



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2016
SUBJECT/REPORT NO:	Amendment to Administrative Penalty By-law 15-138 for Accessible Parking Infractions (PED14120(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kerry Davren (905) 546-2424 Ext. 6009
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the By-law to Amend the Administrative Penalty By-law No.15-138, attached as Appendix "A" to Report PED14120(c), which adds accessible parking by-law infractions to the City of Hamilton Administrative Penalty System, and has been prepared in a form satisfactory to the City Solicitor, be enacted effective May 15, 2016.

EXECUTIVE SUMMARY

Parking Infractions related to accessible parking are not included in the City of Hamilton Administrative Penalty System (APS) as *Ontario Regulation 333/07* of the *Municipal Act* did not allow their inclusion at the time the Administrative Penalty By-law No. 15-138 was approved. This has created inefficiencies in parking enforcement from both an administrative and customer service perspective as all other parking infractions follow the APS process.

As the Province has changed *Ontario Regulation 333/07* to allow accessible parking in an APS, this report recommends enacting the attached amending by-law which adds accessible parking infractions to the City of Hamilton Administrative Penalty System.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: If the recommendation is approved, impact to revenue will be minimal. Based on historical data, it is estimated that revenue may be increased by approximately \$2,000. However, should all ticket recipients choose to meet the mandatory payment/dispute due dates, there will be no revenue from administrative fees.

Parking ticket recipients who do not abide by the mandatory payment or dispute due dates may be subject to an additional \$1 in administrative fees as the fees will be set by the City of Hamilton *User Fees and Charges By-law* instead of those issued by the Provincial Court.

Staffing: N/A

Legal: Issuance, dispute and payment processes for accessible parking by-law infractions will be governed by Administrative Penalty By-law No. 15-138 as per *Ontario Regulation 333/07* of the *Municipal Act* instead of the *Provincial Offences Act*.

HISTORICAL BACKGROUND

At its meeting of May 27, 2015, Council approved Report PED14120(a) which recommended the implementation of an Administrative Penalty System (APS), to replace the *Provincial Offences Act* (POA) court process for disputing all parking by-law infractions, with the exception of those related to accessible parking.

Accessible parking by-law infractions were not included in Administrative Penalty By-law No.15-138 as it was not permitted by *Ontario Regulation 333/07* of the *Municipal Act* at the time of approval. The Regulation has now been amended as per *Ontario Regulation 149/15*.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- *Municipal Act, Section 102.1*
- *Ontario Regulation 333/07* (Administrative Penalties)
- *Ontario Regulation 149/15*

RELEVANT CONSULTATION

Legal Services and Finance and Administration were consulted in preparation of this Report. The Provincial Offences Court has been informed of the recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In Hamilton, the process for issuing, disputing and paying for accessible parking by-law infractions is different than the process for all other parking offences as they are not included in the City of Hamilton Administrative Penalty System (APS). At the time Administrative Penalty By-law No.15-138 was approved, *Ontario Regulation 333/07* of the *Municipal Act* did not permit the inclusion of accessible parking infractions in an APS. This has contributed to operating inefficiencies and customer confusion as:

- The City's electronic handheld ticket devices could not be used to issue accessible parking tickets as they could only process APS related tickets. This required the creation of a separate paper ticket for accessible parking at an added cost to the City and an inconvenience to By-law Officers who must switch between the two methods when issuing tickets.
- Those appealing accessible parking infractions must attend Provincial Court while appeals for all other infractions require an appointment with the City's Hearing Officer; thus, people disputing multiple infractions must attend two different locations on two different dates. Under APS, multiple appeals are combined to one location on the same day.
- Administrative fees charged under APS differ from those charged by the Province which creates confusion for those paying and accepting payment (i.e., Municipal Service Centre or Customer Service staff) for parking tickets.

Ontario Regulation 149/15 is an amendment to *Ontario Regulation 333/07* which allows accessible parking infractions to be included under an APS. It is staff's recommendation that accessible parking infractions be included under the City's APS so that all parking by-law infractions can be issued and disputed in the same manner.

The fine structure (currently \$300 early payment, \$350 set fine) and time allotted for payment of parking tickets related to accessible parking will remain the same under APS but the administrative fees charged to those who fail to pay or dispute their parking tickets by the due dates will differ as outlined in the City of Hamilton *User Fee and Charges By-law*.

Under the current POA system, those who do not pay or dispute their accessible parking tickets within the mandatory due dates may be subject to \$56 in administrative fees (\$16 'conviction fee' + '\$40 'plate denial fee'). Under APS, those users would be subject to \$57 in additional fees (\$10 'MTO search fee' + \$25 'late payment fee'+ \$22 'plate denial fee') – a \$1 increase overall.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.3 Enhance customer service satisfaction.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14120(c) – By-law to Amend Administrative Penalty By-law 15-138 for Accessible Parking

:KD