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Corporate Services Information Report – Legislative Services 2017-11

TO: Mayor and Members of Council

SUBJECT: The use of an Administrative Monetary Penalty System for Automated Speed Enforcement in York Region

ORIGIN: Legislative Services

In accordance with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming Committee of the Whole or Council agenda for discussion.

Background

In Ontario, municipal parking, licensing and by-law violations are generally enforced through a system regulated by the Provincial Offences Act and are processed through the Ontario Court of Justice (Court). Ontario Regulation 333/07, enacted in 2007, established the requirements for municipalities using an Administrative Monetary Penalty System (AMPS). AMPS programs are also being used in all levels of government as well as other jurisdictions within Canada, for example, the Alcohol and Gaming Commission of Ontario and Metrolinx.

AMPS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer focused adjudication process for by-law offences. One of the main objectives of an AMPS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations.

AMPS was introduced as a means to reduce the current Court backlog. The Town of Newmarket receives limited Court time, which is caused by backlog and the Court's requirement to provide time to all nine York Region municipalities. The Region prosecutes all Provincial Offences Act (POA) matters on behalf of the Town, and once Court proceedings are initiated, the Town is subject to the Court's scheduling pressures. In general, more serious offences take precedence over minor offences (for example, parking violations) and consequently non-serious matters may not be scheduled within a reasonable timeframe. This means that parking violations often being voided or withdrawn due to the time between the ticket issued and the Court date scheduled, which ultimately results in lost revenue for the municipality. Under an AMPS program, there are increased opportunities for early dispute resolution and the ability to recover costs associated with the administration of the system.

Most municipalities that have enacted an AMPS program have done so by converting their parking enforcement programs to AMPS. Markham, Richmond Hill and Vaughan have enacted AMPS for parking by-law violations, and Vaughan has even expanded the use of AMPS to licensing offences.

Difference between the Court system and AMPS

Under the current Court regime, a person receives a POA ticket for failing to comply with a municipal by-law. If the person wishes to dispute the ticket, he/she can do so by requesting a trial and the matter is subsequently heard by a Justice of the Peace in Court.

Under an AMPS program, a person receives a penalty notice rather than a POA ticket, and person who wishes to dispute a penalty notice can request a review by a Screening Officer, and can subsequently appeal the Screening Officer's decision to a Hearing Officer. The Court's adjudication role is no longer required when an AMPS program is implemented.

The use of AMPS for Automated Speed Enforcement

In May 2017, the Provincial Legislature enacted Bill 65, the Safer School Zones Act which permits municipalities to utilize automated speed enforcement in designated community safety zones or in school zones. Given the Municipal Act provides the authority for municipalities to adopt an AMPS program for failing to comply with by-laws, the use of AMPS for automated speed enforcement cameras has been considered.

All local Regional municipalities, along with staff from York Region have formed a working group whose mandate is to review options related to an expanded and collaborative use of AMPS throughout York Region. It is expected that the working group will provide options for consideration by the end of 2017.

Next Steps:

Upon receiving the Regional working group's recommendations, staff will provide Council with options for consideration.

Business plan and strategic plan linkages

Various aspects of Bill 68 align with Council's strategic priority to ensuring effective and efficient services.

Consultation

None.

Human resource considerations

There may be future human resource considerations if a Regional AMPS program is adopted; however, there are also opportunities for cost sharing as this likely would be a collaborative program.

Budget impact

Budget impacts will be identified when staff report back with options for Council's consideration.

Appendices

None.

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