

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 047-2022**

**A By-law to of The Corporation of the City of Vaughan to amend the Administrative Monetary Penalties By-law 063-2019, as amended, to add further clarity for the public with respect to the reduction of penalty amounts, the application of time frames, and other administrative matters.**

**WHEREAS** section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*"), provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** section 434.2 of the *Municipal Act, 2001* provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

**AND WHEREAS** the City of Vaughan considers it make changes to the Administrative Monetary Penalties By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That By-law 063-2019, as amended, be further amended by repealing section 4.0(4) and replacing it with the following:
  - (4) *A Penalty Notice* shall be served by:
    - (a) delivering it personally to the *Contravener* to whom or to which it is addressed, which shall be deemed to be served on that day; or
    - (b) sending it by registered mail to the *Contravener's* last known address, which shall be deemed to be served on the fifth day after it is mailed; or
    - (c) sending it by facsimile transmission to the *Contravener's* last known

facsimile transmission number, which shall be deemed to be served on the day it is sent; or

- (d) sending it by e-mail transmission to the *Contravener's* last known e-mail address, which shall be deemed to be served on the day it is sent.

2. That By-law 063-2019, as amended, be further amended by repealing section 4.0(5) and replacing it with the following:

(5) Notwithstanding Section 4.0(4), where the *Contravener* has contravened the Parking By-law, a *Penalty Notice* shall be served by:

- (a) affixing it to the *Motor Vehicle* in a conspicuous place at the time of the contravention, which shall be deemed to be served on that day;
- (b) delivering it personally to the person having care and control of the *Motor Vehicle* at the time of the contravention, which shall be deemed to be served on that day;
- (c) delivering it personally to the operator of the *Motor Vehicle* at the time of the contravention, which shall be deemed to be served on that day;
- (d) delivering it personally to the *Contravener* as soon as reasonably practicable, which shall be deemed to be served on that day; or
- (e) sending it by regular mail to the *Contravener's* last known address, which shall be deemed to be served on the fifth day after it is mailed; or
- (f) sending it by facsimile transmission to the *Contravener's* last known facsimile transmission number, which shall be deemed to be served on the day it is sent; or
- (g) sending it by e-mail transmission to the *Contravener's* last known e-mail address, which shall be deemed to be served on the day it is sent.

3. That By-law 063-2019, as amended, be further amended by repealing the word “the” and replacing with word with “an” before the words “Administrative Monetary Penalty” in section 4.0(6).

4. That By-law 063-2019, as amended, be further amended by adding section 5.0(6.1) to read as follows:

A *Contravener* may, on his or her behalf, have a person appear at a review by the *Screening Officer*, or have such person communicate with the *City* on the *Contravener's* behalf, in accordance with written authorization satisfactory to the *Director*.

5. That By-law 063-2019, as amended, be further amended by repealing section 5.0(7) and replacing it with the following:

On a review of the *Administrative Monetary Penalty*, the *Screening Officer* may affirm, cancel, or vary the *Administrative Monetary Penalty*, or extend the time for payment of the *Administrative Monetary Penalty*, on the following grounds:

- (a) where the *Contravener* establishes, on a balance of probabilities, that the *Contravener* did not commit the act described in the *Penalty Notice*;
  - (b) where the *Contravener* establishes, on a balance of probabilities, that the *Motor Vehicle* was not parked, standing or stopped as described in the *Penalty Notice*;
  - (c) the cancellation, reduction or extension of the time for payment of the *Administrative Monetary Penalty*, including any late payment administrative fees, is deemed necessary to relieve undue hardship;
  - (d) where the *Screening Officer* determines the existence of mitigating or extenuating circumstances.
6. That By-law 063-2019, as amended, be further amended by adding section 5.0(7.1) to read as follows:

A *Contravener* claiming financial hardship under 5.0(7)(c) shall provide documented proof of the financial hardship to the *Screening Officer* and the *Screening Officer* may adjourn the screening and reserve her or his decision until such time that such documented proof has been obtained.

7. That By-law 063-2019, as amended, be further amended by adding section 6.0(5.1) to read as follows:

A *Contravener* may on his or her behalf have a person appear at a review by the *Hearing Officer*, or have such person communicate with the *City* on the

*Contravener's* behalf, in accordance with written authorization satisfactory to the *Director*.

8. That By-law 063-2019, as amended, be further amended by adding the words “of the *Screening Officer*” after the second use of the word “decision” in section 6.0(6).

9. That By-law 063-2019, as amended, be further amended by repealing section 8.0(9) and replacing it with the following:

*An Administrative Monetary Penalty* that has been reduced pursuant to Section 5.0(7) or 6.0(6) and has not been paid within the timeframe established by the *Screening Officer* or *Hearing Officer* shall revert to its original amount.

10. That By-law 063-2019, as amended, be further amended by adding section 8.0(10) to read as follows:

*An Administrative Monetary Penalty* that is deemed to be affirmed pursuant to section 5.0(4) or 6.0(4), or has been otherwise affirmed or varied pursuant Section 5.0(7) or 6.0(6), the *Administrative Monetary Penalty* becomes a debt to the *City* for each *Contravener* to whom the *Penalty Notice* was given, and the *City* may file a certificate of default in a court of competent jurisdiction, upon which time the certificate shall be deemed to be an order of the court and the *City* may enforce it as such.

11. That By-law 063-2019, as amended, be further amended by adding “Section 9.1 *Administrative Matters*” to read as follows:

**9.1 Administrative Matters**

(1) Time limits referred to in this By-law expire at 12:00 a.m. following the complete time frame referenced.

(2) To be considered paid, the payment of penalties and any associated fees must have been made as follows:

(a) paid in full on line, prior to the time limit specified;

(b) paid in full by phone, prior to the end of the last business day before the time limit specified;

(c) paid in full in person, prior to the end of the last business day before the time limit specified; or

(d) by receipt of a cheque for the full amount owed, prior to the time limit

specified.

- (2.1) For greater certainty, the end of the business day referenced in 9.1(2)(b) and 9.1(2)(c) is the closing time on that business day of the offices of the By-law and Compliance, Licensing and Permit Services Department, as advertised on the *City's* web site.
- (3) In the event a payment is dishonoured by an issuing institution, an additional administrative fee shall be levied against the *Contravener*, in accordance with the Fees and Charges By-law, as amended, or its successor by-law.
- (4) In the event that a time limit for filing a dispute does not fall on a business day, a *Contravener* may request a dispute only by either:
  - (a) sending an e-mail to the offices of the By-law and Compliance, Licensing and Permit Services Department advising of the intent to file a dispute;
  - (b) leaving a voice-mail message with the By-law and Compliance, Licensing and Permit Services Department, advising of the intent to file a dispute; or
  - (c) contacting Access Vaughan and advising of the intent to file a dispute.

Enacted by City of Vaughan Council this 22<sup>nd</sup> day of March, 2022.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk