

Staff Report



To	Committee of the Whole
Service Area	Corporate Services
Date	Tuesday, February 4, 2025
Subject	Administrative Penalty System By-laws and Policies

Recommendation

1. That this Report 2025-24 entitled "Administrative Penalty System By-laws and Policies" be received;
 2. That the by-law attached as Attachment- 1 to this Report, being a by-law to establish an Administrative Penalty System, be approved;
 3. That the by-law attached as Attachment- 2 to this Report, being a by-law to establish the positions of screening and hearing officers for the purposes of administration of the Administrative Penalty System, be approved;
 4. That the omnibus amending by-law attached as Attachment- 3 to this Report, being a by-law to designate specified by-laws and by-law provisions as subject to the Administrative Penalty System, be approved;
 5. That the policies and procedures attached as Attachment- 4 to this Report be adopted as Council-approved Corporate Policies and Procedures for the Administrative Penalty System;
 6. That the administrative fees as set out in Schedule "C" to the Administrative Penalty System By-law attached as Attachment- 1 to this report, be approved and staff be directed to add the administrative fees to the User Fees By-law as soon as practical.
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Executive Summary

Purpose of Report

On May 28, 2024, Council received Staff Report [2024-100](#) and directed staff to proceed with the implementation of an Administrative Penalty System ("APS") for parking infractions, and further directed staff to bring forward the necessary by-laws and policies required to implement the APS for Council consideration.

The purpose of this report is to bring forward the following by-laws, policies and administrative matters for Council consideration and approval for implementation of the City's APS as of April 1, 2025:

1. Administrative Penalty System By-law - A by-law to establish an APS, attached as Attachment-1;

2. Screening and Hearing Officer By-law - A by-law to establish the positions of screening and hearing officers for the purposes of administration of the APS, attached as Attachment-2;
3. Amending By-law - An omnibus by-law to amend various City by-laws that include parking violations and which are designated, in whole or in part, as by-laws to which the APS applies, attached as Attachment-3;
4. APS Policies - The following APS policies and procedures, attached as Attachment-4:
 - a. APS Policy – Appointment Screening and Hearing Officers;
 - b. APS Policy – Conflict of Interest and Code of Conduct;
 - c. APS Policy – Financial Management and Reporting;
 - d. APS Policy – Preventing Political Interference;
 - e. APS Policy – Undue Hardship;
 - f. APS Policy – Public Complaints;
 - g. APS Guide – Hearing Officer Adjudication Guide.
5. Administrative Fee Schedule - Recommended administrative fees are included in Schedule “C” to the Administrative Penalty System By-law for Council approval and subsequent inclusion in the City’s User Fees By-law.

Key Findings

- Municipalities have the power to establish a system of administrative penalties and to charge administrative penalties and fees pursuant to section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Municipal Act, 2001*”). Ontario Regulation 333/07: Administrative Penalties made under the Municipal Act (the “Administrative Penalties Regulation”) applies to administrative penalties in respect of the parking, standing, or stopping of vehicles and referred to in section 102.1 of the *Municipal Act, 2001*.
- APS is an administrative system established by the City separate from the court system. Under an APS, penalty notices are issued by Bylaw Compliance Officers and can be disputed by the recipient by requesting a review by a City-employed Screening Officer. The Screening Officer will review and make a decision to affirm, cancel, reduce, or extend the penalty, in accordance with established policies, procedures, and standards of practice for Screening Officers. Should the recipient disagree with the Screening Officer’s decision, the matter is referred to an independent Hearing Officer (retained on a contractual basis at a per diem rate) who will make a final and binding decision.
- The Administrative Penalties regulation under the *Municipal Act, 2001* requires a municipality establishing an APS to have:
 - Policies and procedures to prevent political interference in the administration of the system;
 - 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;
 - Policies and procedures regarding financial management and reporting; and
 - Procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

- The Administrative Penalties regulation under the *Municipal Act, 2001* authorizes a municipality with an APS to levy administrative fees for cost recovery.

Strategic Plan Alignment

The purpose of administrative penalties established by a municipality in respect of the parking, standing and stopping of vehicles are to assist the municipality in regulating the flow of traffic and use of land, including highways, by promoting compliance with its by-laws respecting the parking, standing or stopping of motor vehicles. The APS for parking infractions advances the City's objectives of by-law compliance in the public interest and is expected to have significant positive impacts on customer service and improve fine collection rates. The APS will also divert parking infractions from the provincial offences court system, freeing up capacity in the court system for more serious infractions and improving access to justice.

Future Guelph Theme

Foundations

Future Guelph Objectives

Foundations: Provide excellent service

Financial Implications

As previously reported in Report No. [2024-100](#) an APS for parking infractions is projected to increase Court Services' net revenue by approximately \$245,000 per year based on current ticket volumes. During the transition of parking infractions from the provincial offences court system to the APS, there will be two active streams of revenue for parking. The provincial offences court will still be scheduling older parking tickets while APS will be adjudicating newly laid cases. It is difficult to quantify the increase in parking revenue during this time, but long-term projections indicate the APS will have a significant positive impact on revenue from parking infractions.

Report

On May 28, 2024, Council received Staff Report [2024-100](#) and directed staff to proceed with the implementation of an APS for parking infractions, and further directed staff to bring forward the necessary by-laws and policies required to implement the APS for Council consideration.

The purpose of this Report is to bring forward the following by-laws, policies and administrative matters for Council consideration and approval:

1. Administrative Penalty System By-law - A by-law to establish an APS, attached as Attachment-1;
2. Screening and Hearing Officer By-law - A by-law to establish the positions of screening and hearing officers for the purposes of administration of the APS, attached as Attachment-2;
3. Amending By-law - An omnibus by-law to amend various City by-laws that include parking violations and which are designated, in whole or in part, as by-laws to which the APS applies, attached as Attachment-3; and

4. APS Policies - The following APS policies adopted as Corporate Policies and Procedures, attached as Attachment-4:
 - a. APS Policy – Appointment Screening and Hearing Officers
 - b. APS Policy – Conflict of Interest and Code of Conduct
 - c. APS Policy – Financial Management and Reporting
 - d. APS Policy – Preventing Political Interference
 - e. APS Policy – Undue Hardship
 - f. APS Policy – Public Complaints
 - g. APS Guide – Hearing Officer Adjudication Guide
5. Administrative Fee Schedule - Recommended administrative fees are included in Schedule “C” to the Administrative Penalty System By-law for Council approval and subsequent inclusion in the City’s User Fees By-law.

By-laws

To implement an APS as permitted under the *Municipal Act, 2001* it is necessary to pass a by-law to establish the system, a by-law to create the positions of Screening Officer and Hearing Officer, and to designate specific by-laws or provisions as by-laws/by-law provisions to which administrative penalties apply. The Administrative Penalty System By-law attached as Attachment-1 to this Report is to establish the City’s APS. The Screening and Hearing Officer By-law attached as Attachment-2 to this Report is to create the positions of Screening Officer and Hearing Officer. The omnibus Amending By-law attached as Attachment-3 to this Report amends the following existing by-laws (in each case, as amended) to designate the parking, standing, and stopping provisions as offences to which the APS applies:

- Traffic and Parking By-law - By-law Number (2022) – 20698
- Accessible Parking By-law - By-law Number (2014) – 19736
- Parking in Parks By-law – By-law Number (2003) – 17224
- Private Property Parking By-law – By-law Number (1997) – 15402
- Fire Route By-law – By-law Number (2003) – 17082
- Municipal Lot By-law – By-law Number (1987) – 12425

