

BY-LAW No. 2025-XXX  
OF THE  
CORPORATION OF THE TOWN OF COLLINGWOOD



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BEING A BY-LAW TO ESTABLISH A SYSTEM OF ADMINISTRATIVE  
MONETARY PENALTIES IN THE TOWN OF COLLINGWOOD

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**WHEREAS** section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001*, confirms the authority of a municipality to delegate its powers and duties subject to restrictions in Part II of the Act;

**AND WHEREAS** section 102.1 of the *Municipal Act, 2001*, authorizes a municipality to 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** section 391(1) of the *Municipal Act, 2001*, confirms a municipality's authority to impose fees and charges on persons for services or activities provided by or on behalf of it and for the use of its property;

**AND WHEREAS** section 434.1 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 a by-law of the municipality passed under the *Municipal Act, 2001*;

**AND WHEREAS** section 434.2 of the *Municipal Act, 2001*, provides that an Administrative Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

**AND WHEREAS** section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23, authorizes municipalities to require a person, subject to such conditions as a municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with the municipal property standards by-law, or an order pursuant to such by-law;

**AND WHEREAS** the purpose of the system of administrative monetary penalties established by a municipality shall be to assist the municipality by promoting compliance with its by-laws;

**AND WHEREAS** Council has deemed that the delegation of certain administrative and legislative powers would contribute to the efficient management of the Town's municipal objectives while still adhering to the principles of accountability and transparency;

**AND WHEREAS** Council is of the opinion that the delegations of legislative power under this By-law are of a minor nature, including with regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power;

**AND WHEREAS** Council has enacted By-law No. 2020-059, as amended, a by-law to delegate certain powers and duties to Officers and Employees of the Corporation of the Town of Collingwood;

**AND WHEREAS** Council considers it desirable to provide for a system of administrative penalties and administrative fees for the designated Town By-Laws, or portions of the designated Town By-Laws, set out herein;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:**

## **1. DEFINITIONS**

1.1. In this By-law:

**"Administrative Fee"** means any fee(s) specified in Schedule "C" of this By-law, as may be amended from time to time or set out in the Town's Fee's and Charges By-law;

**"Administrative Penalty"** means an administrative penalty as set out in Schedule "A" and "B" of this By-Law, as may be amended from time to time, for a contravention of a Designated By-law;

**"AMPS"** means administrative monetary penalty system;

**"Designated By-law"** means a Town by-law, or a part or provision of a Town By-law, to which this By-law applies, as designated under this By-law and listed in Schedules "A" and "B" of this By-Law;

**"Council"** means the Council of the Town;

**"Day"** means any calendar day;

**“Director”** means the Director of Legislative Services for the Town or their designate and includes the Manager;

**“Extenuating Circumstances”** means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the Penalty Notice, the Screening Officer may take this into consideration when adjudicating the matter. These are also circumstances that render a contravention less serious and may lessen the degree of responsibility. The Person claiming mitigating or extenuating circumstances shall provide proof of their claim with oral evidence and documented proof (i.e. medical records, birth announcement), if available;

**“Hearing Decision”** means a notice that contains a decision made by a Hearing Officer;

**“Hearing Non-Appearance Fee”** means an Administrative Fee established by the Town from time to time, in respect of a person’s failure to appear at the time and place scheduled for a hearing before a Hearing Officer, as listed in Schedule "C";

**“Hearing Officer”** means a Person who performs the functions of a Hearing Officer in accordance with Part 6 of this By-law, and pursuant to the Screening and Hearing Officer By-law;

**“Holiday”** means a Saturday, Sunday and any statutory provincial or federal holiday in the Province of Ontario or any day on which the offices of the Town are officially closed for business;

**“Late Payment Fee”** means an Administrative Fee established by the Town from time to time, in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-Law, as listed in Schedule "C";

**“Manager”** means the Manager of By-law Services Division or their designate;

**“Ministry”** means the Ontario Ministry of Transportation and any successor ministry;

**“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, or any successor thereof;

**“MTO Plate Denial Fee”** means an Administrative Fee established by the Town from time to time, for notifying the Registrar of Motor Vehicles for the purpose of plate permit denial, as listed in Schedule "C";

**“MTO Search Fee”** means an Administrative Fee established by the Town from time to time, for any search of the records of, or any inquiry to, the Ministry, or related authority, for the purposes of this By-Law, as listed in Schedule "C";

**“NSF Fee”** means an Administrative Fee established by the Town from time to time, in respect of any failed payment to the Town from a person, as listed in Schedule “C”;

**“Officer”** means a police officer, a Municipal By-Law Enforcement Officer, or another person appointed by or under the authority of a Town by-law, with powers to enforce a Designated By-law;

**“Owner”** means the person whose name appears on the vehicle permit issued by the Ministry. If the vehicle permit consists of a vehicle portion and licence plate portion, and different persons are named on each portion, the person whose name appears on the licence plate portion, as provided by the Ministry, is the owner for the purposes of this By-law;

**“Parking By-law”** means any and all by-laws of the Town respecting the parking, standing or stopping of vehicles;

**“Penalty Due Date”** means a date which is the fifteenth (15<sup>th</sup>) day following the Penalty Notice Date;

**“Penalty Notice”** means a notice issued by an Officer for a contravention of a Designated By-law;

**“Penalty Notice Date”** means the date of the contravention specified on the Penalty Notice;

**“Penalty Notice Number”** means the number specified on the Penalty Notice;

**“Person”** includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, whose name appears on the vehicle permit issued by the Ministry. If the vehicle permit consists of a vehicle portion and licence plate portion, and different persons are named on each portion, the person whose name appears on the licence plate portion, as provided by the Ministry, is the person for the purposes of this By-law;

**“Plate Denial Fee”** means an Administrative Fee established by the Town from time to time, in relation to plate denial, as listed in Schedule “C”;

**“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O., 1990, c. P. 33, as amended from time to time, or any successor thereof;

**“Regulation”** means O. Reg. 333/07, made under the Municipal Act, as amended from time to time, or any successor thereof;

**“Request for Review by Hearing Officer”** means the request which may be made in accordance with Part 6 of this By-law for the review of a Screening Decision;

**"Request for Review by Screening Officer"** means the request made, in accordance with Part 5 of this By-law for the review of a Penalty Notice;

**"Review by Hearing Officer"** and **"Hearing"** mean the review of a Screening Decision by a Hearing Officer as set out in Part 6 of this By-law;

**"Review by Screening Officer"** and **"Screening Review"** mean a review of an Administrative Penalty by a Screening Officer as set out in Part 5 of this By-law;

**"Screening and Hearing Officer By-law"** means a by-law enacted by the Town for the purpose of providing for the appointment of a Screening Officer and Hearing Officer;

**"Screening Decision"** means a notice which contains the decision of a Screening Officer;

**"Screening Non-Appearance Fee"** means an Administrative Fee established by the Town from time to time, in respect of a Person's failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule "C";

**"Screening Officer"** means a Person who performs the functions of a Screening Officer in accordance with Part 5 of this By-law, and pursuant to the Screening and Hearing Officer By-law; and

**"Town"** means the Corporation of the Town of Collingwood or the land within the geographic municipal limits of the Town of Collingwood as the context requires.

## **2. SHORT TITLE**

2.1. The short title of this by-law is the "Administrative Monetary Penalty By-law".

## **3. APPLICATION OF THIS BY-LAW**

3.1. This By-Law applies to all Persons who are found to have contravened a Designated By-Law of the Town.

3.2. The By-laws, or portions of Town By-laws, listed in the attached Schedule "A" of this By-law shall be Designated By-laws for the purposes of Section 102.1 of the Municipal Act, and paragraph 3(1)(b) of the Regulation.

3.3. The By-laws, or portions of Town By-laws, listed in the attached Schedule "B" of this by-law shall be Designated By-laws for the purposes of Section 434.1 of the Municipal Act, and Section 15.4.1 of the Building Code Act, 1992, S.O. 1992, c. 23, as applicable.

3.4. The attached Schedules "A" and "B" of this By-law set out the Administrative Penalty, and include short form wording to be used on Penalty Notices, for the

contraventions of Designated By-laws.

- 3.5. The attached Schedule “C” of this By-law sets out the Administrative Fees imposed for purposes of this by-law.
- 3.6. The Administrative Penalties designated in Schedules “A” and “B” as attached, may be dealt with by issuance of a Penalty Notice.
- 3.7. Nothing in this by-law limits the Town’s right to enforce a Designated By-law by any other and all legal means.
- 3.8. This By-law does not remove or otherwise affect the application of the Provincial Offences Act to contraventions of a Designated By-law, subject to the following:
  - a) Pursuant to section 4 of the Regulation, the Provincial Offences Act will not apply to the Parking By-law if designated. Notwithstanding all other provisions of this By-law, the Parking By-law is not a “designated by-law” under the Regulation unless listed by by-law number in Schedule “A”.
  - b) No Person that is required to pay an Administrative Penalty under this By-law shall be charged with an offence in respect of the same contravention under the Provincial Offences Act.
- 3.9. Sections 431 and 440 of the Municipal Act apply to this By-law, allowing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the Town, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.

#### **4. PENALTY NOTICE**

##### **4.1. SCHEDULE “A” BY-LAWS (PARKING)**

4.1.1. If a vehicle has been left parked, standing or stopped in contravention of the Town’s Parking By-law, the Owner shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule “A”, and shall be liable to pay to the Town any Administrative Fee(s) in accordance with Schedule “C” of this By-Law.

##### **4.2. SCHEDULE “B” BY-LAWS (NON-PARKING)**

4.2.1. If a Person is found in contravention of a Designated By-law, the Person shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule “B” and shall be liable to pay to the Town any Administrative Fee(s) in accordance with Schedule “C” of this By-Law.

- 4.3. An Officer who has reason to believe that a Person has contravened a Designated By-law may issue a Penalty Notice in accordance with this By-Law.
- 4.4. The Penalty Notice shall include the following information:
- a) the name(s) of the Person(s) or the vehicle licence plate number or vehicle identification number, as applicable;
  - b) the Penalty Notice Date;
  - c) the Penalty Notice Number;
  - d) the short form wording for the contravention;
  - e) the amount of the Administrative Penalty;
  - f) the Penalty Due Date, including the time for payment of the Early Penalty Amount, as applicable;
  - g) information respecting the process by which the Person may pay the Administrative Penalty or request a review of the Administrative Penalty;
  - h) a statement advising that an Administrative Penalty will constitute a debt of the Person to the Town unless cancelled pursuant to Screening Review or Hearing process; and
  - i) the name and identification number of the Officer issuing the Penalty Notice.
- 4.5. In addition or alternative to service methods provided for in Part 7, for a contravention pursuant to the Parking By-law, an Officer may serve the Penalty Notice on a Person who is the deemed Owner of a vehicle as set out in the Regulation by:
- a) affixing it to the vehicle in a conspicuous place at the time of contravention; or
  - b) delivering it personally to the person having care and control of the vehicle at the time of the contravention.
- 4.6. No Officer shall accept payment of an Administrative Penalty or Administrative Fee.
- 4.7. A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the Penalty Due Date, as set out on the Penalty Notice, shall also pay the Town any applicable Administrative Fee(s).
- 4.8. When a Penalty Notice is issued for a violation of a Designated By-law listed in Schedule B involving a property with multiple owners, the Penalty Notice shall include the name of all Persons who are the registered owners of such property, and such Persons shall be jointly and severally liable for the Penalty Notice.

## **5. REVIEW BY SCREENING OFFICER**

- 5.1. A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the

Penalty Due Date, and in accordance with the process set out in Section 5.4.

- 5.2. If a Person has not requested a Screening Review on or before the Penalty Due Date, the Person may request that the Screening Officer extend the time to request a Screening Review to a date that is no later than thirty (30) Days after the Penalty Notice Date, in accordance with the process set out in Section 5.4.
- 5.3. A Person's right to request an extension of time for a Screening Review expires, if it has not been exercised, thirty (30) Days after the Penalty Notice Date, at which time:
  - a) the Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a screening review;
  - b) the Administrative Penalty shall be deemed to be confirmed on the Day following the Penalty Due Date; and
  - c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 5.4. A Person's Request for Review by Screening Officer or a request for an extension of time to request a Screening Review are exercised by:
  - a) a submission in writing to the Screening Officer of a Request for Review by Screening Officer or a request for an extension of time to request a screening review;
  - b) attending in person at the location listed on the Penalty Notice to make a Request for Review by Screening Officer or a request for an extension of time to request a screening review; or,
  - c) calling the telephone number listed on the Penalty Notice to make a Request for Review by Screening Officer or a request for an extension of time to request a screening review.
- 5.5. A Request for Review by Screening Officer or a request for an extension of time to request a Screening Review, shall be submitted in the form and manner specified by the Director, and shall include the Penalty Notice Number and the Person's contact information. If the Person is being represented by an authorized representative, the Person shall submit an authorized agent/representative form, as specified by the Director. Incomplete forms or forms not submitted in the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.
- 5.6. A Screening Review shall only be scheduled, and an extension of time to request a Screening Review shall only be granted, by the Screening Officer if the Person makes the request within the time limits set out in Sections 5.1 or 5.2 of this By-law.
- 5.7. On a request for an extension of time to request a Screening Review, the



