

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2025-005

### ADMINISTRATIVE MONETARY PENALTIES

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**WHEREAS**, Section 8 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipality under this or any other Act 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 11 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public relating to the health, safety and well-being of persons, respecting matters within the following spheres of jurisdiction:

1. Highways, including parking and traffic on highways.
2. Transportation systems, other than highways.
3. Waste management.
4. Public utilities.
5. Culture, parks, recreation and heritage.
6. Drainage and flood control, except storm sewers.
7. Structures, including fences and signs.
8. Parking, except on highways.
9. Animals.
10. Economic development services.
11. Business licensing.

**AND WHEREAS**, the Council of the Corporation of Tay Valley Township considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for designated municipal by-laws or portions of designated municipal by-laws;

**AND WHEREAS**, Section 434.1 (1) of the *Municipal Act, 2001*, as amended, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, 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 this Act;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Tay Valley Township enacts as follows:

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**1. DEFINITIONS**

For the purpose of this by-law:

**“CAO”** – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**“Hearing Officer”** - shall be an impartial person outside of the organization and shall be appointed by the CAO when required.

**“Municipality”** – shall mean the Corporation of Tay Valley Township.

**“Screening Officer”** - shall mean the Treasurer or their designate.

**“Treasurer”** – shall mean the Treasurer or designate duly appointed by the Municipality as prescribed in Section 286 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**2. BY-LAWS SUBJECT TO ADMINISTRATIVE MONETARY PENALTY**

**2.1** THAT, the List of By-Laws subject to administrative monetary penalties is attached hereto as Schedule “A”.

**2.2** THAT, any person who contravenes a provision of any by-law listed in Schedule “A” is liable to pay an administrative monetary penalty in an amount as outlined in the relevant schedule(s) to this by-law, in accordance with this by-law, provided that an offence notice under the Provincial Offences Act has not been issued for the same person for the same offence on the same day.

**3. ADMINISTRATIVE MONETARY PENALTY NOTICE**

**3.1** Subject to Section 4 of this by-law, each person who contravenes a provision of a by-law listed in Schedule “A” of this by-law shall, if given an Administrative Monetary Penalty Notice (hereinafter referred to as “Penalty Notice”), be liable to pay to the Municipality an administrative monetary penalty as outlined in the relevant schedule(s) to this by-law.

**3.2** Any person appointed to enforce this by-law (hereinafter an “Officer”) who has reasonable grounds to believe that a person has contravened a provision of any by-law listed in Schedule “A” of this by-law may give to the person a Penalty Notice.

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- 3.3** The Penalty Notice shall be given to the person as soon as is reasonably practicable after the contravention has occurred and shall include the following information:
- 3.3.1** the date the Penalty Notice is given;
  - 3.3.2** a unique Penalty Notice reference number;
  - 3.3.3** particulars of the contravention, including the date and location of the contravention, and the person(s) to whom the Penalty Notice is being given;
  - 3.3.4** the monetary amount of the administrative penalty;
  - 3.3.5** the date on which the administrative penalty is due and payable, which shall be thirty (30) days from the issuing date of the Penalty Notice;
  - 3.3.6** methods of available payment;
  - 3.3.7** such information as the CAO determines is appropriate respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
  - 3.3.8** a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the person to the Municipality.
- 3.4** A person who is given a Penalty Notice may request that the administrative penalty be reviewed by a Screening Officer pursuant to Section 4 of this by-law.

**4. REVIEW BY SCREENING OFFICER**

- 4.1** Section 4 applies to reviews of an administrative penalty by a Screening Officer.
- 4.2** A person's right to request a review expires if it has not been exercised in the manner prescribed in section 4.6 before 4:30 p.m. on the fifteenth (15<sup>th</sup>) day after the Penalty Notice is deemed to have been received pursuant to Section 6 of this by-law.
- 4.3** A person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in Section 4.6 before 4:30 p.m. on the tenth (10<sup>th</sup>) day after the date the Penalty Notice is deemed to have been received pursuant to Section 6 of this by-law.
- 4.4** If no request for review is received on or before the fifteenth (15<sup>th</sup>) day after the Penalty Notice is deemed to have been received pursuant to Section 6 of this by-law, or the extension granted pursuant to this by-law:
- 4.4.1** the person shall be deemed to have waived the right to request a review;
  - 4.4.2** the administrative penalty shall be deemed to be affirmed; and
  - 4.4.3** the administrative penalty shall not be subject to review, including review by any court.

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- 4.5** No extension granted under this section will extend beyond the thirtieth (30<sup>th</sup>) day after the date of receipt of the Penalty Notice is deemed to have occurred pursuant to Section 6 of this by-law.
- 4.6** A person's rights to request a review and/or to request an extension of time to request a review are exercised by giving to the Municipality written notice of such request(s) that includes:
- 4.6.1** the Penalty Notice Number;
  - 4.6.2** the person's mailing address and, if applicable, e-mail address;
  - 4.6.3** in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limited by Section 4.2; and
  - 4.6.4** in the case of a request to review, the particulars of all grounds upon which the request to review is based and any submissions in support of the request.
- 4.7** The Screening Officer shall undertake the review upon receipt of the request for review and may request further information from the person requesting the review as needed, and any time limit for the review may be adjusted in the Screening Officer's sole discretion.
- 4.8** The Screening Officer may:
- 4.8.1** receive submissions from the Officer who issued the Penalty Notice under review; and
  - 4.8.2** cancel the administrative penalty, reduce the administrative penalty or extend the time for payment of the administrative penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of this by-law and that:
    - 4.8.2.1** there is reason to doubt that the person contravened this by-law; or that
    - 4.8.2.2** the person took all reasonable steps to prevent the contravention; or that
    - 4.8.2.3** the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 4.9** The screening decision shall be given to the person in writing as soon as is reasonably practicable.
- 4.10** The person may appeal to a Hearings Officer against the screening decision pursuant to Section 5 of this by-law.

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**5. APPEAL TO HEARINGS OFFICER**

- 5.1** Section 5 applies to appeals to a Hearings Officer against screening decisions.
- 5.2** The right to appeal is limited to the following persons:
- 5.2.1** a person who has been given a screening decision; or
  - 5.2.2** the CAO.
- 5.3** A person's right to appeal expires if it has not been exercised in the manner prescribed in section 5.7 before 4:30 p.m. on the fifteenth (15<sup>th</sup>) day after the screening decision date.
- 5.4** A person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in section 5.7 before 4:30 p.m. on the tenth (10<sup>th</sup>) day after the screening decision date.
- 5.5** If no request for review is received on or before the fifteenth (15<sup>th</sup>) day after the Penalty Notice is deemed to have been received pursuant to Section 5 of this by-law, or the extension granted pursuant to the by-law:
- 5.5.1** the person shall be deemed to have waived the right to appeal;
  - 5.5.2** the screening decision and the administrative penalty as it may have been affected by the screening decision shall be deemed to be affirmed; and
  - 5.5.3** the screening decision and the administrative penalty as it may have been affected by the screening decision shall not be subject to review, including review by any court.
- 5.6** No extension granted under this section will extend beyond the thirtieth (30<sup>th</sup>) day after the screening date.
- 5.7** A right to appeal is exercised by giving to the Municipality written notice of the appeal that includes:
- 5.7.1** the penalty notice number;
  - 5.7.2** the person's mailing address and, if applicable, e-mail address;
  - 5.7.3** in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limited by Section 5.3 of this by-law; and
  - 5.7.4** particulars of all grounds upon which the appeal is made.
- 5.8** The person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.

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- 5.9** Where the person fails to appear at the time and place scheduled for a hearing of the appeal:
- 5.9.1** the person shall be deemed to have abandoned the appeal;
  - 5.9.2** the screening decision and the administrative penalty as it may have been affected by the screening decision shall be deemed to be affirmed;
  - 5.9.3** the screening decision and the administrative penalty as it may have been affected by the screening decision shall not be subject to review, including review by any court; and
  - 5.9.4** the person shall pay to the Municipality an additional fee for failure to appear in the amount of \$150.
- 5.10** Except in the case of a person who is deemed to have abandoned their appeal, a Hearings Officer shall not make any decision respecting an appeal unless the Hearings Officer has given each person, the CAO and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- 5.11** Subject to sections 5.4, 5.5, 5.9 and 5.10, a Hearings Officer may:
- 5.11.1** extend the time to request an appeal; and may
  - 5.11.2** make any decision that the Screening Officer could have made pursuant to this by-law.
- 5.12** The decision of a Hearings Officer is final and not subject to review including review by any court.

