



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-Law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 20, 2018
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include Business Licensing By-law 07-170 and Noise Control By-law 11-285 (PED18047) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Administrative Penalty By-law 17-225 (APS) be amended to include the General Provisions of the Business Licensing By-law 07-170 (Licensing By-law) by adding Table 10 to Schedule A, in accordance with the amending by-law attached as Appendix “A”, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the Administrative Penalty By-law 17-225 (APS) be amended to include the Noise Control By-law 11-285 (Noise By-law) by adding Table 11 to Schedule A, in accordance with the amending by-law attached as Appendix “B”, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is ready to introduce the Licensing By-law and Noise By-law. This will transfer Part I Tickets issued annually under the *Provincial Offences Act* to the municipality as an Administrative Penalty Notice. This approach aids in reducing congestion in the Courts, as well as providing a more local, accessible and less adversarial dispute resolution process.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

This system has been adopted by numerous municipalities that have experienced several benefits, including: improving service excellence, enhancing staff efficiencies and effectiveness, supporting operational cost recovery and autonomy over infraction penalty amounts as contained in s. 434.1(3) of the *Municipal Act, 2001*.

APS also provides greater control over the dispute resolution process of Administrative Penalty Notices (APN) through a quasi-judicial process with the Hearing Officers having final and binding authority over the matter.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

In 2007, amendments to the *Municipal Act, 2001* provided statutory authority for municipalities to implement Administrative Penalties for the enforcement of Parking and Licensing By-laws.

On May 30, 2017, Bill 68 was passed cementing the application of APS to all by-laws enacted under the *Municipal Act, 2001*.

At its meeting of September 27, 2017, Council approved Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include the General Provisions of the Licensing By-law 07-170 and Noise By-law 11-285 as Tables 10 and 11 in Schedule A.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton's APS By-law has been written as such to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the General Provisions of the Licensing By-law and the Noise By-law to the APS By-law.

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This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001*.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": By-law Adding Table 10 – Business Licensing By-law

Appendix "B": By-law Adding Table 11 – Noise Control By-law

KL/LF/st