

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2024-37

A Bylaw to Implement an Administrative Penalty System for Contraventions Detected using Camera Systems to Promote Compliance with Certain Provisions of the *Highway Traffic Act* in The Regional Municipality of York

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 [*"Municipal Act, 2001"*], authorizes an upper-tier municipality to pass bylaws respecting highways;

AND WHEREAS section 21.1(2) of the *Highway Traffic Act*, authorizes the Region, by order, to impose an administrative penalty on a person if the Region is satisfied that the person is contravening or not complying with or has contravened or failed to comply with subsection 128(1) of the *Highway Traffic Act* based on evidence obtained through the use of an automated speed enforcement system or subsection 144(18) of the *Highway Traffic Act* based on evidence obtained through the use of a red light camera system;

AND WHEREAS O. Reg. 355/22, the *Administrative Penalties for Contraventions Detected using Camera Systems* regulation issued pursuant to the *Highway Traffic Act* came into force on July 1, 2022;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes the Region to pass bylaws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS Regional Council considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for Designated Provisions to promote compliance;

NOW THEREFORE, the Council of The Regional Municipality of York enacts as follows:

PART I: INTRODUCTION

1. DEFINITIONS

1.1 In this bylaw:

"Access to Owner Information Amount" means the amount described in Schedule "B" to reflect costs incurred to access the name and most recent address of the Person who is the subject to the Penalty Order;

"Administrative Penalty Amount" means the combined amount payable for a Contravention as determined in accordance with Schedule "B".

“Base Administrative Penalty Amount” means the base amount payable for a Contravention as determined in accordance with Schedule “B” in relation to Designated Provisions;

“Brief Description” means the description of a Contravention as set out in Schedule “B” in relation to Designated Provisions;

“Contravention” means a contravention of or a failure to comply with a Designated Provision or other law and Contravened has the same meaning;

“Day” means any calendar day;

“Deemed Service Date” means the date of service of a document pursuant to Part VI;

“Designated Provision” means a part, section, subsection, or paragraph of the *Highway Traffic Act* designated in section 2.1 of this bylaw;

“Email” has the same meaning as is given Electronic Mail under the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17;

“Enforcement Officer” means an individual who qualifies as an authorized person under the Regulation and who is:

- (a) employed by a municipality; and
- (b) a person designated as a Provincial Offences Officer pursuant to the *Provincial Offences Act* for the purposes of all or any class of offences set out in one or more of the following parts of the *Highway Traffic Act*:
 - i. Part XIV.1,
 - ii. Part XIV.2,
 - iii. Part XIV.3, and
 - iv. Part XIV.4;

“Hearing Officer” means a person appointed by the Region to perform the duties, functions, and decision-making powers of a Hearing Officer in relation to this bylaw;

“Hearing Officer Review” means an appeal of a Screening Decision heard by a Hearing Officer as set out in Part V of this bylaw and section 11 of the Regulation;

“Hearing Decision” means a decision made by a Hearing Officer pursuant to section 17;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

“Holiday” means any Day that the offices of the Region are officially closed for business and includes any Day defined as a holiday in the *Legislation Act*;

“HTA” means the *Highway Traffic Act*;

“Insufficient Funds Fee” means the amount set out and described in section 1 of Schedule “A”;

“Legislation Act, 2006” means the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F;

“Motor Vehicle Permit” means a motor vehicle permit issued by the Province of Ontario pursuant to the *Highway Traffic Act* or any other jurisdiction outside of Ontario;

“MTO” means the Ontario Ministry of Transportation as renamed or reconstituted from time to time;

“MTO Late Payment Fee” means the fee set out in section 5 of Schedule “B” for a payment that is past due in relation to Designated Provisions and which is prescribed by the Regulation;

“Municipal Act, 2001” means *Municipal Act, 2001*, S.O. 2001, c. 25;

“Non-Attendance Increase Amount” means the amount set out in section 4 of Schedule “B” for failing to attend a Screening Review or Hearing Officer Review and which is prescribed by the Regulation;

“Owner” means:

- (a) the holder of the Motor Vehicle Permit; or
- (b) if the Motor 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;

“Payment Plan” means a plan of periodic payments;

“Penalty Order” means an administrative order issued directing the payment of a monetary penalty as set out in Part III;

“Person” includes an individual, sole proprietorship, firm, association, corporation, partnership, limited partnership, registrant of a business name and, as it relates to a Designated Provision, means an Owner;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33;

“Region” means The Regional Municipality of York and, where the context requires, its geographic area;

“Regional Council” means the municipal council of the Region;

