

ORIGINAL

The Corporation of the Town of Innisfil

By-law 055-25

A By-law of The Corporation of the Town of Innisfil to Implement an Administrative Penalty System for Contraventions Detected using Camera Systems to Promote Compliance with Certain Provisions of the Highway Traffic Act in the Town of Innisfil.

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 (“The Municipal Act, 2001”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

Whereas Section 10(1) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein; and

Whereas Section 434.1 of the Municipal Act 2001 permits a municipality to require a Person to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the municipality passed under the Municipal Act; and

Whereas sections 23.1 and 23.5 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the Town to delegate its administrative, quasi-judicial, and hearing powers subject to certain conditions and restrictions; and

Whereas this By-law shall be subject to the rules and procedures included in the Highway Traffic Act R.S.O. 1990, c. H. 8, as amended (the “Highway Traffic Act, 1990”), and its regulations; and

Whereas Section 21.1 section 21.1 of the Highway Traffic Act, R.S.O. 1990, c. H.8 (the “HTA”), and section 2 of Ontario Regulation 355/22 authorizes the Town of Innisfil (the Town), by order, to impose an administrative penalty on a person if the Town is satisfied that the person has contravened or failed to comply with designated sections of the HTA detected using camera systems; and

Whereas sections 128(1) and 144(18) of the Highway Traffic Act, R.S.O. 1990, c. H.8 create offences for driving vehicles in excess of prescribed speed limits and failing to stop a vehicle for a red light indicator; and

Whereas Ontario Regulation 355/22, as amended, provides for the use of Administrative Penalties for camera-based offences; and

Whereas Ontario Regulation 398/19, as amended, provides for the use of Automated Speed Enforcement camera systems in community safety zones designated by by-law passed under section 214.1 (1) of the Highway Traffic Act, where the prescribed rate of speed is less than 80 kilometres per hour, or in school zones designated by by-law under clause 128 (5) (a).2017, c. 9, s. 5 of the Highway Traffic Act; and

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Whereas the Council of The Corporation of the Town of Innisfil considers it desirable to provide for a system of administrative penalties for contraventions detected using camera systems to promote compliance with certain provisions of the Highway Traffic Act in the Town of Innisfil;

Now Therefore the Council of The Corporation of the Town of Innisfil enacts the following:

Part A: Interpretation

Section 1: General

1.1 Short Title

This By-law may be cited as the “Administrative Penalty By-Law for Contraventions Detected Using Camera Systems”.

1.2 Application

The attached Schedules to this By-law set out the administrative penalty amounts for contraventions of section 128(1) of the Highway Traffic Act pursuant to Administrative Penalty Amounts for Automated Speed Enforcement (O. Reg. 355/22).

The provisions in Part VI of the Legislation Act, 2006, c. 21, Sched. F, are incorporated and form part of this bylaw and shall be read to assist in the interpretation of this Bylaw, unless there is a more specific provision in this Bylaw that addresses a matter of interpretation.

Unless otherwise stated:

- (a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended, modified, restated, or replaced from time to time and proceedings authorized under the statute or regulation shall not be affected unless expressly provided;
- (b) a reference to a bylaw refers to a bylaw of the Town as it may be amended or replaced from time to time;
- (c) a reference to an article, section, paragraph, clause, subclause, or schedule is a reference to this Bylaw’s article, section, paragraph, clause, subclause, or schedule; and
- (d) a reference to a schedule means a reference to the schedules attached to this Bylaw as they may be amended from time to time.

The sections of the Highway Traffic Act (HTA) or parts of provisions of the sections of the HTA, listed in the attached Schedules “A” and “B” of this By-law shall be Designated HTA Provisions to which Administrative Penalties apply pursuant to this By-law. The Administrative Penalty applicable to a contravention of or failure to comply with a Designated HTA Provision shall be calculated in accordance with the Regulation.

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An Officer shall not issue a Penalty Order to a Person for a contravention or failure to comply with any Designated HTA Provision if the Person is charged with an offence under the POA in respect of the same contravention or failure to comply.

Where any matter is not expressly provided for herein, such matter shall be determined in accordance with section 21.1 of the HTA, the Regulation and, where applicable, by analogy to similar provisions hereof and in accordance with the general principles underlying section 21.1 of the HTA, the Regulation and this By-law.

1.3 Headings

Any headings used in this By-law are used for convenience only and are not to be used as a means of interpretation.

1.4 Terminology

The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts and individuals, male or female, and to include singular or plural meaning where the context so requires, will in all cases be assumed as though fully expressed.

1.5 Severability

In the event that any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed and the remaining portion of such provision and provisions of this By-law shall remain in full force and effect.

1.6 Reference to Statutes

References in this By-Law to any statute, regulation, By-law, or any provision thereof, include such statute, regulation, By-law or provision thereof as amended, revised, re-enacted, and/or consolidated from time to time and any successor statute, regulation or By-Law thereto.

1.7 Delegated Authority

The Authority to administer this By-law on behalf of the Town is delegated to the **Director of Growth** and the **Chief Financial Officer**, acting jointly and severally, and from time to time, as well as any Town Staff member or agent acting under the authority of the aforementioned persons.

1.8 Time

Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

1.9 Schedules

Any schedule attached to this By-law forms part of this By-law.

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Section 2: Definitions

2.1 Where words and phrases used in this By-law are not defined herein but are defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended from time to time or any successor thereof (the *HTA*), the definitions in the *HTA* shall apply.

2.2 In this By-law:

“Administrative Fee” means any fee set out in the Regulation that may be added to an Administrative Penalty in a Penalty Order and/or any fee set out in the Fees and Charges Bylaw that may be applicable pursuant to this By-law, as may be amended from time to time.

“Administrative Penalty” means an administrative penalty established by this By-law pursuant to the Regulation for a contravention of or failure to comply with a Designated Highway Traffic Act Provision, and where applicable, includes any Administrative Penalty that is varied in accordance with this Bylaw and/ or the Regulation.

“CAO” means the Town’s Chief Administrative Officer, or anyone designated by the Town’s Chief Administrative Officer to perform his or her duties pursuant to this By-law.

“Clerk” means the Town Clerk, or anyone designated by the Town Clerk to perform his or her duties pursuant to this By-law.

“Day” means any calendar day.

“Deemed Service Date” means the date on which a Penalty Order is deemed to have been served on a Person pursuant to section 7 (Service of Documents) of this By-law.

“Director” means the Director of Planning & Growth, or anyone designated by the Director of Planning & Growth to perform his or her duties pursuant to this By-law.

“Effective Date of Service” means the 7th day from the date of mailing of the Penalty Order.

“Fees & Charges By-law” means the Fees & Charges By-law No. 057-24 of the Town, as may be amended from time to time, or any successor thereof.

“Hearing Decision” means a decision made by a Hearing Officer pursuant to a Hearing Officer Review.

“Hearing Non-Appearence Fee” means a fee that is added to the Administrative Penalty and is payable by a Person under section 14 of the Regulation in respect of the Person’s failure to appear at the time and place scheduled for a review before a Hearing Officer.

“Hearing Officer” means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-law as amended, to perform the functions of a hearing officer in accordance with this By-law and Ontario Regulation 355/22.

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“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended from time to time or any successor thereof.

“Holiday” means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the Town are officially closed for business.

“Late Payment Fee” means a fee that is added to the Administrative Penalty and is payable by a Person under section 21 of the Regulation in respect of the Person’s late payment of an Administrative Penalty.

“Officer” means an individual who is an authorized person for the purposes of this Bylaw pursuant to section 4 of the Regulation.

“Owner” means the Person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Person whose name appears on the plate portion.

“Penalty Order” means an order given to a Person pursuant to section 3 (Penalty Orders) of this By-law.

“Penalty Order Date” means the date of the contravention specified on the Penalty Order in accordance with the Regulation.

“Penalty Order Number” means the reference number specified on the Penalty Order that is unique to that Penalty Order in accordance with the Regulation.

“Person” means an owner as defined and set out in sections 1 and 5 of the Regulation.

“Provincial Offences Act” – means the *Provincial Offences Act*, R.S.O., 1990, c. P. 33, as amended from time to time, or any successor thereof.

“Regulation” means O. Reg. 333/07, made under the *Municipal Act, 2001*, as amended from time to time, or any successor thereof.

“Request for Review by Hearing Officer” means a request made in accordance with this Bylaw for the review of a Screening Decision by a Hearing Officer.

“Request for Review by Screening Officer” means a request made in accordance with this Bylaw for the review of a Penalty Order by a Screening Officer.

“Review by Hearing Officer” and **“Hearing Officer Review”** mean an appeal proceeding held in accordance with section 6 of this By-law.

“Screening and Hearing Officer By-Law” – means By-law No. 053-22 of the Town, as amended from time to time, or any successor thereof.

“Screening Decision” means a decision made by a Screening Officer pursuant to a Screening Review of a Penalty Order.

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“Screening Officer” means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-law to perform the functions of a screening officer pursuant to this By-Law and Ontario Regulation 355/22.

“Screening Non-appearance Fee” means a fee that is added to the Administrative Penalty and is payable by a Person under section 14 of the Regulation in respect of the Person’s failure to appear at the time and place scheduled for a review before a Screening Officer.

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof.

“Town” means The Corporation of the Town of Innisfil.

“Vehicle” means a motor vehicle as defined in the Highway Traffic Act.

“Victims’ Justice Fund Account” means an account established under section 5(1) of the *Bill of Rights 1995*;

Part B: Administration

Section 3: Penalty Order

- 3.1 An Officer who is satisfied that a Person has contravened or failed to comply with section 128(1) of the HTA within the Town based on evidence obtained through the use of an automated speed enforcement system may serve a Penalty Order on the Person in accordance with section 7 (Service section) of this Bylaw as soon as reasonably practicable but no later than twenty-three (23) days after the day on which the contravention or failure to so comply occurred.
- 3.2 An Officer who is satisfied that a Person has contravened or failed to comply with section 144(18) of the HTA within the Town based on evidence obtained through the use of red light camera system may serve a Penalty Order on the Person in accordance with section 7 of this Bylaw as soon as reasonably practicable but no later than twenty-three (23) days after the day on which the contravention or failure to so comply occurred.
- 3.3 Every Person who contravenes or fails to comply with a provision of a Designated HTA Provision shall, upon issuance of a Penalty Order to the Person, be liable to pay the Town an Administrative Penalty in the amount calculated in accordance with the Regulation.
- 3.2 A Penalty Order shall include the information as prescribed in the Regulation, as well as any additional information as deemed necessary by the Director.

Section 4: Payment

- 4.1 An Administrative Penalty is due and payable within thirty (30) days after the Deemed Service Date unless the Person has commenced a Screening Review of a Penalty Order or has been granted an extension of time to commence a Screening Review of a Penalty Order in accordance with this By-law.
- 4.2 No Officer may accept payment of an Administrative Penalty or Administrative Fee.

Section 5: Review by Screening Officer

- 5.1 A Person who is subject to a Penalty Order may commence a Screening Review of the Penalty Order by requesting, in accordance with this Bylaw, a Screening Review of the Penalty Order no later than thirty (30) days after the Deemed Service Date.
- 5.2 A request for a Screening Review of a Penalty Order must be made in a prescribed method and include the Penalty Order Number, the Penalty Order Date, the Person's contact information, and the reason(s) the Person is requesting a Screening Review of the Penalty Order.
- 5.3 On receipt of a timely and complete Request for a Screening Review of a Penalty Order, the Screening Officer shall determine the date, time, location, and method (orally, electronically, or in writing) of the Screening Review and notify the Person accordingly by one of the methods set out in section 7 (Service of Documents) of this Bylaw as soon as reasonably practicable. Thereafter, the Person shall attend at such set date and time, as applicable.
- 5.4 If a Person is not able, or was not able, to request a Screening Review of the Penalty Order on or before the date specified in section 5.1 of this Bylaw, the Person may request, in accordance with this Bylaw, that the Screening Officer extend the time for requesting a Screening Review.
- 5.5 A request for an extension of time to request a Screening Review of a Penalty Order must be made in writing in the prescribed manner and the Person must establish, on a balance of probabilities as determined by the Screening Officer, that the Person is prevented, or was prevented, as the case may be, from making a timely request for a Screening Review of a Penalty Order due to causes beyond their reasonable control. The Person must submit with their request any documentary evidence that substantiates the causes on which they are relying.
- 5.6 On receipt of a complete request for an extension of time to request a Screening Review of a Penalty Order, the Screening Officer may grant a time extension of any duration the Screening Officer considers appropriate where the Screening Officer determines that the Person's request establishes, on a balance of probabilities, that the Person is prevented, or was prevented, as the case may be, from making a timely request for a Screening Review of a Penalty Order due to causes beyond the Person's reasonable control. The Person shall submit their request for a Screening Review of the Penalty Order in accordance with this Bylaw on or before the extended deadline granted by the Screening Officer and such request will be dealt with in accordance with the provisions of this By-law.
- 5.7 Where the Screening Officer does not grant a request for an extension of time to request a Screening Review of a Penalty Order, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed and payable on or before the due date specified in the Penalty Order.
- 5.8 Where the Screening Officer has granted an extension of time to request a Screening Review of a Penalty Order, but the Person has not submitted their complete Request for

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a Screening Review of a Penalty Order on or before the extended deadline granted by the Screening Officer, the Administrative Penalty specified in the Penalty Order and any Administrative Fee(s) are deemed to be confirmed and are payable on or before the due date specified in the Penalty Order.

- 5.9 In a Screening Review of a Penalty Order, the Screening Officer:
- (a) shall, prior to reaching a decision, ensure the Person has been given an opportunity to make submissions in the same manner in which the review is to be conducted;
 - (b) shall set aside the Penalty Order if the Screening Officer becomes aware that the Person who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same contravention;
 - (c) may consider the following information, if available, and as the Screening Officer considers appropriate:
 - (i) photographs or images taken by the camera system or enforcement system, as applicable;
 - (ii) statements made by the Officer who imposed the Penalty Order;
 - (iii) documents setting out the name and address of the Person who is subject to the Penalty Order, a description of the permit and the number plate of the Vehicle;
 - (iv) statements by the Person made either in writing or in the manner in which the appeal is conducted;
 - (v) statements by or on behalf of the municipality in which the contravention that is the subject of the Penalty Order occurred, made either in writing or in the manner in which the appeal is conducted;
 - (vi) previous Penalty Orders issued to the Person and any resultant Screening Decisions and Hearing Decisions; and
 - (vii) any other information, materials, or submissions that the Screening Officer considers to be credible or trustworthy in the circumstances;
 - (d) shall determine whether it was reasonable for the Officer to impose the Penalty Order;
 - (e) may, after conducting the review in accordance with this Bylaw, confirm, vary or set aside the Penalty Order;
 - (f) shall, if the Screening Officer decides to vary the amount of the Administrative Penalty, do so in accordance with the rules set out in the Regulation;
 - (g) may, where the Screening Officer confirms or varies the Penalty Order, extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where the Screening Officer considers it fair and appropriate in the circumstances; and
 - (h) has no jurisdiction to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation, or By-law.

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- 5.10 No witnesses shall be called in a Screening Review.
- 5.11 The Screening Officer shall send a copy of the Screening Decision to the Person as soon as reasonably practicable after the decision is made in accordance with section 7 of this By-law.
- 5.12 If the Screening Decision does not set aside the Penalty Order, the Person shall pay the Administrative Penalty, and any Administrative Fee(s), within thirty (30) days after the Screening Decision is deemed to have been served upon the Person in accordance with section 7 of this Bylaw, unless the Person requests a Hearing Officer Review of the Screening Decision in accordance with this By-law.
- 5.13 Where a Person fails to attend at the time and location scheduled for a Screening Review of a Penalty Order:
- (a) the Person shall be deemed to have abandoned the Request for a Screening Review of the Penalty Order;
 - (b) the Administrative Penalty as set out in the Penalty Order shall be deemed to be confirmed and immediately payable by the Person;
 - (c) the Administrative Penalty as set out in the Penalty Order shall be deemed to be confirmed and immediately payable by the Person; and the Person shall pay to the Town a Screening Non-appearance Fee for each Penalty Order scheduled, if applicable, and any other applicable Administrative Fee(s).
- 5.14 If prior to or during the Screening Review the Person engages in disorderly or abusive behaviour toward a Screening Officer or any staff of the Town or any other person, or if the Person refuses to effectively participate in the Screening Review, all as determined by the Screening Officer in their reasonable discretion, the Screening Officer may deem the Person to have abandoned the Screening Review and thereupon the Administrative Penalty specified in the Penalty Order and any applicable Administrative Fee(s) will be deemed to be confirmed and become immediately payable by the Person.

Section 6: Review by Hearing Officer

- 6.1 A Person may commence a Hearing Officer Review of a Screening Decision by requesting, in accordance with this Bylaw, a Hearing Officer Review of a Screening Decision no later than thirty (30) days after the date the Screening Decision is deemed to have been served on the Person in accordance with section 7 of this By-law.
- 6.2 The Person's request must be made in the prescribed manner and include the Penalty Order Number, the Penalty Order Date, the date of the Screening Decision, and the reason(s) the Person is requesting the Hearing Officer Review of the Screening Decision. The Person's right to Request for Review by Hearing Officer expires if it has not been exercised within the said thirty (30) days, at which time the Person shall be deemed to have waived the right to Request for Review by Hearing Officer and the Screening Decision shall be deemed to be confirmed and any Administrative Penalty and any Administrative Fee(s) payable pursuant to the Screening Decision are payable by the Person on or before the deadline specified in the Screening Decision.

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- 6.3 On receipt of a timely and complete Request for Review by Hearing Officer of a Screening Decision, the Hearing Officer shall determine the date, time, location, and method (orally, electronically, or in writing) of the Hearing Officer Review and notify the Person accordingly by one of the methods set out in section 7 (Service of Documents) of this Bylaw as soon as reasonably practicable. Thereafter, the Person shall attend at such set date and time, as applicable.
- 6.4 If a Person is not able, or was not able, to request a Hearing Review of a Screening Decision on or before the date specified in Section 6.1 of this Bylaw, the Person may request, in accordance with this By-law, that the Hearing Officer extend the time for requesting a Hearing Officer Review.
- 6.5 A request for an extension of time to request a Hearing Officer Review of a Screening Decision must be made in writing in the prescribed manner and the Person must establish, on a balance of probabilities as determined by the Hearing Officer, that the Person is prevented, or was prevented, as the case may be, from making a timely request for a Hearing Officer Review of a Screening Decision due to causes beyond their reasonable control. The Person must submit with their request, documentary evidence that substantiates the causes on which they are relying.
- 6.6 On receipt of a complete request for an extension of time to request a Hearing Officer Review of a Screening Decision, the Hearing Officer may grant a time extension of any duration the Hearing Officer considers appropriate where the Hearing Officer determines that the Person's request establishes, on a balance of probabilities, that the Person is prevented, or was prevented, as the case may be, from making a timely request for a Hearing Officer Review of a Screening Decision due to causes beyond the Person's reasonable control. The Person shall submit their request for a Hearing Officer Review of a Screening Decision in accordance with this By-law on or before the extended deadline granted by the Hearing Officer, and such request will be dealt with in accordance with the provisions of this By-law.
- 6.7 Where the Hearing Officer does not grant a request for an extension of time to request a Hearing Officer Review of a Screening Decision, the Administrative Penalty, and any applicable associated Administrative Fee(s), are deemed to be confirmed and payable on or before the due date specified in the Screening Decision.
- 6.8 Where the Hearing Officer has granted an extension of time to request a Hearing Officer Review of a Screening Decision, but the Person has not submitted their complete Request for a Hearing Officer Review of a Screening Decision on or before the extended deadline granted by the Hearing Officer, the Administrative Penalty specified in the Penalty Order and any Administrative Fee(s) are deemed to be confirmed and are payable on or before the due date specified in the Screening Decision.
- 6.9 In a Hearing Officer Review, the Hearing Officer may consider the following information, if available, and as the Hearing Officer considers appropriate:
- (a) photographs or images taken by the camera system or enforcement system, as applicable;

