

Report to Community and Protective Services Committee

To: CHAIR AND MEMBERS
COMMUNITY AND PROTECTIVE SERVICES COMMITTEE
From: GEORGE KOTSIFAS, P. ENG., DEPUTY CITY MANAGER,
PLANNING AND ECONOMIC DEVELOPMENT
Subject: ADMINISTRATIVE MONETARY PENALTIES – APPLICATION TO
MUNICIPAL BY-LAWS AND HOUSEKEEPING AMENDMENTS
Date: DECEMBER 14, 2021

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the Administrative Monetary Penalties System:

- (a) The proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021, to amend By-law A-54, as amended, for the purpose of applying the Administrative Monetary Penalties System By-law to various municipal by-laws;
- (b) The proposed by-law attached hereto as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PS-112, referred to as the Off-Street Residential Parking By-law, to add a new section in Part -6;
- (c) The proposed by-law attached hereto as Appendix “C” **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021, to amend By-law PH-15, referred to as the Idling Control By-law, to add a new section in Part -4;
- (d) The proposed by-law attached hereto as Appendix “D” **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021, to amend By-law C.P.-1555-252, referred to as the Tree Protection By-law, to add a new section in Part -14;
- (e) The proposed by-law attached hereto as Appendix “E” **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021, to amend By-law CP-22, referred to as the Boulevard Tree Protection By-law, to add a new section in Part -9;

Executive Summary

This report contains several amendments to municipal by-laws, including housekeeping amendments which are recommended to employ Administrative Monetary Penalties as a tool to ensure by-law compliance.

Linkage to the Corporate Strategic Plan

To review and modernize municipal by-laws.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Community and Protective Services Committee (CPSC) - Administrative Monetary Penalties – January 23, 2018, December 11, 2018, June 17, 2019, October 6, 2020, April 20, 2021.

1.2 Analysis

On June 29, 2019, Municipal Council passed the Administrative Monetary Penalties System By-law (AMPs) with an effective date of November 1, 2019. The AMPs process is an alternative method of issuing Provincial Offences Act (POA) tickets for parking violations and other by-law matters. The AMPs process transfers by-law disputes from the courtroom to the municipality with screening officers and independent hearing officers who can reduce, cancel, or affirm penalties. For parking violations, AMPs can be served on a vehicle, by mail, email, or fax. For all other by-law violations, service can be done in person and by mail, email, or fax.

The intent of the attached amendments is to support the use of AMPs to address additional municipal by-law violations. All the fees contained within the attached schedules and appendices are the same as the approved set fines. The by-laws recommended for AMPs contained in this report are:

- Off-Street Residential Parking By-law - PS-112;
- Tree Protection By-law C.P.-1555-252;
- Boulevard Tree Protection By-law - CP-22;
- Idling By-law - PH-15.

The penalty amounts have been included in the amendment. Officers have the discretion to apply escalated penalties (double the original penalty) for repeat similar offences.

Submitted by: Orest Katolyk, MLEO (C), Director, Municipal Compliance
Recommended by: George Kotsifas, P. Eng., Deputy City Manager, Planning and Economic Development

Appendix “A”

Bill No. _____
2021

By-law No. A-54-_____

A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London”.

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to 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 municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London;”

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Schedule “A-1” of By-law No. A-54 be amended to include the following by-laws:

Off-Street Residential Parking By-law - PS-112;
Tree Protection By-law C.P.-1555-252;
Boulevard Tree Protection By-law - CP-22

2. That Schedule “A-1” of By-law No. A-54 be amended by removing By-law CP-16 and replacing it with By-law CP-24;

3. That Schedule “A-2” of By-law No. A-54 be amended by removing the following columns:

“70	Park Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	60
71.	Stand Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	60
72.	Stop Motor Vehicle on Parking Space that does not comply with Parking Space requirements	By-law PS-112, 2.1	65
75.	Park motor vehicle in park in place other than authorized parking area	By-law PR 2, 3.1(7)	60
76.	Park motor vehicle in recreation area in place other than authorized parking area	By-law PR 2, 3.1(7)	60
77.	Park more than .3 metres from edge of roadway	9(2)	40
78.	Park motor vehicle in park between 10 pm and 6 am	By-law PR-2, 3.1(8)	60
79.	Park motor vehicle in recreation area between 10 pm and 6 am	By-law PR-2, 3.1(8)	60

- | | | | |
|-----|---|---------------------|-----|
| 80. | Park trailer for overnight accommodation | By-law PR-2, 4.1(3) | 60 |
| 81. | Park motor vehicle in parking area between 10 pm and 6 am | By-law PR-2, 5.2(2) | 60 |
| 82. | Park trailer in natural park area | By-law PR-2, 5.4(5) | 70 |
| 83. | Park trailer in ESA area | By-law PR-2, 5.4(5) | 70" |
4. That Schedule "A-17" of By-law A-54 be amended by adding the penalties attached to this by-law as Schedule A;
 5. That the attached Schedules "A-23", "A-24", and "A-25" be added to By-law No. A-54 to provide for a penalty schedules;
 6. That the definition of "Administrative Penalty" be amended to add "A-23" through to "A-25" after "A-22";
 7. That section 2.1 be amended to add "A-23" through to "A-25" after "A-22";
 8. That section 3.1 be amended to add "A-23" through to "A-25" after "A-22";
 9. That section 3.1a) be amended to add "A-23" through to "A-25" after "A-22";
 10. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021.
Second Reading – December 21, 2021
Third Reading – December 21, 2021

