

## **The Corporation of the Township of Centre Wellington**

### **By-law 2025-81**

#### **A By-law to establish an Administrative Monetary Penalty System (AMPS)**

**Whereas** Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“*Municipal Act*”) and Ontario Regulation 333/07: Administrative Penalties authorize a municipality to require a person to pay an administrative penalty for a **Contravention** of any By-law respecting the parking, standing, or stopping of a vehicle; and

**Whereas** Section 434.1 of the *Municipal Act* authorizes a municipality to require that a person pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a municipal by-law; and,

**Whereas** Subsection 434.2(1) of the *Municipal Act* provides that an administrative penalty that is imposed by a municipality on a person constitutes a debt of that person to the municipality; and,

**Whereas** Sections 23.1, 23.2, 23.3, and 23.5 of the *Municipal Act* authorizes municipalities to delegate their administrative and hearing powers; 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 fifteen (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(1) of the *Ontario Building Code, 1992*, as amended, authorizes a municipality 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 municipality; and

**Whereas** Section 391 of the *Municipal Act* authorizes a municipality 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 of the Corporation of the Township of Centre Wellington (“Township”) is satisfied that the system of administrative penalties provided for herein, are not punitive in nature and are in amounts reasonably required to promote compliance with the by-laws of the municipality; and

**Whereas** the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended, applies to all hearings conducted under this By-law; and

**Whereas** the Township will designate the Township’s Parking By-law 2025-81, as amended, to be applicable to the administrative penalty system established through this By-law; and

**Whereas** the Council of the Township deems it desirable to have one administrative monetary penalty system for all by-laws to which administrative penalties may apply and may designate additional by-laws to be applicable to the administrative monetary penalty system established through this By-law; and

**Whereas** the Council of the Township considers it desirable and necessary to establish an administrative monetary penalty system to promote compliance with Township By-laws that deal with parking, standing or stopping of vehicles; and

**Whereas** the Council of the Township considers it desirable and necessary to continue to enforce failures to comply with Parking By-law 6000-23 prior to the date this By-law comes into force under the *Provincial Offences Act* and By-law 6000-23 as if this By-law had not come into force.

**Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:**

#### **1. Short Title**

1.1 This By-law may be referred to as the “AMPS By-law”.

## 2. Definitions

### 2.1 For the purposes of this By-law:

**“Adjourn”** means to temporarily end a **Hearing**, where no decision is reached until the **Hearing** resumes;

**“Administrative Fee”** or **“Administrative Fee(s)”** means any fee imposed by this By-law and as set out in the Fees and Charges By-law and Schedule “C”;

**“Administrative Penalty”** means an administrative monetary penalty as set out in Schedule ‘A’ of this By-law for a **Contravention** of a **Designated By-law**;

**“Certified Document Fee”** means an Administrative Fee, for conducting a search, making a request for or obtaining documents, information or records from the Ministry and includes any search of documents or information, requests including plate denial, and notification about a vehicle or the owner of a vehicle;

**“Clerk”** means the Clerk for the Township of Centre Wellington, or any Person designated by the Clerk;

**“Contravention”** means the failure to comply with any provision of this By-law, a **Designated By-law**, an order, a work order, or any other order issued pursuant to a **Designated By-law**;

**“Contravenor”** means a Person who has committed a Contravention;

**“Council”** means the Council of the Township of Centre Wellington;

**“Date of Service”** means the date service is deemed in effect in accordance with the provisions of this By-law;

**“Decision of a Hearing Officer”** means a notice that contains the decision of a Hearing Officer;

**“Decision of a Screening Officer”** means a notice that contains the decision of a Screening Officer;

**“Designated By-law”** means a Township By-law, or part or provision of a Township By-law, that is designated under this By-law or another By-law as being subject to **Administrative Penalties**;

**“Electronic Hearing”** means a Hearing held by conference telephone or some other form of electronic technology allowing **Persons** to hear one another;

**“Fails to appear”** or **“Failure to appear”** means failure to appear or participate by conference telephone, or some other form of electronic technology allowing persons to hear one another, or in person, on the scheduled date as the case may be within ten (10) minutes of the start time of a **Screening Review** meeting or **Hearing**;

**“Fails to respond”** means failure to respond in writing to a request for information, documents or submissions by the **Screening Officer** or **Hearing Officer** on the date set by the **Screening Officer** or **Hearing Officer** for responding;

**“Fees and Charges By-law”** means the Township By-law, adopted from time to time, for imposing fees and charges with respect to various services and activities provided;

**“Hearing”** means a review of a **Decision of a Screening Officer** by a **Hearing Officer**;

**“Hearing Non-Appearance Fee”** means an **Administrative Fee**, in respect of a **Person’s** failure to appear for a **Hearing**;

“**Hearing Officer**” means a **Person** who performs the functions of a **Hearing Officer** in accordance with this By-law and any other applicable Township By-law;

“**Holiday**” means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day the offices of the Township are officially closed for business;

“**Late Payment Fee**” means an **Administrative Fee**, in respect of a **Person’s** failure to pay an **Administrative Penalty** within the time prescribed in this By-law;