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- (b) statements made by the Officer who imposed the Penalty Order;
 - (c) documents setting out the name and address of the Person who is subject to the order, a description of the permit and the number plate of the Vehicle; s
 - (d) statements by the Person made either in writing or in the manner in which the appeal is conducted;
 - (e) statements by or on behalf of the municipality in which the contravention that is the subject of the Penalty Order occurred, made either in writing or in the manner in which the appeal is conducted;
 - (f) previous Penalty Orders issued to the Person and any resultant Screening Decisions and Hearing Decisions; and
 - (g) any other information, materials, or submissions that the Hearing Officer considers to be credible or trustworthy in the circumstances.
- 6.10 No witnesses shall be called in a Hearing Officer Review.
- 6.11 In reviewing a Screening Decision, the Hearing Officer:
- (a) shall, prior to reaching a decision, ensure a representative of the Town has been given an opportunity to make submissions in the same manner in which the Hearing Officer Review is to be conducted;
 - (b) shall determine whether the Screening Decision of the Screening Officer was reasonable;
 - (c) shall set aside the Penalty Order if the Hearing Officer becomes aware that the Person who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same contravention;
 - (d) may, after conducting the review in accordance with this Bylaw, confirm, vary, or set aside the Penalty Order;
 - (e) shall, if the Hearing Officer decides to vary the amount of the Administrative Penalty, do so in accordance with the rules set out in the Regulation;
 - (f) may, where the Hearing Officer confirms or varies the Penalty Order, extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where the Hearing Officer considers it fair and appropriate in the circumstances; and
 - (g) has no jurisdiction to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation, or by-law.
- 6.12 After a Hearing Officer Review is complete, the Hearing Officer shall send to the Person a Hearing Decision in accordance with section 7 of this By-law.
- 6.13 The decision of a Hearing Officer is final.

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- 6.14 If the Hearing Decision does not set aside the Penalty Order, the Person shall pay the Administrative Penalty, and any Administrative Fee(s), no later than thirty (30) days after the date of the Hearing Decision.
- 6.15 Where a Person fails to appear at the time and place scheduled for a Hearing Officer Review of a Screening Decision:
- (a) the Person shall be deemed to have abandoned the Hearing Officer Review of the Screening Decision;
 - (b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) payable shall be deemed to be confirmed and payable by the Person on or before the deadline specified in the Screening Decision; and
 - (c) the Person shall pay to the Town a Hearing Non-appearance Fee and any other applicable Administrative Fee(s).
- 6.16 If prior to or during the Hearing Officer Review the Person engages in disorderly or abusive behaviour toward a Hearing Officer or any staff of the Town or any other person, or if the Person refuses to effectively participate in the Hearing Officer Review, all as determined by the Hearing Officer in their reasonable discretion, the Hearing Officer may deem the Person to have abandoned the appeal and thereupon the Administrative Penalty specified in the Penalty Order, and any applicable Administrative Fee(s), will be deemed to have been confirmed and will become immediately payable by the Person.

Section 7: Service of Documents

- 7.1 The service of a Penalty Order and any decision of a Screening Officer and Hearing Officer shall be governed by the Regulation, as applicable.
- 7.2 The service of any other document pursuant to this Bylaw, when served by any of the following methods, is deemed effective:
- (a) immediately, when a copy is delivered to the Person to whom it is addressed;
 - (b) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
 - (c) immediately, upon the conclusion of a copy sent by facsimile transmission to the Person's last known facsimile transmission number; or
 - (d) immediately, upon sending a copy by electronic mail to the Person's last known electronic mail address.
- 7.3 For the purposes of subsections 6.2 (b), (c) and (d) of this By-law, a Person's last known address, facsimile transmission number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Town as may be required by a form, practice, or policy under this By-law.

