



REPORT

TO: Mayor Bonnette and Members of Council

FROM: Susie Spry, Manager of Enforcement Services

DATE: November 17, 2021

REPORT NO.: ADMIN-2022-0001

SUBJECT: Administrative Monetary Penalty System (AMPS)

RECOMMENDATION:

That Report No. ADMIN-2022-0001, dated November 17, 2021, regarding Administrative Monetary Penalty System (AMPS) be received;

AND FURTHER THAT a by-law be passed to establish an Administrative Monetary Penalty System (AMPS), substantially in accordance with the draft set out in Appendix "A" to this report, to be effective at a future date to be approved by Council, and subject to Council amendment from time to time;

AND FURTHER THAT the Town Clerk be authorized to execute an agreement with the Ministry of Transportation (MTO) for Town access to the MTO ARIS database for registered vehicle owner information to administer the AMPS program, with the agreement based on content approved by the Clerk and in a form approved by the Town Solicitor.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The Provincial Offences Act (POA) is the current system in place to prosecute parking violations within the Town of Halton Hills.
- Ontario Regulation 333/07, under the Municipal Act, 2001, allows municipalities to establish an Administrative Monetary Penalty System (AMPS) for the enforcement, processing, and resolution of parking by-law infractions through an administrative process as an alternative to the processing of parking violations.

- An Administrative Monetary Penalty System (AMPS) is an alternative system to the existing provincial courts process that is habitually lengthy and costly and provides an objective, efficient and improved customer service experience where penalty notices are issued, reviewed and managed.
- Upon receiving Council approval for the implementation of the AMPS program, staff will proceed with the development of the necessary policies, procedures and by-laws, recruitment and training of staff, software implementation and development of a communications plan. It is estimated that AMPS could be implemented late in Q2 or early Q3 of 2022.

BACKGROUND AND DISCUSSION:

The Provincial Offences Act (POA) is currently used in Halton Hills to prosecute parking violations. The POA was enacted in 1979 as procedural code to govern the prosecution of regulatory offences (non-criminal offences) created by provincial laws and municipal by-laws. The POA is designed to identify three types of violations:

- Part I, which governs minor offences;
- Part II, which deals with parking offences; and
- Part III, which is for serious violations.

Part II governs parking violations for the administration of parking ticket payments and the dispute process which commences when an enforcement officer serves a parking infraction notice (PIN) and fine to a person or vehicle. The defendant must pay the fine or request a trial within 15 days of receiving the PIN. Should a resident wish to discuss their PIN to further understand the parking violation and/or the validity of the PIN, the defendant has the option to complete a *charge screening report* (CSR) which is a form that is reviewed by the Town Prosecutor. During this process, the prosecutor does not have the authority to cancel the PIN unless there is an error on the face of the ticket that is not curable by amendment or the defendant’s information on the report provides a known defence to a law (one previously accepted by the courts). All other matters must proceed by way of a trial.

The table below summarizes the number of parking tickets issued, the number of CSR’s received, and the number of trials requested between 2018 and 2021. The asterisk (*) represents the time frame in which the POA Courts have been closed to in-person trials and therefore no data is available. Information received from Halton Court Services to staff indicate that any outstanding or newly requested parking trials will not be scheduled until in-person hearings resume. However, at this time, there is no indication of when this will occur. Currently, there are 276 outstanding requests for a trial waiting to be scheduled.

	2018	2019	2020	2021
Parking Tickets Issued	4, 144	6, 659	5, 548	5, 966
Charge Screening Reports received	156	72	98	115
Trial Requests	23	69	*	*

An Administrative Monetary Penalty System (AMPS) is an alternative parking enforcement structure that includes an efficient dispute process and replaces the traditional POA system. Bill 130, the *Municipal Statute Law Amendment Act, 2006* came into effect on January 1, 2007 which permitted municipalities to establish a system of Administrative Penalties for parking offences. Establishing an AMPS program will move the dispute mechanism for violations of the Town's parking by-laws from a court-based system to an administrative review model. AMPS provides an objective and efficient process where penalty notices are issued, managed and reviewed.

Under the structure of Administrative Penalties, when an enforcement officer issues a Penalty Notice to a person or a vehicle in violation of the municipality's parking by-law, the penalty becomes a balance due to the municipality. Once issued, there are two options available to the defendant which include contesting the penalty notice through a screening review with a Screening Officer. If unsuccessful in that process, the defendant can appeal the decision of the Screening Officer to a Hearing Officer for an additional review. The decision of a Hearing Officer is considered final and binding. An AMP system provides control to the municipality with respect to the timelines associated to the life of a penalty notice as the process is no longer hindered by the backlogged Provincial Court system. Because administrative penalties are imposed without a court hearing, policies are put in place (e.g. conflict of interest, political interference) to ensure that the process for imposing a penalty is fair and in accordance with the principles of natural justice. AMP systems have been upheld by the courts as appropriate for matters under provincial control.

In its 2011 report, [Modernizing the Provincial Offences Act](#), the Law Commission of Ontario conducted an in-depth review of the POA system. The review was to confirm the POA system was appropriate for Ontario's current legal environment, and to determine whether a less expensive, but equally fair, forum for adjudicating provincial offences should be made available to the public. In developing the report, the Commission consulted with the judiciary and a wide range of stakeholders, including municipalities, court administrators, prosecutors, the criminal defence bar, police and ministry officials. The report recommended that all parking offences be resolved in an AMP system. It also recommended a review of other minor provincial infractions to ascertain their suitability for AMPs. These recommendations were based on three main factors:

1. The high volume of minor cases being heard within POA courts on a yearly basis
2. The significant costs associated with the administration of those courts
3. The increased use of AMP systems in Canada and Ontario as alternatives to traditional court processes

The Commissions' review of AMPs, and the documentation explaining the effectiveness and advantages as an enforcement tool, provided a compelling case for a gradual shift away from court-based processes. Aside from court and resource considerations, the Law Commission of Ontario suggested that a greater respect for the rule of law and

administration of justice would be achieved if court and judicial resources were reserved for more serious matters.

The following benefits are associated with the implementation of an AMP system for parking penalties:

1. **Improved customer experience:** With an AMPS program, regulatory matters can be resolved online or at Town facilities and would no longer require in-person participation, a justice of the peace, the municipal prosecutor or the officer who laid the charge.
2. **Efficiencies:** Currently, POA trials are often scheduled months in advance, extending the public's wait times to resolve their cases related to parking tickets and tying up court resources required for other cases, which may include non-compliance with the Town's Zoning Bylaw, the Ontario Building Code Act and Fire Protection and Prevention Act. With an AMPS program, hearings to challenge a PIN would be scheduled within a few weeks of receiving the parking ticket.
3. **Net Revenue:** The financial benefit is the result of the increased revenues generated from the anticipated volume of notices and related fees. These higher revenues are partially offset by the additional staffing and other resources required to deliver the AMPS program.

While the primary focus would be non-compliance of the Town's parking regulations, it is also important to note that the AMPS model is intended to be developed further in the future and used for reviewing most regulatory infractions.(ie: business licensing and automated speed enforcement)

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

This report has been written in consultation with staff from Information Technology, Finance, Clerks and legal services at O'Connor MacLeod Hanna.

FINANCIAL IMPLICATIONS:

This report will be funded through an existing approved budget source.

The costs associated with the implementation of the AMPS program was approved with the 2022 budget. It is expected that AMPS will provide an increase in revenue generated from the volume of notices and related fees.

Reviewed and approved by,

Valerie Petryniak, Town Clerk & Director of Legislative Services

Chris Mills, Chief Administrative Officer