

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2024-0XX-RE

BEING A BY-LAW to amend By-law 2024-039-RE, to establish an Administrative Monetary Penalty System for violations of designated by-laws within the Town of Whitchurch-Stouffville.

**WHEREAS** Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Municipal Act*”), and O. Reg. 333/07, as amended, authorizes The Corporation of the Town of Whitchurch-Stouffville to establish an administrative monetary penalty system requiring a person to pay an administrative penalty for a contravention of any by-laws respecting the parking, standing or stopping of vehicles; and

**WHEREAS** Section 434.1 of the *Municipal Act* authorizes the Town to require a Person, subject to such conditions as the municipality considers appropriate, 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*; and

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

**WHEREAS** Section 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act* authorizes the Town to delegate its administrative and hearing powers: and

**WHEREAS** Section 391 of the *Municipal Act* authorizes the Town to pass by-law imposing fees or charges for services or activities provided or done by or on behalf of it; and

**WHEREAS** the Council of The Corporation of the Town of Whitchurch-Stouffville 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 THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1. That the following recitals be added to the recitals of By-law 2024-039-RE:

**WHEREAS** Ontario Regulation 355/22 under the *Highway Traffic Act* R.S.O. 1990, c. H. 8, as amended, (the “*Highway Traffic Act*”) authorizes the use of Administrative Penalties for vehicle-based Contraventions captured by automated enforcement systems; and

**WHEREAS** Section 398 of the *Municipal Act* authorizes the Town to impose a fee or charge as a debt owing to the Town and can be added to the tax rolls and collected in the same manner as taxes; and

2. That the following definitions under Section 2, Definitions, be deleted. For clarity, all definitions in By-law 2024-039-RE not listed below shall retain their meanings as defined in By-law 2024-039-RE:

**Adjudication Fee** – means the amount that the recipient is liable to pay as listed in Schedule “B”.

3. That the following definitions under Section 2, Definitions, be deleted and replaced with the following. For clarity, all definitions in By-law 2024-039-RE not listed below shall retain their meanings as defined in By-law 2024-039-RE:

**Administrative Fee** – means any fee(s) specified in Ontario Regulation 355/22 under the *Highway Traffic Act* or Schedule “B” of this By-law, as may be amended from time to time.

**Screening Officer** – means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer pursuant to this By-law, Ontario Regulation 355/22 under the *Highway Traffic Act*, and Ontario Regulation 333/07 under the *Municipal Act*.

4. That the following definitions under Section 2, Definitions, be added. For clarity, all definitions in By-law 2024-039-RE not listed below shall retain their meanings as defined in By-law 2024-039-RE:

**Appellant** – means a Person that has received an Administrative Penalty imposed by the Town and chooses to Appeal the Administrative Penalty by having it reviewed by a Screening Officer or a Hearing Officer;

**Appeal** – means either a screening review or a hearing review of an Administrative Penalty requested within the prescribed period of time and issued in accordance with the Bylaw or the *Highway Traffic Act*;

**Contravention** – means the failure to comply with a provision listed in Schedule “A” of the Bylaw, or the *Highway Traffic Act*;

**Issuing Officer** – includes members of York Regional Police Services, Municipal Enforcement Officers, Bylaw Enforcement Officers, Business Licensing Officers, Animal Services Officers, Provincial Offences Officers, and any other Person authorized by the Town to enforce this Bylaw;

**Penalty Order** – means a ticket issued pursuant to Section 6.0 of this By-law and the *Highway Traffic Act*, in relation to Contraventions detected using automated camera systems;

**Plate Search Fee** – means an Administrative Fee listed in Schedule “B” applied for the purpose of the Town recovering the costs associated with searching a license plate database to obtain the name and most recent address of the Person who is subject to an Administrative Penalty;

**Vary** – means the reduction of an Administrative Penalty amount or extension of time for payment of an Administrative Penalty amount;

**Victim Component Fee** – means a fee collected under Ontario's Victims' Bill of Rights to help support victims of criminal offences and is required to be collected on behalf of the Province to the Victims' Justice Fund Account, pursuant to Ontario Regulation 355/22 under the *Highway Traffic Act*.

