



BY-LAW 2025-40

A BY-LAW TO AMEND BY-LAW NO. 2024-137, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS) FOR CONTRAVENTIONS OF DESIGNATED BY-LAWS IN THE CITY OF MARKHAM

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

WHEREAS Section 150 of the *Municipal Act* defines a business as any business, activity or undertaking wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

WHEREAS Section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business, as defined in section 150 of the *Municipal Act*, and may prohibit the carrying on or engaging in the business without a license, refuse to grant a license or revoke or suspend a license, impose conditions as a requirement of obtaining, holding, or renewing a license, and license, regulate or govern real and personal property used for a business and the persons carrying it on or engaged in it; and

WHEREAS Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

WHEREAS Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality.

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

That the AMPS By-law 2024-137 be amended as follows:

(1) That Section 3.2(c) be added as follows:

If a person attends at the date, time and location or electronic method for a scheduled Screening Review but has failed to file the appropriate Authorization to Act as Agent form with the City, the Screening Officer shall, in their sole discretion, provide the person 10 calendar days to submit the form. If the form is received the Screening Officer shall conduct the Screening Review, however, if the form is not received, the Screening Officer shall:

- i.** Deem the person to have abandoned the appeal;
- ii.** Confirm the Administrative Penalty.

Read a first, second, and third time and passed on May 27th, 2025

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor