

BY-LAW NO. 20XX - XXX

A by-law of the City of Ottawa to establish and implement an Administrative Monetary Penalty System (APS) for contraventions detected using red-light cameras within the City of Ottawa.

WHEREAS section 11 of the *Municipal Act, R.S.O 2001, c.25*, authorizes municipalities to enact by-laws respecting matters within the sphere of jurisdiction of highways, including traffic on highways, in conjunction with the *Highway Traffic Act*; and

WHEREAS section 214 of the Highway Traffic Act R.S.O. 1998, c.6 as amended, establishes that the council of a municipality may by by-law designate a part of a highway under its jurisdiction as a community safety zone if, in the council's opinion, public safety is of special concern on that part of the highway; and

WHEREAS section 144(18) of the HTA requires drivers to comply with redlight traffic signals and Reg. 355/22, as amended, and authorizes penalty orders to be imposed for contraventions of subsection 144(18) where the evidence is obtained through the use of a red light camera system under Part X1V.2 of the HTA; and

WHEREAS section 21.1 of the HTA and O. Reg. 355/22, as amended, authorizes municipalities to establish an administrative penalty system for vehicle based contraventions detected using red-light cameras to promote compliance with the HTA and its Regulations, and impose penalty orders, including for the vehicle-based contraventions captured by the Red Light Camera enforcement system under Part XIV.2 of the HTA; and

WHEREAS the Council for the City considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated section of the HTA, by-laws or designated City by-law to assist with the promoting the compliance of its red light traffic control signals; and

WHEREAS sections 23.2, 23.3 and 23.5 of the Municipal Act authorize the City to delegate its administrative and hearing powers; and

WHEREAS section 391 of the Municipal Act, 2001 authorizes the City to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the City of Ottawa enacts as follows:

1. DEFINITIONS

(1) For the purposes of this By-law:

“Administrative Penalty” means the monetary penalty amount set out in this By-law for vehicle based contraventions captured by camera systems, determined in accordance with section 6 in the HTA O. Reg. 355/22;

“By-Law” means this by-law and any schedule to this by-law as they may be amended from time to time;

“City” means the City of Ottawa;

“City Clerk” means the City Clerk for the City of Ottawa;

“Council” means the City of Ottawa’s Council;

“Designated Section” means a designated section or portions of sections of the HTA to which the system of administrative penalties in this By-law applies and as further described in the attached Schedule A;

“Deputy City Treasurer, Revenue” means the Deputy City Treasurer, Revenue, or their designate as authorized in writing, or in the event of organizational changes or otherwise, the director of the appropriately titled department assigned duties under this by-law or designate.

“Fee” means a fee set out and described in Schedule “B”, referred to collectively as “administrative fees” or individually by the name of the fee in Schedule “B”.

“Head of Council” means the Mayor of the City of Ottawa;

“Hearing Officer” means any person designated from time to time in accordance with the Administrative Penalty System Appointments By-law to perform the functions of a Hearing Officer pursuant to this By-Law;

“Municipality” means the geographic area under the jurisdiction of the City;

“Enforcement Officer” means a municipal law enforcement officer appointed as such or a police officer employed by a municipal police force;

“Highway Traffic Act” or “HTA” or “the Act” means the Ontario *Highway Traffic Act, R.S.O., c.H.8.*, as amended.

“Penalty Order” means a notice given pursuant to section 3 in accordance with subsection 21.1(2) of the HTA;

“Penalty Order Date” means the date specified on the Penalty Order identifying the date of issuance pursuant to section 3(3);

“Penalty Order Number” means the number specified on the Penalty Order pursuant to section 3(2);

“Person” includes an individual, partnership, association, firm or corporation;

“Recipient” means the vehicle owner responsible for the Penalty Notice associated with a vehicle-based contravention captured by the Red Light Camera enforcement system under Part XIV.2 of the Act;

“Screening Decision” means a decision made by a Screening Officer pursuant to sections 4(14);

“Screening Decision Date” means the date on which a Screening Decision is made pursuant to sections 4(14);

“Screening Officer” means any person designated from time to time in accordance with the Appointments By-law to perform the functions of a Screening Officer pursuant to this By-law;

“Undue Hardship” means financial grounds for cancelling or varying or extending the time to pay an administrative penalty or administrative fees or both or for approving a payment plan resulting from a recipient's ability to pay being materially compromised by a significant reduction in income due to an illness or unanticipated expenses, or other cause such that imposing the administrative penalty without financial relief would cause undue financial hardship and not in the interests of justice. The recipient must demonstrate the reduction in income caused by illness or other expenses by providing supporting documentation (including but not limited to for example a Canada Revenue Agency Notice of Tax Assessment for the last full calendar year.);

“Vehicle Owner” means the person whose name appears on the permit for the vehicle; and if the vehicle permit consists of a vehicle portion and plate portion, and different persons are named on each portion, the person whose name appears on the plate portion at the time of the contravention.

2. APPLICATION

(1) This By-law applies to those contraventions included in HTA Regulation 355/22, to impose administrative penalties for contraventions detected using camera systems.

(2) The Administrative Penalties designated in Schedule “A”, attached hereto and forming part of this By-law, may be dealt with by Penalty Order and the Administrative Penalty System.

3. PENALTY ORDER

(1) 355/22 associated with vehicle-based contraventions captured by an Enforcement Officer who, after reviewing the photographic evidence believes that a red light camera offence has been committed for a designated section or portions of the HTA and Regulation Red Light Camera enforcement system under Part XIV.2 of the Act, shall impose and certify a Penalty Order in accordance with this By-law on the owner of the vehicle.

(2) The Penalty Order shall include the following information:

- (a) the date of issuance of the Penalty Order;
- (b) the Penalty Order number;
- (c) the vehicle license plate number;
- (d) particulars of the contravention, including the date and location of the contravention;
- (e) the amount of the Administrative Penalty as described in Section 6 of O.Reg. 355/22 and this By-law;
- (f) a copy of a photograph or image of the motor vehicle that is involved in the contravention;
- (g) information respecting the process by which the recipient may pay the administrative penalty or request a review of the administrative penalty; and
- (h) a statement advising that the Administrative Penalty will constitute a debt of the vehicle owner to the City.

(3) Service of a Penalty Order in any of the following ways is deemed effective:

- (a) a penalty order may be served on the person who is subject to the order by sending the order by mail or by courier to the most recent address that appears on the Ministry of Transportation records in respect of the holder of the plate portion of the permit for the motor vehicle involved in the contravention.
- (b) if the authorized person who imposed the penalty order believes that the person who is subject to the order resides outside Ontario or, in the case of a corporation, has its principal place of business outside Ontario, the penalty order may be served on the person by sending the order by mail or by courier to the address outside Ontario at which the authorized person believes the person resides or has its principal place of business.

- (c) the address mentioned in subsection (b) may be determined from a document obtained from the government of any province or territory of Canada or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number plates or other evidence of vehicle ownership in that jurisdiction.
 - (d) service of a penalty order mailed or couriered in accordance with this section is deemed to be served on the seventh (7th) day following the day on which it was mailed or couriered.
- (4) Service of any document or notice (other than a Penalty Order) on an authorized representative of the Owner shall be deemed service on the Owner.
- (5) The amount due for a Penalty Order is:
- (a) the Set Penalty Amount as set out in Schedule "A" for the related contravention and prescribed in O.Reg. 355/22; and
 - (b) the Vehicle Owner/Address Search Fee as set out in Schedule "A" for the related contravention and prescribed in O.Reg 355/22; and
 - (c) the Victim Component amount as set out in Schedule "A" for the related convention and prescribed in O. Reg. 355/22, and
 - (d) the Late Payment Fee set out in Schedule "B" for the related contravention, if payment is not received by the City within ninety (90) calendar days from the date of service of the Penalty Order in accordance with this By-Law and if the City has elected to report the Penalty Order to the Ministry of Transportation.
- Additional fees as outlined in Schedule "B", in respect of services related to an administrative penalty imposed, may be applicable and constitute a debt due to the municipality.
- (6) The Recipient of a Penalty Order may request that the Administrative Penalty be reviewed by a Screening Officer pursuant to section 4.
- (7) Where an administrative penalty is either partially or fully paid, any right under this chapter to request a review, an extension of time to request a review, or to request an extension of time to pay is automatically waived.
- (8) 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.

(9) The Deputy City Treasurer, Revenue may cancel the Administrative Penalty at any time prior to a review by a Screening Officer.

4. REVIEW BY SCREENING OFFICER

(1) The Recipient of a Penalty Order may request that the administrative penalty be reviewed by a Screening Officer by making such request within thirty (30) calendar days from the penalty order date of service.

(2) If a Recipient has not requested a review of an administrative penalty by a Screening Officer within thirty (30) calendar days from the date of service, a Recipient may, within 60 calendar days from the date of service, request that the Screening Officer extend the time to request a review.

(3) The right to request a review of an administrative penalty by a Screening Officer or to request an extension of time to request a review of an administrative penalty by a Screening Officer are exercised in writing by:

- (a) electronically submitting, in the method specified on the Penalty Order, a fully completed form; or
- (b) attending in person or by an authorized representative at the location listed in the Penalty Order and submitting a fully completed form.

(4) In the case of a request to review an administrative penalty by a Screening Officer, the request shall include particulars of all grounds upon which the request to review is based, and in the case of a request to extend the time to request a review, the request shall include the reasons, if any, for having failed to exercise the right to request a review within the time limited by section 4(1). Screening reviews will be conducted in writing unless there is a requirement on a case-by-case basis, as determined by the Screening Officer, to provide the screening review through other means.

(5) Where no request for an extension of time to request a review by a Screening Officer is filed within 60 calendar days after the Penalty Order date of service, the right to request an extension of time expires and:

- (a) the right to request a review by a Screening Officer shall be deemed to have been waived by all recipients;
- (b) the Administrative Penalty, including all Administrative Fees, shall be deemed to be affirmed on the 31st calendar day after the Penalty Order service date; and
- (c) the Administrative Penalty, including any Administrative Fees, shall not be subject to any further review or appeal.

(6) If a request for a screening review is not received by the City within the timelines of section 4(1), a notice will be served on the vehicle owner informing them of the amount of the administrative penalty now owing.

(7) The Screening Officer may only extend the time to request a review of an Administrative Penalty where a recipient demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.

(8) The Screening Officer may, where exceptional circumstances have been established on a balance of probabilities, extend the time to request a review subsequent to the passing of the timeline in section 4(2).

(9) For the purposes of Section 4(8), exceptional circumstances means severe circumstances of extended durations that would significantly or materially impact an individual's ability to exercise procedural rights established under this by-law.

(10) Where an extension of time to request a review of an administrative penalty is not granted by the Screening Officer, the administrative penalty is deemed affirmed.

(11) A vehicle owner may, up to one time only, request a rescheduling of the screening review if scheduled to be in person by filing with the City a request for adjournment in the form and manner established by the Deputy City Treasurer, Revenue, no later than 4:00 p.m. on the day 3 business days in advance of the date set for the review by the Screening Officer.

(12) The Screening Officer may request such information from the Recipient or other individual as the Screening Officer considers relevant and may rely upon the information provided for the purposes of the screening review.

(13) The Screening Officer may request, consider and rely on the information from an Enforcement Officer, other City/Agency staff, or staff of the Ottawa Police Service, as the Screening Officer deems relevant, including but not limited to: statements, documents, photographs, any other written document prepared by an enforcement officer, other City/Agency staff, or the staff of the Ottawa Police Services.