“Regional Solicitor” means the Region’s Regional Solicitor and General Counsel, their delegate, or anyone designated by the Regional Solicitor to perform all or part of the Regional Solicitor’s duties;

“Regional Treasurer” means the treasurer appointed by Regional Council pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, and their designate;

“Regulation” means O. Reg. 355/22, the *Administrative Penalties for Contraventions Detected Using Camera Systems* regulation issued pursuant to the *Highway Traffic Act*;

“Request for Extension Form” means the form established by the Regional Solicitor for a Person to request an extension of time to Request a Screening Review or Hearing Officer Review, as the circumstances dictate;

“Request for Hearing Officer Review Form” means the form established by the Regional Solicitor for a Person to request a Hearing Officer Review;

“Request for Screening Review Form” means the form established by the Regional Solicitor for a Person to request a Screening Review;

“Screening Decision” means a decision made by a Screening Officer pursuant to section 10;

“Screening Officer” means a person hired by the Region to perform the duties, functions, and decision-making powers of a Screening Officer in relation to this bylaw;

“Screening Review” means an appeal of a Penalty Order heard by a Screening Officer as set out in Part IV of this bylaw and section 11 of the Regulation;

“Vehicle” means a vehicle as defined by the *Highway Traffic Act*; and

“Victim Component” means the amount further described in Schedule “B”.

2. APPLICATION AND DESIGNATION

- 2.1 The parts, sections or subsections of the *Highway Traffic Act* set out in Column 1 in Table B-1 on Schedule “B” are the Designated Provisions for which a Penalty Order may be imposed by the Region pursuant to section 21.1 of the *Highway Traffic Act*.

- 2.2 A Penalty Order may be imposed alone or in conjunction with any other regulatory measure provided by this bylaw, the *Highway Traffic Act* or any other Act; however, a Penalty Order may not be imposed if the Person is charged with an offence under the *Highway Traffic Act* in respect of the same Contravention.

PART II: CONTRAVENTIONS AND LIABILITY TO PAY

3. DESIGNATED PROVISIONS

- 3.1 Upon issuance of Penalty Order in accordance with section 3.3 or 3.4, any Person who has Contravened or is in Contravention of a Designated Provision shall be liable to pay the Region the Administrative Penalty Amount stated in the Penalty Order.
- 3.2 Despite section 3.1, where a discrepancy exists between the Administrative Penalty Amount stated in the Penalty Order and the Administrative Penalty Amount calculated in accordance with the Regulation, the Administrative Penalty Amount calculated in accordance with the Regulation shall prevail.
- 3.3 An Enforcement Officer who is satisfied that a Person is in Contravention or has Contravened subsection 128(1) of the *Highway Traffic Act* based on evidence obtained through the use of an automated speed enforcement system may serve a Penalty Order on the Owner no later than 23 days after the day on which the Contravention occurred.
- 3.4 An Enforcement Officer who is satisfied that a Person is in Contravention or has Contravened subsection 144(18) of the *Highway Traffic Act* based on evidence obtained through the use of a red light camera system may serve a Penalty Order on the Owner no later than 23 days after the day on which the Contravention occurred.
- 3.5 For greater certainty, if a Penalty Order is imposed pursuant to section 3.1, the Penalty Order shall be imposed on the Owner whether or not the Owner was the driver of the Vehicle.

PART III: PENALTY ORDERS AND PAYMENT OF PENALTY ORDERS

4. CONTENT OF PENALTY ORDER

- 4.1 A Penalty Order shall include the following information:
- (a) the date of issue of the Penalty Order;
 - (b) A reference number for the penalty order that is unique to that penalty order;

- (c) the Designated Provision Contravened;
- (d) the Brief Description associated with the Designated Provision which was Contravened;
- (e) the date, time, and location at which the Contravention occurred;
- (f) the date on which the Administrative Penalty Amount is due and payable;
- (g) the Administrative Penalty Amount;
- (h) the identification number and signature of the Enforcement Officer;
- (i) a statement that the Owner must pay the Administrative Penalty Amount no later than 30 days after the Deemed Service Date for the Penalty Order;
- (j) statements by the Enforcement Officer that are certified to be true in respect of the Contravention or in respect of the service of the Penalty Order;
- (k) a statement that the Owner may commence a Screening Review by filing a Request for Screening Review Form;
- (l) identification of the Vehicle involved in the Contravention;
- (m) such additional information as the Regional Solicitor determines is appropriate respecting the process by which a Person may exercise the right to request a Screening Review, and which shall include the manner in which a Screening Review may be commenced; and
- (n) a statement advising that an unpaid Administrative Penalty Amount, in addition to any Insufficient Funds Fees, will constitute a debt of the Person to the Region or the MTO, as applicable.

