





Administrative Monetary Penalty System (AMPS) Expansion Project – Update

General Committee – June 25, 2024



Presentation Outline

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3. Use of AMPS - Jurisdictional Scan
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1. What is AMPS?

- AMPS is a municipal alternative to the Provincial court system that administers and adjudicates by-law offences and designated Provincial Acts. It is an effective tool for maintaining order and compliance within communities, offering a balanced approach to enforcement that prioritizes efficiency and fairness
- An AMP is a penalty imposed directly by the municipality upon a contravener as part of an administrative process instead of a judicial process. AMPS are intended to encourage compliance with a by-law without the threat of more serious administrative action, prosecution or Provincial Court proceeding
- The key features of the AMPS program include:
 - **Non-Criminal Penalties:** AMP's are civil, not criminal, penalties and do not result in a criminal record
 - **Efficiency:** AMPs streamline the enforcement process, reducing the burden on the judicial system and providing a quicker resolution compared to traditional court proceedings
 - **Deterrence:** By imposing financial penalties, AMPS aim to deter non-compliance and encourage adherence to laws and regulations
 - **Fair Process:** Individuals or entities subject to AMPS have the right to request a Screening review or Hearing of the penalty notice, ensuring procedural fairness

2. AMPS Legislative Framework

- The Authority to implement Administrative Monetary Penalties (AMPS) in Ontario municipalities was granted through a 2006 amendment to the Municipal Act, 2001 (for parking offences only).
- In 2010, the Law Commission of Ontario released its recommendations to modernize the Provincial Offences Act (court) system and look for ways to simplify the system and increase the use of AMPS <https://www.lco-cdo.org/wp-content/uploads/2010/11/poa-commissioned-paper-berger.pdf>
- In 2016, the Province amended the Municipal Act, 2001 to allow for expansion of AMPS to non-parking matters.



3. Use of AMPS – Jurisdictional Scan

York Region Municipalities	Parking/Non-Parking/Both	York Region Municipalities	Parking/Non-Parking/Both
City of Markham	Parking+	Town of East Gwillimbury	Parking
City of Vaughan	Both	Township of King	Parking
City of Richmond Hill	Both	Town of Whitchurch-Stouffville	Parking
Town of Newmarket	Both	Town of Georgina	Parking
Town of Aurora	Both		



3. Use of AMPS – Jurisdictional Scan

GTA Municipalities	Parking/Non-Parking/Both	GTA Municipalities	Parking/Non-Parking/Both
City of Mississauga	Parking	Town of Halton Hills	Parking
City of Toronto	Both	Town of Milton	Parking
City of Brampton	Both	City of Oshawa	Both
Town of Oakville	Both	Town of Ajax	Parking

3. Use of AMPS – Jurisdictional Scan (Cont'd)

- York Region has undertaken a Court Modernization project to identify opportunities to divert offences eligible for AMPS to this administrative process
<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=27412>
- Other levels of government have implemented or are contemplating introducing AMPS programs including:
 - Electrical Safety Authority
 - Home Construction Regulatory Authority
 - Metrolinx
 - Information & Privacy Commission of Ontario
 - Canada Border Services
- Currently, the Ontario *Building Code Act* does not contain provisions for the use of AMPS for Building Code related offences
- *Fire Protection and Prevention Act* has been amended to provide AMPS provisions for certain violations, staff are currently reviewing these amendments to understand their impacts

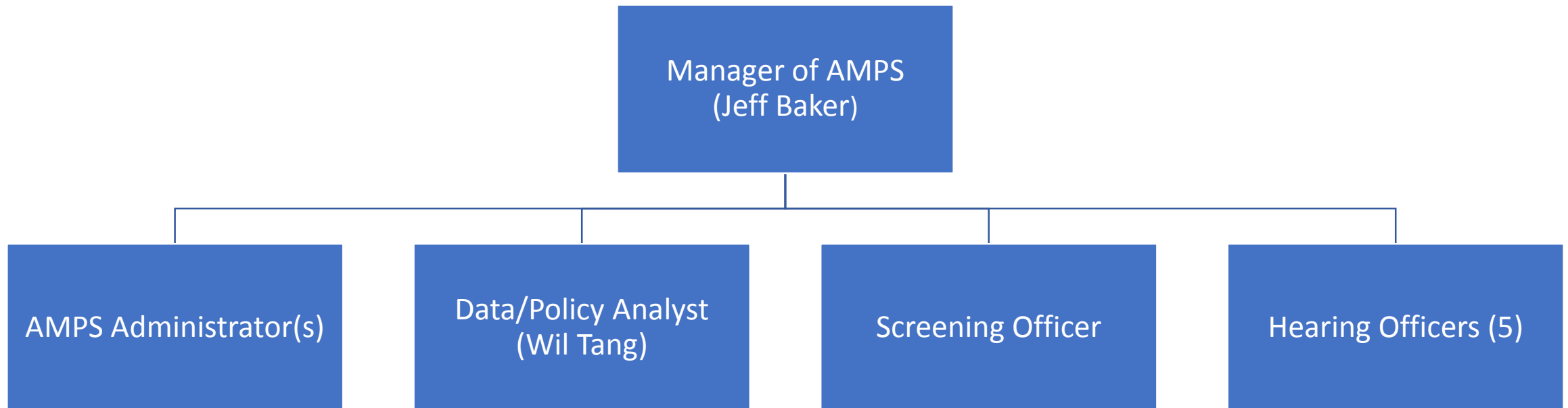


4. Markham's AMPS Journey

- In 2015, Markham successfully implemented AMPS for parking offences. Markham was among the first municipalities to do so.
- AMPS has been successful for the adjudication of parking offences in Markham & the City has the foundational processes, policies & procedures in place to expand AMPS to other areas.
- Since its introduction, Markham's AMPS program has streamlined the parking ticket dispute process and has helped reduce Provincial Offences Court workload.
- November 2021 – WSCS Consulting presented a Business Case for the expansion of AMPS in the City <https://pub-markham.escribemeetings.com/filestream.ashx?DocumentId=44923>
- Expected outcomes of the initial AMPS implementation were;
 - **Compliance:** improved compliance and deterrence
 - **Efficiency:** improved processes, reducing the need for multiple enforcement visits
 - **Financial:** less costly than traditional POA system; speedier revenue stream
 - **Timely:** reduced time to resolve complaints
- Council approved the expansion of the current AMPS Program as part of the approval of the City's 2022 budget.

5. AMPS Division Structure

- The new AMPS Division within Legislative Services was formed in January 2024 and is responsible for overseeing the implementation of the expanded AMPS program, as well as the management and operation of the adjudication functions associated with the screening and hearing processes.





5. AMPS Division

To date, the AMPS Division has collaborated with WSCS Consulting and an internal Working Group to:

- Develop a new, consolidated AMPS By-law for Council approval.
- Review City and Departmental compliance goals – including a review of the short form wordings (specific offences) within various City by-laws.
- Assess current enforcement practices to enhance resource deployment for non-parking AMPS.
- Update policies and procedures for the AMPS program administration.
- Transition AMPS Parking oversight from By-law Services to the new AMPS Division.
- Review and prioritize City by-laws for future AMPS expansion.
- Implementation and execution of AMPS Project Plan.
- Work with ITS and the City's e-ticket management vendor (GTECHNA) to finalize expansion module for use across all designated by-laws.



6. AMPS Project Plan

Project Plan

Project name: AMPS

No.	Tasks and Milestones	Lead	Start Date	End date	Duration (Days)	Complete (Mark with "X")	Percentage	Notes	Q1 2024	Q2 2024	Q3 2024	Q4 2024
1	Establish AMPS Business Unit						65%					
1.1	Work with People Services and the Commissioner of Corporate Services on a new AMPS Business Unit within Legislative Service		1/1/2024	7/1/2024	182		90%					
1.2	Create new job profiles for each new AMPS role		1/1/2024	8/1/2024	213		77%					
1.3	Hire an AMPS Manager		2/1/2024	9/2/2024	214		62%					
1.4	Hire AMPS Business Analyst		1/1/2024	10/3/2024	276		59%					
1.5	Transition existing Parking Administrator role over to new AMPS unit		1/1/2024	11/4/2024	308		53%					
1.6	Transition reporting function for Screening and Hearing Officer roles from the Parking Supervisor to new AMPS Manager to create clear delineation between enforcement and adjudication functions.		1/1/2024	12/5/2024	339		48%					