(14) After a review has been completed by a Screening Officer, the Screening Officer shall make a screening decision in writing and serve it on the Recipient in accordance with section 4(15).

(15) On a review of the administrative penalty, a Screening Officer may:

(a) affirm the administrative penalty, administrative fees, or both;

(b) cancel the administrative penalty, including administrative fees, if:

(i) the Screening Officer determines that the contravention of section 144(18) of the *Highway Traffic Act, 1990*, was not proven as set out in the Penalty Order;

- (ii) the Screening Officer finds that the recipient is charged with a duplicate offence under the Highway Traffic Act, 1990 in respect of the same contravention at the same location and at the same date and time; or,
 - (iii) the Screening Officer finds on the balance of probabilities:
 - 1. the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both; and
 - 2. if cancelling the administrative penalty or administrative fees or both is necessary to relieve the financial undue hardship established.
 - (c) vary the administrative penalty, administrative fees, or both if the Screening Officer finds on a balance of probabilities:
 - (i) the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both; and
 - (ii) if varying the payment of the administrative penalty or administrative fees or both is necessary to relieve the financial undue hardship established.
 - (d) extend the time for payment or establish a payment plan for the administrative penalty, administrative fees, or both if the Screening Officer finds on a balance of probabilities:
 - (i) the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both; and
 - (ii) the extension of time to pay is necessary to relieve the undue hardship established.
- (16) Where a recipient fails to attend at the time and place scheduled for an in-person review by a Screening Officer:
- (a) all recipients 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 Order shall be deemed to be affirmed on the 31st day after the Penalty Order service date and is not subject to any further review or appeal; and

- (c) the vehicle owner shall pay to the City a screening non-appearance fee in the amount set out in Schedule B.

(17) The Screening Officer remains responsible for matters surrounding the administrative penalty until such time as a recipient requests, in accordance with Section 4, a review of a screening decision by a Hearing Officer or until such time as a recipient requests that a Hearing Officer extend the time to request a review of a screening decision.

(18) The Recipient may request a review of the decision of the Screening Officer by a Hearing Officer pursuant to section 5.

5. REQUEST FOR REVIEW BY HEARING OFFICER

(1) Where an administrative penalty has not been cancelled, a recipient may request a review by a Hearing Officer of the screening decision within 30 days from the screening decision issuance date.

(2) If a request for a review of a screening decision has not been filed within 30 calendar days from the screening decision issuance date, a recipient may, within 60 calendar days from the screening decision issuance date, request that the Hearing Officer extend the time to request a review.

(3) The right to request a review of a screening decision or to request an extension of time to request a review of the screening decision by a Hearing Officer are exercised in writing by:

- (a) electronically submitting a fully completed form as specified on the screening decision; or
- (b) attending in person or by an authorized representative at the location listed in the screening decision and submitting a fully completed form.

(4) In the case of a request to review the screening decision, the request shall include particulars of all grounds upon which the request to review is based, and in the case of a request to extend the time to request a review, the request shall include the reasons, if any, for having failed to exercise the right to request to review the screening decision within the time limited by section 5(1). Hearing reviews will be conducted in person unless there is a requirement on a case-by-case basis, as determined by the Deputy City Treasurer, Revenue, to provide the hearing review through other means.

(5) The right to request an extension of time in section 5(2) expires if not exercised within 60 calendar days of the screening decision issuance date, at which time:

- (a) all recipients shall be deemed to have waived the right to request a review;

- (b) the screening decision and the administrative penalty included in the screening decision, including any administrative fees, shall be deemed to be affirmed on the screening decision issuance date; and
- (c) the screening decision and the administrative penalty, including any administrative fees, shall not be subject to any further review or appeals.

(6) The Hearing Officer may only extend the time to request a review of a screening decision where the recipient demonstrates on a balance of probabilities the existence of extenuating circumstances that warrant the extension of time.

(7) Where an extension of time to request a review of a screening decision is not granted by the Hearing Officer, the screening decision shall be deemed to be a screening decision subject to disposition in accordance with section 5(5).

(8) Except in the case of the request for review by the Hearing Officer being deemed abandoned as per section 5(17), a Hearing Officer shall not make any decision respecting a review of a screening decision unless the Hearing Officer has given a recipient and the City notice of the hearing, an opportunity to be heard at the time and place scheduled for the hearing of the review or, having given this opportunity to be heard, the parties have consented to a disposition of some or all issues respecting a screening decision without a hearing.

(9) A recipient may, up to one time only, request a rescheduling of the hearing review that is scheduled to be in person, by filing with the City a request for adjournment by filing with the City the applicable form no later than 4:00 p.m. on the day 3 business days in advance of the date set for the review.

(10) A recipient may cancel the hearing review by paying to the City any part of the administrative penalty and any part of all administrative fees in full prior to the hearing review.

(11) On a review of a screening decision, the Hearing Officer may:

- (a) affirm the screening decision;
- (b) cancel the screening decision and the administrative penalty, including administrative fees, if:
 - (i) the Hearing Officer determines that a contravention of section 144(18) of the *Highway Traffic Act, 1990*, was not proven as set out in the Penalty Order;
 - (ii) the Hearing Officer finds that the recipient is charged with a duplicate offence under the Highway Traffic Act in respect of

the same contravention at the same location and the same date and time; or,

(iii) the Hearing Officer finds on the balance of probabilities the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both; and if cancelling the administrative penalty or administrative fees or both is necessary to relieve the financial undue hardship established.

(c) vary the screening decision by:

(i) varying the administrative penalty, administrative fees, or both if:

1. the Hearing Officer finds on the balance of probabilities the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both;

2. and if varying the administrative penalty or administrative fees or both is necessary to relieve the financial undue hardship established.

(ii) extending the time for payment or establish a payment plan for the administrative penalty, administrative fees, or both if the Hearing Officer finds on the balance of probabilities:

1. the existence of undue hardship that materially compromises the recipient's ability to pay an administrative penalty or administrative fees or both;

2. and if the extension of time to pay is necessary to relieve the undue hardship established.

(12) All reviews conducted by the Hearing Officer shall be in accordance with the Statutory Powers Procedure Act, as amended.

(13) The Hearing Officer may rely on the information previously supplied to the Screening Officer, the rationale and/or justification the Screening Officer provided in the making of their decision, and request such information from a person as the Hearing Officer considers relevant.

(14) The Hearing Officer may request, consider and rely on the information from an Enforcement Officer, other City/Agency staff, or staff of the Ottawa Police Service, as the Hearing Officer deems relevant, including but not limited to; statements, documents, photographs, any other written document prepared by an enforcement officer, other City/Agency staff, or the staff of the Ottawa Police Services. The materials referred to in

this section are admissible as evidence as proof of the facts contained in them, in the absence of evidence to the contrary.

(15) Any decision by a Hearing Officer is final.

(16) After a hearing has been held by a Hearing Officer, the Hearing Officer shall make a hearing decision and serve the decision in writing upon a recipient.

(17) Where a recipient fails to attend at the time and place scheduled for a review by the Hearing Officer:

- (a) all recipients shall be deemed to have abandoned the request for a review of the screening decision and have consented to a disposition of whatever amount is owed as of the scheduled hearing date, without a hearing by the Hearing Officer;
- (b) the screening decision and the administrative penalty shall be deemed to be final and are not subject to any further review or appeal;
- (c) the administrative penalty is deemed to be affirmed on the screening decision issuance date; and
- (d) the vehicle owner shall, pay to the City a hearing non-appearance fee in the amount set out in Schedule B.

(18) Where an administrative penalty is deemed to be affirmed under section 5(17), the Hearing Officer shall affirm the screening decision. A hearing decision affirming the screening decision and establishing the liability to pay to the City a hearing non-appearance fee shall be made in writing and served upon the recipient.

(19) The decision of a Hearing Officer is final and not subject to review including review by any Court.

6. NOTICE

(1) Service of any document or notice in this By-law, may be given in writing in any of the following ways and is deemed to be effective:

- (a) for a Penalty Order, as described in section 3(3);
- (b) upon delivering the notice or document or a copy to the recipient to whom it is addressed;
- (c) on the seventh (7th) day after it is sent by regular lettermail to the recipient's last known address;

(d) upon the sending of the notice or document or a copy thereof by email transmission to the recipient's last known e-mail address.

(2) For the purpose of section 6(1), a recipient's last known address, and last known e-mail address are deemed to include those provided by the recipient pursuant to sections 4(4) and 5(4).

(3) Service on a recipient, including service on any person to whom a screening decision or hearing decision is handed, shall be deemed to be service on the vehicle owner.

(4) Any notice or document respecting this By-law to be given to the City shall be in writing, and shall be given in any of the following ways, and is deemed effective:

(a) when sent through the online public Administrative Penalties web portal; or

(b) when provided to a City of Ottawa agent at a designated City of Ottawa Client Services Centre during business hours, as listed on Ottawa.ca using the prescribed form.

7. FINANCIAL ADMINISTRATION

(1) No Officer who gives a Penalty Order or who makes a screening or hearing decision may accept payment of the Administrative Penalty respecting that Penalty Order.

(2) An Administrative Penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this By-law is due and payable and constitutes a debt to the City of the recipient.

(3) Where a recipient has paid an Administrative Penalty or an administrative fee that is then cancelled or reduced pursuant to this By-law, the City shall refund the amount cancelled or reduced.

(4) Where any amount has been paid towards an Administrative Penalty at any time, no further screening or hearing review requests will be accepted.

(5) Where any amount of an Administrative Penalty has not been paid within thirty (30) days after the date that the Penalty becomes due and payable to the City, a notice will be served on the recipient and a user fee associated with the mailing shall be applied in the amount set out in Schedule B.

(6) The vehicle owner shall pay to the City the applicable vehicle owner/address search fee in the amount set out in Schedule B, which forms part of the Administrative Penalty and is applied at the time that the penalty order is issued.

(7) Where an administrative penalty is not paid after it becomes due and payable to the City, the City may notify the Registrar of Motor Vehicles in the jurisdiction where the permit (vehicle licence plate) is registered of the default and the vehicle owner shall pay a Late Payment fee in the amount set out in Schedule B. In such instances, the Registrar shall not validate the permit nor issue a new permit for the vehicle to which the administrative penalty and administrative fees are related, until such time as the administrative penalty and administrative fees are paid.

(8) If a person has paid any administrative fee in Schedule B in respect of an administrative penalty and the administrative penalty is subsequently cancelled by a Screening Officer or a Hearing Officer, the City shall refund the administrative fee to the person who paid the administrative fee.

(9) Where a refund of a payment is made under this By-law for any reason, the refunded amount shall be paid to the person who initially made that payment.

(10) Additional fees as outlined in Schedule B, in respect of services related to an administrative penalty imposed, may be applicable and constitute a debt due to the municipality.

(11) Fees prescribed within this by-law may be waived if an administrative error was made by the City in applying the fee.

(12) The process to waive fees for error does not apply to the administrative penalty amount or the fees prescribed in Ontario Regulation 355/22 that may remain applicable and any other fees applied in accordance with the by-law.

8. GENERAL

(1) Where a period of time is prescribed in this By-law, a reference to a number of days between two events excludes the day on which the first event happens and includes the day on which the second event happens.

(2) The Deputy City Treasurer, Revenue, is authorized to establish forms for the purposes of this By-law and the implementation of the administrative penalties system.

(3) The Deputy City Treasurer, Revenue may appoint as Screening Officers, on such terms as the Deputy City Treasurer, Revenue consider appropriate and as further described in the Administrative Penalty System Appointments By-law.