“**Ministry**” means Ontario Ministry of Transportation, Land Registry Office, Service Ontario or any other Ontario Ministry or related authority;

“**Municipal Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“**NSF Fee**” means an **Administrative Fee**, in respect of a payment by negotiable instrument, for which there are insufficient funds in the account on which the instrument is drawn;

“**Officer**” means a Municipal Law Enforcement Officer, Police Officer, the Fire Chief and Fire Prevention Officer for the Township, or any other Person appointed by by-law to enforce a Township By-law;

“**Oral Hearing**” means a **Hearing** at which the parties or their representatives attend before the **Hearing Officer** in person;

“**Owner of a Vehicle**” means:

- (a) the **Person** whose name appears on the permit of the vehicle; and
- (b) if the vehicle permit consists of a vehicle portion and plate portion and different Persons are named on each portion, the Person whose name appears on the plate portion;

“**Penalty Due Date**” means the date that is fifteen (15) days from the Date of Service or Date of Service or Date of Issue, as applicable under section 9 of this By-law;

“**Penalty Notice**” means a notice for a **Contravention** of a Designated By-law;

“**Penalty Notice Date**” means the date of the **Contravention** of a Designated By-law;

“**Penalty Notice Number**” means a unique reference number;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, or corporation and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O., c.P.33;

“**Screening Non-Appearance Fee**” means an **Administrative Fee**, in respect of a **Person’s** failure to appear at a **Screening Review** meeting;

“**Screening Officer**” means a **Person** who performs the functions of a **Screening Officer** in accordance with this By-law and any other applicable Township By-law;

“**Screening Review**” means a review of an **Administrative Penalty** by a **Screening Officer**;

“**Township**” means the Corporation of the Township of Centre Wellington.

### **3. Application**

- 3.1 This By-law applies only to those contraventions included in Schedules ‘A’ and ‘B’ to this By-law.

- 3.2 The Township By-laws, or portions of Township By-laws, listed in the attached Schedule 'A' of this By-law shall be Designated By-laws for the purpose of Section 102.1 of the Municipal Act, 2001 and paragraph 3(1)(b) of the Regulation.
- 3.3 The Administrative Fee(s) imposed for the purposes of this By-law shall be as set out in Schedule 'C' and the Fees and Charges By-law.
- 3.4 The Provincial Offences Act does not apply to the Township's Parking By-law Number 2025-81, as amended, or any other Designated By-law respecting the parking, standing, or stopping of vehicles.
- 3.5 Subject to Section 3.4, an Officer has the discretion to issue an Administrative Penalty or proceed with the laying of a charge under the Provincial Offences Act in respect of a Contravention. Where an Officer issues an Administrative Penalty for a Contravention, no charge shall be laid for the same Contravention under the Provincial Offences Act.
- 3.6 The Township may apply a system of tiered Administrative Penalty amounts if set out in the Tables in Schedule 'A' and 'B'
- 3.7 Council is of the opinion that the powers delegated in this By-law are of a minor nature.

#### **4. 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 Township an Administrative Penalty in the amount specified in Schedule 'A', and shall be liable to pay to the Township any Administrative Fees in accordance with this By-law.

##### **(b) Schedule 'B' By-laws – Designated Non-Parking 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 Township an Administrative Penalty in the amount specified in Schedule 'B' and shall be liable to pay the Township 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 Every Contravenor shall, upon service of a Penalty Notice, be liable to pay the Township an Administrative Penalty set out in the Penalty Notice and any applicable Administrative Fee(s) by the Penalty Due Date, failing which additional Administrative Fee(s) may be applicable.
- 4.4 A Penalty Notice shall include the following information as applicable:
- (a) in the case of a Schedule 'A' related Contravention, the vehicle licence plate number or vehicle identification number;
  - (b) the Penalty Notice Date
  - (c) the Penalty Notice Number;
  - (d) the identification number and name of the issuing Officer;
  - (e) the short form wording for the Contravention listed in Schedule 'A' or 'B' of this By-law;
  - (f) the location of the Contravention;
  - (g) the amount of the Administrative Penalty and any Administrative Fee(s);
  - (h) when the Administrative Penalty and any applicable Administrative Fee(s) are due and payable;
  - (i) the payment options;
  - (j) such information as the Clerk determines is appropriate, respecting the process by which a Person may exercise the Person's right to request a review of an Administrative Penalty; and

- (k) a Statement advising that an Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Township, unless cancelled in accordance with the provisions of this By-law.
- 4.5 Where a Penalty Notice is issued in respect of a contravention of a Designated By-law for which the owners of a property are responsible, the Penalty Notice may name all Persons who are the registered owners of such property, and such Persons shall be jointly liable to pay the administrative penalty on the Penalty Notice.
- 5. Payment of an Administrative Penalty**
- 5.1 Where an Administrative Penalty has been partially or fully paid, the Penalty Notice shall not be subject to any further review.
- 5.2 An Administrative Penalty shall be deemed to have been paid when the Administrative Penalty and all applicable Administrative Fee(s) have been paid.
- 5.3 A Person who has been issued a Penalty Notice shall pay the Administrative Penalty within fifteen (15) days of the date of service of a Penalty Notice (the Penalty Due Date).
- 5.4 No Officer may accept payment of an Administrative Penalty or Administrative Fee(s) payable in accordance with this By-law.
- 6. Non-Payment of an Administrative Penalty**
- 6.1 Where a request for a Screening Review has not been made in accordance with Section 7 of this By-law, and the Administrative Penalty is not paid by the Penalty Due Date:
  - (a) the Administrative Penalty, and any applicable Administrative Fee(s), are deemed to be affirmed and payable, and is not subject to further review except as provided in Section 7.2; and
  - (b) notwithstanding Section 7.2, the Person that the Penalty Notice was issued to, shall pay the Township a Late Payment Fee and the applicable Certified Document Fee.
- 6.2 Where an Administrative Penalty is not paid by the Penalty Due Date, the Clerk shall deliver, in accordance with Section 9.4 of this By-law, a Notice of Penalty and Due Date, to the Person that the Penalty Notice was issued to that contains:
  - (a) the amount due and payable to the Township including the Administrative Penalty, and any applicable Administrative Fee(s); and
  - (b) information on the process to request an extension of time to request a Screening Review.
- 6.3 Where an Administrative Penalty and any applicable Administrative Fee(s) are not paid by the Penalty Due Date:
  - (a) Such amount shall constitute a debt of the Contravenor to the Township;
  - (b) The Township may transfer such amount:
    - i. To a collection agency appointed by the Township; or
    - ii. To the tax roll for the Contravenor's Property located within the Township where such amount shall be deemed to be unpaid taxes and collected in the same manner as municipal taxes, as the case may be; and/or
  - (c) In the case of a vehicular related Contravention, the Township may notify the Ontario Ministry of Transportation (the "Ministry") of the default and a plate denial enforcement fee will be applied. The Ministry shall not validate the permit nor issue a new permit until the Administrative Penalty as well as any applicable Administrative Fee(s) have been paid to the Township.
  - (d) Pursue any other collection mechanisms available to the available at law.

## **7. Review by Screening Officer**

- 7.1 A Person who is served with a Penalty Notice, or the Person's authorized agent, may request a Screening Review in accordance with Section 7.4 of this By-law on or before the Penalty Due Date.
- 7.2 A Person may request that the Screening Officer extend the time to request a Screening Review in accordance with Section 7.4 of this By-law within fifteen (15) days of the Date of Service of the Penalty Notice. Where a request to extend the time to request a Screening Review has been granted, the extension of time shall not exceed thirty (30) days from the Date of Service of the Penalty Notice
- 7.3 A Person's right to request an extension of time for a Screening Review expires if it has not been exercised within fifteen (15) days of the Date of Service of the Penalty Notice, in which event:
- (a) the Person shall be deemed to have waived the right to request a Screening Review;
  - (b) the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be affirmed and payable; and
  - (c) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any court.
- 7.4 A Person's request for a Screening Review or request for an extension of time to request a Screening Review shall be made in a format provided by the Township for that purpose together with all relevant information, documents, photographs and videos.
- 7.5 The Screening Officer may grant a request to extend the time to request a Screening Review within the time prescribed in Section 7.2 of this By-law, where a Person demonstrates, to the satisfaction of the Screening Officer, the existence of extenuating circumstances.
- 7.6 Where an extension of time to request a Screening Review is not granted by the Screening Officer:
- (a) the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be affirmed and payable;
  - (b) the Contravenor shall pay the Administrative Penalty and any applicable Administrative Fee(s) within fifteen (15) days from the date of the Screening Officer's denial of the extension of time to request a Screening Review; and
  - (c) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to any further review, including review by any Court.
- 7.7 A Screening Review shall be conducted by written form or by electronic document submission unless there is a requirement on a case-by-case basis, as determined by the Screening Officer, to provide the Screening Review through other means.
- 7.8 The Screening Officer may request such information, documents, photographs and videos from the Person that requested the Screening Review as the Screening Officer considers relevant to the conduct of the Screening Review, and may rely upon the information, documents, photographs and videos provided without the need for the attendance of the Person.
- 7.9 Where a Screening Review is granted and is not being conducted by written form or by electronic document submission, the Screening Officer shall deliver in accordance with Section 9.4 of this By-law, a Notice of an Appointment for a Screening Review, to the Person that requested the Screening Review that contains:
- (a) the date and time of the Screening Review meeting;

