

# Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



**To:** Mayor and Members of Council

**CC:** Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor  
Brent Harasym, Associate Solicitor

**From:** Andre Gratton, Manager of Enforcement  
Services

**Date:** March 5, 2024

**File #:** LS 04-24

**Subject:** Consideration of 3<sup>rd</sup> tier set fines for the  
Proposed New Traffic By-law

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

For Council's consideration of 3<sup>rd</sup> tier set fines contained in the Proposed New Traffic By-law, staff provide the following memorandum.

In consideration of the above, staff recommend that the set fine totals must strike a delicate balance to not be considered excessively punitive, to not exceed the amount reasonable required to promote compliance with the Traffic By-law and to not cause the new Administrative Penalty System to become inundated by hearing requests. This is the same rationale that is applied to the current process through the Ontario Court of Justice, Provincial Offences Court for set fine approvals.

To effectively address the concerns noted by Council members, staff recommend that the time frame associated with 3<sup>rd</sup> penalties be increased from ninety (90) days to one hundred and eighty (180) days, rather than increasing the 3<sup>rd</sup> tier set fine amounts.

This alternative solution will further assist in encouraging voluntary compliance and deter continued violations. Should Council wish to adopt this recommendation, staff recommend that section 27.5 of the Proposed New Traffic By-law and Section 3.5 c) of the Proposed Administrative Penalty By-law be amended as per **Attachment # 1**.

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## Attachment # 1

### Proposed Administrative Penalty By-law 8056-24

- 3.5 c) the Tier Three (3) Payment set out in Schedule "X" of the Town's Traffic By-law # 8059-24 for the related offence for the repetition of the same offence within ~~90~~ **180 calendar days** of receiving a Tier One (2) Offence.

the Tier Three (3) Payment set out in Schedule "X" of the Town's Traffic By-law # 8059-24 for the related offence for the continuance the same offence until more than ~~90~~ **180 calendar days** have passed without the same infraction being committed.

### Proposed New Traffic By-law

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- 27.5 Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town's Administrative Penalty System By-law for a Parking offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule X to the By-law. If a person receives an additional Penalty Notice for the same Parking offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule X to the By-law. If the person receives a subsequent Penalty Notice for the same Parking offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule X to the By-law. If the person receives any subsequent Penalty Notices for the same Parking offence within ~~ninety (90)~~ **one hundred and eighty (180)** calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule X to this By-law.