



By-law 2020-75

A By-law to amend By-law 2015-93 (being a By-law to implement an Administrative Monetary Penalty System in Markham)

WHEREAS section 102.1 of the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes The Corporation of the City of Markham to require a person to pay an administrative penalty for the contravention of any By-law respecting parking, standing or stopping of vehicles, and

WHEREAS additions, deletions and changes to the said By-law are required to reflect current administrative and enforcement practices, and

WHEREAS an amendment is required to provide for virtual hearings through electronic technology devices in accordance with the Statutory Powers and Procedures Act and,

WHEREAS sections 23.2, 23.3 and 23.5 of the Municipal Act authorize the City to delegate its administrative and hearing powers.

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

That By-law 2015-93 (the “Amps By-law”) be amended as follows:

1. That Section 1.0 of the Amps Non-Parking By-law (Definitions) be amended by deleting the definition of “**Review by Hearing Officer**” and “**Hearing**” and replacing it with the following definition: “**Review by Hearing Officer**” and “**Hearing**” means a proceeding held in person, by conference telephone, or by some other City-approved form of communication using **Electronic Technology Devices** allowing persons to communicate with one another and in accordance with the process set out in Section 5 of this By-law
2. That Section 1.0 of the Amps Non-Parking Bylaw (Definitions) be amended by deleting the definition of “**Review by Screening Officer**” and “**Screening Review**” and replacing it with the following definition: “**Review by Screening Officer**” and “**Screening Review**” means a proceeding held in person or by conference telephone or some other City-approved form of **Electronic Technology Devices** allowing persons to communicate with one another and in accordance the process set out in Section 4 of this By-law
3. That Section 1.0 of the Amps By-law (Definitions) be amended by adding the following definition: “**Electronic Technology Devices**” include all computers, personal electronic and digital devices, and mobile, cellular and smart phones.
4. That Section 1.0 of the Amps By-law (Definitions) be amended as follows: by amending the definition of “**Hearing Officer**” by deleting the words “pursuant to the City’s Screening and Hearing Officer By-law” and replacing it with the following words: “pursuant to the City’s Hearing Officer Corporate Policy”
5. That Section 1.0 of the Amps Bylaw (Definitions) be amended as follows: By amending the definition of “**Screening Officer**” by deleting the words “pursuant to the City’s Screening and Hearing Officer By-law” and replacing

it with the following words: “pursuant to the City’s Screening Officer Corporate Policy”.

6. That Section 4.0 be amended by deleting “and in accordance with the process set out in section 4.3”
7. That Section 4.10 be amended by deleting the following: “conduct an interview” after “Screening Officer” and replace with “conduct a review”.”
8. That Section 5.1 be amended by deleting “in person and appointment only”
9. That Section 5.3 be amended by deleting “is exercised by attending in person by appointment only” and replacing the wording with “shall be exercised at the time of the **Screening Review**”.
10. Add the following sections to Amps Bylaw 2015-93 as follows:

“7.12 Where a Person fails to appear for a **Screening Review** or **Hearing**, the **Clerk** may, in its sole and unfettered discretion, grant a new **Screening Review** or **Hearing** where the **Person** demonstrates the existence of extenuating circumstances, sufficient evidence of which must be provided to the Clerk at the time of the request, that warrant the extension of time.

“7.13 After a **Hearing Decision**, the **Hearing Officer** may cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds: where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship

“7.14 Once a Penalty Notice has been registered in default with the Ministry of Transportation there is no further option for dispute.”

Read a first, second, and third time and passed July 14 and 16, 2020.



Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor