



BY-LAW NO. 2024-0081

A By-law to establish a System of Administrative Penalties (Parking) and to repeal By-law 2022-0002

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize the Corporation of the Town of Halton Hills to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 102.1(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 failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS the Province adopted the "Administrative Penalties" regulation, O. Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the Town of Halton Hills will designate portions of the Town's Off-Street Parking By-law 2005-0117, as amended, and the Town's Fire Route By-law 2014-0014, as amended, that deal with parking, standing or stopping of vehicles, to be applicable to the administrative penalty system established through this By-law;

AND WHEREAS the Town of Halton Hills considers it desirable to have one administrative penalty system for all by-laws to which administrative penalties may apply and may designate other by-laws to be applicable to the administrative penalty system established through this By-law;

AND WHEREAS the Town of Halton Hills considers it desirable to enforce and seek compliance with the designated by-laws, or portions of by-laws, through the administrative penalty system;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be referred to as the "AMPS Parking By-law".

2. DEFINITIONS

2.1 For the purposes of this By-law:

"**Adjourn**" means to temporarily end a **Hearing**, where no decision is reached until the **Hearing** resumes;

"**Administrative Fee**" means any fee imposed by this by-law and as set out in the Town's **User Fees By-law**;

“Administrative Penalty” means a monetary penalty as set out in Schedules “A”, “B”, and “C” to this By-law for a contravention of a **Designated By-law**;

“By-law” means this by-law and any schedule to this by-law as they may be amended from time to time;

“Clerk” means the Clerk for the Town, or any Person designated by the Clerk;

“Corporation” means a separate legal entity incorporated pursuant to provincial or federal law;

“Council” means the elected Council of the Town of Halton Hills;

“Day” means calendar day;

“Decision of a Hearing Officer” means a notice that contains the decision of a **Hearing Officer**;

“Decision of a Screening Officer” means a notice that contains the decision of a **Screening Officer**;

“Designated By-law” means a by-law or provision of a by-law that is designated under this or any other by-law,

“Electronic Hearing” means Hearing held by conference telephone or some other form of electronic technology allowing **persons** to hear one another.

“Fails to appear” or **“Failure to appear”** means failure to appear or participate by conference telephone, or some other form of electronic technology allowing **persons** to hear one another, or in person, on the scheduled date as the case may be within ten (10) minutes of the start time of a **Screening Review** meeting or **Hearing**;

“Fails to respond” means failure to respond in writing to a request for information, documents or submissions by the **Screening Officer** or **Hearing Officer** on the date set by the **Screening Officer** or **Hearing Officer** for responding;

“Hearing” means a review of a **Decision of a Screening Officer** by a **Hearing Officer**;

“Hearing Non-appearance Fee” means an **Administrative Fee** in respect of a Person’s failure to appear for a **Hearing**;

“Hearing Officer” means a person who performs the functions of a **Hearing Officer** in accordance with this By-law;

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

“Late Payment Fee” means an **Administrative Fee** from time to time established by **Council** in respect of a Person’s failure to pay an **Administrative Penalty** within the time prescribed in this By-law;

“MTO Search Fee” means an **Administrative Fee** from time to time established by **Council** in respect of searching records of the Ontario Ministry of Transportation;

“NSF Fee” means an **Administrative Fee** in respect of a payment by negotiable instrument, for which there are insufficient funds in the account on which the instrument is drawn;

“**Officer**” means a Municipal Law Enforcement Officer, Police Officer or any other **Person** appointed by by-law to enforce a Town by-law;

“**Owner**” means the person whose name appears on the permit for the vehicle and if the vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.

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

“**Penalty Notice Date**” means the date of the contravention of a **Designated By-law**;

“**Penalty Notice Number**” means a unique reference number;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, **Corporation** and an individual in their capacity as a trustee, executor, administrator, or other legal representative;;

“**Regulation**” means the Administrative Penalties, Ontario Regulation 333/07;

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

“**Screening Non-appearance Fee**” means an **Administrative Fee**, in respect of a **Person’s** failure to appear at a Screening Review meeting;

“**Screening Officer**” means a **Person** who performs the functions of a **Screening Officer** in accordance with this By-law;

“**Screening Review**” means a review of and **Administrative Penalty** by a **Screening Officer**;

“**User Fees By-law**” means the **Town** By-law, adopted from time to time, for imposing fees or charges with respect to services or activities provided, related costs payable, and the use of its property.

