

**Office Consolidated**

**This copy is a consolidation of Schedule A of the Administrative Penalties respecting Stopping, Standing and Parking of Vehicles By-law and subsequent amendments. It is intended for office use and convenience only. For accuracy, reference should be made to the amending bylaws and schedules on file in the office of the Town Clerk.**

**SCHEDULE "A" CONSOLIDATED**

**Administration**

PENALTY NOTICE

1. Every Person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "B" and "C".
2. An Officer who has reason to believe that a Person has contravened a provision of a Designated By-law may issue a Penalty Notice to that Person.
3. A Penalty Notice shall include the following information:
  - a. the vehicle license plate number or vehicle identification number;
  - b. the Penalty Notice Date;
  - c. a number that is unique to the Penalty Notice;
  - d. the contravention wording listed in Schedule "B" and "C", which describes particulars of the contravention;
  - e. the amount of the Administrative Penalty;
  - f. such information as the Director determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative penalty; and
  - g. a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the Town.
4. A Person who is given a Penalty Notice and who does not pay the amount of the Administrative Penalty within a minimum of 15 days of the Penalty Notice Date may pay to the Town an MTO Search Fee and any other applicable penalties, such amount to be payable in lawful money of Canada.

REVIEW BY A SCREENING OFFICER

5. A Person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so within 15 days after the Penalty Notice Date or within the an extension period granted by the Screening Officer where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that want the extension;  
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6. A Person's right to request an extension of time expires if it has not been exercised within the time limit set out in section **5** at which time:
  - a. the Person shall be deemed to have waived the right to request a review;
  - b. the Administrative Penalty shall be deemed to be affirmed on the day after the Extension Period has passed if granted, and

- c. the Administrative Penalty shall not be subject to any further review, including review by any Court.
7. A Person's right to request a review or to request an extension of time are exercised by:
  - a. Submitting a Request for Screening or extension form available at the Town's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
  - b. Attending in person at the location listed in the Penalty Notice to complete a Request for Screening or extension form and scheduling the time and place for review.

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8. A review or request for an extension of time for review shall only be scheduled by the Town if the Person has exercised his or her right to request a review or an extension for review within the time limits set out in sections 5 and 6.
9. Where a Person fails to attend at the time and place scheduled for a review of the Administrative Penalty by the Screening Officer:
  - a. the Person shall be deemed to have abandoned the request for a review of the Administrative Penalty;
  - b. the Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed on the 16<sup>th</sup> day after the Penalty Notice and is not subject to any further review, including by any Court ; and
  - c. the Person shall pay to the Town a Screening Non-appearance Fee.
10. On review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, or the Screening Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
  - a. where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - b. where the Person establishes on a balance of probabilities that the reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to relieve any undue hardship.
11. After a review has been held, the Screening Officer shall deliver a Screening Decision to the Person.

#### REVIEW BY A HEARING OFFICER

12. A Person may request a review of a Screening Decision by a Hearing Officer and shall do so within 15 days after the Screening Decision has been delivered to the Person.
13. A Person's right to request a review or extension expires if it has not been exercised within 15 days after the Screening Decision has been delivered at which time:
  - a. the Person shall be deemed to have waived the right to request a hearing;
  - b. the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed on the 16<sup>th</sup> day after the Screening Decision has been delivered or the Extension Period has passed; and
  - c. the Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.
14. A Person's right to request a review of a Screening Decision or to request an extension of time are exercised by:

- a. Submitting a Request for Review or extension by Hearing Officer form available at the Town's web page as set out in the Screening Decision by mail, fax or email; or
  - b. Attending in person at the location listed in the Screening Decision to complete a Request for Review or extension by Hearing Officer and filing a completed form.
15. Where a Person fails to attend at the time and place scheduled for a review by the Hearing Officer:
- a. the Person shall be deemed to have abandoned the request for a review of the Screening Decision;
  - b. the Screening Decision and Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be final and are not subject to any further review, including by any Court;
  - c. the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed on the date the Screening Decision was delivered to the Person; and
  - d. the Person shall pay to the Town a Hearing Non-appearance Fee.
16. A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Person and the Town an opportunity to be heard at the time and place scheduled for the hearing of the review.
17. On review of a Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
- a. where the Person establishes a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - b. where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.
18. All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
19. After a hearing is completed, the Hearing Officer shall issue to the Person a Hearing Decision.
20. Any decision by a Hearing Officer is final.
21. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.

#### SERVICE OF DOCUMENTS

22. (1) Service of any document or notice, including a Penalty Notice, respecting this By-law may be given in writing in any of the following ways and is effective;
- a. affixing it to the vehicle in a conspicuous place at the time of the violation;
  - b. delivering it personally to the operator of the vehicle or the person in care and control of the vehicle at the time of the contravention;
  - c. when a copy is delivered to the Person to whom it is address;

- d. on the fifth day after a copy is sent by registered mail or by regular letter mail to the Owner's last known address;
- e. upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
- f. upon the sending a copy by e-mail transmission to the Person's last known email address.

(2) For the purpose of subsection 25 (1)(b),(c),(d), a Person's last known address, facsimile number and e-mail address may include an address, facsimile number and e-mail provided by the Person to the Town as may be required by a form, practice or policy developed under this By-law.

#### ADMINISTRATION OF THE BY-LAW

23. The Director shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.

24. The Director shall prescribe all forms and notices, including the Penalty Notices, necessary to implement the By-law and may amend such forms and notices from time to time as the Director deems necessary.

25. The Director may designate areas and locations for conducting Screening Reviews and Hearings under this By-law.

#### GENERAL PROVISIONS

26. An Administrative Penalty, including any Administrative Fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the Town owned by the Person to whom the Penalty Notice was given.

27. Where an Administrative Penalty is not paid within a minimum of 15 days after it becomes due and payable, the person to whom the Penalty Notice was given shall pay to the Town a Late Payment Fee.

28. Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the Town shall notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.

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29. Where an Administrative Penalty or any administrative fees respecting that Administrative Penalty are not paid within thirty 30 days after the date that they become due and payable, **the Town shall notify the Registrar of Motor Vehicles of the default.**

30. Where a person provides a demand for payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Town a NSF Fee as specified in Schedule "C".

31. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.

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

33. No Officer may accept payment in respect of an Administrative Penalty.
34. Any schedule attached to this By-law forms part of this By-law.