4.2 No Person has a right to be heard prior to the imposition of a Penalty Order.

5. PAYMENT OF PENALTY ORDER

5.1 An Administrative Penalty Amount set out in a Penalty Order is due and payable within 30 days after the Deemed Service Date of the Penalty Order if no Request for a Screening Review Form or Request for Extension Form is filed by the person who is subject to the Penalty Order.

5.2 If a Screening Review does not result in a Penalty Order being set aside, the Person who is subject to the Penalty Order shall pay the Administrative Penalty Amount within 30 days after the date of the Screening Decision if no Request for

a Hearing Officer Review Form is filed by the person who is subject to the Penalty Order.

5.3 If a Hearing Officer Review does not result in a Penalty Order being set aside, the Person who is subject to the Penalty Order shall pay the Administrative Penalty Amount within 30 days after the date of the Hearing Decision.

5.4 Once an Administrative Penalty Amount and any Insufficient Funds Fees is paid, the Penalty Order is deemed confirmed and is not eligible for Screening Review or Hearing Officer Review.

6. PAYMENT PLANS

6.1 If a Screening Officer considers it fair and appropriate in the circumstances, the Screening Officer may approve a Payment Plan that extends beyond the deadline set out in section 5.1. The request for a Payment Plan may be directed to the Screening Officer during the oral or written hearing.

6.2 If a Hearing Officer considers it fair and appropriate in the circumstances, the Hearing Officer may approve a Payment Plan that extends beyond the deadline set out in section 5.2. The request for a Payment Plan may be directed to the Hearing Officer during the oral or written hearing.

6.3 The approval of a Payment Plan by a Screening Officer or Hearing Officer may be conditional on the payment of a specified amount of the Administrative Penalty Amount being made on or before a specified date.

6.4 A Payment Plan may be approved by a Screening Officer or Hearing Officer despite the expiration of the times for payment specified in section 5.1 and section 5.2.

PART IV: SCREENING REVIEW

7. REQUEST FOR SCREENING REVIEW

7.1 A Person who is subject to a Penalty Order may commence a Screening Review of the Penalty Order by filing, with the Region, a complete Request for Screening Review Form in the prescribed manner no later than 30 days after the Deemed Service Date of the Penalty Order or the date extended in accordance with section 8.

7.2 The Regional Solicitor shall refuse to file a Request for Screening Review Form if it is not complete and filed in the prescribed manner.

7.3 A Screening Review will not be commenced if a Request for Screening Review Form is rejected, and the Administrative Penalty Amount remains due and payable in accordance with the Penalty Order.

7.4 If a Person subject to a Penalty Order does not file, with the Region, a complete Request for Screening Review Form in accordance with this bylaw:

- (a) the Person shall be deemed to have waived the right to request a Screening Review;
- (b) the Penalty Order shall be deemed to be confirmed and the Administrative Penalty Amount and any Insufficient Funds Fees are payable in accordance with section 5; and
- (c) the Penalty Order is final, and the Penalty Order shall not be subject to any further review, including a review by any Court.

8. EXTENSION OF TIME TO FILE REQUEST FOR SCREENING REVIEW

8.1 A Person subject to a Penalty Order may file with the Region a request for an extension of time to file the Request for Screening Review Form in the prescribed manner no later than 30 days after the Deemed Service Date of the Penalty Order.

8.2 A Person subject to a Penalty Order and seeking an extension of time may file, along with the Request for Extension Form, written submissions, and other documents in support of the request.

8.3 If the Screening Officer considers it fair and appropriate in the circumstances, the Screening Officer may extend the time for filing the Request for Screening Review Form and the extension may be made even after the expiry of the 30 day period after the Deemed Service Date of the Penalty Order.

8.4 The Screening Officer shall serve a copy of the decision regarding the request for extension on the Person subject to the Penalty Order as soon as practical after the decision is made.

9. OCCURRENCE OF SCREENING REVIEW

9.1 On receipt of a complete Request for Screening Review Form, the Regional Solicitor will forward the Request for Screening Review Form to a Screening Officer.

9.2 A Screening Officer shall determine whether the Screening Review hearing is to be conducted orally, electronically or in writing and shall ensure that the Person requesting the Screening Review is informed of the determination.

9.3 The Screening Officer shall notify the Person requesting the Screening Review of:

- (a) in the case of an oral Screening Review hearing, the manner, date, and time of the hearing; or

- (b) the case of a written Screening Review hearing, the deadline for filing written submissions with the Region.

