

Clause 6 in Report No. 8 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 25, 2017.

6

York Region Parking Bylaw Amendment for Administrative Monetary Penalties

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 25, 2017 from the Commissioner of Transportation Services:

1. Council approve the use of an Administrative Monetary Penalty System for enforcement of parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill.
2. The Commissioner of Transportation Services be authorized to execute any agreements and approve any policies as necessary for the implementation of an Administrative Monetary Penalty System for parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill.
3. The Regional Solicitor prepare amendments to Bylaw R-1102-96-100 to provide that Administrative Monetary Penalty Systems apply to the specified geographic areas in the Region and to appoint the hearing officers and screening officers already appointed by the Cities of Markham and Vaughan and the Town of Richmond Hill for the additional processing of these parking infractions on Regional roads.
4. If other local municipalities formally request the use of an Administrative Monetary Penalty System on Regional roads within their geographic areas, the Commissioner be authorized to execute the necessary agreements with local municipalities and the Regional Solicitor be authorized to prepare amendments to Bylaw R-1102-96-100 for consideration by Council.
5. The Regional Clerk circulate this report to the local municipalities and to the Chief of York Regional Police.

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Report dated April 25, 2017 from the Commissioner of Transportation Services now follows:

York Region Parking Bylaw Amendment  
For Administrative Monetary Penalties

1. Recommendations

It is recommended that:

1. Council approve the use of an Administrative Monetary Penalty System for enforcement of parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill.
2. The Commissioner of Transportation Services be authorized to execute any agreements and approve any policies as necessary for the implementation of an Administrative Monetary Penalty System for parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill.
3. The Regional Solicitor prepare amendments to Bylaw R-1102-96-100 to provide that Administrative Monetary Penalty Systems apply to the specified geographic areas in the Region and to appoint the hearing officers and screening officers already appointed by the Cities of Markham and Vaughan and the Town of Richmond Hill for the additional processing of these parking infractions on Regional roads.
4. If other local municipalities formally request the use of an Administrative Monetary Penalty System on Regional roads within their geographic areas, the Commissioner be authorized to execute the necessary agreements with local municipalities and the Regional Solicitor be authorized to prepare amendments to Bylaw R-1102-96-100 for consideration by Council.
5. The Regional Clerk circulate this report to the local municipalities and to the Chief of York Regional Police.

2. Purpose

This report recommends an amendment to the Region's Parking Bylaw to include the use of an Administrative Monetary Penalty System (AMPS) for parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill. These three municipalities are currently or will soon be using AMPS to administer their own parking infractions.

### 3. Background

#### Regional and Local Parking Bylaws

In 1996, the Region enacted a bylaw to control parking on Regional roads. The bylaw identifies specific locations and times where parking and stopping is restricted, as well as general regulations that apply to all Regional roads. Currently, parking infractions are subject to the provisions of the *Provincial Offences Act*. The local municipalities within the Region also have their own parking bylaws in place to regulate the parking and stopping of vehicles on local roads.

Local municipalities have entered into agreements with the Region to provide parking enforcement on Regional roads

In 1997, each local municipality entered into an agreement with the Region to provide enforcement of the Region's parking bylaw within their own respective municipal boundaries. The agreement permits the municipality to retain all fines collected for parking infractions on Regional roads within their boundary.

Municipalities are granted authority under the *Municipal Act, 2001* to implement administrative monetary penalties

Administrative monetary penalties are an alternative to the traditional method of issuing *Provincial Offences Act* (POA) tickets.

When a defendant receives a POA ticket, the defendant may request a trial and the matter is heard by a Justice of the Peace in the Provincial Offences Court.

When enforcement is carried out by administrative monetary penalties, the defendant receives a penalty notice rather than a POA ticket. The recipient of the penalty notice may contest the penalty notice outside of the court process by appealing to a Screening Officer and, if not satisfied by the decision, the matter is referred to a Hearing Officer for a final decision. The decision of the Hearing Officer is final, meaning that there is no further level of appeal. Although administrative monetary penalties are outside the court process, the *Statutory Powers Procedure Act* prescribes procedural protections for the defendant thereby ensuring the process is fair.

Ontario Regulation 333/07 sets out the requirements for municipalities using AMPS. This includes the requirement for the Region to appoint screening and hearing officers and for the Region to establish policies to prevent political interference, conflicts of interest, financial management and public complaints.

Local municipalities are transitioning to administrative monetary penalties for their own bylaws

The Cities of Markham and Vaughan have implemented administrative monetary penalties for their respective parking bylaws. The Town of Richmond Hill is currently transitioning to administrative monetary penalties. The other local municipalities within the Region continue to enforce their local bylaws through the *Provincial Offences Act*.

#### 4. Analysis and Implications

The Regional Parking Bylaw can be amended to allow for the enforcement of administrative monetary penalties

It is recommended that Council amend the Regional Parking Bylaw to allow for the use of administrative monetary penalties for parking offences committed on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill. This would provide for an efficient and streamlined enforcement of parking matters that would be administered at the local municipal offices within the respective municipality where the infraction was issued. This would also be a preferred process for the Cities of Markham and Vaughan and the Town of Richmond Hill, as it would allow for a single enforcement system versus running two systems simultaneously, i.e. writing POA tickets for Regional road infractions and administrative monetary penalties tickets for local road infractions. The use of administrative monetary penalties can relieve constraints on court capacity and reserve court time for more serious matters requiring in-person evidence by enforcement officers and witnesses.

To facilitate the use of administrative monetary penalties for enforcement of the Region's Parking Bylaw, the Region must:

- Amend Parking Bylaw No. R-1102-96-100 to establish the AMPS system, appoint the hearing and screening officers and designate the area that will be subject to AMPS
- Establish Regional policies in relation to AMPS as required by the regulation to prevent political interference, address public complaints, prevent conflicts of interest and for financial management and reporting
- Amend agreements with the local municipalities to provide enforcement of the Region's bylaw and administration of the AMPS system, complete all administrative monetary penalties requirements on the Region's behalf and ensure compliance with the related policies

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- Enter into an agreement with the Ministry of Transportation of Ontario to allow local municipalities to act as the Region's agent in plate denials

5. Financial Considerations

Revenues generated from Parking Bylaw infractions under administrative monetary penalties would continue to be payable to the local municipalities.

6. Local Municipal Impact

Existing agreements with local municipalities would have to be amended to include administrative monetary penalties. Since the local municipalities are already enforcing the Region's Parking Bylaw, there should be minimal impact with the implementation to administrative monetary penalties. Citizens of local municipalities will have recourse to quicker and more easily accessible resolution processes at their local seats of municipal administration.

7. Conclusion

Staff recommends Council approve the use of an Administrative Monetary Penalty System for enforcement of parking infractions on Regional roads in the Cities of Markham and Vaughan and the Town of Richmond Hill. This would provide for an efficient and streamlined enforcement of parking matters.

For more information on this report, please contact Joseph Petrungaro, Director Roads and Traffic Operations, at 1-877-464-9675 ext.75220.

The Senior Management Group has reviewed this report.

April 25, 2017

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