Screening Officer may only extend the time to request a Screening Review where the Person demonstrates, on a balance of probabilities, the existence of Extenuating Circumstances that warrant the extension of time.

- 5.8. Where an extension of time to request a Screening Review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed and shall not be subject to any further review, including a review by any Court.
- 5.9. Where a notice of the scheduling of a time and place for a Screening Review has been served in accordance with Part 7 and a Person fails to attend at the time and place set out in such notice:
  - a) the Person shall be deemed to have abandoned the Request for Review by the Screening Officer;
  - b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed on the Day following the Penalty Due Date;
  - c) the Administrative Penalty shall not be subject to any further review, including a review by any Court; and,
  - d) the Person shall pay to the Town a Screening Non-appearance Fee, MTO Search Fee, if applicable, and any other applicable Administrative Fee(s).
- 5.10. On a review of an 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 applicable Administrative Fee(s), on the following grounds:
  - a) where the Screening Officer is satisfied, on a balance of probabilities, that the Person did not contravene the Designated By-law(s) as described in the Penalty Notice;
  - b) where the Screening Officer is satisfied, on a balance of probabilities, that there were Extenuating Circumstances; or
  - c) where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fee(s), is necessary to reduce any financial hardship.
- 5.11. After a Screening Review by Screening Officer, the Screening Officer shall deliver a Screening Decision to the Person, in accordance with Part 7 of this By-law.
- 5.12. A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

## **6. REVIEW BY HEARING OFFICER**

- 6.1. A person may make a Request for Review by Hearing Officer during the Screening Review.
- 6.2. If a Person has not made a Request for Review by Hearing Officer at the time of the Screening Review, the Person may make a Request for Review by Hearing Officer before the payment due date as set out in the Penalty Notice or, if the Screening Officer extended the time for payment, on the Screening Decision.
- 6.3. Notwithstanding Section 6.2, if a Person has not made a Request for Review by Hearing Officer on or before the payment due date, the Person may request that the Hearing Officer extend the time to make a Request for Review by Hearing Officer to a date that is no later than fifteen (15) Days after the payment due date, in accordance with the process set out in Section 6.5.
- 6.4. A Person's right to request an extension of time to make a Request for Review by Hearing Officer expires, if it has not been exercised, fifteen (15) Days after the payment due date at which time:
  - a) the Person shall be deemed to have waived the right to Request for Review by Hearing Officer;
  - b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s), if applicable, as modified in the Screening Decision, shall be deemed to be confirmed; and
  - c) the Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.
- 6.5. A Person's Request for Review by a Hearing Officer or a request for an extension of time to make a Request for Review by Hearing Officer are exercised by:
  - a) a submission in writing to the Hearing Officer for a Request for Review by Hearing Officer or a request for an extension of time to request a Hearing;
  - b) attending in person at the location listed on the Screening Decision to make a Request for Review by Hearing Officer or a request for an extension of time to request a Hearing; or
  - c) calling the telephone number listed on the Screening Decision to make a Request for Review by Hearing Officer or a request for an extension of time to request a Hearing.
- 6.6. A Request for a Review by Hearing Officer or a request for an extension of time to make a Request for Review by Hearing Officer, shall be submitted in the form and manner specified by the Director, and shall include the Penalty Notice Number and the Person's contact information. If the Person is being represented by an authorized representative, the Person shall submit an authorized agent/representative form, as specified by the Director. Incomplete forms or forms not submitted in the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.

- 6.7. A Hearing shall only be scheduled, and an extension of time to make a Request for Review by a Hearing Officer shall only be granted, by the Hearing Officer if the Person makes the request within the time limits set out in Sections 6.2 or 6.3 of this By-law.
- 6.8. On a request for an extension of time to make a Request for Review by Hearing Officer, the Hearing Officer may only extend the time to request a Hearing where the Person demonstrates, on a balance of probabilities, the existence of Extenuating Circumstances that warrant the extension of time.
- 6.9. Where an extension of time to make a Request for Review by Hearing Officer is not granted by the Hearing Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed and shall not be subject to any further review, including a review by any Court.
- 6.10. Where a notice of the scheduling of a time and place for a Hearing has been served in accordance with Part 7 of this by-law and a Person fails to attend at the time and place set out in such notice:
  - a) the Person shall be deemed to have abandoned the Request for Review by Hearing Officer and any Administrative Fee(s) shall be deemed to be confirmed;
  - b) the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and,
  - c) the Person shall pay to the Town a Hearing Non-Appearance Fee, Late Payment Fee, MTO Search Fee, if applicable, and any other applicable Administrative Fee(s).
- 6.11. On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fee(s), on the following grounds:
  - a) where the Hearing Officer is satisfied, on a balance of probabilities, that the Person did not contravene the Designated By-law(s) as described in the Penalty Notice;
  - b) where the Hearing Officer is satisfied, on a balance of probabilities, that there were Extenuating Circumstances; or
  - c) where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fee(s), is necessary to reduce any financial hardship.
- 6.12. A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Person and a representative of

the Town an opportunity to be heard at the time and place schedule for the Hearing.

- 6.13. All Hearings by a Hearing Officer shall be conducted in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- 6.14. The Hearing Officer may consider and rely on a certified statement from an Officer, including but not limited to, photographs taken by an Officer. For this purpose, the Penalty Notice signed by the Officer shall constitute a certified statement from the Officer.
- 6.15. In addition to anything else that is admissible as evidence, the materials referred to in Section 6.14 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
- 6.16. If evidence referred to in Section 6.14 is being admitted at a Hearing, the Hearing Officer shall not adjourn the Hearing for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair hearing.
- 6.17. A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- 6.18. After a Hearing is complete, the Hearing Officer shall deliver a Hearing Decision to the Person, in accordance with Part 7 of this by-law.
- 6.19. The decision of the Hearing Officer is final.

## **7. SERVICE OF DOCUMENTS**

- 7.1. The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-law, when served in any of the following ways, is deemed effective:
  - a) immediately, when a copy is delivered to the Person to whom it is addressed;
  - b) immediately, when a copy is left for the Person at their last known or usual place of abode with an inmate/person who appears at least sixteen years of age;
  - c) on the fifth (5<sup>th</sup>) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address; or
  - d) immediately upon sending a copy by electronic mail (e-mail) to the Person's last known electronic mail address.
- 7.2. For the purposes of this By-law, a Person's last known address and electronic mail (e-mail) address may include any address or e-mail address provided by the Person to the Town. This includes the tax roll address, the address listed on the

vehicle ownership document, information submitted in an application for a licence under a Town Licensing By-law, or information provided in writing or through a form supplied by the Town for the administration of this By-law.

- 7.3. When a document is served using multiple methods, the date of service shall be determined by the method that is first confirmed or acknowledged as effective.

## **8. ADMINISTRATION**

- 8.1. The Director shall administer this By-law and establish any policies, practices and/or procedures necessary to implement this By-law and may amend such policies, practices and/or procedures from time to time as the Director deems necessary, without amendment to this By-law provided that such policies, practices and/or procedures are not in conflict, or inconsistent with this By-law.
- 8.2. The Director has delegated authority to amend, modify, or add Schedule(s) to this By-law, including the wording of short form language and the setting of penalty amounts, as deemed desirable by the Director from time to time. The Delegation of Authority By-law 2020-059, as amended, or its successor, shall be updated to reflect this delegation of authority.
- 8.3. The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary, without amendment to this By-law, provided that the contents of such forms and notices are not in conflict, or inconsistent with this By-law.
- 8.4. The Director may designate areas within the Town for conducting Screening Reviews and Hearings.
- 8.5. For the purposes of Subsection 23.2(4) of the Municipal Act, Council has determined that any powers delegated pursuant to this By-law are minor in nature.
- 8.6. An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Town owed by the Person.
- 8.7. Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the Town a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).
- 8.8. Where an Administrative Penalty, with respect to a Penalty Notice issued pursuant to Section 4.1.1., is not paid on or before the date it is due and payable, in addition

to the Administrative Penalty and any other fees that may be payable pursuant to this by-law, the Owner shall be liable to pay to the Town the MTO Search Fee.

