

THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK

**BY-LAW NUMBER 2022-0052 (REG-1)**

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BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE  
PENALTY SYSTEM FOR VIOLATIONS OF BY-LAWS  
WITHIN THE TOWN OF GEORGINA

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**WHEREAS** section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*") and O. Reg. 333/07, authorize the Town to require a person to pay an Administrative Penalty for a contravention of any by-law respecting the parking, standing, or stopping of vehicles;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes the Town to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the Town;

**AND WHEREAS** subsection 434.2(2) of the *Municipal Act* provides that if an administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes"

**AND WHEREAS** section 15.4.1 of the *Building Code Act, 1992*, authorizes the Town to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law passed under section 15.1 of the *Building Code Act, 1992*; or an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3 of the *Building Code Act, 1992*;

**AND WHEREAS** Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* authorize the Town to delegate its administrative and hearing

powers;

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

**AND WHEREAS** the Council for the Town considers it desirable and necessary to provide for a system of Administrative Penalties and Administrative Fees for the designated Town by-laws set out herein;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

#### 1.0 Interpretation and Definitions

1.1 The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

1.2 A reference to any legislation, by-law, or any provision thereof in this By-law shall include reference to any amendment to, modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.

1.3 Where words and phrases used in this by-law are not defined herein but are defined in the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, the definitions in the *Highway Traffic Act* shall apply.

1.4 For the purpose of this By-law:

Administrative Penalty – means an administrative penalty as set out in Schedules “A” and “B” of this By-law, for a contravention of a Designated By-law;

Court - means any court of law of the Province of Ontario, including but not limited to the Ontario Court of Justice, the Superior Court of Justice, and the Court of Appeal for Ontario;

Designated By-law – means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedules ‘A’ and ‘B’;

Director – means the Director of Legislative Services of the Town (or any successor job title) or anyone designated by the Director of Legislative Services to perform his or her duties pursuant to this By-law;

Effective Date of Service – means the date on which service of a Penalty Notice is deemed to be effective in accordance with this By-law;

#### Fees (types of fees)

Administrative Fee – means any fee(s) specified in Schedule 'C' of this By-law, as amended;

Fee - Late Payment Fee Designated By-laws In Schedule "A" – means an Administrative Fee established by the Town from time to time in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law;

Fee - Late Payment Fee Designated By-laws In Schedule "B" – means an Administrative Fee established by the Town from time to time in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law;

Fee - MTO Search Fee – means an Administrative Fee established by the Town from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, for the purposes of this By-law;

"Fee – MTO Plate Denial" means an Administrative Fee listed in Schedule 'C', as represented by the Ontario Ministry of Transportation, for notifying the Registrar of Motor Vehicles for the purpose of denying renewal of a vehicle permit;

Fee - NSF Fee – means a fee established by the Town, as set out in the Fees & Charges By-law, in respect of any payment to the Town from a Person, for which there are insufficient funds available, or the transaction is declined;

"Fee – Screening Non Appearance means an Administrative Fee established by the Town from time to

time, as listed in Schedule 'C' in respect of a Person's failure to appear at the time and place scheduled for a review by a Screening Officer;

Fee- Hearing Non-Appearance – means an Administrative Fee established by the Town from time to time, as listed in Schedule 'C' in respect of a Person's failure to appear at the time and place scheduled for a hearing before a Hearing Officer;

Hearing Decision – means a notice that contains the decision of a Hearing Officer;

Hearing Officer – means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with this By-law and pursuant to the Town's Screening and Hearing Policy;

Hearing Officer Appeal Form - means the form attached to the Screening Decision that may be filed by a Person under this By-law;

Holiday – means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the Town are officially closed for business;

Officer – means a person appointed/authorized by the Town to enforce a Designated By-law, or a police officer employed by the York Regional Police Service;

Owner – means the Person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Person whose names appears on the plate portion;

Penalty Notice – means a notice as described in this-By-law;

Penalty Notice Date – means the date of the contravention;

Penalty Notice Number – means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, pursuant to By-law;

Person – includes an individual or corporation, or an authorized representative thereof;

*Provincial Offences Act* – means the *Provincial Offences Act*, R.S.O., 1990, c. P. 33;

Regulation – means O. Reg. 333/07, made under the *Municipal Act, 2001* and any regulation enacted with respect to section 434.1 of the *Municipal Act, 2001*;

Screening and Hearing Officer By-law – means By-law No. 2022-0053 (AD-1) of the Town, as amended, from time to time, or any successor thereof;

Screening Decision – means a notice which contains the decision of a Screening Officer;

Screening Officer – means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a screening officer pursuant to this By-law;

*Statutory Powers Procedure Act* – means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22; and

Town – means the Corporation of the Town of Georgina and includes the geographical area within the Town.

2.0 Application – This By-law applies only to those contraventions included in Schedules 'A' and 'B' to this By-law.

2.1 The Town By-laws, or portions of Town By-laws, listed in the attached Schedule "A" of this By-law shall be Designated By-laws for the purposes of Section 102.1 of the *Municipal Act, 2001* and paragraph 3(1)(b) of the Regulation.

2.2 The attached Schedules 'A' and 'B' sets out the Administrative Penalty and includes short form wording to be used on Penalty Notices, for the contraventions of Designated By-laws.

2.3 Schedule "C" of this By-law sets out the Administrative Fees imposed for purposes of this By-law.

2.4 The Administrative Penalties designated in Schedules 'A' and 'B' as attached, and forming part of this By-law, may be



dealt with by Penalty Notice and the Administrative Monetary Penalty System.

### 3.0 Administration

The Director may:

- 3.1 Designate areas within the Town, or at another location, as approved, and determine times, for conducting reviews and hearings under this By-law;
- 3.2 Prescribe all forms, notices, including the Penalty Notice, guidelines, processes, policies, and procedures, necessary to implement the By-law and the administrative penalty system, and to amend such forms, notices, guidelines, policies, procedures, and processes from time to time as the Director deems necessary without amendment to this by-law; and
- 3.3 Amend the Administrative Fees, as may be necessary to reflect changes in fees imposed by the Province of Ontario in relation to the administration of the administrative penalty system.

### 4.0 Penalty Notice

#### 4.1 a) Schedule 'A' By-laws (Parking)

If a vehicle has been left parked, standing or stopped in contravention of a Designated By-Law in Schedule "A" the Owner of the vehicle shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "A", and shall be liable to pay to the Town any Administrative Fees in accordance with this By-Law.

#### b) Schedule 'B' By-laws

If a Person is found in contravention of a designated By-Law in Schedule B, the Person shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "B", and shall be liable to pay to the Town any Administrative Fees in accordance with this By-Law.

4.2 An Officer who has reason to believe that a Person has contravened a Designated By-Law may issue a Penalty Notice in accordance with this By-Law.

4.3 An Officer who has reason to believe that a Person has contravened a Designated By-Law may issue a Penalty Notice in accordance with this By-Law.

4.4 The Penalty Notice shall include the following information:

- a) The Penalty Notice Date;
- b) The Penalty Notice Number;
- c) The short form wording for the contravention;
- d) The amount of the Administrative Penalty;
- e) The time for payment of the:
  - a. Voluntary Early Administrative Penalty shall be fifteen (15) calendar days from the Effective Date of Service For Penalty Notices issued under s. 4.1(a);
  - b. Administrative Penalty shall be thirty (30) calendar days from the Effective Date of Service For Penalty Notices issued under s. 4.1(a);
  - c. Administrative Penalty shall be thirty (30) calendar days from the Effective Date of Service For Penalty Notices issued under s. 4.1(b);
- f) Information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty;
- g) A statement advising that an Administrative Penalty will constitute a debt of the Owner or Person, to the Town; and
- h) The name and identification number of the Officer issuing the Penalty Notice.