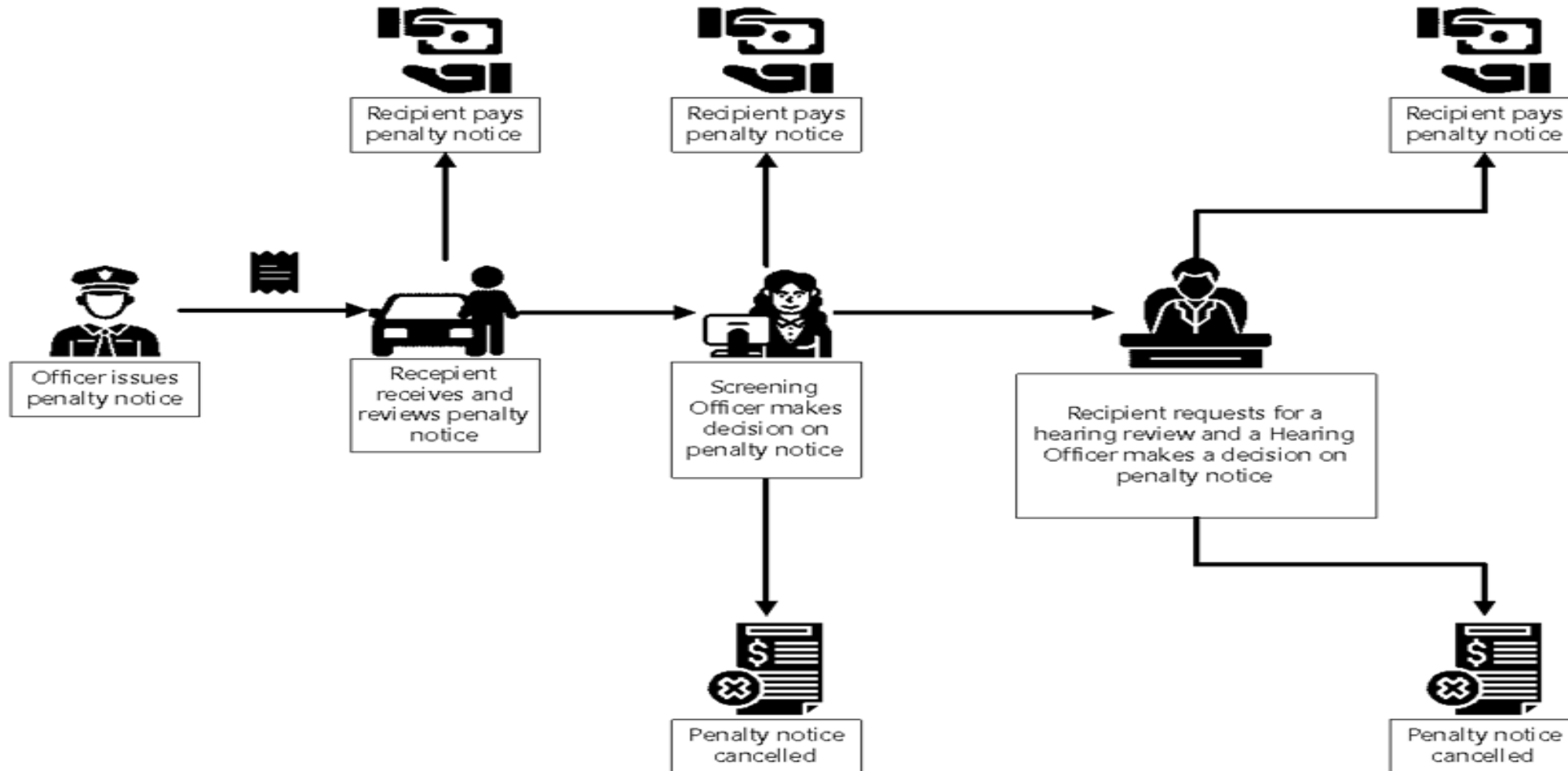
7. Proposed Consolidated AMPS By-Law

- The proposed Consolidated AMPS By-law (included as **Appendix “A”**) establishes the framework for applying Administrative Monetary Penalties and Administrative Fees to violations of any part of the By-law, an Order, a Work Order, or any other related Order. This new By-law will serve as the essential foundation for the future expansion of AMPS.
- The new consolidated by-law will support the uniform application and enforcement of penalties across different types of violations, promoting fairness and reducing confusion. It also provides a clear, centralized set of rules and penalties, making it easier for residents and businesses to understand and comply with City regulations.
- Schedule “B” of the proposed Consolidated AMPS By-law establishes an initial list of the Designated By-laws for AMPS. They include by-laws related to animal protection, mobile and stationary businesses, in-fill construction, property standards and signs.
- Schedule “C” establishes the administrative monetary penalties for contraventions of a Designated By-law and the Tiered penalties for repeat Contraventions - escalating consequences for repeated violations discourages non-compliance.

7. Proposed Consolidated AMPS By-Law (Cont'd)

- Schedule “D” of the proposed Consolidated By-law sets out the City’s administrative fees imposed under the by-law.
 - An Officer has the sole discretion to issue an Administrative Monetary Penalty or lay a charge under the *Provincial Offences Act*.*
 - If an Officer issues an Administrative Monetary Penalty for a contravention, they will not lay a charge for the same contravention under the *Provincial Offences Act*.
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- *Please Note: the exception to this is Parking. All City Parking tickets are issued as AMPS tickets.

AMPS Dispute Process





AMPS Dispute Process (Cont'd)

- Under the City's expanded AMPS program, the ticket adjudication process will follow the same procedure as for parking tickets. Recipients can dispute an AMP (ticket) by requesting a review from a City Screening Officer, who has the authority to affirm, modify, or cancel the penalty.
- The Screening Officer's decision can be appealed to a Hearing Officer - an independent third party contracted by the City. The decision of the Hearing Officer is final.