3. APPLICATION

- 3.1 Town By-law or portions of Town By-laws, that are listed in Schedules “A”, “B” and “C” to this By-law shall be **Designated By-laws** and are hereby designated for the purposes of section 3(1)(b) of the **Regulation** and the provisions of this By-law shall apply to any contravention of a **Designated By-law**. Schedules “A”, “B”, and “C” shall set out the short form wording to be used for the contraventions of **Designated By-laws** and also set out the Administrative Penalties imposed for the contraventions.
- 3.2 The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, does not apply to a contravention of a **Designated By-law**.
- 3.3 The Schedules of this By-law set out the short form wording to be used on a **Penalty Notice** for the contravention of a **Designated By-law**.
- 3.4 The **Administrative Fee(s)** imposed for the purposes of this By-law shall be as set out in the **Town’s User Fees By-law**.
- 3.5 The imposition of an **Administrative Penalty** does not limit the **Town’s** ability to initiate any other proceeding or seek any other remedy permitted by law as the **Town** deems appropriate to prevent the continuation or repetition of the contravention.

3.6 **Council** is of the opinion that the powers delegated in this by-law are of a minor nature.

4. **PENALTY NOTICE**

4.1 Every Person who if the **Owner** of a vehicle parked, stopped or standing in contravention of a **Designated By-law** shall upon issuance of a Penalty Notice, be liable to pay the Town an **Administrative Penalty** in the amount specified in Schedule "A", "B" and "C".

4.2 An **Officer** who has reason to believe that a vehicle has been left parked, stopped or standing in contravention of a **Designated By-law** may issue a Penalty Notice as soon as reasonably practicable.

4.3 A **Penalty Notice** shall include the following information:

- (a) the vehicle license plate number or vehicle identification;
- (b) the **Penalty Notice Date**;
- (c) a number that is unique to the Penalty Notice;
- (d) the contravention wording listed in Schedule "A", "B" and "C
- (e) ", which describes the particulars of the contravention;
- (f) the amount of the **Administrative Penalty**;
- (g) such information as the **Clerk** determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the **Administrative Penalty**;
- (h) a statement advising that an **Administrative Penalty**, including any **Administrative Fee**, will, unless cancelled or reduced pursuant to a review constitute a debt of a Person to the Town; and
- (i) the name and identification number of the **Officer**.

4.4 In addition to service methods provided for in Section 9.1, an **Officer** may serve the Penalty Notice on a Person who is the **Owner** of a vehicle, where the vehicle is identified in the Penalty Notice, by;

- (a) affixing it to the vehicle in a conspicuous place at the time of the alleged infraction; or
- (b) by delivering it personally to the Person having care and control of the vehicle at the time of the alleged infraction.

4.5 No **Officer** may accept payment of an **Administrative Penalty**.

4.6 Unless a review has been requested in accordance with Section 7, or a request for an extension of time to request a review has been made and granted in accordance with Section 7.4;

- (a) the amount set out in the Penalty Notice is due and payable within 15 **days** of the **Penalty Notice Date**; and
- (b) if the **Owner** who is served with a Penalty Notice does not provide full payment within 15 **days** of the **Penalty Notice Date**, the **Owner** shall pay to the Town an **MTO Search Fee**.

5. **PAYMENT OF AN ADMINISTRATIVE PENALTY**

5.1 Where an **Administrative Penalty** has been partially or fully paid, the **Penalty Notice** shall not be subject to any further review.

5.2 An **Administrative Penalty** shall be deemed to have been paid when the **Administrative Penalty** and all applicable **Administrative Fee(s)** have been paid.

- 5.3 A **Person** who has been issued a **Penalty Notice** shall pay the **Administrative Penalty** within fifteen (15) **days** of the **date of service** of a **Penalty Notice**.
- 5.4 Where a **Penalty Notice** is issued in respect of a contravention of a **Designated By-law** for which the owners of a property are responsible, the **Penalty Notice** may name all **Persons** who are the registered owners of such property, and such **Persons** shall be jointly and severally liable to pay the **Administrative Penalty** on the **Penalty Notice**.
- 5.5 No **Officer** may accept payment of an **Administrative Penalty** or **Administrative Fee** payable in accordance with this By-law.

6. NON-PAYMENT OF AN ADMINISTRATIVE PENALTY

- 6.1. Where a request for a **Screening Review** has not been made in accordance with Section 7 of this By-law, and the **Administrative Penalty** is not paid within fifteen (15) **days** of the **date of service** of the **Penalty Notice**:
- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, are deemed to be affirmed and payable, and is not subject to further review except as provided in Section 7.2; and
 - (b) notwithstanding Section 7.2, the **Person** that the **Penalty Notice** was issued to, shall pay the **Town** a **Late Payment Fee**.
- 6.2 Where an **Administrative Penalty** is not paid within fifteen (15) **days** of the **date of service** of the **Penalty Notice**, the **Clerk** shall deliver in accordance with Section 9 of this By-law, a Notice of Penalty and Due Date, to the **Person** that the **Penalty Notice** was issued to that contains:
- (a) the amount due and payable to the **Town** including the **Administrative Penalty**, and any applicable **Administrative Fee(s)**; and
 - (b) information on the process to request an extension of time to request a **Screening Review**.

7. REVIEW BY A SCREENING OFFICER

- 7.1 A **Person** who is served with a **Penalty Notice** may request a **Screening Review** in accordance with Section 7.4 of this **By-law** on or before the date the **Administrative Penalty** is due and payable.
- 7.2 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 that the **Screening Officer** extend the time to request a **Screening Review** in accordance with Section 7.4 of this **By-law** within forty-five (45) **days** of the **date of service** of the **Penalty Notice**.
- 7.3 A **Person's** right to request an extension of time for a **Screening Review** expires, if it has not been exercised within forty-five (45) **days** of the **date of service** of the **Penalty Notice** and:
- (a) the **Person** shall be deemed to have waived the right to request a **Screening Review**;
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and

- (c) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any court.
- 7.4 A **Person's** request for a **Screening Review** or request for an extension of time to request a **Screening Review** shall be exercised by:
- (a) submitting an online request for a **Screening Review** by accessing the portal through the **Town's** website provided on the **Penalty Notice** together with all relevant documents, including photographs and videos; or
 - (b) attending in person or by an authorized representative at the location listed on the **Penalty Notice** to request a **Screening Review** and to submit all relevant documents, including photographs and videos.
- 7.5 The **Screening Officer** may grant a request to extend the time to request a **Screening Review** within the time prescribed in Section 7.2 of this **By-law**, where a **Person** demonstrates, to the satisfaction of the **Screening Officer**, the existence of extenuating circumstances.
- 7.6 Where an extension of time to request a **Screening Review** is not granted by the **Screening Officer**:
- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including review by any Court.
- 7.7 A **Screening Review** shall be conducted by written form or by electronic document submission unless there is a requirement on a case-by-case basis, as determined by the **Screening Officer**, to provide the **Screening Review** through other means.
- 7.8 Where a **Screening Review** is being conducted by written form or by electronic document submission, the **Screening Officer** may request such information, documents, photographs and videos from the **Person** that requested the **Screening Review** as the **Screening Officer** considers relevant to the conduct of the **Screening Review**, and may rely upon the information, documents, photographs and videos provided without the need for the attendance of the **Person**.
- 7.9 Where a **Screening Review** is granted and is not being conducted by written form or by electronic document submission, the **Screening Officer** shall deliver in accordance with Section 9 of this **By-law**, a Notice of an Appointment for a **Screening Review**, to the **Person** that requested the **Screening Review** that contains:
- (a) the date and time of the **Screening Review** meeting;
 - (b) the format of the **Screening Review** meeting including details about the manner in which the **Screening Review** meeting will be held; and
 - (c) a statement that if the **Person fails to appear** that the **Person** shall:
 - (i) be deemed to have abandoned the request for a **Screening Review**;
 - (ii) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (iii) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

- 7.10 A **Person** who has been issued a Notice of Appointment for a Screening Review may make a written request to the **Screening Officer** to reschedule the date for the **Screening Review** provided such request is received by the **Screening Officer** two (2) business **days** prior to the **Screening Review** date.
- 7.11 Where a **Person** or an authorized representative **fails to appear** for a **Screening Review** meeting, or **fails to respond** in accordance with a request by a **Screening Officer**:
- (a) the **Person** shall be deemed to have abandoned the request for a **Screening Review**;
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable;
 - (c) the **Person** shall pay the **Town**, a **Screening Non-Appearance Fee**; and
 - (d) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 7.12 Where a **Person** or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during the **Screening Review**, or refuses to appropriately participate in the **Screening Review**, the **Screening Officer** may end the **Screening Review**:
- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 7.13 The **Screening Officer** may request such information, documents, photographs or videos from a **Person** as the **Screening Officer** considers relevant to conduct the **Screening Review**.
- 7.14 The **Screening Officer** may request, consider and rely on information, documents, photographs and videos from an **Officer**, or other **Town** staff as the **Screening Officer** deems relevant, without the need for the attendance of the **Officer** or other **Town** staff, including but not limited to: a certified statement of an **Officer**, other documents respecting a contravention created by an **Officer**, and any other documents, photographs and videos prepared by an **Officer**, or other **Town** staff.
- 7.15 Upon completion of a **Screening Review**, a **Screening Officer** may affirm the **Administrative Penalty**, including any **Administrative Fee(s)**, or cancel or reduce the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or extend the time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)** on the following grounds:
- (a) where a **Person** establishes on a balance of probabilities, that they did not contravene the **Designated By-law** as described in the **Penalty Notice**;
 - (b) the **Penalty Notice** is defective in substance or form;
 - (c) the **Penalty Notice** was not served in accordance with Section 9 of this **By-law**;
 - (d) the **Person's** prior history of non-compliance with a **Designated By-law**;
 - (e) whether the **Person** has any unpaid **Penalty Notices**; or
 - (f) where a **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, is necessary to relieve any undue hardship.

7.16 A **Screening Officer** may give a decision orally at the time of the **Screening Review** meeting and shall deliver in accordance with Section 9 of this **By-law** a **Decision of a Screening Officer** to the **Person** that requested the **Screening Review**.

7.17 A **Screening Officer** may where:

- (a) multiple **Penalty Notices** have been issued to the same **Person**; or
- (b) multiple **Penalty Notices** have been issued to multiple **Person(s)** regarding the same or related contraventions;

review **Screening Review** requests together, if it is reasonably practical to do so, and the **Person(s)** that requested a **Screening Review** do not object to doing so.

7.18 A **Person** that requested a **Screening Review** may cancel the **Screening Review** by paying the **Town** the **Administrative Penalty**, and any applicable **Administrative Fee(s)** no later than 4:00 p.m. on the **day** prior to the **Screening Review** date.

7.19 A **Screening Officer** conducting a **Screening Review** under this **By-law** does not have jurisdiction to consider any question relating to the validity of a statute, **regulation** or **By-law** including but not limited to the constitutional applicability or operability of any statute, **regulation**, or **By-law**.

8. REVIEW BY A HEARING OFFICER

8.1 Where an **Administrative Penalty** has not been cancelled, a **Person** may request a **Hearing** within fifteen (15) **days** of the **date of service** of the **Decision of a Screening Officer**.

8.2 If a **Person** does not request a **Hearing** within fifteen (15) **days** of the **date of service** of the **Decision of a Screening Officer**, the **Person** may request the **Hearing Officer** to extend the time to request a **Hearing** within thirty (30) **days** of the **date of service** of the **Decision of a Screening Officer**.

8.3 A **Person's** right to request an extension of time for a **Hearing** expires, if it has not been exercised, within thirty (30) **days** of the **date of service** of the **Decision of a Screening Officer**, at which time:

- (a) the **Person** shall be deemed to have waived the right to request a **Hearing**;
- (b) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
- (c) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

8.4 A **Person's** request for a **Hearing** or request for an extension of time to request a **Hearing** shall be exercised by:

- (a) submitting an online request for a **Hearing** by accessing the portal through the **Town's** website provided on the **Decision of a Screening Officer** together with all relevant documents, including photographs and videos; or
- (b) attending in person at the location listed on the **Decision of a Screening Officer** to request a **Hearing** and to submit all relevant documents, including photographs and videos.

