



# **ADMINISTRATIVE PENALTY SYSTEMS (APS): A PRACTICAL LOCAL SOLUTION FOR ENFORCEMENT**

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# WHAT IS “APS”?

- Administrative Penalty Systems (APS) is a municipal alternative to the Provincial court system
- Traditionally, the Provincial Offences Act (POA) has been used by municipalities to administer and adjudicate By-law offences under Part I (minor offences), Part II (parking offences), and Part III (serious offences) of the POA
- Under the POA, ticket recipients face the threat of more serious administrative action, prosecution, and must go through a formal process of appeal that involves trial at Provincial Offences Court
- Penalties under APS are imposed directly by a municipality, localizing enforcement by transforming the dispute resolution aspect of enforcement from a judicial process to an administrative process

## KEY LEGISLATION

- ***Municipal Act, 2001*** – several general provisions authorizing the use of APS
  - ***O. Reg. 333/07: Administrative Penalties*** – applies to designated by-laws respecting the parking, standing or stopping of vehicles
  - ***O. Reg. 355/22: Administration Penalties for Contraventions Detected Using Camera Systems***
  - ***Highway Traffic Act, 1990*** – same as Municipal Act
- ***Fire Protection and Prevention Act, 1997*** – same as Municipal Act

# LEGISLATIVE FRAMEWORK

- The *Municipal Act, 2001*, was amended in 2006, giving municipalities the authority to implement APS for parking offences
- In 2010, the Law Commission of Ontario released a report called “Modernizing the Provincial Offences Act” which called on the Province to simplify the system and ease the burden on the judicial system
- The Municipal Act was amended again in 2016 to allow for the expansion of APS to non-parking offences
- The Ontario Building Code does not contain provisions for the use of APS for Code-related offences
- The Fire Protection and Prevention Act was amended in 2024 to include provisions for the use of APS for certain offences

## **O. REG. 355/22: APS FOR AUTOMATED SPEED ENFORCEMENT**

- Highway Traffic Act allows municipalities to impose Administrative Penalties for Automated Speed Enforcement, Red Light Camera, School Bus Camera and Automated Street Car Enforcement
- O. Reg. 355/22: Administrative Penalties For Contraventions Detected Using Camera Systems outlines APS requirements for these offences
- Appeals (Screening and Hearing) – Screening Officers must be employees of the municipality (section 10)

# BENEFITS OF APS

**Administrative Alternative:** Administrative Penalty Systems (APS) replace court proceedings for certain by-law and enforcement infractions with a local, streamlined process.

**Faster Resolution:** Enables quicker, more efficient handling of disputes compared to traditional court systems. Reduces burden on judicial system.

**Municipal Control:** Managed by municipalities, including appointments of Screening and Hearing Officers.

**Two-Step Review:** Individuals can dispute penalties through a Screening Review and, if needed, a final Hearing Review.

**Fair and Accessible Process:** Designed to be transparent, user-friendly, and procedurally fair.

**Deterrence:** By imposing financial penalties, APS deters non-compliance and encourages adherence to municipal by-laws.

**Revenue Retention:** Penalty revenues stay with the municipality, helping fund enforcement and administration.

# GETTING READY FOR APS

## 1. Decide on APS

- Have conversations with internal stakeholders and Council

## 2. Determine Scope

- What type of enforcement do you do? (proactive vs. reactive)
- Start with your most heavily enforced By-laws (parking, noise, and property standards)
- Prioritize public safety and nuisance By-laws

## 3. Apply to the MTO for an Authorizer Requester Agreement

## 4. Review and revise/rewrite By-laws to designate

- Are the By-laws easy to interpret (plain English)?
- Are they practicable? Enforceable?

# GETTING READY FOR APS

## 5. Draft your APS By-law (\*ongoing)

- Definitions
- General Application
- Penalty Notices (**when** to issue, **who** is penalty recipient, **what** is on a Penalty Notice)
- Service of Documents (**how** to issue)
- Screening Reviews and Hearing Reviews (**when** to apply, **how** to apply, **authority** of Screening/Hearing Officers)
- General – Screening and Hearing Reviews (recordings, agents, records disclosure, right to end a Review)

# GETTING READY FOR APS

## 5. Draft your APS By-law Continued

- General Administration
- Financial Administration
- Consequences of Non-Payment (parking vs. non-parking)
- Schedules (Designated By-laws, Administrative Fees, Penalty Schedules)

# GETTING READY FOR APS

## 6. Determine staffing needs

## 7. Draft APS policies

- Conflict of Interest\*
- Financial Control and Reporting\*
- Political Interference\*
- Public Complaints\*
- Extensions – Time to Pay/Time to Request Reviews (optional)
- Financial Hardship (optional)
- Refunds (optional)
- Screening Reviews and Hearing Reviews (optional)