#### 4.5 Amount Due – Timing

The amount due for a Penalty Notice issued pursuant to Section 4.1 a) is:

- a) the Early Payment set out in Schedule “A” for the related contravention if payment is received by the Town within fifteen (15) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.
- b) the Set Penalty Amount set out in Schedule “A” for the related contravention if payment is received by the Town on and following the sixteenth (16<sup>th</sup>) calendar day and before the thirtieth (30<sup>th</sup>) day from the effective date of effective of the Penalty Notice in accordance with this By-law; or
- c) the Late Payment set out in Schedule “C” for the related contravention if payment is received by the Town on and after thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.

4.6 The amount due for a Penalty Notice issued pursuant to Section 4.1 b) is:

- a) the Set Penalty Amount set out in Schedule “B” for the related contravention if payment is received within thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law; or
- b) the Late Payment set out in Schedule “C” for the related contravention if payment is received after thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.

#### 4.7 How to Request a Review

4.8 A person’s right to request a review with a Screening Officer, or to request an extension of time to request a review, are exercised by giving to the Town written notice (prescribed forms) of the request to review that includes:

- a) the Penalty Notice Number;
- b) the Person’s mailing address and, if applicable, telephone number, and e-mail;
- c) in the case of a request to extend time to request a review,



the reasons, if any, for having failed to exercise the right to request a review within thirty (30) days from the date the Penalty Notice was served;

- d) the Person's preference to: meet in-person with the Screening Officer for the review; or have the review undertaken by the Screening Officer in writing or by telephone.

4.9 Written notice for a request to review shall be provided by completing the Screening Officer Review Form and delivering it to the Town in accordance with the service provisions set out in Section 7.9

4.10 Where the Person requests to meet in-person with the Screening Officer in accordance with this By-law, the Person shall be provided no fewer than seven (7) calendar days' notice of the date, time, and place of the Screening Officer Review.

4.11 Where the Person requests to meet in-person with the Screening Officer in accordance with this By-law and the Person fails to appear at the time and place scheduled for a Screening Officer Review, or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty, then:

- a) the Person shall be deemed to have abandoned the request for the review;
- b) the Administrative Penalty shall be deemed to be final;
- c) the Administrative Penalty shall not be subject to further review by a Hearing Officer or review by any Court; and
- d) the Person shall pay to the Town a Fee – Screening Non Appearance.

5.0 Screening Officer - The following applies to the review of an Administrative Penalty by a Screening Officer:

Request to review a Penalty Notice – Screening Officer

5.1 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer within 30 calendar days of the Date of Service and shall do so on or before the date on which the Administrative Penalty is due and

payable and further by using the prescribed form.

#### Request to extend/review Penalty Notice - Screening Officer

5.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Screening Officer extend the time to deliver a Request to a Review form for a period up to thirty (30) days after the Penalty Notice due Date.

#### Decision by Screening Officer - 15 Calendar Days

5.3 Every Person who has attended a review by the Screening Officer shall be served with a copy of the Screening Decision within 15 calendar days of the screening review.

#### General Rules in Review or Extend Time to Review

5.4 The Screening Officer may only extend the time to request a review of the Administrative Penalty when the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.

5.5 Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fees shall be deemed to be affirmed and shall not be subject to review.

5.6 Where neither a review nor an extension of time for review are requested in accordance with this By-law, or where the person fails to request a review within any extended period of time, granted by the Screening Officer:

- a) The Person shall be deemed to have waived the right to a screening and a hearing;
- b) The Administrative Penalty, and any applicable Administrative Fees, shall be deemed to be affirmed; and
- c) The Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.

5.7 On a review of an Administrative Penalty, the Screening Officer may in the Screening Decision:

- a) Affirm the Administrative Penalty (including any applicable Administrative Fees, or the Screening Officer)
- b) Cancel, reduce, or extend the time for payment of the Administrative Penalty (including any applicable Administrative Fees), on the following grounds:
  - i. Where the Screening Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in contravention of the Designated By-law as set out in the Penalty Notice.
  - ii. Where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce any undue hardship.

5.8 A Screening Officer has no authority 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.

## 6.0 Review by Hearing Officer

The following applies to the review of a Screening Decision by a Hearing Officer.

### Review or Extend Time to Review from Hearing Officer (30 Days)

A Person may request a review by a Hearing Officer on or before the due and payable date for the Administrative Penalty listed in the Screening Decision.

6.1 If a Person has not requested a Hearing Review on or before the date on which the Administrative Penalty is due and payable, the Screening Decision shall be deemed final unless the Person request within thirty (30) calendar days after the Screening Decision was served that the Hearing Officer extend the time to appeal.

6.2 A Person's right to appeal the Screening Decision to a Hearing Officer, or request an extension of time to appeal, are exercised by giving to the Town written notice of the request to appeal that includes:

- a) the Penalty Notice Number;

- b) the Person's mailing address and, if applicable, telephone number, and email;
- c) in the case of a request to extend time to appeal, the reasons, if any, for having failed to exercise the right to appeal within thirty (30) days from the date the Screening Decision was served; and
- d) the reasons for which the appeal has been requested.

6.3 Written notice of the request to appeal or to request an extension of time to appeal is provided by completing the Hearing Officer Appeal Form and delivering it to the Town.

6.4 The Person shall be given at least thirty (30) calendar days notice of date, time, and place of the hearing of the appeal by the Hearing Officer.

6.5 If the Person fails to appear at the time and place scheduled for the hearing of the appeal:

- a) the Person shall be deemed to have abandoned the appeal;
- b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and shall not be subject to any further review, including review by any Court; and
- c) the Person shall pay to the Town a Fee – Hearing Non Appearance.

6.6 The Hearing Officer shall not make a determination with respect to a review of the Screening Decision where a Person appears unless he or she has given the Person an opportunity to be heard.

6.7 On an appeal of the Screening Decision, the Hearing Officer may:

- a) Affirm or deny the request to extend the time to appeal;
- b) Affirm the Administrative Penalty;
- c) Cancel the Administrative Penalty;
- d) Reduce the Administrative Penalty to the Early Payment; or

- e) Extend the time for payment, including any Late Payment Administrative Fees.

6.8 The Hearing Officer may only extend the time to request a review of the Screening Decision where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.

6.9 Where an extension of time for a hearing review is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed, and shall not be subject to review.

6.10 Where neither a hearing review nor an extension of time for a hearing review are requested in accordance with this By-law, or where the person fails to request a hearing review within any extended period of time granted by the Hearing Officer:

- a) The person shall be deemed to have waived the right to a hearing review;
- b) The Screening Decision shall be deemed to be affirmed; and
- c) The Screening Decision shall not be subject to review.

6.11 On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce, or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:

- a) Where the Hearing Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in contravention of the Designated By-law set out in the Penalty Notice; or
- b) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship.

6.12 Screening Officer has no authority 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.

6.13 A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person, and the Town an opportunity to be heard.

6.14 The hearing shall be subject to the *Statutory Powers Procedure Act*.

6.15 The Hearing Officer may consider and rely on a certified statement of an Officer, including but not limited to, certified photographs taken by an Officer. For this purpose, the Penalty Notice, signed by the Officer, shall constitute a certified statement of the Officer.

6.16 In addition to anything else that is admissible as evidence in accordance with the *Statutory Powers Procedure Act*, the materials referred to in Section 6.15 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.

6.17 If evidence referred to in Section 6.15 is being admitted at a hearing, the Hearing Officer shall not adjourn the hearing for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair hearing.

6.18 The Person requesting the hearing shall be served with a copy of the Hearing Decision within 15 calendar days of the hearing review.

6.19 The decision of a Hearing Officer is final.

6.20 Where notice has been given in accordance with this By-law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:

- a) The person shall be deemed to have abandoned the hearing;
- b) The Screening Decision shall be deemed to be affirmed; and
- c) The person shall pay to the Town a Hearing Non-



Appearance Fee, in addition to any other fees payable pursuant to this By-law

## 7.0 Service of Penalty Notice

7.1 Service of a Penalty Notice, as referenced in section 4.1 a), in any of the following ways is deemed effective:

- a) Affixing it to the vehicle in a conspicuous place at the time of the contravention;
- b) Delivering it personally to the operator of the vehicle or the person having care and control of the vehicle at the time of the contravention;
- c) Mailing it by regular mail to the Owner at the address as set out on the ownership as soon as reasonably practicable after the contravention; or
- d) Delivering it personally to an occupant at the address of the Owner as set out on the ownership, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention.

7.2 Service of a Penalty Notice, as referenced in section 4.1 b), in any of the following ways is deemed effective:

- a) Delivering it personally to the person named in the Penalty Notice at the time of the contravention;
- b) Mailing it by regular mail to the person named in the Penalty Notice at his/her last known address, as soon as reasonably practicable after the contravention;
- c) Delivering it personally to an occupant at the last known address of the person named in the Penalty Notice, who appears to be at least 16 years of age, or
- d) as soon as reasonably practicable after the contravention.

## Service of Documents

7.3 Service of any document other than a Penalty Notice may be made by:

- a) delivering it personally to the Person who requested the screening or hearing review, in the case of a Screening Decision or Hearing Decision; or
- b) for any document, including a Screening Decision or Hearing Decision:
  - i) delivering it by hand to an occupant at the last known address of the Owner or Person named in the Penalty Notice, who appears to be at least 16 years of age; or
  - ii) delivering it by regular mail to the Owner or Person named in the Penalty Notice, at their last known address.

7.4 For purposes of this By-Law, the last known address of the Owner, shall be the address as set out on the vehicle ownership or, where an updated address has been provided in writing by the Owner to the Municipal Law Enforcement Division of the Town at the time of service, such updated address.

7.5 Any Penalty Notice or document sent in writing to the Owner or Person named in the Penalty Notice, by regular mail, as set out in this By-Law, is deemed to have been served on the fifth (5<sup>th</sup>) calendar day after the date of mailing.

7.6 Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice or document delivered personally in accordance with this By-Law, is deemed to have been served on the date and time of such delivery.

7.7 Service on a Person who is not the Owner, in accordance with this By-Law, including service of a Screening Decision or Hearing Decision by handing it to the Person, shall be deemed to be service on the Owner.

7.8 Where the Person served with a Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.

7.9 Service of a document on the Town may be made by:

- a) Sending it by regular or registered mail to the Town of Georgina Municipal Law Enforcement Division;
- b) by sending a copy by email to the email address indicated on the Penalty Notice;
- c) by delivering it personally to the Town of Georgina Municipal Law Enforcement Division; or

7.10 Service on a Person who is not the Owner, in accordance with this By-law, including service of a Screening Decision or Hearing Decision by handing it to the Person, shall be deemed to be service on the Owner:

- a) When a copy is delivered to the Person to whom it is addressed; or
- b) Upon the sending of the notice or document or copy thereof by e-mail to the Person's last known e-mail

## 8.0 General Provisions

8.1 A Penalty Notice that is paid prior to a screening review shall be deemed as final and will not be subject to screening, unless there is an error on the face of the Penalty Notice as determined by the Director.

8.2 Unless otherwise stated in this By-law, an Administrative Penalty is due and payable within 30 calendar days following the Effective Date of Service.

8.3 Where an Administrative Penalty, including any Administrative Fees, is affirmed, or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.

8.4 Where an Administrative Penalty, issued pursuant to Section 4.1 a), is not paid within 30 calendar days of the Effective Date of Service, the Owner of the vehicle in respect of which the Penalty

Notice was issued shall pay to the Town an MTO Search Fee.

8.5 Where an Administrative Penalty issued pursuant to Section 4.1 a), is not paid within 30 calendar days after it becomes due and payable, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, a Late Fee.

8.6 Where an Administrative Penalty issued pursuant to Section 4.1 b), is not paid within 30 calendar days of the Effective Date of Service, the person named in the penalty notice shall pay to the Town, in addition to any other fees, a Late Fee.

