



Corporate Services Staff Report

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Report Title: Administrative Monetary Penalty System
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Final Review: Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report C23-2024 respecting Administrative Monetary Penalty System:

1. Approve the Administrative Monetary Penalty System By-law, as attached to this report; and
2. Direct staff to prepare the required amending by-law and policies and present to Council at the October 22, 2024, meeting.

Background:

On January 23, 2024, staff presented Report C03-2024, that discussed the benefits of the Township moving the enforcement of its' By-laws from the traditional Provincial Offences Act (POA) model to a municipally operated process that focuses on dispute resolution.

As a result, Council directed staff to develop an implementation plan for transitioning to the Administrative Monetary Penalty System (AMPS) process. This report outlines the steps taken to date, with a recommendation to enact the AMPS By-law. This will allow staff to proceed with the finalization of the remaining approvals required by Council and report back in October.

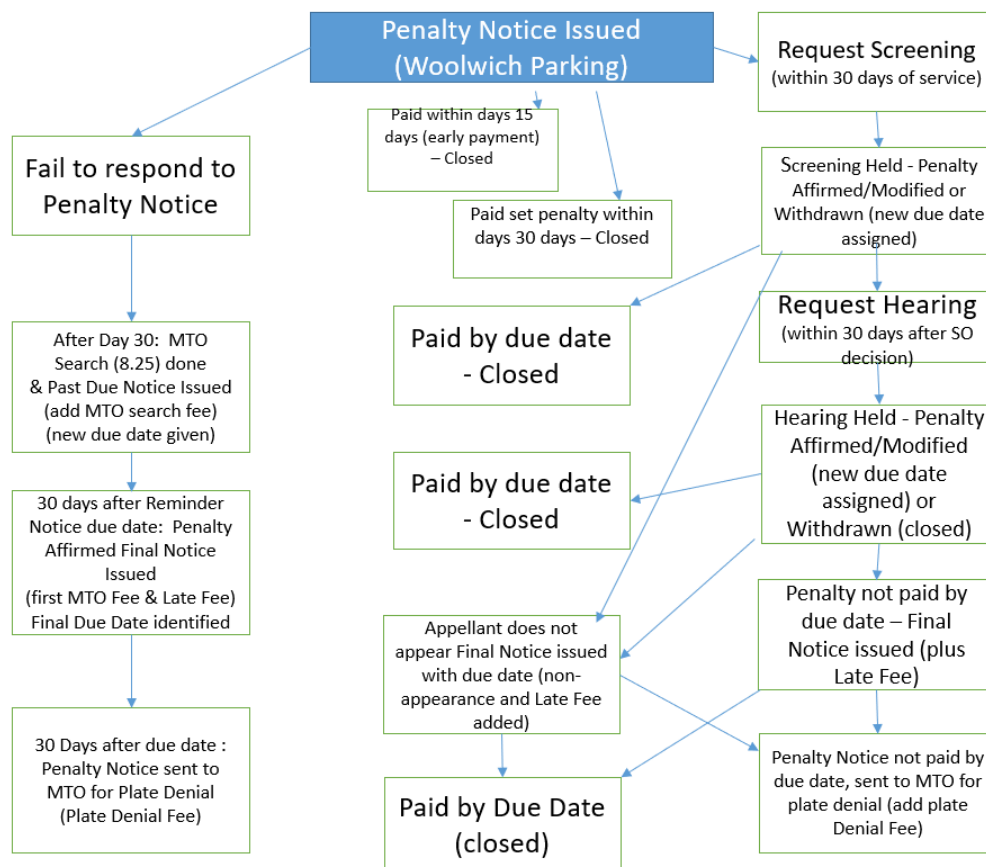
Comments:

Process

In essence, an AMPS system replaces the traditional enforcement process in adjudicating by-law enforcement tickets from the provincial court process to a municipally operated dispute resolution type process. Such a process is aimed at early resolution of ticket disputes by allowing for a more informal discussion and negotiation type of format.

A person who wishes to dispute a by-law enforcement penalty notice (formally known as a provincial offences ticket) may choose to present their argument to a municipal staff member appointed as a screening officer (SO). This SO has more discretion to resolve the matter than what is available through the provincial offences process. If the person is not satisfied with the decision of the SO, they can request a hearing which is provided by a Council appointed Hearings Officer (HO). Again, in a less formal and intimidating manner, using the discussion type approach. The decision of the HO is final.

Staff's previous report provided a detailed process map of the AMPS procedure to adjudicate penalty notices (included below).



Staff are currently in discussions with staff at the cities of Kitchener and Waterloo to investigate the feasibility of utilizing their existing hearings process in attempting to create a more streamlined transition to AMPS.

Benefits of AMPS

As indicated previously, staff believe that there are several significant benefits to implementing an AMPS program. The following is a brief explanation of these benefits:

- Enhanced Customer Service: The AMPS program provides a more accessible and less intimidating process for the public compared to the Provincial Offences Court process.
- Increased Flexibility in Resolving Disputes: Staff will have greater flexibility and discretion to resolve parking disputes early in the process. This can be done through a screening process available at the Township office during normal business hours. These additional resolution tools are designed to increase the likelihood of early resolutions and minimize additional costs and time commitments for the public.
- Less Formal Hearings: The AMPS program will offer less formal hearings governed by the Statutory Powers Procedure Act and the policies established in accordance with the Regulation.
- Control Over Hearing Schedules: The Township will have control over hearing schedules, eliminating dependency on the Court schedules at the Regional Courthouse. This change is expected to significantly reduce wait times compared to the existing Provincial Court timelines.
- Potential for Cost Recovery: The program will generate fees which may help offset the municipality's administrative and enforcement costs. If a person fails to resolve their penalty notice within the prescribed time, the municipality will incur additional costs, which will be added to the original penalty notice to offset those expenses.
- Improved Officer Safety: The AMPS program has the potential to enhance officer safety, particularly in sensitive enforcement areas such as school zones. The ability to serve penalty notices by mail or to an address at a later date helps prevent situations that could escalate at the time of the offence.
- Increased Control by Council: The AMPS process allows for the set penalty amounts (previously known as set fines), to be approved by Council rather than the Regional Senior Justice. This speeds up the process of approving new by-laws by several months when a by-law needs to be effective with penalty amounts.

Administrative Monetary Penalty System Administrative By-law

The draft Administrative Monetary Penalty System Administrative By-law attached to this report sets out which by-laws AMPS will apply to, how officers will issue penalty notices, how screenings and hearings will work, how necessary documents can be served and other administrative matters. With Council's approval, it will be enacted on September 24 to allow staff to finish remaining by-law amendments, develop necessary policies and

order new penalty notices (formerly tickets). Council's final approval to transition to the AMPS program is expected on October 22 with a November 1 implementation date.

Penalty Amounts (Fines)

The AMPS process allows for the set penalty amounts (previously known as set fines), to be approved by Council. Staff's recommended set penalty amount for the Township's various By-laws are in the draft by-law in Schedules "A" and "B". The set penalty amounts remain the same as the previously approved set fines, with an additional a 50% increase for subsequent contraventions.

Subject to Council approving the draft administrative by-law attached to this report, staff will finalize the required amendments to the Township's existing enforcement by-laws and the Council policies required by the enabling legislation in the Municipal Act for Council's consideration in the near future.

Simultaneously, staff will be continuing to move forward with the program requirements such as developing new letter and penalty notice templates and the screening and hearing process. In addition, the Township will need to enter into a new agreement with the Ministry of Transportation to provide for the process of obtaining vehicle ownership information to process penalty notices via AMPS.

Staff are hoping to implement the AMPS process prior to November 1st of this year, which aligns with the annual winter overnight parking enforcement program. As such, staff are targeting October 22, 2024, to return to Council with the final required approvals.

Interdepartmental Impacts:

By-law enforcement staff currently collaborate with other Township departments to address municipal enforcement issues. The AMPS process will offer greater flexibility and additional options to support these departments in the future.

Financial Impacts:

As discussed in the previous report, it is premature to accurately anticipate the long-term financial impact of transitioning by-law enforcement matters from the POA process to AMPS. Having said this, staff's research and inquiries with other similar municipalities which have implemented AMPS suggests that there are not likely to be any negative impacts on the budget. Based on analysis of the Township's past experience, staff estimate a small increase in operating costs which will be offset by the fees for the program outlined below. Staff will regularly monitor revenue and expenses throughout 2025 and 2026.

Fee Changes

Under the AMPS program, the Township may establish fees to be imposed on late/defaulted penalties and to assist with cost recovery for other related municipal

actions to adjudicate penalty notices. Staff's recommended fee schedule is included in the draft by-law attached to this report, as Schedule "C".

The following is a brief description of the purpose of each fee:

- MTO search fee – The Township will be required to pay a fee of \$8.25 to the Ministry of Transportation for every request for license plate ownership that is sent to them. The purpose of the request is to mail out a reminder notice when a person fails to pay the penalty notice within the prescribed time. Staff's recommended fee, which aligns with most other municipalities, is ten (\$10) dollars, which also includes a nominal administrative fee in order to recover the administrative cost of processing.
- Late Fee – This fee would be added to the face value of the penalty notice when a person fails to respond or to pay within the required time, after having been given time to do so and after having received a mailed reminder notice of the outstanding penalty amount. Staff are recommending a set late fee of twenty-five (\$25) dollars for parking violations and a percentage amount of twenty-five percent (25%), for non-parking by-law violations.
- Screening Non-Appearance Fee – This fee would be added to the face value of the penalty in situations where an individual has requested a screening in person or by phone appointment and fails to attend.
- Hearing Non-Appearance Fee – This fee would be added to the face value of the penalty in situations where an individual has requested a hearing and fails to attend.
- Plate Denial Fee – This fee will be applied in situations when a person has failed to resolve their ticket appropriately, after all options and dispute resolution mechanisms have been made available.
- Collection Fee – This fee will assist with cost recovery in situations when a defaulted penalty notice (typically non-parking violations) is forwarded to the municipality's collection agency. This fee offsets the fee charged by the collection agency when an amount is collected. Otherwise, this fee is borne by the tax base.

It is important to note that when a person fails to respond to a penalty notice within the appropriate time frame, there are administrative costs associated with the municipality having to receive license plate information, send out reminder notices, etc. These costs should not be absorbed by the tax base revenue for situations where someone has failed to respond to their obligations, after receiving a penalty notice.

Community Strategic Plan Impacts:

This new system maintains an innovative customer service focus. The new Administrative Monetary Penalty System is designed to enhance customer service by improving adaptability. This system aims to enable staff to better serve the public by offering a more flexible and responsive approach to handling administrative penalties.

Conclusion:

Staff recommend Council adopt the proposed AMPS By-law and that the Township begin the formal transition to implement the AMPS process for both parking and non-parking by-laws. Staff will continue to develop the necessary amending by-laws and policies to present at a future Council meeting.

Attachments:

1. Draft Administrative Monetary Penalty System By-law