses for enforcement of non-parking bylaw contraventions under the *Provincial Offences Act (POA)* from the moment a ticket is issued up to and including the adjudication process. All municipalities in York Region have transitioned to AMPS or have begun the process of doing so.

Once a municipality transitions to AMPS for parking bylaw contraventions, those contraventions may no longer be enforced under the *POA*. However, a benefit of using AMPS for non-parking bylaw contraventions is that the municipality may still choose to use the *POA* for enforcement purposes if AMPS is not appropriate for the situation. For example, if a repeat offender has received several administrative penalties and remains non-compliant with a municipal bylaw, the municipality may choose to issue a charge under the *POA* for subsequent contraventions. This provides the municipality with the option to seek increased fines and/or a probation order under the *POA*. A Municipal Law Enforcement Officer will determine at the time of the contravention which process is warranted for the matter. It is anticipated, however, that most enforcement will occur through the AMPS program. If a person is required by a municipality to pay an administrative penalty in respect of a contravention, the person cannot be charged with an offence under the *POA* in respect of the same contravention.

Transitioning more bylaws to AMPS will clear up court time for more important matters and encourage compliance with Town bylaws. Over the past couple of years and since the pandemic, the Municipal Law Enforcement Division has observed several of the Town's enforcement matters being withdrawn by the Prosecutor in court. In some cases, by the time a matter made it to trial, the person charged had come into compliance with the bylaw and the charge was withdrawn. Prior to the pandemic, the court would still proceed with the trial regardless of whether the defendant had achieved compliance after the charge or not.

The Municipal Law Enforcement Division has also seen matters withdrawn in court on the basis that the public interest requires that scarce court time be allocated to other matters that are perceived to be more important. In some cases, court staff will not schedule a trial date; for example, due to a lack of court time, the courts are currently prioritizing matters directly related to health and safety. For that reason, some offences not related to health and safety are going unpunished without consequence. By transitioning more bylaws to AMPS, it will encourage compliance with Town bylaws, as there will be clear consequences for contraventions through the AMPS program.

Currently, the Town of Newmarket has an agreement to provide Hearing Officers to the Town of Georgina, which allows recipients of penalty notices for parking

contraventions to dispute their penalties. A similar agreement has been entered into between the Town of Georgina and the Town of Newmarket for Automated Speed Enforcement. It is anticipated that another similar agreement will be reached with the Town of Newmarket for the purpose of reviewing penalty notices received for non-parking bylaw contraventions. (It should be noted as well that prior to a hearing, which is held virtually, the recipient of a penalty notice will be able to have their penalty reviewed by a Screening Officer employed by the Town of Georgina, virtually or in-person.)

Twenty-one bylaws have been proposed by staff to transition to AMPS. These bylaws have been determined to be the ones most often enforced by the Municipal Law Enforcement Division by examining our PSR database. The selected bylaws include the Property Standards Bylaw, Sign Bylaw, several Animal Control Bylaws, and several Licensing Bylaws, among others, but do not include zoning bylaws, as municipalities are currently not permitted to implement administrative penalties for zoning bylaw contraventions.

For convictions under the *POA*, fines are set by the Ministry of the Attorney General, but under AMPS, the responsibility for setting the penalty amounts falls to Council, subject to compliance with the *Municipal Act, 2001*, which requires that penalties for AMPS must not be punitive in nature, but must instead promote compliance with the bylaw. The proposed penalties before Council today are included in the proposed bylaw amendments transitioning the twenty-one bylaws to AMPS, and have been compared to those implemented by other York Region municipalities and set according to the needs and priorities of the Town of Georgina.

Unpaid administrative penalties are considered a debt to the municipality. If left unpaid, the amount of the administrative penalty may be placed on the tax roll for a property in which all the owners are responsible for paying the administrative penalty and collected in the same manner as municipal taxes. There may be instances where the Town struggles to collect the amount due pursuant to a penalty notice; alternative collection opportunities will therefore be considered by staff, such as using collection agencies or making agreements for other municipalities to collect on the Town's behalf.

5. RELATIONSHIP TO STRATEGIC PLAN:

Transitioning more bylaws to AMPS supports the 'Delivering Service Excellence' pillar of the Town of Georgina's Strategic Plan. Transitioning to AMPS will improve the enforcement process and make it more efficient for staff and the public.

6. FINANCIAL AND BUDGETARY IMPACT:

If additional bylaws are transitioned to AMPS, staff will be requesting a one-time capital budget amount of \$20,000 in 2025 to upgrade and improve software currently

used to manage parking ticket penalties. Staff will also be requesting recurring software support fees of \$4,000 annually.

There are also costs associated with Hearing Officers and the printing of penalty notices, which will be funded by the existing operating budget.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Because there are no regulatory requirements for public notice of the implementation of AMPS, there has been no public consultation.

8. CONCLUSION:

It is staff's opinion that transitioning more bylaws to the AMPS process will provide an enhanced dispute resolution mechanism and an improved customer service experience. For the reasons set out in this report, staff are recommending that Council approve the report and the bylaw amendments to transition more bylaw contravention matters to AMPS immediately.

APPROVALS

Prepared By: Mike Hutchinson, Manager, Municipal Law Enforcement
Recommended By: Michael Bigioni, Director, Legislative Services
Approved By: Ryan Cronsberry, Chief Administrative Officer