5. That Section 3 be deleted in its entirety, that the section title be “**APPLICATION OF THIS BY-LAW**” and the section be replaced with the following:

- 3.1 The Town's 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, paragraph 3(1)(b) of the Regulation and Section 434.1 of the Municipal Act.
  - 3.2 This By-law applies to those Contraventions under the Highway Traffic Act, to impose Administrative Penalties for Contraventions detected using camera systems.
  - 3.3 The attached Schedule "A" sets out the Designated By-laws, Administrative Penalty, and includes short form wording to be used on Penalty Notices, for the contraventions of Designated By-laws.
  - 3.4 Schedule "B" of this By-law sets out the Administrative Fees imposed for purposes of this By-law.
6. That Section 4 be deleted in its entirety, that the section title be **"PROCEDURAL REQUIREMENTS"** and the section be replaced with the following:
- 4.1 The Administrative Penalties designated in Schedule "A" and Schedule "B", as attached, and forming part of this By-law, shall be dealt with by Penalty Notice and the Administrative Monetary Penalty System.
  - 4.2 The Administrative Penalties issued under the Highway Traffic Act; shall be dealt with by Penalty Order and the Administrative Monetary Penalty System.
  - 4.3 The Administrative Penalty shall be served to the Person in accordance with Section 13.1 and shall include;
    - a) the Administrative Penalty Number;
    - b) the date, time and location of the Contravention;
    - c) the provision of the Highway Traffic Act or Designated By-law contravened;
    - d) An identification of the motor vehicle that is involved in the contravention, as required under Ontario Regulation 355/22 only
    - e) the amount of the Administrative Penalty and the associated Administrative Fees;
    - f) a signature of the Issuing Officer;
    - g) information respecting the process by which the Person may exercise their right to request an Appeal of the Administrative Penalty; and
    - h) a statement advising the Person must, no later than 30 days after the day the Administrative Penalty is deemed served on them, pay the Administrative Penalty unless they commence an Appeal in accordance with this By-law;
    - i) A statement advising the Person may, no later than 30 days after the day the Administrative Penalty is served on them, commence an Appeal in accordance with this By-law.
  - 4.4 Every Person that receives an Administrative Penalty must be provided with reasonable notice that an Administrative Penalty is payable under this By-law.

- 4.5 The Issuing Officer responsible for serving an Administrative Penalty is prohibited from accepting payment for the Administrative Penalty.
  - 4.6 A Person who receives an Administrative Penalty shall be given the right to request an Appeal of the Administrative Penalty by a Screening Officer employed by the Town for that purpose.
  - 4.7 A Person who receives a Screening Decision shall be given the right to request an Appeal of the Administrative Penalty by a Hearing Officer appointed by the Town for that purpose.
7. That Section 5 be deleted in its entirety, that the section title be **"PENALTY NOTICE"** and the section be replaced with the following:
- 5.1 Any Person who contravenes any designated provision of this By-law or each registered Owner of that vehicle, when given a Penalty Notice in accordance with this By-law, shall be liable to pay to the Town an Administrative Penalty in the amount set out in Schedule "A" and any related Administrative Fees.
  - 5.2 Where the offence is continuous, each day the offence continues shall constitute a new and separate offence and second, third or subsequent repeated offences may constitute increased Penalty Amounts with each offence.
  - 5.3 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.
  - 5.4 The Penalty Notice shall include the following information:
    - a) the date of the Penalty Notice;
    - b) the Penalty Notice number;
    - c) particulars of the Contravention;
    - d) the time for payment of the:
      - i. Penalty Notices must be paid in full within thirty (30) calendar days from the Effective Date of Service for Penalty Notices issued under Section 5.1;
      - ii. Administrative Penalty Fees and Charges may be added on or after thirty-one (31) calendar days from the Effective Date of Service for Penalty Notices issued under Section 5.1;
    - e) information respecting the process by which the Person may pay the Administrative Penalty or request a review of the Administrative Penalty;
    - f) a statement advising that an Administrative Penalty will constitute a debt of the Owner or Person to the Town; and
    - g) the identification number and signature of the issuing Officer;
    - h) the Second Offence Penalty set out in Schedule "A" is for the related contravention if the same violation is repeated by the same Person within three hundred sixty five (365) days of the previous Penalty Notice being issued in accordance with this By-law; or
    - i) the Third Offence Penalty set out in Schedule "A" is for the related contravention if the same violation is repeated by the same person three (3) or more times, within three hundred sixty five (365) days of the previous Penalty Notice being issued in accordance with this By-law.