- 8.5 A **Hearing Officer** may grant a request to extend the time to request a **Hearing** within the time prescribed in Section 8.2 of this **By-law**, where a **Person** demonstrates, to the satisfaction of the **Hearing Officer**, the existence of extenuating circumstances.
- 8.6 Where an extension of time to request a **Hearing** is not granted by the **Hearing Officer**:
- (a) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to further review, including a review by any Court.
- 8.7 A **Hearing** shall be conducted as an **Electronic Hearing** unless there is a requirement on a case-by-case basis, as determined by the **Hearing Officer**, to provide the **Hearing** through other means.
- 8.8 Prior to an **Electronic Hearing**, the **Clerk** shall deliver in accordance with Section 9 of this **By-law**, a Notice of an Appointment for a Hearing to the **Person** that requested a **Hearing**, that contains:
- (a) a reference to the statutory authority under which the **Hearing** will be held and the purpose of the **Hearing**;
 - (b) the date, time and details about the manner in which the **Hearing** will be held;
 - (c) the date, time and method for submitting any relevant documents, photographs and videos;
 - (d) information on how to obtain disclosure; and
 - (e) a statement that the **Person** may, by satisfying the **Hearing Officer** that holding the **Hearing** as an **Electronic Hearing** is likely to cause the **Person** significant prejudice, require the **Hearing Officer** to hold the **Hearing** as an **Oral Hearing**, and the procedure to be followed for that purpose; and
 - (f) a statement that if the **Person fails to appear** that the **Person** shall:
 - (i) be deemed to have abandoned the request for a **Hearing**;
 - (ii) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable on the date the **Decision of the Screening Officer** was issued;
 - (iii) be required to pay the **Town a Hearing Non-Appearance Fee**;
 - (iv) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 8.9 A **person** who has been issued a Notice of Appointment for a **Hearing** may request the **Clerk** to reschedule the date of the **Hearing** provided such request is received by the **Clerk** two (2) business **days** prior to the **Hearing** date.
- 8.10 Where a **Person** or authorized representative **fails to appear** for a **Hearing** or **fails to respond** in accordance with a request by a **Hearing Officer**, the **Hearing Officer** may without a **Hearing** affirm that:
- (a) the **Person** is deemed to have abandoned the request for a **Hearing**;

- (b) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administration Fee(s)** are deemed to be affirmed and payable on the date the **Decision of a Screening Officer** was issued;
 - (c) the **Person** shall pay the **Town** a **Hearing Non-Appearance Fee**;
 - (d) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 8.11 Where a **Person** or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during a **Hearing**, or refuses to appropriately participate in the **Hearing**, the **Hearing Officer** may end the **Hearing**:
- (a) the **Administrative Penalty**, and any applicable **Administration Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 8.12 The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all **Hearings** conducted under this **By-law**.
- 8.13 A **Hearing Officer** may request such information, documents, photographs and videos from a **Person** as the **Hearing Officer** considers relevant to conduct the **Hearing**.
- 8.14 A **Hearing Officer** may request, consider and rely on information, documents, photographs and videos from an **Officer**, or other **Town** staff as the **Hearing Officer** deems relevant, including but not limited to: a certified statement of an **Officer**, other documents respecting a contravention created by an **Officer**, and any other document prepared by an **Officer**, or other **Town** staff and materials presented to a **Hearing Officer**.
- 8.15 If evidence referred to Section 8.14 is being admitted at a **Hearing**, the **Hearing Officer** shall not **Adjourn** the **Hearing** for the purpose of having an individual attend to give evidence unless the **Hearing Officer** is satisfied that the oral evidence of the individual is necessary to ensure a fair **Hearing**.
- 8.16 A **Hearing Officer** shall not make a decision respecting a review of a **Decision of a Screening Officer** unless the **Hearing Officer** has given the **Person** and a representative of the **Town** an opportunity to be heard at the scheduled **Hearing**.
- 8.17 A **Hearing Officer** is not bound by, and need not have regard for, any **Decision of a Screening Officer**.
- 8.18 After conducting a **Hearing**, a **Hearing Officer** may affirm the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or cancel or reduce the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or extend the time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)** on the following grounds:
- (a) where a **Person** establishes on a balance of probabilities, that they did not contravene the **Designated By-law** as described in the **Penalty Notice**;
 - (b) the **Penalty Notice** is defective in substance or form;
 - (c) the **Penalty Notice** was not served in accordance with Section 9 of this **By-law**;
 - (d) the **Person's** prior history of non-compliance with a **Designated By-law**;
 - (e) whether the **Person** has any unpaid **Penalty Notices**; or

(f) where a **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, is necessary to relieve any undue hardship.

8.19 A **Hearing Officer** may **Adjourn** a **Hearing** for a period no longer than thirty (30) **days**.

8.20 A **Hearing Officer** may amend the **Penalty Notice** as may be necessary if it appears that it fails to state or states defectively anything that is required to be stated. In considering whether or not an amendment should be made, the **Hearing Officer** shall consider the evidence presented at a **Hearing** and whether the **Person** has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.

8.21 After a **Hearing** has concluded, a **Decision of a Hearing Officer** shall be delivered by the **Clerk** in accordance with Section 9 of this **By-law** to the **Person** that requested the **Hearing**.

8.22 The decision of a **Hearing Officer** is final and not subject to further review.

8.23 A **Person** who requested a **Hearing** may cancel the **Hearing** by paying the **Town** the **Administrative Penalty**, and any applicable **Administrative Fee(s)** as set out in the **Decision of a Screening Officer** no later than 4:00 p.m. on the **day** prior to the **Hearing** date.

8.24 A **Hearing Officer** conducting a **Hearing** under this **By-law** does not have jurisdiction to consider any question relating to the validity of a statute, **regulation** or **By-law** including but not limited to the constitutional applicability or operability of any statute, **regulation**, or **By-law**.

9. SERVICE OF DOCUMENTS

9.1 A document, notice, decision or **Penalty Notice** issued in accordance with this **By-law**, shall be served using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

COLUMN A Method of Service	COLUMN B Deemed Date of Service
Personal	Date personally delivered to Person to whom it is addressed
Email	Date email is sent to the Person's last known email address
Regular/Registered Mail	Five (5) days after the date of mailing to the Person's last known mailing address

9.2 For the purposes of this **By-law**, a **Person's** last known address and electronic mail address includes:

- (a) an address and electronic mail address provided by the **Person** to the **Town** as may be required by a form, practice or policy under this **By-law** and includes a **tax roll address**; or
- (b) the most recent address that appears on the **Ministry's** records.

9.3 Where service is affected by multiple methods, the **date of service** shall be on the earliest applicable date.

10. ADMINISTRATION OF THE BY-LAW

- 10.1 The **Clerk** shall administer this **By-law** and establish any additional practices and procedures necessary to implement this **By-law** and may amend such practices and procedures from time to time, as the **Clerk** deems necessary, provided that such practices and procedures are not in conflict, or inconsistent with this **By-law**.
- 10.2 The **Clerk** 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 **Clerk** deems necessary, provided that the contents of such forms and notices are not in conflict, or inconsistent with this **By-law**.
- 10.3 The **Clerk** may cancel an **Administrative Penalty**, and any applicable **Administrative Fee(s)**, where a **Penalty Notice** was issued to a **Person** because an error was made by the **Town**.
- 10.4 The **Clerk** may cancel an **Administrative Fee**, without cancelling the **Administrative Penalty**, where the **Administrative Fee** was imposed as a result of an error made by the **Town**.
- 10.5 Where a **Person** has paid any amount towards an **Administrative Penalty** at any time, a **Screening Review** or **Hearing** request will not be granted.
- 10.6 Where in the event of extenuating circumstances, a **Person fails to appear** for a **Hearing**, they may submit a written request to the **Clerk** that the matter be reviewed. Upon the **Person** providing evidence satisfactory to the **Clerk**, the **Hearing Non-Appearance Fee** may be cancelled, and an opportunity for another **Hearing** granted, with the decision of the **Clerk** being final.
- 10.7 The **Clerk** shall appoint such **Screening Officers** and **Hearing Officers** that are necessary for the administration of this **By-law**.
- 10.8 A **Person** shall pay a **NSF Fee** to the **Town** where payment of an **Administrative Penalty** or **Administrative Fee(s)** was unable to be processed and payment was not received by the **Town**.
- 10.9 A **Person** shall pay a **Certified Document Fee** to the **Town** where the **Town** conducts a search, makes a request for or obtains documents, information or records from the **Ministry** for the purposes of administering and enforcing this **By-law**.
- 10.10 An **Administrative Penalty**, and any applicable **Administrative Fee(s)**, that are affirmed or reduced, or in respect of which the time for payment has been extended, is due and payable and constitutes a debt to the **Town** owed by the **Person** to whom the **Penalty Notice** was issued to.
- 10.11 Where an **Administrative Penalty**, and any applicable **Administrative Fee(s)**, are not paid by the **Person** to whom the **Penalty Notice** was issued to within thirty (30) **days** of the date on which they are due and payable, the **Town** may:
 - (a) add the **Administrative Penalty**, and any applicable **Administrative Fee(s)** to the tax roll and collect it in the same manner as municipal taxes; or
 - (b) pursue any other collection mechanisms available to the **Town**.
- 10.12 Where an **Administrative Penalty** is cancelled by a **Screening Officer** or **Hearing Officer**, any **Administrative Fee(s)** are also cancelled.

