

***The Provincial Offences Act
and
Municipal By-Law Enforcement
Act***

Policy Goals of the POA and MBEA

- To provide effective and fair enforcement procedures
- To reflect the regulatory nature of provincial and municipal offences
- To respect municipal autonomy

Municipal By-Law Enforcement Act

Three categories of municipal offences:

1. Parking violations (MBEA)
2. By-laws enforced through an administrative scheme (MBEA)
3. By-laws enforced through the Courts (POA)

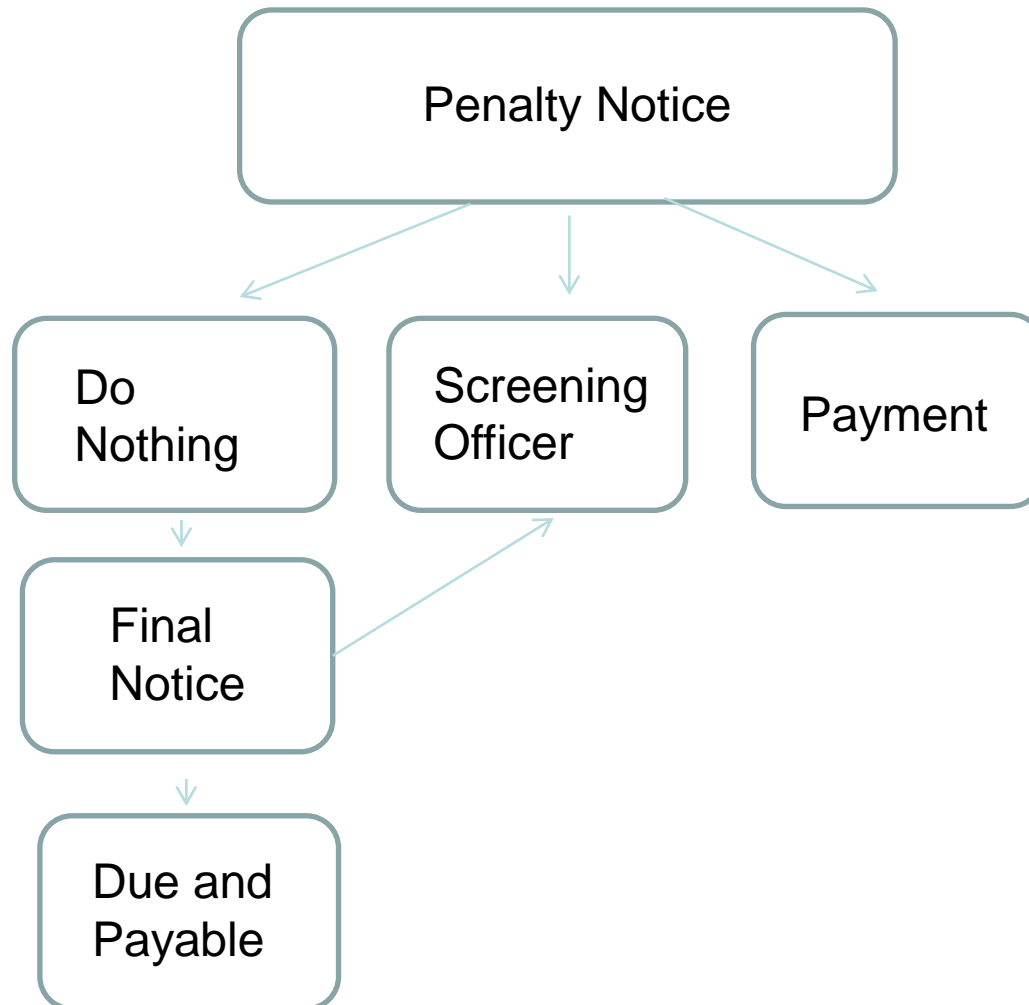
Parking Violations

- MBEA s. 4(2)
- Parking only enforceable by administrative penalty
- 4(2) A by-law concerning the parking of vehicles may only be enforced by issuing a penalty notice under this Act, and may not be enforced by a proceeding under *The Summary Convictions Act*.

By-Law Enforcement Through an Administrative Scheme

- MBEA s. 3(2)
- Designate offences by by-law
- Penalty cannot exceed the amount set by regulation

Administrative Scheme



Screening Officer

- Municipal employee
- Municipalities can join together
- Screening officer
- May cancel the penalty notice if contravention did not occur
- May reduce penalty if by-law permits
- May enter into a compliance agreement if by-law permits

Compliance Agreements

- Policy to obtain compliance without penalty
- Written document that sets out terms
- Non-compliance
- Notice by regular mail
- 14 days to pay penalty
- Request for adjudication

Adjudication

- Adjudicator
- Provincial roster
- Paid for by municipality
- Informal process such as telephone
- Fee of up to \$25
- Reduce the penalty in exceptional circumstances
- Review compliance agreements
- Subject to judicial review

Enforcement of By-Laws under the POA

- Enforced by by-law enforcement officers appointed under the Municipal Act and Planning Act
- Ticket with a preset fine
- Formal court process by Information

Responding to a Ticket

- Pay the set fine
- Appear before the JJP and seek a reduction in penalty in exceptional circumstances
- Set a hearing date
- Do nothing
- Fine is imposed by default
- Default penalty added

Collection and Enforcement

- Queen's Bench Judgment
- Personal Property Lien
- MPI authorized to share driver's licence data with municipalities

Self- Help Remedies

- *Municipal Act* – s.245
- Costs – can be added to taxes

Moving Forward

- Decide what by-laws are appropriate and have them passed in compliance with the *MBEA* (get legal advice);
- Put in place the infrastructure for adjudications;
- Develop the necessary documents including a penalty notice;
- Let Municipal Government know you are ready and we will pick a mutually acceptable start date.