8. That Section 6 be deleted in its entirety, that the section title be “**PENALTY ORDER**” and the section be replaced with the following:
- 6.1 An Issuing Officer who has reason to believe that a Person has contravened the Highway Traffic Act, may issue a Penalty Order in accordance with Ontario Regulation 355/22.
- 6.2 Where a Person is served a Penalty Order, the Person shall be liable to pay the Town an Administrative Penalty as set out in Ontario Regulation 355/22 under the Highway Traffic Act and any related Administrative Fees.
9. That Section 7 be deleted in its entirety, that the section title be “**APPEAL PROCESS OF ADMINISTRATIVE PENALTIES**” and the section be replaced with the following:
- 7.1 An Appeal of an Administrative Penalty shall be conducted as follows:
- a) A Person who is subject to an Administrative Penalty may commence the first stage of an Appeal by requesting, in the manner set out in the penalty, an Appeal of the Administrative Penalty by a Screening Officer.
  - b) A request under Section 7.1(a) shall be made within 30 days after the date on which the Administrative Penalty is deemed served.
  - c) The Screening Officer may confirm, Vary, or cancel the Administrative Penalty and shall do so as soon as practical after the Appeal is complete and/or at the designated and scheduled Screening Review date and time.
  - d) The Screening Officer shall send a copy of the decision to the Appellant by hand-delivery, mail, courier, or electronic means as soon as practical after the decision is made.
  - e) An Appellant may commence the second stage of an Appeal by requesting a review of the Screening Officer’s decision by a Hearing Officer.
  - f) A request under Section 7.1(e) shall be made within 30 days after the date of the decision of the Screening Officer.
  - g) The Hearing Officer may confirm, Vary, or cancel the decision of the Screening Officer and shall do so as soon as practical after the Appeal is complete.
  - h) The Hearing Officer shall send a copy of the decision to the Appellant by mail, courier, or electronic means as soon as practical after the decision is made.
- 7.2 If a Screening Officer or Hearing Officer considers it fair and appropriate in the circumstances, the Screening Officer or Hearing Officer may extend the 30-day period to commence an Appeal and the extension may be made even after the 30-day period has expired.
10. That Section 8 be deleted in its entirety, that the section title be “**REVIEW BY SCREENING OFFICER**” and the section be replaced with the following:
- The following applies to the review of an Administrative Penalty by a Screening Officer:
- 8.1 A Person who is served a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date which the Administrative Penalty is due

and payable.

- 8.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request, within thirty (30) days from the original date the Administrative Penalty was due, that the Screening Officer extend the time to request a review, failing which the Administrative Penalty shall be deemed to be affirmed in accordance with Section 8.5 of this By-law.
- 8.3 A request for a review, or for an extension of time to request a review, shall be in the form and manner as determined by the Commissioner, and shall include the Penalty Notice Number and the Person's contact information. Where a request is made by a Person who is not the Owner, the Person shall submit with the request an authorized agent/representative form, in the form as determined by the Commissioner. Incomplete forms or forms not submitted in the form and manner as determined by the Commissioner may not be accepted or processed, at the discretion of the Commissioner.
- 8.4 The Screening Officer may only extend the time to request a review of the Administrative Penalty when the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.
- 8.5 Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fees shall be deemed to be affirmed and shall not be subject to review.
- 8.6 Where neither a review nor an extension of time for review are requested in accordance with this By-law, or where the person fails to request a review within any extended period of time granted by the Screening Officer:
- a) The person shall be deemed to have waived the right to a screening and a hearing;
  - b) The Administrative Penalty, and any applicable Administrative Fees, shall be deemed to be affirmed; and
  - c) The Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.
- 8.7 On a review of an Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, including any applicable Administrative Fees, or the Screening Officer may cancel or reduce the Administrative Penalty or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
- a) Where the Screening Officer is satisfied, on a balance of probabilities, that a contravention of a Designated By-law was not proven as set out in the Penalty Notice; or