8.7 Where an Administrative Penalty issued pursuant to Section 4.1 a) is not paid within 15 calendar days after it becomes due and payable in accordance with a Screening Decision or Hearing Decision, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, an MTO Search Fee and a Late Fee.

8.8 Where an Administrative Penalty issued pursuant to Section 4.1 b) is not paid within 15 calendar days after it becomes due and payable in accordance with a Screening Decision or Hearing Decision, the person named in the Penalty Notice shall pay to the Town, in addition to any other fees, a Late Fee.

8.9 Where an Administrative Penalty issued pursuant to section 4.1 a) and any Administrative Fees are not paid within 75 calendar days after they become due and payable, the Town may:

- a) notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person name in the default notice nor issue a new permit to that person, in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until the penalty is paid, and the Owner of the vehicle in respect of which the Penalty Notice was issued shall, in addition to any other fees, pay to the Town a Plate Denial Fee; and
- b) pursue any other collection mechanisms available to the Town pursuant to the Regulation or at law.

8.10 Where a person provides a method of payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the

instrument was drawn, the Owner shall, in addition to any other fees, be liable to pay to the Town an NSF Fee.

8.11 All amounts due and payable to the Town pursuant to this By-law constitute a debt to the Town.

8.12 Where a person makes a request for an extension of time for payment, and the request is granted, the date on which the Administrative Penalty is due and payable shall be the date established in accordance with the extension of time, and:

- a) the Penalty Notice will not be subject to the Late Payment Fee or the MTO Search Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
- b) the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired, and then shall apply in accordance with the provisions herein.

8.13 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.

8.14 Where a Person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.

8.15 Where the Person served with a Penalty Notice issued pursuant to Section 4.1 a) or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.

8.16 No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.

8.17 Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable (or any extended due date in accordance with this By-law) and will not be credited until received by the Town.

8.18 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.



## Severability

8.19 Should any provision, or any part of a provision, of this By-law, be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, be severed from this By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

## 9.0 Offences

### 9.1 Any Person, who:

- a) makes a false, misleading, or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the Town in relation to a Penalty Notice; or
- b) obstructs an Officer exercising any authority under this By-law,

is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

9.2 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically, or otherwise with, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:

- a) A Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal, or authorized representative; and
- b) Only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arises.

9.3 Nothing in this Section prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.

9.4 Any Person who contravenes 9.2 of this By-law is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.



10.0 Schedules and Effective Date

10.1 The following schedules attached forms part of this By-law:

- a) Schedule 'A' – Designated By-law and Penalties – Parking By-law
- b) Schedule 'B' – Designated Other By-laws
- c) Schedule 'C' – Administrative Fees

Effective Date

This By-law shall come into force and effect on the 1<sup>st</sup> day of February 2023

READ AND ENACTED this 8<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
Margaret Quirk, Mayor

  
\_\_\_\_\_  
Rachel Dillabough, Town Clerk

**SCHEDULE "A"**

**DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND ADMINISTRATIVE PENALTIES FOR PARKING**

1. The provisions of each Section of Town of Georgina By-law No. 2002-0046(TR-1), as amended, listed in Column 2 of the following tables are Designated By-laws.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for a contravention of the designated provision listed in Column 2 for the matter(s) identified in Column 3 if voluntarily paid within 15 days of the Effective Date of Service.
4. Column 5 in the following table sets out the Administrative Penalty amount that is payable for a contravention of the designated provision listed in Column 2 for the matter(s) identified in Column 3 if paid between 16 days and 30 days of the Effective Date of Service.

