

Town of Whitby

Staff Report

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Report Title: Proposed Traffic By-law amendment- Provisions to address chronic repeat offenders

Report to: Committee of the Whole

Date of meeting: June 9, 2025

Report Number: LS 09-25

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

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

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

For additional information, contact:

Andre Gratton, Senior Manager of
Enforcement Services

1. Recommendation:

1. That Report LS 09-25 be received for information.
2. That the proposed amendments to the Town's Traffic By-law #8059-24, as amended, appended to this report as Attachment # 1 be brought forward to Council for consideration.
3. That the proposed amendment to the Town's Fees and Charges By-law #7220-17 appended to this Report as Attachment # 2 be brought forward to Council for consideration.

2. Highlights:

- The Town enacted a new Traffic By-law #8059-24, as amended (the "**Traffic By-law**") on September 16, 2024.
- The new Traffic By-law was adopted along with the Town's new Administrative Penalty System By-law #8056-24 (the "**APS By-law**").
- The Traffic By-law contains a three-tier escalation fine structure to deter repeat offences.
- Staff continue to encounter multiple issues with parking non-compliance.

- Staff recommend that the Traffic By-law be further amended to add additional repercussions, including fines specifically for commercial vehicles, as well as the towing and impounding of a vehicle or trailer which has received multiple parking notices, for those who ignore ticketing.
- Staff recommend provisions for towing be inserted into the Town's Traffic By-law to clearly articulate the circumstances in which a trailer or vehicle may be towed.
- Staff recommend that a towing fee be inserted into Schedule "D" of the Town's Fees and Charges by-law 7220-17, as amended.

3. Background:

The Town of Whitby enacted the Traffic By-law on September 16th, 2024. The Traffic By-law # 8059-24, as amended was enacted with a new system of penalties and dispute resolution through the Town's APS By-law. The new Traffic By-law contains a three-tier escalating system of penalties meant to deter repeat offenders, as violations of the same provision result in increased fines with each occurrence. The tier system also has a time elapsed forgiveness policy.

4. Discussion:

Since the adoption of the new Traffic By-law and APS By-law, staff have noted positive improvements with compliance and have heard the same from the community. Staff believe the tiered and escalating system is progressively resolving most parking complaints. Staff have noted some continuing challenges with chronic offenders who despite the tiered system continue to ignore Penalty Notices and the associated escalating fines.

The Town's APS By-law allows the municipality to send registered owners to plate denial for unpaid fines. This means that when someone attempts to renew their free Ontario licence validation sticker, they are forced to pay the unpaid fines. Unfortunately, this means a wait time of 1-2 years for cost recovery, depending on the length of renewal selected by the registered vehicle owner. This can be problematic should owners amass multiple Penalty Notices.

One challenge faced to date are vehicle owners with multiple unpaid Penalty notices which go ignored. In one ongoing circumstance, a registered owner has received twenty-one (27) Penalty Notices since the adoption of the new Traffic and APS By-laws, all of which remain twelve (12) have been sent to plate denial and 15 remain outstanding.

Another challenge that Enforcement Services has faced is dealing with commercial vehicles or businesses that the cost of the penalty notices at the 3rd tier are treated as the "cost of doing business", as the cost of the fine is less than the cost of the proper storage of a vehicle. To address this challenge, staff recommend that the existing fines for **Parked commercial vehicle/motor vehicle on a highway** in the Traffic By-law be increased to \$75.00, \$150.00 and \$300.00 to assist to further encourage compliance with the Town's parking regulations.

To address challenges related to chronic offenders, staff recommend the Traffic By-law and the Town's Fees By-law be amended to establish additional authority for towing and impounding vehicles and the fines that go with that authority and increased Administrative Fees.

The proposed changes are outlined in the table, below.

Table 1.1 (Traffic By-law # 8059-24 amendments)

Current Section	Proposed section	Proposed Amendment/comment
N/A	24.11	A Municipal Law Enforcement Officer appointed for the carrying out of the provisions of this By-law, upon discovery of any trailer or vehicle parked, stopped or standing in contravention of this By-law may cause it to be moved or taken to and placed or stored in a suitable place and all fees for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as amended. The towing of the vehicle and fees are subject to the geographical limit set out in section 24.1, and the fees set out in sections 24.5 or 24.6 and 24.7 of this by-law.
N/A	24.12	The registered owner of a trailer or vehicle which have been towed under sections 24.11 shall be subject to additional administrative Towing fees as outlined in Schedule "D" of the Town's Fees and Charges By-law # 7220-17 as amended. The fees constitute a debt of the Person to the Town.
Schedule "X" Item 11 Parked commercial vehicle/motor vehicle on a highway	Same	Administrative Penalties for commercial vehicles be increased to \$75.00 in Tier one (1), \$150.00 Tier two (2) and \$300.00 Tier three (3).

Table 1.2 (Fees and Charges By-law # 7220-17 amendments)

N/A	Inserted as Item 29 Description of Services and Activities	Town of Whitby Highway Towing: This fee is charged when a Town Municipal Law Enforcement Officer (MLEO) initiates the removal of a vehicle or trailer from Highway in accordance with the Traffic By-law # 8059-24. Cost includes staff labour to remove a vehicle.				
LES-XX	Town of Whitby Highway Towing	Per Vehicle Towed	No	\$250.00	\$250.00	\$250.00

5. Financial Considerations:

Staff forecast minor increases in revenue while mostly creating efficiencies and greater compliance with the Traffic By-law provisions.

6. Communication and Public Engagement:

Staff will work with Corporate Communications and the information will be included within regular messaging pushed out to residents.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

The recommendations contained in Report LS 09-25, support 4.4.1 Deliver services that respond to community needs while balancing the impact to taxpayers. The proposed amendments will assist with cost recovery and free up staff time to address other concerns in the community.

9. Attachments:

Attachment # 1- Proposed amendments to the Town's Traffic By-law

Attachment # 2- Proposed amendments to the Town's Fees and Charges By-law