- 10.13 An authorized representative is permitted to appear on behalf of a **Person** who has been issued a **Penalty Notice** at a **Screening Review** meeting or **Hearing**, or to communicate with the **Town** on behalf of that **Person** upon producing written authorization.
- 10.14 Any time limit that would otherwise expire, is extended to the next **day** that is not a **Holiday**.
- 10.15 The **Clerk** may authorize a plan of periodic payments.

11. GENERAL PROVISIONS

- 11.1 An **Administrative Penalty**, including any **Administrative Fees**, that is due and payable constitutes a debt to the Town owed by the **Owner** for whom the **Penalty Notice** was given.
- 11.2 Where an **Administrative Penalty** is not paid within 15 **days** after it becomes due and payable, the **Owner** to whom the **Penalty Notice** was served shall pay to the Town a **Late Payment Fee**.
- 11.3 Where an **Administrative Penalty** is not paid within 30 **days** after it becomes due and payable, the Town may 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** until the penalty is paid.
- 11.4 Where a **person** provides a demand for 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, shall pay to the Town an **NSF Fee**.
- 11.5 Where an **Administrative Penalty** is cancelled by a **Screening Officer** or a **Hearing Officer**, any **Administrative Fee** is also cancelled.
- 11.6 Any time limit that would otherwise expire on a **Holiday** is extended to the next **day** that is not a **Holiday**.
- 11.7 Any review or **hearing** provided for in this **By-law** may proceed by electronic means as determined in the sole discretion of the **Clerk** and any reference in this **By-law** to the time and place of the review or **hearing** shall be deemed to include the time and electronic location of the electronic review or **hearing**.
- 11.8 Any schedule attached to this **By-law** forms part of this **By-law**.

12. VALIDITY

- 12.1 This **By-law** shall come into force on October 28, 2024.

13. SEVERABILITY

- 13.1 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 provision, or 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.

14. REPEAL

14.1 By-law 2022-0002 shall be repealed in its entirety.

BY-LAW read and passed by the Council for the Town of Halton Hills this 28th day of October, 2024.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK

SCHEDULE “A”

TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW DESIGNATED BY-LAW PROVISIONS UNIFORM TRAFFIC CONTROL BY-LAW 2023-0094

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Uniform Traffic Control By-law 2023-0094, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the **Administrative Penalty** amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 2023-0094 – Uniform Traffic Control			
Item	Short Form Wording	Section	Set Fine \$
1.	Park facing wrong way on street	5(1)(a)	\$30.00
2.	Park with right wheels more than 0.15 metres from curb	5(1)(a)	\$20.00
3.	Stop facing wrong way on street	5(1)(a)	\$30.00
4.	Stop with right wheels more than 0.15 metres from curb	5(1)(a)	\$20.00
5.	Park wrong way- one way street	5(1)(b)	\$30.00
6.	Park more than 0.15 metres from curb- one way street	5(1)(b)	\$20.00
7.	Park at wrong angle	5(1)(c)	\$30.00
8.	Double parked on roadway	5(1)(d)	\$40.00
9.	Park outside designated parking space markings	5(1)(e)	\$20.00
10.	Park on sidewalk	5(2)(a)(i)	\$30.00
11.	Park on boulevard	5(2)(a)(ii)	\$30.00
12.	Park on median strip	5(2)(a)(iii)	\$30.00
13.	Park on island	5(2)(a)(iv)	\$30.00
14.	Park within 1 metre of driveway	5(2)(a)(v)	\$30.00
15.	Park within 3 metres of public lane	5(2)(a)(vi)	\$30.00
16.	Park within 3 metres of fire hydrant	5(2)(a)(vii)	\$100.00
17.	Park obstructing emergency entrance	5(2)(a)(ix)	\$100.00
18.	Park obstructing traffic	5(2)(a)(x)	\$40.00
19.	Park obstructing road repair	5(2)(a)(x)	\$40.00
20.	Park obstructing snow removal	5(2)(a)(x)	\$50.00
21.	Park vehicle for sale on highway	5(2)(a)(xi)	\$30.00
22.	Park or leave motor vehicle unlocked while unattended	5(2)(c)	\$50.00
23.	Park – no parking posted	5(3)(a)	\$30.00
24.	Parking longer than 6 hours	5(4)(a)	\$20.00
25.	Park in prohibited area	5(4)(b)	\$30.00
26.	Stop within 6 metres of crosswalk	5(8)(a)(i)	\$30.00
27.	Stop within 25 metres of signalized intersection	5(8)(a)(ii)	\$30.00
28.	Stop within 3 metres of fire hydrant	5(8)(a)(iii)	\$100.00
29.	Stop adjacent to median strip	5(8)(a)(v)	\$30.00
30.	Stop adjacent to island	5(8)(a)(v)	\$30.00
31.	Stop in divided highway	5(8)(a)(vi)	\$30.00
32.	Stop within 15 metres of bus stop	5(8)(a)(vii)	\$30.00
33.	Stop within 100 metres of bridge	5(8)(a)(viii)	\$30.00
34.	Stop in school bus loading zone	5(8)(a)(ix)	\$30.00
35.	Stop within 3 metres of railway crossing	5(8)(a)(x)	\$30.00
36.	Stop – no stopping posted	5(9)(a)	\$50.00
37.	Stop in prohibited area	5(10)	\$40.00
38.	Stop in Loading Zone	5(12)	\$20.00
39.	Park overnight	5(13)	\$30.00
40.	Park commercial motor vehicle on highway	5(2)(b)(i)	\$100.00
41.	Park in a designated disabled person parking space	5(12)(a)	\$350.00

SCHEDULE "B"

TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW DESIGNATED BY-LAW PROVISIONS FIRE ROUTE BY-LAW 2014-0014

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Fire Route By-law 2014-0014, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the **Administrative Penalty** amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 2014-0014 – Fire Route			
Item	Short Form Wording	Section	Set Fine \$
1.	Park in a designated fire route	11	\$100.00
2.	Stop in a designated fire route	12	\$100.00

SCHEDULE "C"

TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW DESIGNATED BY-LAW PROVISIONS OFF-STREET PARKING BY-LAW 2005-0117

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Off-Street Parking By-law 2005-0117, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the **Administrative Penalty** amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 2005-0117 – Off Street Parking			
Item	Short Form Wording	Section	Set Fine \$
1.	Fail to display valid parking permit	7	\$25.00
2.	Park on municipal parking lot (in prohibited area, without authorization)	8	\$25.00
3.	Park in municipal parking lot between 2:00 a.m. and 6:00 a.m.	9(a)	\$25.00
4.	Park not wholly within parking lot space	9(b)	\$25.00
5.	Park vehicle without valid plate	9(c)	\$25.00
6.	Park vehicle for repair in municipal parking lot	10(b)	\$25.00
7.	Park on private property without consent	11(a)	\$40.00
8.	Park on property (owned, occupied) by a (public authority, local board) without consent	11(b)	\$40.00
9.	Park on private property not wholly within parking lot space	11(c)	\$40.00
10.	Park in a designated disabled person parking space (without valid permit, with permit improperly displayed)	20	\$350.00