

# Memorandum to Council

Legal & Enforcement Services

Enforcement Services Division



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**To:** Mayor and Members of Council

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

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

**Date:** May 26, 2025

**File #:** LS-M-01-2025

**Subject:** Review of Obstruct/Hinder penalties for Proposed Rental Unit Vital Services By-law

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

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The purpose of this memorandum is to provide the Mayor and Members of Council with information on the Hinder/Obstruct provisions within the Town of Whitby by-laws. This matter was referred back to staff regarding the current fine amounts within the administrative penalties included within the proposed Rental Unit Vital Services By-law ("**RUVS By-law**") and [Report LS 06-25](#).

As the matter was referred by Council for further review, staff reviewed the current average of fines within the Town of Whitby municipal by-laws with respect to the hindering or obstruction of a municipal law enforcement officer. The current Hinder/Obstruct fine amounts have been approved provincially by the Ontario Ministry of the Attorney General ("**MAG**"), through the *Provincial Offences Act*, by Town Council through the Administrative Penalty System ("**APS**"), and the *Municipal Act*.

Currently there are eleven (11) Town of Whitby municipal by-laws which contain hinder/obstruct offences. The current average fine is \$615.00 for fines approved by MAG, and \$500, \$750 and \$1000 for the municipal by-laws which have been enacted or amended for the new tiered APS. It should be noted that generally the above fine amounts are combined with additional offences, (e.g., Hinder/obstruct Officer and Fail to comply with an Order).

Staff also surveyed several local municipalities and found that the current standard of \$615 and \$500, \$750 and \$1000 for the municipal by-laws which have been enacted or amended for the new tiered system are at or above the average for fine amounts.

On a go-forward basis and where feasible for new or updated Town enforcement by-laws, staff will include hinder/obstruct officer provisions as Officers and/or staff exercising their legal authorities to encourage co-operation with municipal law enforcement and discourage the obstruction of officers in any way from completing inspections and/or completing investigations. In staff's view, this would assist Officers in the course of their duties.

The province directs that where municipalities set fines for Administrative Penalties, such fines should not be overly punitive and must be reasonable to promote compliance. Staff have consulted local municipalities within the Region and those seeking Administrative Penalty set fines have noted that MAG have set a \$500 average fine. Further, given that the fine structure for this offence in other Town by-laws matches what is proposed in the RUVS By-law, maintaining consistency across the different by-laws will help avoid confusion regarding the set fines for municipal law enforcement officers. As a result, staff recommend that the fine amounts be maintained as initially proposed in the RUVS By-law.

Any questions related to this matter may be directed to the Senior Manager of Enforcement Services or the Commissioner of Legal and Enforcement Services/Town Solicitor.