- b) 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 Fees, is necessary to reduce any undue hardship.
- 8.8 Every Person who has a review by the Screening Officer shall be served with a copy of the Screening Decision, in accordance with Section 13 of this By-law.
- 8.9 Where a Person does not make a payment by the due date as determined by the Screening Officer in a Screening Decision, the original Administrative Monetary Penalty will apply, and the Person shall be assessed the original set penalty amount plus any applicable Administrative Fee(s).
- 8.10 Where a Person who has requested a Screening Review in-person or on-line in accordance with this By-law and fails to appear at the time and place scheduled for the Screening Review, or fails to remain in-person or on-line at the time and place of the Screening Review until such time that the Screening Officer has made a Screening Decision respecting the Administrative Penalty shall then:
- have deemed to have abandoned the request for a Screening Review;
  - pay the Administrative Penalty in the original amount and deem the matter to be final; and
  - pay an Administrative Fee for failing to appear or failing to remain at the scheduled Screening Review.
11. That Section 9 be deleted in its entirety, that the section title be **“REVIEW BY HEARING OFFICER”** and the section be replaced with the following:
- The following applies to the review of a Screening Decision by a Hearing Officer:
- 9.1 A Person may request a review by a Hearing Officer on or before the due and payable date for the Administrative Penalty listed in the Screening Decision.
- 9.2 If a Person has not requested a review by a Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Screening Decision shall be deemed final.
- 9.3 A request for a review by the Hearing Officer, or for an extension of time to request a review before the Hearing Officer, shall be in the form and manner as determined by the Commissioner, and shall include:
- the Penalty Notice Number;
  - the person’s mailing address and, if applicable, telephone number and email address; and
  - the reasons for which the appeal is being requested.
- 9.4 Where a request is made by a Person who is not the Owner, the Person shall submit with the request an authorized agent/representative form, in the form as determined by the Commissioner. Incomplete forms or forms not submitted in accordance with the form and manner as determined by the

Commissioner may not be accepted or processed, at the discretion of the Commissioner.

- 9.5 The Hearing Officer may only extend the time to request a review of the Screening Decision where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.
- 9.6 Where an extension of time for a hearing review is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed, and shall not be subject to review.
- 9.7 Where neither a hearing review nor an extension of time for a hearing review are requested in accordance with this By-law, or where the person fails to request a hearing review within any extended period of time granted by the Hearing Officer:
  - a) The person shall be deemed to have waived the right to a hearing review;
  - b) The Screening Decision shall be deemed to be affirmed; and
  - c) The Screening Decision shall not be subject to review.
- 9.8 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 Fees, on the following grounds:
  - a) Where the Hearing Officer is satisfied, on a balance of probabilities, that a contravention of a Designated By-law was not proven as set out in the Penalty Notice; or
  - b) 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 Administrative Fees, is necessary to reduce any undue hardship.
- 9.9 A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the Person, and the Town an opportunity to be heard.
- 9.10 The hearing shall be subject to the Statutory Powers Procedure Act.
- 9.11 The Hearing Officer may consider and rely on a certified statement of an Officer, including but not limited to, certified photographs taken by an Officer. For this purpose, the Penalty Notice, signed by the Officer, shall constitute a certified statement of the Officer.
- 9.12 In addition to anything else that is admissible as evidence in accordance with the Statutory Powers Procedure Act, the materials referred to in Section 9.11 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
- 9.13 If evidence referred to in Section 9.11 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.