Policies

The Corporation of the City of Guelph requires and values that its APS be administered in a transparent and ethical manner in accordance with applicable legislation and Council-approved by-laws. O. Reg. 333/07: Administrative Penalties made under the *Municipal Act, 2001* applies to administrative penalties in respect of the parking, standing, or stopping of vehicles. The regulation requires a municipality establishing an APS to have: policies and procedures to prevent political interference in the administration of the system; guidelines to define what constitutes a conflict of interest in relation to the administration of the system, and to prevent and redress conflicts of interest; policies and procedures regarding financial management and reporting; and procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

The APS Policies recommended in this Report reflect the City’s values and commitments with respect to its APS and are compliant with regulatory requirements for APS. The attached APS Policies:

- Provide a consistent and transparent framework for the selection and appointment of Screening Officers and Hearing Officers and act as a guide for appointed officers in the exercise of their duties;
- Provide discretion and guidelines to Screening Officers and Hearing Officers to cancel, reduce, or extend time for payment of penalties and fees where the officer determines it is necessary in order to reduce undue hardship;
- Define conflict of interest in relation to the APS, prevent actual, potential, and perceived conflicts of interest, and establish means of redress should a conflict occur;
- Establish requirements regarding financial management and reporting of administrative penalties and fees and affirm that the City of Guelph's APS shall follow corporate policies and procedures related to financial management and reporting;
- Define what constitutes political interference in relation to the APS and prevent political interference in APS;
- Provide a process for public complaints regarding the administration of the APS and ensure that the APS remains a transparent, accessible, responsive, accountable, efficient, and effective system and that any public complaints are addressed in a timely and responsible manner; and
- Ensure that APS responsibilities are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, competence and integrity.

Administrative Fees

Municipalities that have implemented an APS are authorized under the Administrative Penalties Regulation under the *Municipal Act, 2001* to levy administrative fees such as late payment fees, fees for failure to appear and other fees to recover certain costs incurred for the administration of the program. The administrative fees recommended in Schedule "C" to the Administrative Penalty System By-law are in line with the fee types and amounts charged by comparable municipalities who have an established APS.

Financial Implications

As previously reported in Report No. [2024-100](#), an APS for parking infractions is projected to increase Court Services' net revenue by approximately \$245,000 per year based on current ticket volumes. During the transition of parking infractions from the provincial offences court system to the APS, there will be two active streams of revenue for parking. The provincial offences court will still be scheduling older parking tickets while APS will be adjudicating newly laid cases. It is difficult to quantify the increase in parking revenue during this time, but long-term projections indicate the APS will have a significant positive impact on revenue from parking infractions.

Consultations and Engagement

The following departments have been consulted by Legal and Court Services in connection with the establishment of the APS: Operations (overseeing Bylaw Compliance and Parking Services) and the City Clerk's Office.

Legal and Court Services will work with Strategic Communications to communicate the APS by-law and policies, and any amendments or replacements from time to time, internally and externally as follows:

- Posted on the City's website and intranet and publicized in other channels as may be recommended by Strategic Communications;
- The by-laws and policies shall form part of the orientation for all Screening Officers, Hearing Officers and City employees and independent contractors directly involved in the administration or enforcement of the APS;
- Other City employees involved in the administration of the APS will be advised of the by-laws and policy and appropriately trained; and
- Broad distribution to Members of Council, the Executive Team, Corporate Leadership Team, and further distributed as applicable.

Attachments

Attachment-1 Administrative Penalty System By-law

Attachment-2 Screening and Hearing Officer By-law

Attachment-3 Amending By-law

Attachment-4 APS Policies:

- a. APS Policy – Appointment Screening and Hearing Officers
- b. APS Policy – Conflict of Interest and Code of Conduct
- c. APS Policy – Financial Management and Reporting
- d. APS Policy – Preventing Political Interference
- e. APS Policy – Undue Hardship
- f. APS Policy – Public Complaints
- g. APS Guide – Hearing Officer Adjudication Guide

Departmental Approval

Doug Godfrey, General Manager, Operations

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