
Report of the Regional Solicitor and General Counsel

Administrative Penalty System Implementation Bylaws

1. Recommendations

1. Council approve enactment of the Administrative Penalty System Bylaw with an effective date of January 1, 2024, as described in this report.
2. Council approve enactment of the Administrative Penalty System Screening and Hearing Officer Bylaw with an effective date of January 1, 2024, as described in this report.
3. The Regional Solicitor and General Counsel be authorized to execute agreements with the Ontario Ministry of the Attorney General and Ontario Ministry of Transportation required to establish and operate an administrative penalty system.
4. The Regional Solicitor and General Counsel be authorized to prepare the bylaws and any amendments to the bylaws required to designate additional bylaw provisions such as the Forest Conservation Bylaw, the Sewer Use Bylaw and Transit Bylaw to be enforced as administrative penalties.

2. Purpose

This report seeks Council approval to enact the Administrative Penalty System Bylaw, Administrative Penalty System Screening and Hearing Officer Bylaw, and authorize the Regional Solicitor and General Counsel to execute any agreements and ancillary documents required to establish and operate an administrative penalty system effective January 1, 2024.

Key Points:

- An administrative penalty system is an efficient alternative for enforcement and adjudication of low-liability offences, such as camera-based enforcement and Regional

bylaw infractions involving parking, sewer use and transit ridership matters. Penalties are only monetary in nature

- The Province of Ontario guidance document *Administrative Penalties for Vehicle Based Contraventions* recommends municipalities enact bylaws to designate enforcement of municipal bylaw infractions through the administrative penalty program
- The proposed Regional bylaws, including all administrative fees, reflect the requirements of Ontario Regulation 355/22, *Administrative Penalties for Contraventions Detected Using Camera Systems* and Regulation 333/07, *Administrative Penalties* for operation of the Region's administrative penalty system in accordance with legislation

3. Background

In June 2022, Council approved the establishment of an administrative penalty system to process low-liability offences such as camera-based enforcement, parking, and some other bylaw infractions

[Council authorized](#) the Regional Solicitor and General Counsel to take necessary steps to establish a Regional administrative penalty system for automated speed enforcement offences and red-light camera offences, including preparation of the necessary bylaw(s). An administrative penalty system will support the higher volume of penalties expected with growth and expansion of the camera-based enforcement program and provide timely access to dispute resolution. It is an efficient alternative adjudication for low-liability offences, such as camera-based enforcement, parking and some other bylaw infractions. Penalties are only monetary in nature.

The legal framework is in place to permit and support municipalities to establish and operate an administrative penalty system

There are two regulations that set out the requirements for the operation of an administrative penalty system in Ontario. Ontario Regulation 355/22, *Administrative Penalties for Contraventions Detected Using Camera Systems* enables the use of administrative penalties for vehicle-based contraventions captured by automated enforcement systems such as automated speed enforcement and red-light cameras. Regulation 333/07, *Administrative Penalties*, enables the use of administrative penalties for designated bylaw infractions.

The Province of Ontario has provided municipalities with the regulatory framework to guide and support the development of administrative penalty systems. In developing the Region's administrative penalty system, staff have consulted with the Province and other municipal stakeholder groups to ensure a consistent approach was followed during the planning and development of the system.

4. Analysis

Council authorized preparation of bylaws to support the operation of an administrative penalty system

Establishing bylaws to operate an efficient, fair and transparent administrative penalty system is a best practice by the MTO *Administrative Penalties for Vehicle Based Contraventions* guidance document. Furthermore, the bylaws are necessary to carry out enforcement in relation to municipal bylaws and are structured to allow future designation of additional bylaw infractions (for example, violations of the *Forest Conservation Bylaw*, the *Sewer Use Bylaw* and *Transit Bylaw*). Both bylaws have been drafted to comply with applicable regulatory requirements.

The administrative penalty system will allow for enforcement through use of automated enforcement tools

Persons speeding or failing to stop at red lights on Regional roads where the automated enforcement tools are deployed may receive a penalty order requiring the owner of the vehicle to pay a penalty amount. The contraventions of the *Highway Traffic Act* are required to be enforced with the use of camera systems and enforced by Provincial Offences Officers. The penalty order will be mailed to the owner of the vehicle and contain particulars relating to the contravention, including date, time, location and the amount of the penalty that the person is required to pay. Persons subject to a penalty order will receive the information necessary to pay the order or appeal the order. Payment of the penalty amount is required within 30 days. Notably, persons subject to enforcement through the administrative penalty system will not be charged for offences under the *Provincial Offences Act*.

The administrative penalty system permits the Region to encourage compliance with the *Highway Traffic Act* and bylaws through penalties while also recovering costs associated with the system

The penalty amounts for contraventions of the *Highway Traffic Act* are comparable to set fines in the Provincial Offences system and enables the Region to recover additional costs associated with the operation of the program (fees for accessing motor vehicle registration information), administrative fees to be applied for late payments and failing to appear at an appeal hearing (currently set at \$60), and a victim component (similar to a victim fine surcharge in the Provincial Offences system) which is collected by the Province to fund victim support programs. The penalty amounts for contraventions of municipal bylaws will be authorized by Council in the future when Council designates municipal bylaw provisions.

The administrative penalty system allows for opportunities to appeal and extend time for payment

The Administrative Monetary Penalty System contemplates two levels of appeal (screening and hearing officer appeals) for persons seeking review of the penalty order. Penalty order appeal hearings may be conducted virtually or in person or in writing and the hearing officer may confirm, vary or modify the penalty order and may issue additional fees where a person has failed to attend at the hearing. Persons unable to pay or file the necessary documentation within the required timelines can also request an extension of time to file an appeal or request a payment plan.

The Screening and Hearing Officer Bylaw establishes the appeal offices and the powers and duties of the offices are established in the Administrative Penalty System Bylaw. Screening officers will be hired, appointed and terminated by the Director, while the Hearing Officers will be appointed by Council and may not be an employee of the Region.

The administrative penalty system is scheduled to begin processing automated speed enforcement and red-light camera offences in Q1 of 2024

The administrative penalty system will launch in Q1 of 2024 and will process all automated speed enforcement and red-light camera charges. Infractions under York Region bylaws will transition to the administrative penalty tribunal program in a phased approach beginning in 2025.

All program costs, staff resources and potential revenues have been included in the multi-year (2023-2026) budget submission. The technology required to support the administrative penalty system is currently being designed and built by the Region's Information Technology Branch.

Agreements with the Ministry of Transportation Ontario and Ministry of Attorney General are required to permit the Region to operate an administrative penalty system

Separate agreements with the Ministry of Attorney General and the Ministry of Transportation are required prior to launching the administrative penalty system. These agreements outline operating procedures, reporting requirements, and obligation for the collection and remittance of fees collected on behalf of the Province, such as the victim fine component and vehicle plate search fees.

The Region is developing plans to operate its own processing centre

Pending Council approval, Public Works will establish a Region-operated processing centre to reduce dependencies on the City of Toronto's Joint Processing Centre. Servicing the processing needs of the Region's local municipalities will also be considered. After the launch

of the processing centre, the processing of penalty orders will transition from the City of Toronto to the Region.

The administrative penalty system supports community health, safety and well-being while efficiently delivering trusted, fiscally sustainable services

The administrative penalty system supports the expansion of the camera-based enforcement program, which enhances community safety through improved driver behaviour. It is designed as a cost-effective adjudicative model that operates on a sustainable cost recovery framework.

5. Financial Considerations

All financial impacts associated with this report, including costs and staff resources to operate the administrative penalty tribunal have been included in the multi-year (2023-2026) budget submission.

6. Local Impact

Implementing an administrative penalty system is an efficient alternative for adjudication of camera-based enforcement programs such as automated speed enforcement. With automated speed enforcement, an administrative penalty system supplements traditional speed enforcement with the resulting benefit of influencing driver behaviour to promote compliance with speed limits and increase public safety. Staff will continue to collaborate with local municipal staff on the development of administrative penalty systems.

7. Conclusion and Next Steps

The Administrative Penalty System Bylaw, Administrative Penalty System Screening and Hearing Officer Bylaw, and the execution of agreements with the Ontario Ministry of Attorney General and Ontario Ministry of Transportation are required to establish and operate an administrative penalty system for camera-based enforcement.

For more information on this report, please contact Lisa Brooks, Director, Court Services at 1-877-464-9675 ext. 73209. Accessible formats or communication supports are available upon request.

Recommended by:



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