SCHEDULE A

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
147	Park motor vehicle in park in place other than authorized parking area	3.1(7)	60
148	Park motor vehicle in recreation area in place other than authorized parking area	3.1(8)	60
149	Park more than .3 metres from edge of roadway	3.1(8)	40
150	Park motor vehicle in park between 10 pm and 6 am	3.1(8)	60
151	Park motor vehicle in recreation area between 10 pm and 6 am	3.1(8)	60
152	Park trailer for overnight accommodation	4.1(3)	60
153	Park motor vehicle in parking area between 10 pm and 6 am	3.1(8)	60
153	Park trailer in natural park area	5.4(5)	70
155	Park trailer in ESA area	5.4(5)	70

Schedule “A-23”

Penalty Schedule for Off-Street Parking By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Park Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	60
2	Stand Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	60
3	Stop Motor Vehicle on Parking Space that does not comply with Parking Space requirements	2.1	65

Schedule "A-24"

Penalty Schedule for Tree Protection By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Injure Tree within Tree Protection Area without Permit	6.1	750
2	Destroy Tree within Tree Protection Area without Permit	6.1	1000
3	Injure Distinctive Tree without Permit	6.2	750
4	Destroy Distinctive Tree without Permit	6.2	1000
5	Injure Tree not in accordance with Permit conditions	6.3	750
6	Destroy Tree not in accordance with Permit conditions	6.3	750
7	Fail to protect Tree in accordance with Permit conditions	6.4	750
8	Fail to comply with Permit conditions	6.5	1000
9	Fail to comply with Order to Discontinue Activity	6.6	1000
10	Fail to comply with Work Order	6.6	1000

Schedule “A-25”

Penalty Schedule for Boulevard Tree Protection By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Plant Tree on Boulevard without written permission	5.1	500
2	Cause Tree to be planted on Boulevard without permission	5.1	500
3	Injure Tree on Boulevard without written permission	5.2	1000
4	Destroy Tree on Boulevard without written permission	5.2	1000
5	Attach object to Tree on Boulevard that injures Tree without written permission	5.3	750
6	Undertake work on Boulevard that injures tree without written permission	5.4	1000
7	Obstruct Managing Director in discharge of duties	5.5	1000
8	Attempt to obstruct Managing Director in discharge of duties	5.5	1000
9	Fail to comply with order to discontinue activity	5.6	1000

Appendix “B”

Bill No. _____
2021

By-law No. - _____

A by-law to amend By-law No. PS-112, as amended, referred to as Off-Street Residential Parking By-law, to amend Part 6.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to 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

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being “A by-law to implement an Administrative Monetary Penalty System”;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. PS-112 with respect to contraventions of designated by-laws;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Part 6 of the By-law be amended by adding the following new section:

“Administrative Monetary Penalty System

6.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty.”

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021
Second Reading – December 21, 2021
Third Reading – December 21, 2021

Appendix "C"

Bill No. _____
2021

By-law No. - _____

A by-law to amend By-law No. PH-15, as amended,
referred to as Idling Control By-law,
to amend Part 4.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to 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

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. PH-15 with respect to contraventions of designated by-laws;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Part 4 of the By-law be amended by adding the following new section:

"4.7 Administrative Monetary Penalty System

Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021
Second Reading – December 21, 2021
Third Reading – December 21, 2021

Appendix "D"

Bill No. _____
2021

By-law No. - _____

A by-law to amend By-law No. C.P.-1555-252, as amended, referred to as Tree Protection By-law, to amend Part 14.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to 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

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being "A by-law to implement an Administrative Monetary Penalty System";

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. C.P.-1555-252 with respect to contraventions of designated by-laws;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Part 14 of the By-law be amended by adding the following new section:

"Administrative Monetary Penalty System

14.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty."

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021
Second Reading – December 21, 2021
Third Reading – December 21, 2021

Appendix “E”

Bill No. _____
2021

By-law No. - _____

A by-law to amend By-law No. CP-22, as amended referred to as Boulevard Tree Protection By-law to amend Part 9.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to 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

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System.

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54 being “A by-law to implement an Administrative Monetary Penalty System”;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. CP-22 with respect to contraventions of designated by-laws;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Part 9 of the By-law be amended by adding the following new section:

“Administrative Monetary Penalty System

9.6 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty.”

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on December 21, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021
Second Reading – December 21, 2021
Third Reading – December 21, 2021