9.4 In the case of an oral Screening Review hearing, the Person requesting the Screening Review shall attend in the manner and at the date and time for the Screening Review hearing.

9.5 In the case of a written Screening Review hearing, the Person requesting the Screening Review shall file the written submissions with the Region prior to the deadline for submissions.

10. DECISION BY SCREENING OFFICER

10.1 As soon as practical after the Screening Review hearing is complete, the Screening Officer may confirm, vary, or set aside a Penalty Order subject to a Screening Review and in doing so the Screening Officer shall determine whether it was reasonable for the Enforcement Officer to impose the Penalty Order. In making this determination, the Screening Officer may consider the following information, if available:

- (a) photographs or images taken by the camera system or enforcement system, as applicable;
- (b) statements, including certified statements, made by the Enforcement Officer who imposed the Penalty Order;
- (c) documents, including certified documents, setting out the name and address of the Person who is subject to the Penalty Order, where applicable, a description of the permit and the number plate of the Vehicle;
- (d) statements by the Person made either in writing or in the manner in which the Screening Review is conducted;
- (e) and
- (f) any other information, materials, or submissions that the Screening Officer considers to be credible or trustworthy in the circumstances.

10.2 No witnesses may be called in a Screening Review hearing.

10.3 A Screening Officer conducting a Screening Review shall:

- (a) not decide whether to confirm, vary or set aside a Penalty Order unless the Person subject to the Penalty Order has been given an opportunity to make submissions in the same manner in which the Screening Review hearing is to be conducted; and

- (b) set aside the Penalty Order if the Screening Officer becomes aware, before issuing a final decision, that the Person who is subject to the Penalty Order is charged with an offence under the *Highway Traffic Act* in respect of the same Contravention.
- 10.4 Where a Screening Officer decides to vary the Administrative Penalty Amount, the Administrative Penalty Amount shall be varied in accordance with the rules in subsection 14(2) of the Regulation.
- 10.5 A Screening Officer does not have jurisdiction to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation or bylaw.
- 10.6 A Screening Decision shall be in writing and include:
- (a) The name of the Person that is subject to the Penalty Order;
 - (b) The name of the agent or representative of the Person that is subject to the Penalty Order, if any;
 - (c) The unique file number of the Penalty Order;
 - (d) The date of the Screening Review;
 - (e) The disposition of the Screening Review, including the amount to be paid and any applicable conditions; and
 - (f) The reasons for the disposition.

11. FAILURE TO ATTEND AT SCREENING REVIEW HEARING

- 11.1 Where a Person subject to a Penalty Order fails to attend or submit in the manner required and at the time and date scheduled for a requested Screening Review hearing:
- (a) the Person shall be deemed to have abandoned the request for a Screening Review and is deemed to have waived their right to make submissions;
 - (b) the Administrative Penalty Amount set out in the Penalty Order shall be deemed to be confirmed;
 - (c) the Administrative Penalty Amount shall be increased by the Non-Attendance Increase Amount;
 - (d) the Administrative Penalty Amount shall be deemed owing and payable in accordance with section 5; and

- (e) the Penalty Order shall not be subject to any further review, including a review by any Court.

12. CONDUCT AT SCREENING REVIEW HEARING

- 12.1 If the Screening Officer determines that, in relation to the Screening Review hearing, the Person subject to the Penalty Order has engaged in disorderly or abusive behaviour toward the Screening Officer or any other person, or if the Person refuses to effectively participate in the Screening Review hearing, the Screening Officer may deem the Person to have abandoned the Screening Review hearing and thereupon the Administrative Penalty Amount specified in the Penalty Order and any Insufficient Funds Fees will be deemed to be confirmed and payable by the Person.

13. COPY OF SCREENING DECISION

- 13.1 The Screening Officer shall serve a copy of the Screening Decision on the Person subject to the Penalty Order as soon as practical after the Screening Decision is made.

PART V: HEARING OFFICER REVIEW

14. REQUEST FOR HEARING OFFICER REVIEW

- 14.1 A Person subject to a Penalty Order that was the subject of a Screening Decision may commence a Hearing Officer Review by filing, with the Region, a complete Request for Hearing Officer Review Form in the prescribed manner no later than 30 days after the Deemed Service Date of the Screening Decision or the date extended in accordance with section 15.
- 14.2 The Regional Solicitor shall refuse to file a Request for Hearing Officer Review Form if it is not complete and filed in the prescribed manner.
- 14.3 A Hearing Officer Review will not be commenced if a Request for Hearing Officer Review Form is rejected, and the Administrative Penalty Amount remains due and payable in accordance with the Screening Decision.
- 14.4 If a Person subject to a Penalty Order that was subject to a Screening Decision does not file a Request for Hearing Officer Review Form in accordance with this bylaw:
 - (a) the Person shall be deemed to have waived the right to request a Hearing Officer Review;
 - (b) the Screening Decision shall be deemed to be confirmed and the Administrative Penalty Amount and any Insufficient Funds Fees payable

pursuant to the Screening Decision are payable in accordance with section 5; and

- (c) the Screening Decision is final, and the Screening Decision shall not be subject to any further review, including a review by any Court.