TRAFFIC & PARKING BY-LAW NO. 2002-0046(TR-1), AS AMENDED				
COLUMN 1 ITEM	COLUMN 2 DESIGNATED PROVISION - SECTION	COLUMN 3 SHORT FORM WORDING	COLUMN 4 EARLY PAYMENT PENALTY AMOUNT	COLUMN 5 SET PENALTY AMOUNT
1.	4.1(a)	Park in prohibited area	\$30	\$40
2.	5.4(b)	Park in fire route	\$100	\$125
3.	5.8(e)(iii)	Park in designated accessible parking space	\$300	\$350
4.	4.2(a)	Stop in prohibited area	\$50	\$65
5.	3.2(a)(xiv)	Park on boulevard	\$30	\$40

6.	3.4(a)	Stop on/over sidewalk	\$30	\$40
7.	5.6(a)(ii)	Park on municipal property without consent	\$30	\$40
8.	5.6(a)(i)	Park on private property without consent	\$30	\$40
9.	3.1.1(a)(i)	Park other than right wheels to right shoulder	\$30	\$40
10.	5.5	Park 2am-7am Nov.15-Apr.15	\$30	\$40
11.	3.2(a)(v)	Park in excess of 3 hours	\$30	\$40
12.	3.2(a)(xi)	Park to interfere with traffic	\$30	\$40
13.	3.2(a)(vi)	Park displaying vehicle for sale	\$30	\$40
14.	5.9(b)	Park without valid permit displayed	\$30	\$40
15.	3.2(a)(ii)	Park within 3 metres of fire hydrant	\$30	\$40
16.	3.2(a)(i)	Park within 60 cm of driveway	\$30	\$40
17.	3.2(a)(iii)	Park within 9 metres of intersecting road	\$30	\$40
18.	3.2(a)(i)	Park within 2 metres of private road	\$30	\$40
19.	3.6	Park vehicle for sale of goods	\$30	\$40
20.	3.2(a)(iv)	Park within 15 metres of railway crossing	\$30	\$40
21.	4.1(b)(i)	Park contrary to posted times	\$30	\$40
22.	3.2(a)(vii)	Park to repair vehicle	\$30	\$40
23.	5.7(a)	Park longer than 72 hours on road allowance	\$30	\$40
24.	3.2(a)(ix)	Park-prevent removal of previously parked vehicle	\$30	\$40
25.	3.2(a)(xiii)	Park on bridge	\$30	\$40
26.	3.1.1(a)(i)	Park more than 30 cm from curb	\$30	\$40
27.	3.2(a)(x)	Park-obstruct crosswalk	\$30	\$40
28.	3.8	Park restricted vehicle in Simcoe Landing subdivision	\$30	\$40
29.	5.5(b)(i)	Park vehicle to interfere with snow removal	\$30	\$40

30.	5.5(b)(i)	Park vehicle to interfere with ice removal	\$30	\$40
31.	5.5(b)(ii)	Park vehicle to interfere with snow clearing	\$30	\$40
32.	5.5(d)	Park vehicle on highway during winter maintenance event	\$30	\$40
33.	3.3(viii)	Did park in prohibited area within the Waterfront Park Buffer Zone	\$100	\$125
34.	3.5(d)	Did stop in prohibited area within the Waterfront Park Buffer Zone	\$150	\$180
35.	3.2(a)(xv)	Did park in excess of 3 hours within the Waterfront Park Buffer Zone	\$100	\$125
36.	5.6(a)(iii)	Did park in unauthorized area	\$50	\$65
37	5.10(d)	Park without valid control device displayed	\$100	\$125

**SCHEDULE "B"**

**DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND  
ADMINISTRATIVE PENALTIES FOR OTHER BY-LAWS**

**[TO BE AMENDED IN THE FUTURE, UPON COUNCIL DIRECTION]**

**SCHEDULE "C"**  
**ADMINISTRATIVE FEES**

<b>ITEM</b>	<b>FEE</b>
<b>Screening Non-Appearance Fee</b>	<b>\$25</b>
<b>Hearing Non-Appearance Fee</b>	<b>\$50</b>
<b>Late Payment Fee – Designated By-laws in Schedule "A"</b>	<b>\$25</b>
<b>Late Payment Fee – Designated By-laws in Schedule "B"</b>	<b>Penalty Amount + 25%</b>
<b>MTO Search Fee</b>	<b>\$10</b>
<b>Plate Denial Fee</b>	<b>\$25</b>

**NOTE: the fees and charges as listed in this Schedule "C" will be subject to applicable taxes, including Harmonized Sales Tax (H.S.T.) where applicable.**