- 9.14 The Person requesting the hearing shall be served with a copy of the Hearing Decision, served in accordance with Section 13 of this By-law.
  - 9.15 The decision of a Hearing Officer is final.
  - 9.16 Every Person who receives an upheld decision in a review by the Hearing Officer in relation to the Penalty Notice issued through the Administrative Monetary Penalty System established by this By-law shall be responsible for an additional fee outlined in Schedule "B" for the purpose of the Town recovering administrative costs associated to the Hearing Officer review.
  - 9.17 Where a Person does not make a payment by the due date as determined by the Hearing Officer in a hearing review, the Administrative Monetary Penalty will return to the Set Penalty Amount plus any applicable Administrative Fee(s).
  - 9.18 Where notice has been given in accordance with this By-law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:
    - a) The person shall be deemed to have abandoned the hearing;
    - b) The Screening Decision shall be deemed to be affirmed; and
    - c) The person shall pay to the Town a Hearing Non-Appearance Fee as described in Schedule "B," in addition to any other fees payable pursuant to this By-law.
12. That Section 10 be deleted in its entirety, that the section title be "**CONDUCT OF AN APPEAL**" and the section be replaced with the following:
- 10.1 A screening review is to be conducted by phone, email, or in-person and a Screening Officer shall ensure that the Appellant is informed of the determination.
  - 10.2 A hearing review is to be conducted in-person, virtually, or by phone and a Hearing Officer shall ensure that the Appellant is informed of the determination.
  - 10.3 The method conduct of an Appeal shall be determined by a Screening Officer or Hearing Officer.
  - 10.4 An Appellant shall be given no fewer than seven (7) calendar days notice by the Town of the date, time, and place of an Appeal by the Hearing Officer.
  - 10.5 If a date and time is set for an Appellant to make submissions in respect of any stage of an Appeal, the Appellant shall attend or make themselves available, at the scheduled date and time.
    - a) If the Appellant failed to attend any stage of an Appeal, a Fail to Attend Fee shall be added to the Administrative Penalty amount. The Appellant shall be considered to have abandoned the Appeal, the Administrative Penalty shall be confirmed, and the Appeal shall be deemed final.

- 10.6 A Screening Officer or Hearing Officer shall not decide whether to confirm, Vary or cancel an Administrative Penalty unless the Appellant has been given an opportunity to make submissions in the same manner in which the Appeal is to be conducted.
- 10.7 A Hearing Officer shall not decide whether to confirm, Vary or cancel an Administrative Penalty unless a representative of the Town has been given an opportunity to make submissions in the same manner in which the review is to be conducted.
13. That Section 11 be deleted in its entirety, that the section title be **"DETERMINATION OF AN APPEAL"** and the section be replaced with the following:
- 11.1 In deciding whether to confirm, Vary or cancel an Administrative Penalty, a Screening Officer shall determine whether it was reasonable for the Issuing Officer to impose the Administrative Penalty.
- 11.2 In deciding whether to confirm, Vary or cancel an Administrative Penalty, a Hearing Officer shall determine whether the decision of the Screening Officer was reasonable.
- 11.3 In making a determination mentioned in Section 11.1 or 11.2, the Screening Officer or Hearing Officer may consider the following information, if available;
- a) Photographs or images taken, as applicable.
  - b) Statements made by the Officer who imposed the Administrative Penalty.
  - c) Documents setting out the name and address of the Person who is subject to the Administrative Penalty.
  - d) Statements by the Appellant made either in writing or in the manner in which the review is conducted.
  - e) Statements by or on behalf of the municipality where the contravention occurred, made either in writing or in the manner in which the review is conducted.
  - f) Any other submissions that the Screening Officer or Hearing Officer considers to be credible or trustworthy in the circumstances.
14. That Section 12 be deleted in its entirety, that the section title be **"DECISION"** and the section be replaced with the following:
- 12.1 A Screening Officer or Hearing Officer does not have jurisdiction 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.
- 12.2 If a Screening Officer or Hearing Officer decides to cancel or Vary the amount of a Penalty Notice, they shall do so in accordance with the following rules:
- a) the Appellant establishes, on a balance of probabilities, that the offence did not occur as alleged on the Administrative Penalty.
  - b) the cancellation, reduction, or extension of time for payment of an Administrative Penalty, including any Administrative Fees, is necessary to reduce undue hardship.

- c) In respect to considerations for undue financial hardship, the Appellant shall provide documented proof of financial assistance such as:
  - i. Old Age Security;
  - ii. Canada Pension;
  - iii. Guaranteed Income Supplement;
  - iv. Disability Pension;
  - v. Ontario Student Assistance Program; or
  - vi. any other form of social assistance.
- d) A reduction of an Administrative Penalty amount by a Screening Officer or Hearing Officer shall be limited to the Early Payment amount, except when unique or exceptional circumstances exist as determined by a Screening Officer or Hearing Officer;
- e) The amount of the Penalty Notice shall not be increased other than in accordance this By-law.

12.3 If a Screening Officer or Hearing Officer decides to cancel or Vary the amount of a Penalty Order, they shall do so in accordance with the following rules:

- a) the Appellant establishes, on a balance of probabilities, that the offence did not occur as alleged on the Penalty Order. Added
- b) the cancellation, reduction, or extension of time for payment of an Administrative Penalty, is necessary to reduce undue hardship.
- c) In respect to considerations for undue financial hardship, the Appellant shall provide documented proof of financial assistance such as:
  - i. Old Age Security;
  - ii. Canada Pension;
  - iii. Guaranteed Income Supplement;
  - iv. Disability Pension;
  - v. Ontario Student Assistance Program; or
  - vi. any other form of social assistance.
- d) If the total amount of a Penalty Order is decreased, the Victim Component Fee shall be reduced proportionally to the decrease in the Set Penalty Amount.
- e) The amount of the Penalty Order shall not be increased other than in accordance with Ontario Regulation 355/22 under the Highway Traffic Act.

12.4 The decision of a Hearing Officer is final.

15. That the following section titled "**SERVICE OF DOCUMENTS**" be added as Section 13:

- 13.1 The service on a Person of any document, notice, or decision, including but not limited to an Administrative Penalty pursuant to this By-law, is deemed to have been served on the earliest of any of the following dates:
- a) when a copy is placed or affixed in any manner to a Person's vehicle;
  - b) when a copy is hand-delivered to the Person to whom it is addressed;
  - c) when a copy is delivered by regular mail to the Person to whom it is addressed;
    - i. on the seventh (7th) calendar day following the date a copy is sent by regular mail to the Person's last known address; or

- ii. immediately upon sending a copy by electronic mail (email) to the Person's last known electronic mail address.
- 13.2 Any notice or document to be given to the Town in respect of this By-law shall be in writing and delivered in any of the following manners:
- a) Personally delivering a copy to the Town during its regular business hours to "Legislative Services Department – Town of Whitchurch-Stouffville, 111 Sandiford Drive, Stouffville, Ontario, L4A 0Z8
  - b) Email to the Town at [amps@townofws.ca](mailto:amps@townofws.ca) or
  - c) Online through the Town's dispute webpage
16. That the following section titled "**ADMINISTRATION**" be added as Section 14:
- 14.1 The Commissioner shall administer this By-law and establish any additional practices, policies, and procedures necessary to implement this By-law and may amend such practices, policies, and procedures from time to time, as the Commissioner deems necessary, without amendment to this By-law.
- 14.2 The Commissioner shall prescribe all forms and notices, including the Administrative Penalties, necessary to implement this By-law and may amend such forms and notices from time to time, as the Commissioner deems necessary, without amendment to this By-law.
- 14.3 The positions of Screening Officer and Hearing Officer are established through delegated authority and shall be appointed by the Commissioner.
- 14.4 Where an Administrative Penalty and any applicable Administrative Fees are not paid by the date on which they are due and payable, the Town:
- a) may notify the Ontario Ministry of Transportation or the Ministry of Attorney General (the "Ministry") of the default after forty-five (45) days, at which time 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 and any applicable Administrative Fees are paid to the Town; or
  - b) shall deem the outstanding amount to be unpaid taxes and shall be added to the tax roll and collected in the same manner as municipal taxes.
- 14.5 Where the Town notifies a Ministry of a default under this By-law, the Person shall pay any applicable administration fees imposed by the Ministry.
- 14.6 Where Town staff are required to access a license plate database to obtain the name and most recent address of the Person who is subject to an Administrative Penalty, the Person to whom the Administrative Penalty was issued, shall pay a Plate Search Fee.
- 14.7 Where an Administrative Penalty is cancelled, any Administrative Fees are also cancelled.
- 14.8 Once an Administrative Penalty has been paid there is no further option for Appeal.

17. That the following section titled "**GENERAL PROVISIONS**" be added as Section 15:
- 15.1 Where an Administrative Penalty, including any Administrative Fees, is affirmed, or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.
  - 15.2 Where an Administrative Penalty, issued pursuant to Section 5.1, is not paid within thirty (30) calendar days of the Effective Date of Service, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town an MTO Search Fee as outlined in Schedule "B".
  - 15.3 Where an Administrative Penalty issued pursuant to Section 5.1, is not paid within thirty (30) calendar days after it becomes due and payable, the Owner of the vehicle in respect of which the Penalty Notice was issued or the Person to whom a Penalty Notice is addressed to shall pay to the Town, in addition to any other fees, a Late Fee as outlined in Schedule "B".
  - 15.4 Where an Administrative Penalty issued pursuant to Section 5.1 is not paid in accordance with a Screening Decision or Hearing Decision, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, an amount equal to the original Penalty Notice amount, an MTO Search Fee and a Late Fee as outlined in Schedule "B".
  - 15.5 Where an Administrative Penalty issued pursuant to Section 5.1 and any Administrative Fees are not paid within sixty (60) calendar days after they become due and payable, the Town may:
    - a) notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person, in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until the penalty is paid, and the Owner of the vehicle in respect of which the Penalty Notice was issued shall, in addition to any other fees, pay to the Town a Plate Denial Fee; and
    - b) pursue any other collection mechanisms available to the Town pursuant to the Regulation or at law, including but not limited to applying the penalties and fees to the property tax account.
  - 15.6 Where a person provides a method of payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, the Owner shall, in addition to any other fees, be liable to pay to the Town an NSF Fee.
  - 15.7 All amounts due and payable to the Town pursuant to this By-law constitute a debt to the Town.
  - 15.8 Where a person makes a request for an extension of time for payment, and the request is granted, the date on which the Administrative

Penalty is due and payable shall be the date established in accordance with the extension of time, and:

- a) the Penalty Notice will not be subject to the Late Payment Fee or the MTO Search Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
- b) the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired, and then shall apply in accordance with the provisions herein.

15.9 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.

15.10 Where the Person served with a Penalty Notice issued pursuant to Section 5.1 or issued a Screening Decision or Hearing Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.

15.11 No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.

15.12 Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable, or any extended due date in accordance with this By-law, and will not be credited until received by the Town.

15.13 Payment of any Penalty Notice and/or Administrative Fees shall deem the Penalty Notice to be complete and no further action, including Screening Review or hearing review shall be permitted.

18. That the following section titled "**OFFENCES**" be added as Section 16:

16.1 Any Person or Owner who:

- a) makes 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) obstructs an Officer exercising any authority under this By-law, is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the Provincial Offences Act.

16.2 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise with, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a power of decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:

- a) A Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal, or authorized representative; and
- b) Only by that Person or the Person's lawyer, licensed paralegal, or authorized representative during the hearing of the proceeding in which the issues arise.

Nothing in this Section prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.

16.3 Any Person who contravenes Section 16.2 is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the Provincial Offences Act.

19. That the following section titled “**SEVERABILITY**” be added as Section 17:

17.1 Should any provision, or any part of a provision, of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this Bylaw, 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.

20. That the following section titled “**INTERPRETATION**” be added as Section 18:

18.1 The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

18.2 Where words and phrases used in this By-law are defined in the Highway Traffic Act, but not defined in this By-law, the definitions in the Highway Traffic Act shall apply to such words and phrases.

21. That the following section titled “**ADMINISTRATIVE DATES**” be added as Section 19:

19.1 That this By-law shall come into force and effect on the 1<sup>st</sup> day of February, 2025.

22. That Schedule “B”, Administrative Fees, be deleted in its entirety and replaced with the following:

ITEM	FEE
Fee – Non-Appearance - Hearing	\$60.00
Fee – Non-Appearance – Screening	\$60.00
Fee – MTO Search Fee	\$8.25
Fee – Plate Denial	\$25.00
Late Fee	\$25.00
NOTE: the fees and charges as listed in this Schedule “B” will be subject to applicable taxes, including Harmonized Sales Tax (H.S.T.) where applicable.	

READ a first and second time this 11<sup>th</sup> day of December, 2024.

READ a third time and passed this 11<sup>th</sup> day of December, 2024.

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Iain Lovatt, Mayor

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Becky Jamieson, Clerk

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