- Policy GR-AMPS-004, concerning the Prevention of Political Interference in the Administrative Monetary Penalty System (AMPS), has been updated to cover all matters adjudicated under the expanded AMPS program.
- This Policy ensures that Screening Officers and Hearing Officers perform their duties based on fundamental principles of justice, including decision-making and procedural independence, fairness, impartiality, and integrity, free from any political interference.



8. Next Steps

- **Adoption of the Consolidated AMPS By-law**
 - Present report to General Committee and then to Markham City Council for adoption.
- **Finalize Technical Requirements and Implement New e-Ticketing Module**
 - Staff are in the process of finalizing the technology requirements for the additional module of the e-ticketing system (GTECHNA) to support the expanded scope of AMPS. This involves documenting the necessary integrations with other systems such as AMANDA, EPLAN, and the CRM/Contact Centre system.
 - Once the technology requirements are finalized, staff will thoroughly document the integration process and testing procedures to ensure the expanded system functions seamlessly and reliably.



8. Next Steps

- **Initiate AMPS enforcement for By-laws**
 - Initial focus: Animal Services, Business Licensing and Standards (Mobile and Stationary Bylaws), Signs, Keep Markham Beautiful
 - These bylaws were selected as the highest priority due to their critical importance in addressing the compliance needs identified by various enforcement units.
- **Monitor and Assess initial implementation**
 - Collaborate with ITS and software vendors to create reports, dashboards, and key performance indicators (KPIs) for the AMPS implementation and ongoing analysis

9. Staff Recommendations

1. That the presentation entitled “Administrative Monetary Penalty Systems (AMPS) Expansion Project Update” be received; and,
2. That the by-law attached to this presentation as Appendix “A” be adopted,
3. That By-law 2015-93 and 2016-84 be repealed,
4. That staff be authorized and directed to do all things necessary to give effect to these resolutions



10. List of Appendices

- Appendix "A" – Draft Consolidated AMPS By-law
https://markham.escribemeetings.com/GC_Jun25_2024/Pages/preMeeting.aspx?preitemID=33
- Appendix "B" – Frequently Asked Questions