(4) The General Manager, Finance and Corporate Services, the Deputy City Treasurer, Revenue, and the City Clerk, may recommend the appointment of Hearing

Officers to Council for approval, as they consider appropriate and as further described in the Administrative Penalty System Appointments By-law.

(5) Nothing in this By-law limits the City's right to enforce a Designated By-law by any other legal means or to use any other process of enforcement available under law.

(6) The short title of this By-law is the "Red Light Camera Administrative Penalty System By-law".

(7) This by-law shall come into force and take effect on MONTH, DAY, YEAR.

ENACTED AND PASSED this day of ,

CITY CLERK

MAYOR

SCHEDULE “A”

1. Designated By-Laws

(1) City of Ottawa By-Law Number 2019-397 as amended, being “A By-law to establish community safety zones”

2. Designated Legislative Sections

(1) Contravention of section 144(18) – Administrative Penalty Amounts for red-light camera (Regulation 355/22)

3. Amount

(1) The amount of the administrative penalty shall be the sum of the following amounts:

- (a) in respect of a contravention of subsection 144(18) of the Act,
 - i. \$260, if the contravention did not occur in a community safety zone, or
 - ii. \$400, if the contravention occurred in a community safety zone.
- (b) \$8.25, to reflect costs incurred by the authorized person to access the name and most recent address of the person who is subject to the penalty order.
- (c) the amount determined under subsections (2) to (5) as applicable, to be credited to the victims’ justice fund account in accordance with section 19.

(2) For a contravention of subsection 144(18) of the Act, the amount mentioned in paragraph 6 of subsection (1) is,

- (a) \$60, if the contravention did not occur in a community safety zone; or
- (b) \$85, if the contravention occurred in a community safety zone.

4. Penalty Rate

Item	Contravention Location	Penalty Rate
1.	If the contravention did not occur in a community safety zone	\$260

2.	If the contravention occurred in a community safety zone	\$400
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5. Victim's Justice Fund Fee Rate

Item	Contravention Location	Victim's Justice Fund Fee
1.	If the contravention did not occur in a community safety zone	\$60
2.	If the contravention occurred in a community safety zone	\$85

SCHEDULE “B”

Administrative Penalty System By-Law Administrative Fees

The table below lists the Administrative Fees as defined in Section 1.0 of this By-law and specified within the Ontario Regulation 355/22 under the Highway Traffic Act, 1990.

Fee	Description	Amount
Vehicle Owner/ Address Search Fee	A fee to search of the records of the Ministry of Transportation	\$8.25
Screening Non-appearance Fee (Municipal)	Failure to appear at the time and place scheduled for a screening review.	\$60
Hearing Non-Appearance Fee (Municipal)	Failure to appear at the time and place scheduled for a hearing review.	\$60
Late Payment Fee	Failure to pay an administrative penalty within the prescribed time. <u>This charge is set and recovered by the Ministry of the Attorney General.</u>	\$20

The table below lists the User Fees to be applied associated with City action necessary to manage the Penalty, consistent with O.Reg 355/22 and the City’s allowances under section 391 of the Municipal Act. These fees reflect actual City costs and will be updated annually via the budget process. Additional User Fees may be applied as captured within the User Fees and Charges By-Law.

<u>Fee</u>	<u>Description</u>	<u>Amount</u>
<u>Mailing Fee</u>	<u>Applied when a Late Notice is mailed in respect of a penalty that has not been paid within the period of becoming due to the City.</u>	<u>\$4</u>
<u>Regeneration Fee</u>	<u>Applied when a vehicle owner requests that the penalty order, a notice, a decision or any associated document to be provided again.</u>	<u>\$13</u>
<u>Default Fee</u>	<u>Applied when a penalty proceeds to default and collections services need to be performed.</u>	<u>\$25</u>

Note: Fees listed in Schedule "B" to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.