- (b) the format of the Screening Review meeting including details about the manner in which the Screening Review meeting will be held; and
  - (c) a statement that if the Person fails to appear that the:
    - (i) Person shall be deemed to have abandoned the request for a Screening Review;
    - (ii) Administrative Penalty, and any applicable Administrative Fee(s) are deemed to be affirmed;
    - (iii) Person shall be required to pay the Township a Screening Non-Appearance Fee; and
    - (iv) Administrative Penalty, and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 7.10 A Person who has been issued a Notice of Appointment for a Screening Review may make a written request to the Screening Officer to reschedule the date for the Screening Review provided such request is received by the Screening Officer two (2) business days prior to the Screening Review date.
- 7.11 Where a Person or an authorized representative fails to appear for a Screening Review meeting, or fails to respond in accordance with a request by a Screening Officer:
- (a) the Person shall be deemed to have abandoned the request for a Screening Review;
  - (b) the Administrative Penalty, and any applicable Administrative Fee(s) are deemed to be affirmed and payable;
  - (c) the Person shall pay the Township, a Screening Non-Appearance Fee, where applicable;
  - (d) the Contravenor shall pay the Administrative Penalty and any applicable Administrative Fee(s) within fifteen (15) days from the date of the Screening Review; and
  - (e) the Administrative Penalty, and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 7.12 Where a Person or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during the Screening Review, or refuses to appropriately participate in the Screening Review, the Screening Officer may end the Screening Review and, upon this occurrence:
- (a) the Administrative Penalty, and any applicable Administrative Fee(s) are deemed to be affirmed and payable;
  - (b) the Contravenor shall pay the Administrative Penalty and any applicable Administrative Fee(s) within fifteen (15) days from the date of the Screening Review; and
  - (c) the Administrative Penalty, and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 7.13 The Screening Officer may request, consider and rely on information, documents, photographs and videos from an Officer, or other Township staff as the Screening Officer deems relevant, without the need for the attendance of the Officer or other Township staff, including but not limited to: a certified statement of an Officer, other documents respecting a Contravention created by an Officer, and any other documents, photographs and videos prepared by an Officer, or other Township staff.
- 7.14 Upon completion of a Screening Review, a Screening Officer may affirm the Administrative Penalty including any Administrative Fee(s), or cancel or reduce the Administrative Penalty, and any applicable Administrative Fee(s), or extend the time for payment of the Administrative Penalty and any applicable Administrative Fee(s). In making a decision, a Screening Officer may take into consideration the following factors:

- (a) whether a Person establishes on a balance of probabilities:
    - i. that they did not contravene the Designated By-law as described in the Penalty Notice;
    - ii. the Penalty Notice is defective in substance or form;
    - iii. the Penalty Notice was not served in accordance with Section 9 of this By-law;
  - (d) the Person's prior history of non-compliance with a Designated By-law;
  - (e) whether the Person has any unpaid Penalty Notices; and/or
  - (f) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty and any applicable Administrative Fee(s), is necessary to relieve financial or undue hardship.
- 7.16 A Screening Officer may give a decision orally at the time of the Screening Review meeting and shall deliver in accordance with Section 9.4 of this By-law a Decision of a Screening Officer to the Person that requested the Screening Review.
- 7.17 A Screening Officer may where multiple Penalty Notices have been issued to the same Person, review Screening Review requests together, if it is reasonably practical to do so, and would not result in unfairness.
- 7.18 A Person that requested a Screening Review may cancel the Screening Review by paying the Township the Administrative Penalty and any applicable Administrative Fee(s) prior to the Screening Review.
- 7.19 A Screening Officer conducting a Screening Review under this By-law has no authority to consider any question relating to the validity of a statute, regulation or By-law including but not limited to the constitutional applicability or operability of any statute, regulation, or By-law, including this By-law.
- 8. Review by Hearing Officer**
- 8.1 Where an Administrative Penalty has not been cancelled, a Person may request a Hearing within fifteen (15) days of the date of service of the Decision of a Screening Officer.
- 8.2 If a Person does not request a Hearing within fifteen (15) days of the date of service of the Decision of a Screening Officer, the Person may request the Clerk to extend the time to request a Hearing.
- 8.3 A Person's right to request an extension of time for a Hearing expires if it has not been exercised within thirty (30) days of the date of service of the Decision of a Screening Officer, at which time:
  - (a) the Person shall be deemed to have waived the right to request a Hearing;
  - (b) the Decision of a Screening Officer, which includes the Administrative Penalty and any applicable Administrative Fee(s), are deemed to be affirmed on the date the Decision of a Screening Officer was issued and are payable; and
  - (c) the Decision of a Screening Officer, which includes the Administrative Penalty and any applicable Administrative Fee(s), shall not be subject to any further review, including a review by any Court.
- 8.4 A Person's request for a Hearing or request for an extension of time to request a Hearing shall be made in a format provided by the Township for that purpose together with all relevant information, documents, photographs and videos.
- 8.5 The Clerk may grant a request to extend the time to request a Hearing, where a Person demonstrates, to the satisfaction of the Clerk, the existence of extenuating circumstances. The Clerk may deny an extension of time to request a Hearing, in which event:
  - (a) the Decision of a Screening Officer, which includes the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be affirmed on the date the Decision of a Screening Officer was issued and are payable;



- (b) the Contravenor shall pay the Administrative Penalty and any applicable Administrative Fee(s) within fifteen (15) days from the date of the Clerk's denial of the extension of time to request a Hearing; and
  - (b) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to further review, including a review by any Court.
- 8.7 A Hearing shall be conducted as an Electronic Hearing unless there is a requirement on a case-by-case basis, as determined by the Hearing Officer, to provide the Hearing through other means.
- 8.8 Prior to an Electronic Hearing, the Clerk shall deliver in accordance with Section 9 of this By-law, a Notice of an Appointment for a Hearing to the Person that requested a Hearing, that contains:
  - (a) a reference to the statutory authority under which the Hearing will be held and the purpose of the Hearing;
  - (b) the date, time and details about the manner in which the Hearing will be held;
  - (c) the date, time and method for submitting any relevant information, documents, photographs and videos;
  - (d) information on how to obtain disclosure;
  - (e) a statement that the Person may, by satisfying the Hearing Officer that holding the Hearing as an Electronic Hearing is likely to cause the Person significant prejudice, require the Hearing Officer to hold the Hearing as an Oral Hearing, and the procedure to be followed for that purpose; and
  - (f) a statement that if the Person fails to appear:
    - (i) the Hearing Officer may proceed in the Person's absence and the Person will not be entitled to any further notice in the proceeding;
    - (ii) the Person shall be required to pay the Township a Hearing Non-Appearance Fee;
    - (iii) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 8.9 Prior to an Oral Hearing, the Clerk shall deliver in accordance with Section 9.4 of this By-law, a Notice of an Appointment for a Hearing to the Person that requested a Hearing, that contains:
  - (a) a reference to the statutory authority under which the Hearing will be held and the purpose of the Hearing;
  - (b) the date, time and place of the Hearing;
  - (c) the date, time and method for submitting any relevant information, documents, photographs or videos;
  - (d) information on how to obtain disclosure; and
  - (e) a statement that if the Person fails to appear:
    - (i) the Hearing Officer may proceed in the Person's absence and the Person will not be entitled to any further notice in the proceeding;
    - (ii) the Person shall be required to pay the Township a Hearing Non-Appearance Fee;
    - (iii) the Administrative Penalty, and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 8.10 A person who has been issued a Notice of Appointment for a Hearing may make a written request to the Clerk to reschedule the date of the Hearing provided such request is received by the Clerk two (2) business days prior to the Hearing date.
- 8.11 Where a Person or authorized representative fails to appear for a Hearing or fails to respond in accordance with a request by a Hearing Officer, the Hearing Officer may proceed with the Hearing in the Person's absence, or without the information to be supplied by the Person to the Hearing Officer, and the Person shall pay the Township a Hearing Non-Appearance Fee, where applicable.
- 8.12 Where a Person or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during a Hearing, or refuses to appropriately participate in the Hearing, the Hearing Officer may end the Hearing and, upon this occurrence:

- (a) the Administrative Penalty and any applicable Administration Fee(s) are deemed to be affirmed and payable;
  - (b) the Contravenor shall pay the Administrative Penalty and any applicable Administrative Fee(s) within fifteen (15) days from the date of the Hearing; and
  - (b) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court.
- 8.13 The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all Hearings conducted under this By-law.
- 8.14 A Hearing Officer may request such information, documents, photographs and videos from a Person as the Hearing Officer considers relevant to conduct the Hearing.
- 8.15 A Hearing Officer may request, consider and rely on information, documents, photographs and videos from an Officer, or other Township staff as the Hearing Officer deems relevant, including but not limited to: a certified statement of an Officer, other documents respecting a Contravention created by an Officer, and any other document prepared by an Officer, or other Township staff and materials presented to a Hearing Officer.
- 8.16 If evidence referred to Section 8.15 is being admitted at a Hearing, the Hearing Officer shall not adjourn the Hearing for the purpose of having an individual attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the individual is necessary to ensure a fair Hearing.
- 8.17 A Hearing Officer shall not make a decision respecting a review of a Decision of a Screening Officer unless the Hearing Officer has given the Person and a representative of the Township an opportunity to be heard at the scheduled Hearing.
- 8.18 A Hearing Officer is not bound by, and need not have regard for, any Decision of a Screening Officer.
- 8.19 After conducting a Hearing, a Hearing Officer may affirm the Administrative Penalty, and any applicable Administrative Fee(s), or cancel or reduce the Administrative Penalty, and any applicable Administrative Fee(s), or extend the time for payment of the Administrative Penalty, and any applicable Administrative Fee(s). In making a decision, a Hearing Officer may take into consideration the following factors:
  - (a) whether a Person establishes on a balance of probabilities:
    - i. that they did not contravene the Designated By-law as described in the Penalty Notice;
    - ii. the Penalty Notice is defective in substance or form;
    - iii. the Penalty Notice was not served in accordance with Section 9 of this By-law;
  - (d) the Person's prior history of non-compliance with a Designated By-law;
  - (e) whether the Person has any unpaid Penalty Notices; or
  - (f) where a Person provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the Administrative Penalty, and any applicable Administrative Fee(s), is necessary to relieve financial or undue hardship.
- 8.20 A Hearing Officer may adjourn a Hearing for a period no longer than thirty (30) days.
- 8.21 A Hearing Officer may amend the Penalty Notice as may be necessary if it appears that it fails to state or states defectively anything that is required to be stated. In considering whether or not an amendment should be made, the Hearing Officer shall consider the evidence presented at a Hearing and whether the Person has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.
- 8.22 After a Hearing has concluded, a Decision of a Hearing Officer shall be delivered by the Clerk in accordance with Section 9.4 of this By-law to the Person that requested the Hearing.

- 8.23 The decision of a Hearing Officer is final and binding on the Contravenor, and shall not be subject to further review, including a review by any Court.
- 8.24 A Person who requested a Hearing may cancel the Hearing by paying the Township the Administrative Penalty and any applicable Administrative Fee(s) as set out in the Decision of a Screening Officer no later than two (2) business days prior to the Hearing date.
- 8.25 A Hearing Officer conducting a Hearing under this By-law has no authority to consider any question relating to the validity of a statute, regulation or By-law including but not limited to the constitutional applicability or operability of any statute, regulation, or By-law, including this By-law.

**9. Service of Documents or a Penalty Notice**

- 9.1 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;
  - d) Mailing it by registered mail to the Owner at the address as set out on the ownership as soon as reasonably practicable after the contravention; or
  - e) 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.
- 9.2 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) Mailing it by registered mail to the Person named in the Penalty Notice at his/her last known address as soon as reasonably practicable after the contravention;
  - d) Sending it by courier to the Person named in the Penalty Notice at his/her last known address, as soon as reasonably practicable after the contravention; or
  - e) 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, as soon as reasonably practicable after the contravention.
- 9.2 Any Penalty Notice 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 sixth (6<sup>th</sup>) calendar day after the date of mailing.
- 9.3 Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice delivered personally in accordance with this By-law, is deemed to have been served on the date and time of such delivery.
- 9.4 Service of any document other than a Penalty Notice may be made by using one or more of the following methods of service noted in Column A below, and is deemed served on the date noted in Column B below:

Column A Method of Service	Column B Deemed Date of Service
Personal	Date personally hand delivered to Person to whom it is addressed
Fax/Email	Date fax/email is sent to the Person's last known fax/email address
Regular/Registered Mail	On the sixth (6 <sup>th</sup> ) day following the date of mailing to the Person's last known mailing address by mail or registered mail

- 9.5 For the purposes of this By-law, a Person's last known address, facsimile number, and electronic mail address includes:
- (a) an address, facsimile number and electronic mail address provided by the Person to the Township as may be required by a form, practice or policy under this By-law; or
  - (b) the most recent address that appears on the Ministry's records.
- 9.6 Where the By-law requires service by a Person on the Township, service shall be addressed to the Clerk and shall be deemed effective:
- (a) immediately, when a copy is hand delivered to the Clerk at the location prescribed on the applicable form or notice;
  - (b) on the sixth (6<sup>th</sup>) day following the date a copy is sent by registered mail or by regular mail to the Clerk 1 MacDonald Square, Elora, ON, NOB 1S0; or
  - (c) immediately upon sending a copy by electronic mail to the Clerk's electronic mail address [clerks@centrewellington.ca](mailto:clerks@centrewellington.ca).
- 9.7 Where service is affected by multiple methods, the date of service shall be on the earliest applicable date.
- 9.8 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.

## **10. Administration**

- 10.1 The Clerk shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time, without amendment to this By-law, as the Clerk deems necessary, provided that such practices and procedures are not in conflict, or inconsistent with this By-law.
- 10.2 The Clerk shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time, without amendment to this By-law, as the Clerk deems necessary, provided that the contents of such forms and notices are not in conflict, or inconsistent with this By-law.
- 10.3 The Clerk may cancel an Administrative Penalty, and any applicable Administrative Fee(s), where a Penalty Notice was issued to a Person because an error was made by the Township or the licence plate or vehicle subject to the Contravention had been stolen from the Owner of the Vehicle at the time of the Contravention.
- 10.4 The Clerk may cancel an Administrative Fee, without cancelling the Administrative Penalty, where the Administrative Fee was imposed as a result of an error made by the Township.
- 10.5 Where a Person has paid any amount towards an Administrative Penalty at any time, a Screening Review or Hearing request will not be granted.
- 10.6 Where in the event of extenuating circumstances, a Person fails to appear for a Hearing, they may submit a written request to the Clerk that the matter be reviewed. Upon the Person providing evidence satisfactory to the Clerk, the Hearing Non-Appearance Fee may be cancelled, and an opportunity for another Hearing granted, with the decision of the Clerk being final.
- 10.7 The Clerk shall appoint such Screening Officers and Hearing Officers that are necessary for the administration of this By-law.
- 10.8 A Person shall pay a NSF Fee to the Township where payment of an Administrative Penalty or Administrative Fee(s) was unable to be processed and payment was not received by the Township.
- 10.9 A Person shall pay a Certified Document Fee to the Township where the Township conducts a search, makes a request for or obtains documents, information or records from the Ministry for the purposes of administering and enforcing this By-law.

- 10.10 An Administrative Penalty, and any applicable Administrative Fee(s), that are affirmed or reduced, or in respect of which the time for payment has been extended, is due and payable and constitutes a debt to the Township owed by the Person to whom the Penalty Notice was issued to.
- 10.11 Where an Administrative Penalty, and any applicable Administrative Fee(s), are not paid by the Person to whom the Penalty Notice was issued to within thirty (30) days of the date on which they are due and payable, the Township may:
- (a) notify the Ministry of the default which shall result in plate denial; or
  - (b) pursue any other collection mechanisms available to the Township.
- 10.12 Where an Administrative Penalty, and any applicable Administrative Fee(s), are not paid by the Person to whom the Penalty Notice was issued to within thirty (30) days of the date on which they are due and payable, the Person to whom the Penalty Notice was issued shall pay the Township the applicable Certified Document Fee.
- 10.13 Where the Township notifies the Ministry of a default under this By-law, the Person to whom the Penalty Notice was issued to shall pay any applicable administrative(s) fees imposed by the Ministry. The Ministry shall not validate the permit nor issue a new permit for the vehicle to which the Administrative Penalty and Administrative Fee(s) apply, until such time as the Administrative Penalty and Administrative Fee(s) are paid.
- 10.14 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 10.15 An authorized representative is permitted to appear on behalf of a Person who has been issued a Penalty Notice at a Screening Review meeting or Hearing, or to communicate with the Township on behalf of that Person upon producing written authorization.
- 10.16 Any time limit that would otherwise expire, is extended to the next day that is not a Holiday.
- 10.17 The Clerk may authorize a plan of periodic payments.

## **11. Severability**

- 11.1 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 provision, or part of a provision, shall 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.

## **12. Singular and Plural Use**

- 12.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

## **13. Schedules**

- 13.1 The following schedules attached hereto form part of this By-law:
- a) Schedule 'A' - Designated By-laws and Administrative Penalties – Parking By-laws
  - b) Schedule 'B' – Designated Non-Parking By-laws
  - c) Schedule 'C' – Administrative Fees

## **14. Transition**

- 14.1 That By-law 6000-23 (A By-law to regulate the parking or stopping of vehicles on highways, public parking lots and private property within the Township) and all amendments thereto are hereby repealed upon this by-law coming into effect.

14. 2 Notwithstanding the repeal of By-law 6000-23 in Article 14.1, By-law 6000-23 shall continue to apply to any contraventions of By-law 6000-23 prior to the date this By-law comes into force. Contraventions of By-law 6000-23 will continue to be enforced under the Provincial Offences Act and By-law 6000-23 as if this By-law had not come into force.

**14. Effective Date**

- 14.1 That this By-law shall come into force and take effect on January 5, 2026.

**Read a first, second and third time and finally passed** this 15<sup>th</sup> day of December 2025.



Mayor – Shawn Watters



Clerk – Kerri O'Kane

**Schedule A**

**By-law 2025-81**

**Designated By-laws and Administrative Penalties - Parking**

- 1. Column 1 in the below Tables lists the Designated By-laws.
- 2. Column 3 in the below Tables set 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 below Tables set out the Administrative Penalty amounts that are payable by a person for a Contravention of the designated provisions listed in Column 2.

**Table A**  
**Parking By-law 2025-81**

Item No.	Column 1 By-law Number	Column 2 Designated Provision	Column 3 Short Form Wording	Column 4 Administrative Penalty
1.	Parking By-law 2025-81	Section 8.1	Park Vehicle on Municipal Property contrary to signage	\$55.00
2.		Section 13.1	Park in No Parking Zone	\$55.00
3.		Section 13.2	Park within 1m of Driveway	\$55.00
4.		Section 13.3	Park in front of Driveway	\$55.00
5.		Section 13.4	Park in Fire Route	\$100.00
6.		Section 13.5	Park within 3m of Fire Hydrant	\$100.00
7.		Section 13.6	Park Left Wheels to Curb	\$55.00
8.		Section 13.7	Park in Excess of Designated Time	\$55.00
9.		Section 13.8	Park During Prohibited Time	\$55.00
10.		Section 13.9	Park Right Wheels Further than 0.15m from Curb	\$55.00
11.		Section 13.10	Park on Highway Between 2AM and 6AM	\$55.00
12.		Section 13.11	Park Outside Parking Space – Highway	\$55.00
13.		Section 13.12	Park in Excess of 24hrs – Highway	\$55.00
14.		Section 13.13	Park in Excess of 24hrs – Lot	\$55.00
15.		Section 13.14	Park in Temporary No Parking Zone	\$55.00
16.		Section 13.16	Park on/over Sidewalk	\$55.00
17.		Section 13.17	Park within Intersection	\$55.00
18.		Section 13.18	Park within 9m of Intersection	\$55.00
19.		Section 13.19	Park in Taxicab & Vehicles for Hire Stand	\$55.00
20.		Section 13.20	Park in School Bus Loading Zone	\$55.00
21.		Section 13.21	Park in Pedestrian Crossover	\$55.00
22.		Section 13.22	Park within 9m of Pedestrian Crossover	\$55.00
23.		Section 13.23	Park in Crosswalk	\$55.00
24.		Section 13.24	Park within 9m of Crosswalk	\$55.00
25.		Section 13.25	Park Fail to Leave 3m of Roadway Clear	\$55.00
26.		Section 13.26	Park Beside Another Parked Vehicle	\$55.00
27.		Section 13.27	Park in Bus Stop	\$55.00
28.		Section 13.28	Park in order to Repair, Wash or Maintain Vehicle	\$55.00
29.		Section 13.29	Park on Bridge	\$55.00
30.		Section 13.30	Park Obstruct Accessibility Ramp	\$100.00
31.		Section 13.31	Angle Park – Not within markings	\$55.00

32.		Section 13.32	Angle Park – Park in Reverse	\$55.00
33.		Section 13.33	Park in Accessible Parking Space	\$510.00
34.		Section 13.34	Park Commercial Vehicle between 1AM and 6AM	\$85.00
35.		Section 13.35	Park Commercial Vehicle on Municipal Parking Lot	\$85.00
36.		Section 13.36	Park within 15m of Railroad Crossing	\$55.00
37.		Section 13.37	Park in Designated Space	\$55.00
38.		Section 13.38	Park Interfere with Traffic	\$55.00
39.		Section 13.39	Park Obstruct Snow Removal	\$110.00
40.		Section 13.40	Park Wrong Way – One-Way Street	\$55.00
41.		Section 13.41	Park Further than 0.15 from Curb – One-Way	\$55.00
42.		Section 13.42	Park Non-Electric Vehicle in Electric Vehicle Charging Station	\$125.00
43.		Section 13.43	Park in Electric Vehicle Charging Station without Charging	\$55.00
44.		Section 13.44	Park to Prevent Removal of Another Vehicle – Highway	\$55.00
45.		Section 13.45	Park on Curve	\$55.00
46.		Section 13.46	Park on Private Property without Consent	\$55.00
47.		Section 13.47	Park on Private Property Contrary to Posted Signs	\$55.00
48.		Section 13.48	Park on private property on driveway without consent	\$55.00
49.		Section 13.49	Park in Centre of Dead-End Street	\$55.00
50.		Section 13.50	Park Overhang Curb	\$55.00
51.		Section 13.51	Park Derelict or Immobile Vehicle – Highway	\$55.00
52.		Section 13.52	Park Vehicle for Sale	\$55.00
53.		Section 13.53	Park Vehicle Without License Plate	\$55.00
54.		Section 13.54	Park Motorcycle more than 45 Degrees to Curb	\$55.00
55.		Section 13.55	Park more than 03 Motorcycles in Parking Space	\$55.00
56.		Section 13.56	Park to Prevent Removal of Another Vehicle – Lot	\$55.00
57.		Section 13.57	Park Derelict or Immobile Vehicle – Lot	\$55.00
58.		Section 13.58	Park Outside Parking Space – Lot	\$55.00
59.		Section 13.59	Park in Student Drop Off/Pick Up Zone Exceeding Time Limit	\$55.00
60.		Section 13.60	Park within 3m of a Roundabout	\$55.00
61.		Section 13.61	Park within a Roundabout	\$55.00
62.		Section 14.1	Stop in No Stopping Zone	\$55.00
63.		Section 14.2	Stop Beside Parked Vehicle	\$55.00
64.		Section 14.3	Stop within 9m of Intersection	\$55.00
65.		Section 14.4	Stop in Bus Stop	\$55.00
66.		Section 14.5	Stop in School Bus Loading Zone	\$55.00
67.		Section 14.6	Stop Left Wheels to Curb	\$55.00
68.		Section 14.7	Stop on/over Sidewalk	\$55.00
69.		Section 14.8	Stop Obstructing Traffic	\$55.00
70.		Section 14.9	Stop in a Roundabout	\$55.00
71.		Section 14.10	Stop in Student Drop Off/Pick Up Zone Exceeding Time Limit	\$55.00
72.		Section 15.1	Park on Boulevard – Abutting Roadway	\$55.00
73.		Section 15.2	Park on Boulevard – Landscaped Area	\$55.00



74.		Section 15.3	Park on Boulevard – Within 9m of Intersection	\$55.00
75.		Section 15.4	Park on Boulevard – Hinder Driveway Access	\$55.00
76.		Section 16.1	Stop in a Loading Zone	\$55.00
77.		Section 17.3	Park in Metered Zone – Fail to Pay	\$70.00
78.		Section 17.4	Park in Metered Zone – in excess of Permitted Time	\$55.00
79.		Section 17.5	Park Outside Metered Space	\$55.00
80.		Section 17.6	Park More than 01 Vehicle in Metered Space	\$55.00
81.		Section 17.7	Park in Occupied Metered Space	\$55.00
82.		Section 17.8	Re-Park in Zone 1 within 5hrs	\$55.00

**Schedule 'B'**

**By-law 2025-81**

**Designated Non-Parking By-laws**

**Designated By-laws and Administrative Penalties**

None Listed

**Schedule ‘C’**  
**By-law 2025-81**  
**Administrative Fees**

Administrative Fee Description	Fee Amount
Late Payment of Parking Ticket	\$15.00
Late Payment of By-law Ticket	\$25.00
MTO Fee <sup>1</sup>	\$12.00
Mailing Fees	Actual cost
Notification to Registrar of Motor Vehicles for plate permit denial	\$22.00
Screening Non-appearance Fee	\$50.00
Hearing Non-appearance Fee	\$100.00

\* Fees listed in Schedule ‘C’ are subject to Harmonized Sales Tax (HST) where applicable.  
Amounts shall align with the Township’s Fees and Charges By-law, as amended from time to time.

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<sup>1</sup> “MTO Fee” means a fee established by Council from time to time in respect of any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority and listed in the Fees and Charges By-law