15. EXTENSION OF TIME TO FILE REQUEST FOR HEARING OFFICER REVIEW

- 15.1 A Person subject to a Penalty Order that was subject to a Screening Decision may file with the Region a request for an extension of time to file the Request for Hearing Review Form in the prescribed manner no later than 30 days after the Deemed Service Date of the Screening Decision.
- 15.2 A Person subject to a Penalty Order that was subject to a Screening Decision may make a request for an extension of time to file the Request for Hearing Officer Review Form by filing a complete Request for Extension Form in the prescribed manner no later than 30 days after the Deemed Service Date of the Screening Decision.
- 15.3 A Person subject to a Penalty Order that was subject to a Screening Decision and seeking an extension of time may file, along with the Request for Extension Form, written submissions, and other documents in support of the request.
- 15.4 If the Hearing Officer considers it fair and appropriate in the circumstances, the Hearing Officer may extend the time for filing the Request for Hearing Officer Review Form and the extension may be made even after the expiry of the 30 day period after the Deemed Service Date of the Screening Decision.
- 15.5 The Hearing Officer shall serve a copy of the decision regarding the request for extension on the Person as soon as practical after the decision is made.

16. OCCURRENCE OF HEARING

- 16.1 On receipt of a complete Request for Hearing Officer Review Form, the Regional Solicitor shall forward the Request for Hearing Officer Review Form to a Hearing Officer.
- 16.2 A Hearing Officer shall determine whether the Hearing Officer Review hearing is to be conducted orally, electronically or in writing and shall ensure that the Person requesting the Hearing Officer Review is informed of the determination.
- 16.3 The Hearing Officer shall notify the Person requesting the Hearing Officer Review of:
 - (a) in the case of an oral Hearing Officer Review hearing, the manner, date, and time of the hearing; or

- (b) the case of a written Hearing Officer Review hearing, the deadline for filing written submissions with the Region.

16.4 In the case of an oral Hearing Officer Review hearing, the Person requesting the Hearing Officer Review shall attend in the manner at the date and time for the Hearing Officer Review hearing.

16.5 In the case of a written Hearing Officer Review hearing, the Person requesting the Hearing Officer Review shall file the written submissions with the Region prior to the deadline for submissions.

17. DECISION BY HEARING OFFICER

17.1 As soon as practical after the Hearing Officer Review hearing is complete, the Hearing Officer may confirm, vary, or set aside a Screening Decision and in doing so the Hearing Officer shall determine whether the decision of the Screening Officer was reasonable. In making this determination, the Hearing Officer may consider the following information, if available:

- (a) photographs or images taken by the camera system or enforcement system, as applicable;
- (b) statements, including certified statements, made by the Enforcement Officer who imposed the Penalty Order;
- (c) documents, including certified documents, setting out the name and address of the Person who is subject to the order, a description of the permit and the number plate of the Vehicle;
- (d) statements by the Person made either in writing or in the manner in which the Hearing Officer Review is conducted;
- (e) statements by a representative on behalf of the municipality in which the Contravention occurred, made either in writing or in the manner in which the Hearing Officer Review is conducted; and
- (f) any other information, materials, or submissions that the Hearing Officer considers to be credible or trustworthy in the circumstances.

17.2 No witnesses may be called in a Hearing Officer Review hearing.

17.3 A Hearing Officer conducting a Hearing Officer Review shall:

- (a) not decide whether to confirm, vary or set aside a Penalty Order unless the Person subject to the Penalty Order has been given an opportunity to make submissions in the same manner in which the Hearing Officer Review hearing is to be conducted;

- (b) not decide whether to confirm, vary or set aside a Penalty Order unless a representative of the Region has been given an opportunity to make submissions in the same manner in which the Hearing Officer Review hearing is to be conducted; and
- (c) set aside the Penalty Order if the Hearing Officer becomes aware, before issuing a final decision, that the Person who is subject to the Penalty Order is charged with an offence under the *Highway Traffic Act*, in respect of the same Contravention.

17.4 Where a Hearing Officer decides to vary the Administrative Penalty Amount, the Administrative Penalty Amount shall be varied in accordance with the rules in subsection 14(2) of the Regulation.

17.5 A Hearing Officer does not have jurisdiction to consider questions relating to the validity of a statute, or bylaw or the constitutional applicability or operability of any statute, regulation, or bylaw.

17.6 A Hearing Decision shall be in writing and include:

- (a) The name of the Person that is subject to the Penalty Order;
- (b) The name of the agent or representative of the Person that is subject to the Penalty Order, if any;
- (c) The name of the municipal representative, if any;
- (d) The unique file number of the Penalty Order;
- (e) The date of the Screening Decision;
- (f) The date of the the Hearing Review;
- (g) The disposition of the Hearing Review, including the amount to be paid and any applicable conditions; and
- (h) The reasons for the disposition.

18. FAILURE TO ATTEND AT HEARING OFFICER REVIEW

18.1 Where a Person subject to a Penalty Order that is subject to a Screening Decision fails to attend or submit in the manner required and at the time and date scheduled for a requested Hearing Officer Review hearing:

- (a) the Person shall be deemed to have abandoned the request for a Hearing Officer Review and is deemed to have waived their right to make submissions;

- (b) the Administrative Penalty Amount set out in the Penalty Order shall be deemed to be confirmed;
- (c) the Administrative Penalty Amount shall be increased by the Non-Attendance Increase Amount;
- (d) the Administrative Penalty Amount shall be deemed owing and payable in accordance with section 5; and
- (e) the Hearing Decision shall not be subject to any further review, including a review by any Court.

19. CONDUCT AT HEARING

- 19.1 If the Hearing Officer determines that, in relation to the Hearing Officer Review hearing, the Person subject to the Penalty Order has engaged in disorderly or abusive behaviour toward the Hearing Officer or any other person, or if the Person refuses to effectively participate in the Hearing Officer Review hearing, the Hearing Officer may deem the Person to have abandoned the Hearing Officer Review hearing and thereupon the Administrative Penalty Amount and any Insufficient Funds Fees will be deemed to be confirmed and payable by the Person.
- 19.2 The Hearing Officer shall serve a copy of the Hearing Decision on the Person subject to the Penalty Order as soon as practical after the Hearing Decision is made.
- 19.3 The decision of a Hearing Officer is final.

PART VI: SERVICE OF DOCUMENTS

20. SERVICE OF DOCUMENTS GENERALLY

- 20.1 Subject to sections 21 and 22, a document, notice or decision served pursuant to this bylaw may be served:
- (a) by personally delivering a copy to the Person to whom it is addressed, in which case service is effective immediately;
 - (b) by registered mail or by regular mail to the Person's last known address, in which case service is deemed effective on the seventh day following the date that the copy is sent;
 - (c) by facsimile transmission to the Person's last known facsimile transmission number, in which case service is effective immediately upon the conclusion of the copy being transmitted; and

- (d) by Email to the Person's last known Email address, in which case service is effective immediately upon the conclusion of the sending of the Email.

20.2 A Person's last known address, facsimile transmission number, and Email address includes an address, facsimile transmission number and Email address provided by the Person to the Region as may be required by a form, practice, or policy under this bylaw.

20.3 The address, facsimile transmission number, and Email address may be determined from a document provided by the Person to the Region.

20.4 Any form, notice or document to be served or filed upon the Region in respect of this bylaw shall be in writing and delivered in the manner directed by the Regional Solicitor for the receipt and filing of such forms, notices or documents, including by submission through an online platform where provided by the Region.

21. SERVICE OF PENALTY ORDER FOR DESIGNATED PROVISION

21.1 A Penalty Order relating to a Designated Provision may be served by sending the Penalty Order by mail or by courier to the most recent address that appears on the MTO's records for the Owner, in which case service is deemed effective on the seventh day following the day on which it was mailed or couriered.

21.2 If the Enforcement Officer who imposed the Penalty Order believes that the Person who is subject to the order resides outside Ontario or, in the case of a corporation, has its principal place of business outside Ontario, the Penalty Order may be served on the person by sending the Penalty Order by mail or by courier to the address outside Ontario at which the authorized person believes the person resides or has its principal place of business. The address may be determined from a document obtained from the government of any province or territory of Canada or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number plates or other evidence of vehicle ownership in that jurisdiction.

22. SERVICE OF SCREENING DECISIONS AND HEARING DECISIONS

22.1 Any decision of a Screening Officer or Hearing Officer may be served upon the Person requesting the decision by mail, courier or Email to the address or Email address last provided to the Region by the Person.