**6. NOTICE**

- 6.1** Subject to Section 6.3 of this by-law, any notice or document respecting this by-law, including the Penalty Notice, may be given in writing in any of the following ways and is effective:
- 6.1.1** when a copy is placed on or affixed in any manner to a person's vehicle, home or property;
  - 6.1.2** when a copy is personally delivered to the person to whom it is addressed;
  - 6.1.3** on the third (3<sup>rd</sup>) day after a copy is sent by registered mail or by regular mail to the person's last known address;
  - 6.1.4** upon the sending of the notice or document or a copy thereof by e-mail transmission to the person's last known e-mail address.

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- 6.2** For the purpose of Section 6.1 of this by-law, a person's last known address, and last known e-mail address are those on record with the Municipality for any reason and are deemed to include those provided by the person pursuant to paragraphs 4.6.2 and 5.7.2.
- 6.3** Any notice or document respecting this by-law shall be given to the Municipality in writing, in any of the following ways, and is effective:
- 6.3.1** when a copy is delivered to the Treasurer of the Municipality during regular business hours at its reception area, at 217 Harper Road, Perth, Ontario; or
  - 6.3.2** on the third (3<sup>rd</sup>) day after a copy is sent by registered mail or by regular letter mail to "Administrative Penalties, Tay Valley Township, c/o Treasurer, 217 Harper Road, Perth, Ontario".

**7. FINANCIAL ADMINISTRATION**

- 7.1** No Officer who gives a Penalty Notice may accept payment of the administrative monetary penalty respecting the penalty notice.
- 7.2** An administrative penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this by-law is due and payable and constitutes a debt to the Municipality of each person to whom or to which the Penalty Notice was given.
- 7.3** The Municipality may add to the tax roll of any person who fails to pay an administrative penalty the amount of the administrative penalty, including any additional penalties imposed under this by-law, and collect all amounts in the same manner as municipal taxes.
- 7.4** Where a person has paid an administrative penalty or an administrative fee that is then cancelled or reduced pursuant to this by-law, the Municipality shall refund the amount cancelled or reduced.
- 7.5** Where an administrative penalty or any administrative fees respecting that administrative penalty are not paid within fifteen (15) days after the date that they become due and payable, each person to whom the Penalty Notice was given shall pay to the Municipality an additional fee for late payment in an amount of \$50.

**8. GENERAL**

- 8.1** The CAO may appoint Screening Officers and Hearings Officers on such terms as the CAO considers appropriate.

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**8.2** Nothing in this by-law limits the Municipality's right to enforce this by-law by any other legal means or to use any other process of enforcement available under law.

**9. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**10. EFFECTIVE DATE**

**10.1** ENACTED AND PASSED this 25<sup>th</sup> day of February 2025.

  
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**Rob Rainer, Reeve**



  
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**Amanda Mabo, Clerk**

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
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**SCHEDULE "A"**

**List of By-Laws**

1. By-Law No. 2025-003 – Civic Addressing Policy, as amended
2. By-Law No. 2025-004 – Road Naming Policy, as amended

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**SCHEDULE "B"**

**Administrative Monetary Penalties**

By-Law No. 2025-003 – Civic Address Policy, as amended

<b>By-Law Section</b>	<b>Short Wording</b>	<b>Penalty Amount</b>
	Continued failure to remedy an order. (AMP may be issued once in every seven (7) day period when compliance is not achieved by the prescribed date)	\$500
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$50
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer	\$150
	Screening Officer Appeal Fee	\$50
	Hearing Officer Appeal Fee	\$200

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By-Law No. 2025-004 – Road Naming Policy, as amended

<b>By-Law Section</b>	<b>Short Wording</b>	<b>Penalty Amount</b>
	Continued failure to remedy an order. (AMP may be issued once in every seven (7) day period when compliance is not achieved by the prescribed date)	\$500
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$50
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer	\$150
	Screening Officer Appeal Fee	\$50
	Hearing Officer Appeal Fee	\$200