- 8.9. Where an Administrative Penalty for contravention of a Parking By-law, and any applicable Administrative Fee(s) or Late Payment Fee(s), are not paid within thirty (30) Days after becoming due and payable, the Town may notify the Ministry of the default and the Ministry shall not validate the permit of the Person named in the notice of default nor issue a new permit to the Person until the Administrative Penalty any applicable Administrative Fee(s) and Late Payment Fee(s) are paid to the Town.
- 8.10. Without limiting Section 8.9 of this By-law, pursuant to Subsection 434.2(2) of the Municipal Act, where an Administrative Penalty and any Administrative Fees remain unpaid within 15 Days after the Day they become payable, the Administrative Penalty, including any Administrative Fees shall be deemed to be unpaid taxes and the outstanding amount shall be added to the tax roll and collected in the same manner as municipal taxes.
- 8.11. Where the Town notifies the Ministry of a default under this By-law, the Person shall pay any applicable Administrative Fee(s) imposed by the Ministry.
- 8.12. Where a Person makes payments to the Town of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument, for which there are insufficient funds available in the account on which the instrument is drawn, the Person shall pay to the Town the NSF Fee set out in Schedule "C" of this By-law.
- 8.13. Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 8.14. Any time limit that would otherwise expire on a Holiday is extended to the next Day that is not a Holiday.
- 8.15. A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Officer, as applicable.
- 8.16. Any schedule attached to this By-law forms part of this By-law.

## **9. OFFENCES**

- 9.1. No Person shall:
  - a) make a false, misleading or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the Town in relation to a Penalty Notice;
  - or,

- b) obstruct an Officer exercising any authority under this By-law.
- 9.2. No Person shall attempt to directly or indirectly , communicate with or influence a Screening Officer or a Hearing Officer respecting the determination of an issue in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except the Person who is entitled to be heard in the proceeding or the Person's lawyer or licensed representative and only by the Person or the Person's lawyer or licensed representative during the hearing of the proceeding in which the issue arises.
- 9.3. Nothing in Section 9.2 prevents a Screening Officer or Hearing Officer from seeking or receiving legal advice.
- 9.4. Any Person who contravenes Section 9.1 or 9.2 is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the Provincial Offences Act.
- 9.5. If a corporation has contravened Section 9.1 or 9.2, every director and officer who knowingly concurred in such a contravention is guilty of an offence.

## **10. SEVERABILITY**

- 10.1. Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that a such provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

## **11. INTERPRETATION**

- 11.1. This By-law is intended to be construed in accordance with the provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c.21, Sched. F.
- 11.2. Any headings used in this By-law are used for convenience only and are not to be used as a means of interpretation.
- 11.3. Where a title to a position identified in this By-law no longer exists or is modified, the powers and duties may be exercised by a person deemed to have the responsibilities of the original position until such time as an amending by-law is adopted by Council.
- 11.4. In this By-law, unless the context otherwise requires, words importing the singular shall include the plural, words importing the plural shall include the singular, and gendered terms shall include all genders, where applicable.

## **12. EFFECTIVE DATE**

12.1. This By-law shall come into full force and effect on **January XX, 2025**, at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to this By-law.

Enacted and passed this <date> day of <month>, <year>.

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Mayor

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Clerk



SCHEDULE 'A' - ADMINISTRATIVE PENALTIES BY-LAW (PARKING)

**PLACEHOLDER FOR FUTURE AMENDMENTS**



SCHEDULE 'C' - ADMINISTRATIVE FEES

<b>Description of Administrative Fee</b>	<b>Fee Amount</b>	<b>HST (Y/N)</b>
MTO Search Fee	\$15.00	N
MTO Plate Denial Fee	\$25.00	N
Mail Service of a Parking Penalty Notice	\$15.00	N
Late Payment Fee	\$25.00	N
Screening Review Non-Appearence Fee	\$50.00	N
Hearing Review Non-Appearence Fee	\$100.00	N
NSF Fee	\$45.00	N
Land Registry Title Ownership Search Fee	\$35.00	N