PART VII: ENFORCEMENT

23. EFFECT OF REQUEST FOR REVIEW

- 23.1 A Request for a Screening Review or a Hearing Officer Review operates as a stay of a Penalty Order until the disposition of the matter following a Screening Review or Hearing Officer Review.

24. MTO LATE PAYMENT FEES

- 24.1 Where an Administrative Penalty Amount relating to a Designated Provision is not paid by the date on which the Administrative Penalty Amount is due and payable and the Region has notified the MTO, the MTO Late Payment Fee shall be included in the Administrative Penalty Amount and shall be payable to the MTO by the Person subject to the Penalty Order.
- 24.2 If any one or more of an Administrative Penalty Amount, including an Administrative Penalty Amount increased by a Non-Appearance Increase Amount, and any Insufficient Funds Fees are not paid:
- (a) to the Region when due and payable, the amounts owing shall constitute a debt to the Region; or
 - (b) where applicable, to the MTO when due and payable, the amounts owing shall constitute a debt to the Crown.

25. INSUFFICIENT FUNDS TO PAY AMOUNT

- 25.1 Where a Person makes a payment by negotiable instrument to the Region due to amounts owing pursuant to this bylaw and there is not sufficient funds available in the account to pay all or part of the amounts owing, the Insufficient Funds Fee shall immediately become due and payable to the Region in addition to any other outstanding amounts owing.

26. EFFECT OF SETTING ASIDE

- 26.1 Where an Administrative Penalty Amount is set aside by a Screening Officer or Hearing Officer, any increases to the Administrative Penalty Amount or any Insufficient Funds Fees levied are also cancelled.

27. ADD TO TAX ROLL

- 27.1 If an Insufficient Funds Fee is imposed in relation to a Designated Provision is not paid in the time that it becomes due and payable, the Regional Treasurer may make a request to a local municipality to add the Insufficient Funds Fee to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the Insufficient Funds Fee, and collect it in the same manner as municipal taxes.

28. OFFENCE

- 28.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this bylaw.
- 28.2 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, a Screening Officer or Hearing Officer respecting a Penalty Order or respecting a power of decision in a hearing that is or will be pending before the Screening Officer or Hearing Officer, except where the Person or the Person's authorized representative is entitled to make written submissions or be heard in the hearing.
- 28.3 No Person shall omit information or make a false or intentionally misleading statement, representation or other recital in any hearing or form or document made or submitted pursuant to this bylaw.
- 28.4 Every Person who contravenes subsections 28.1, 28.2 or 28.3 of this bylaw is guilty of an offence and is liable, upon conviction, to a fine, and such other penalties, as provided for in the *Provincial Offences Act*.
- 28.5 If a corporation has contravened a provision of this bylaw, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
- 28.6 Every person who is guilty of an offence under section 28 of this bylaw shall be subject to the following penalties:
- (a) upon a first conviction, to a fine of not less than \$100 and not more than \$100,000;
 - (b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400 and not more than \$100,000;
 - (c) upon conviction for a continuing offence, to a fine of not less than \$400 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000; and
 - (d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$400 and not more than \$10,000. The total of all fines for each included offence may exceed \$100,000.
- 28.7 For the purposes of this bylaw an offence is a "second or subsequent offence:" if the act giving rise to the offence occurred after a conviction has been entered at an earlier date for the same offence and a "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this bylaw.

- 28.8 If an order other than a Penalty Order has been issued by the court in connection with this bylaw, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

PART VIII: ADMINISTRATION

29. REGIONAL SOLICITOR'S POWERS

- 29.1 The Regional Solicitor shall administer this bylaw and ensure that any standards, practices, policies, procedures, and guidelines necessary to implement this bylaw are established and revised from time to time as the Regional Solicitor deems necessary or advisable, without passage of a bylaw or amendment to this bylaw, and such policies, procedures and guidelines may include:
- (a) policies and procedures to prevent political interference in the administration of the system;
 - (b) guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;
 - (c) policies and procedures regarding financial management and reporting;
and
 - (d) procedures for the filing and processing of complaints made by the public with respect to the administration of the system.
- 29.2 The Regional Solicitor shall ensure that all forms and notices, including the Penalty Order, Request for Screening Review, Request for Hearing Officer Review, and Request for Extension Forms, necessary to implement this bylaw are established revised from time to time as the Regional Solicitor deems necessary or advisable, without passage of a bylaw or amendment to this bylaw. The Regional Solicitor's authority includes the authority to prescribe forms, the information required in a form, the manner in which a form may be filed and to determine the manner in which additional materials may be filed and includes the authority to take the steps required to enforce Penalty Orders pursuant to the *Highway Traffic Act* and the Regulation.
- 29.3 The Regional Solicitor may notify the Province of Ontario in the event of a default of a payment of a Penalty Order pursuant to this bylaw and the Regional Solicitor shall remit payment for amounts required by the Province of Ontario pursuant to the *Highway Traffic Act*.

30. LIMIT ON ENFORCEMENT OFFICER

- 30.1 An Enforcement Officer may not accept payment of an Administrative Penalty Amount or any related fees.

PART IX: GENERAL

31. INTERPRETATION

- 31.1 The provisions in Part VI of the *Legislation Act, 2006*, are incorporated and form part of this bylaw and shall be read to assist in the interpretation of this bylaw, unless there is a more specific provision in this bylaw that addresses a matter of interpretation.

- 31.2 Unless otherwise stated:

- (a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended, modified, restated, or replaced from time to time and proceedings authorized under the statute or regulation shall not be affected unless expressly provided;
- (b) a reference to a bylaw refers to a bylaw of the Region as it may be amended or replaced from time to time;
- (c) a reference to an article, section, paragraph, clause, subclause, or schedule is a reference to this bylaw's article, section, paragraph, clause, subclause, or schedule; and
- (d) a reference to a schedule means a reference to the schedules attached to this bylaw as they may be amended from time to time.

- 31.3 The word "including" or any variation thereof means "including, without limitation" and shall not be construed to limit any general statement that it follows to the specific or similar items or matters immediately following it.

- 31.4 The headings in this bylaw are for convenience only and do not form part of this bylaw.

- 31.5 The schedules attached to this bylaw form part of this bylaw.

- 31.6 Where words and phrases used in this bylaw are not defined in this bylaw the meanings determined pursuant to the *Highway Traffic Act* shall apply, if any.

- 31.7 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

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

32. SHORT TITLE

32.1 This bylaw may be referred to as the “HTA Administrative Penalty System Bylaw”.

33. EFFECTIVE DATE

33.1 This bylaw shall come into force and effect on November 15, 2024.

ENACTED AND PASSED on September 19, 2024

Regional Clerk

Regional Chair

Authorized by Item J.2.5 of the Committee of the Whole of September 14, 2023, adopted by Regional Council at its meeting on September 28, 2023

15162868

SCHEDULE “A”

Administrative Penalty System Bylaw

Insufficient Funds Fees

1. The fees or charges amounts in Column 3 may be levied pursuant to the article or section of this bylaw listed in Column 1 and described in Column 2:

Column 1	Column 2	Column 3
Corresponding Article or Section	Defined Term	Fee Amount
Article 25	Insufficient Funds Fee	The amount charged to the Region by the Region’s financial services provider, if any
Note: Fees and charges listed in this schedule may be subject to Harmonized Sales Tax (H.S.T.) and will be charged as applicable.		

SCHEDULE “B”

Administrative Penalty System Bylaw

Designated Provisions and Administrative Penalty Amounts

1. The provisions of the *Highway Traffic Act* set out in Column 1 of Table B-1 are Designated Provisions.
2. Column 3 in Table B-1 below sets out the Brief Description of the Contravention relating to the Designated Provision set out in Column 2 and appearing in the same row.
3. The Administrative Penalty Amount for a Designated Provision identified in Column 2 shall be determined by adding together the amounts to be determined as specified in Columns 4 (Base Administrative Penalty Amount), 5 (Access to Owner Information Amount) and 6 (Victim Component) which appear in the same row as the Designated Provision.
4. The Non-Attendance Increase Amount shall be \$60.00.
5. The MTO Late Payment Fee shall be \$20.00.
6. For the purposes of enforcement and collection by the MTO, the Administrative Penalty Amount shall also include a MTO Late Payment Fee if the Region notifies the MTO that the Administrative Penalty Amount is not paid by the time that is due and payable under this bylaw.

Table B-1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Designated Provision	Brief Description	Base Administrative Penalty Amount	Access to Owner Information Amount	Victim Component
1	128(1)	Speeding	As set out in paragraph 6(1)(1) of the Regulation	\$8.25	As set out in paragraph 6(6)(2) of the Regulation
2	144(18)	Running Red Light Not in Community Safety Zone	As set out in subparagraph 6(1)(2)(i) of the Regulation	\$8.25	As set out in subparagraph 6(6)(3)(a) of the Regulation

3		Running Red Light in Community Safety Zone	As set out in subparagraph 6(1)(2)(ii) of the Regulation	\$8.25	As set out in subparagraph 6(6)(3)(b) of the Regulation
---	--	--	--	--------	---