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Section 8: Administration

- 8.1 The Director shall administer this Bylaw and establish any additional standards, practices, policies, procedures and guidelines necessary to implement this Bylaw and may amend such standards, practices, policies, procedures and guidelines from time to time as the Director deems necessary or advisable, without amendment to this By-law.
- 8.2 The Director shall prescribe all forms and notices, including the Penalty Order, Request for Screening Review, Request for Hearing Officer Review, Request for Screening Extension, Request for Hearing Officer Review Extension and any other such forms, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary or advisable, without amendment to this Bylaw. The Director's authority includes the authority to prescribe the form, the information required in a form, the manner in which a form may be filed, and to determine the manner in which additional materials may be filed.
- 8.3 The Director shall remit payment for amounts required by the Province of Ontario pursuant to the HTA and the Regulation.
- 8.4 The director may make changes to the schedule attached to this by-law to maintain consistency with O. Reg. 355/22 and the Highway Traffic Act, as amended from time to time, including, without limitation, adding or removing contraventions and updating penalty amounts to reflect the amounts prescribed.
- 8.5 An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt of the Person to the Town.
- 8.6 Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the Town the Administrative Penalty and any applicable Administrative Fee(s).
- 8.7 Where an Administrative Penalty, and any applicable Administrative Fee(s), are not paid within thirty (30) Days after the deadline for payment of such Administrative Penalty and Administrative Fee(s), the Town may use collection efforts and/or notify the MTO of the default.
- 8.8 Where a Person makes payment to the Town of any Administrative Penalty or Administrative Fee by negotiable instrument for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the Town the NSF Fee in addition to any other outstanding amounts owing.
- 8.9 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 8.10 Once an Administrative Penalty has been paid, the matter is considered closed and the Penalty Order is no longer eligible for an appeal by Screening Review or Hearing Review pursuant to this Bylaw.

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- 8.11 An authorized representative is permitted to appear on behalf of a Person for the purposes of a Screening Review and a Hearing Officer Review.
- 8.12 A Screening Officer and Hearing Officer, as applicable, may allow a Screening Review and Hearing Officer Review to be re-scheduled if the Person satisfies the applicable Officer that such is necessary based on extenuating circumstances.
- 8.13 When an Administrative Penalty is paid, the Town of Innisfil shall arrange for the proper surcharge amount determined by Schedule "C" in accordance with Regulation 355/22 of the Highway Traffic Act which may be changed from time to time, to this By-law, to be credited to the Victims' Justice Fund Account.

Part C: Coming into Force

Section 9: Effective Date

- 9.1 This By-law shall come into force and effect on June 25, 2025.

Passed this 25th day of June 2025.



Lynn Dollin, Mayor



Patty Thoma, Clerk

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**Schedule “A” – Rate of Speed Contraventions – Established by the Highway Traffic Act
Regulation 355/22**

Item	Kilometres per hour over the maximum speed limit	Penalty rate in community safety and school zones
1	1 to 19 kilometres per hour over the maximum speed limit	\$5.00 per kilometre
2	20 to 29 kilometres per hour over the maximum speed limit	\$7.50 per kilometre
3	30 to 49 kilometres per hour over the maximum speed limit	\$12.00 per kilometre
4	50 kilometres per hour or more over the maximum speed limit	\$19.50 per kilometre

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**Schedule “B” – Red Light Contraventions Established by the Highway Traffic Act
Regulation 355/22**

Item	Contravention	Penalty rate
1	Red light — fail to stop	\$260
2	Red light — fail to stop — community safety zone	\$400

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Schedule “C” – Victims Justice Fund – Established by Highway Traffic Act Regulation 355/22

Item	Administrative Penalty Amount determined by Schedule “A” and “B” to this By-law	Amount of Applicable Victims’ Justice Funding
1	\$0 - \$50.00	\$10.00
2	\$51.00 - \$75.00	\$15.00
3	\$76.00 - \$100.00	\$20.00
4	\$101.00 - \$150.00	\$25.00
5	\$151.00 - \$200.00	\$35.00
6	\$201.00 - \$250.00	\$50.00
7	\$251.00 - \$300.00	\$60.00
8	\$301.00 - \$350.00	\$75.00
9	\$351.00 - \$400.00	\$85.00
10	\$401.00 - \$450.00	\$95.00
11	\$451.00 - \$500.00	\$110.00
12	\$501.00 - \$1,000.00	\$125.00