# GETTING READY FOR APS

## **8. Draft procedures** (align with drafting of policies)

- Capture-all manual (think a new person who knows nothing of APS and also think multi-departmental use)

## **9. Penalty Notices and “cheat-sheets” for issuing staff**

## **10. Draft webpage with online penalty pay portal, online forms, By-laws, policies, and FAQs**

## **11. Council Approval**

- Take a capture-all report to Council

## **12. Appoint a Screening Officer, retain a Hearing Officer, and assign internally**

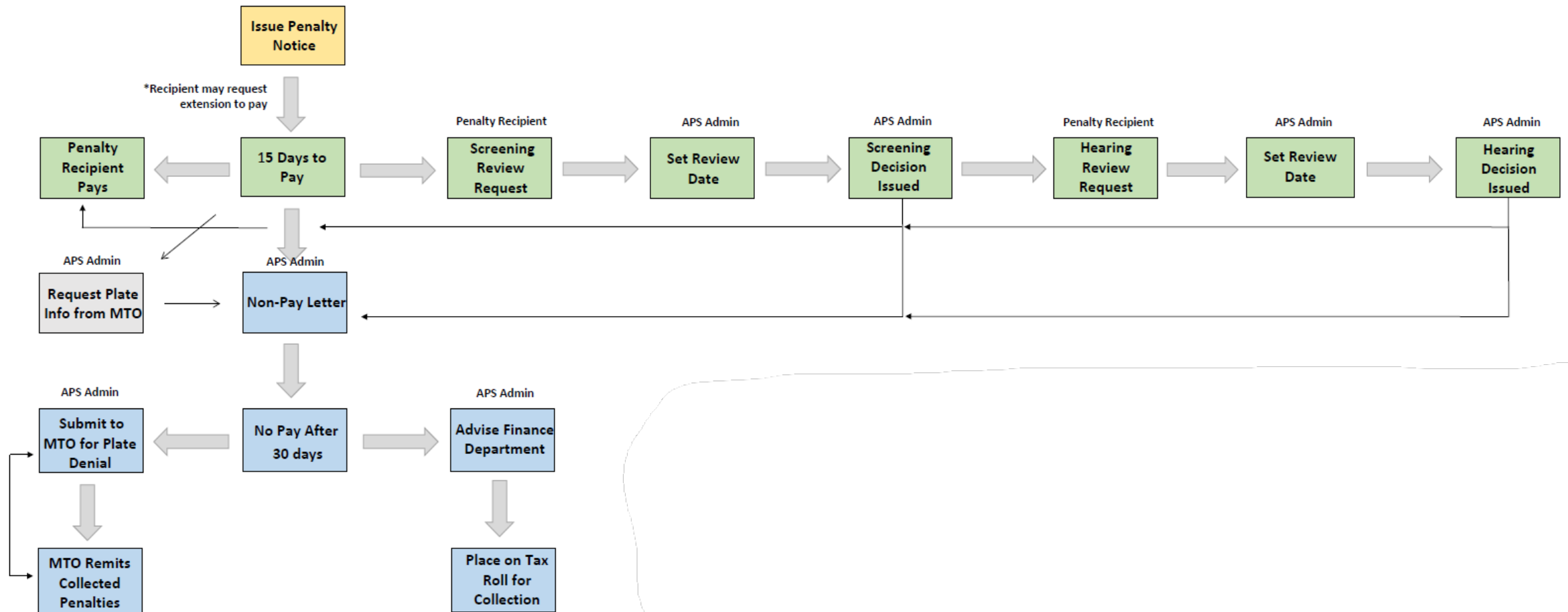
## **13. Public education using the municipality’s main comms mediums**

## **14. Implementation**

# COMMON BY-LAWS TO DESIGNATE

- Animal Control
- Business Licensing
- Clean Yards
- Fences
- Food Vehicles
- Fireworks
- Garbage Control
- Open Air Burning
- Parking
- Property Standards
- Recreational Vehicles
- Signage
- Short Term Rentals
- Traffic

# TYPICAL PENALTY LIFECYCLE



**APS IN THE LONG TERM  
(BRAMPTON CASE STUDY)**

# BRAMPTON TIMELINE

2014

## **Brampton Launches APS Program**

- Certain parking infractions excluded
- Fine capped at \$100

2016

## **O. Reg 333/07 amended**

- Parking fine exclusions removed
- Removal of fine caps

2020

## **Non-Parking Matters Added**

- By-law Enforcement
- Property Standards
- Animal Services
- Etc.

2024

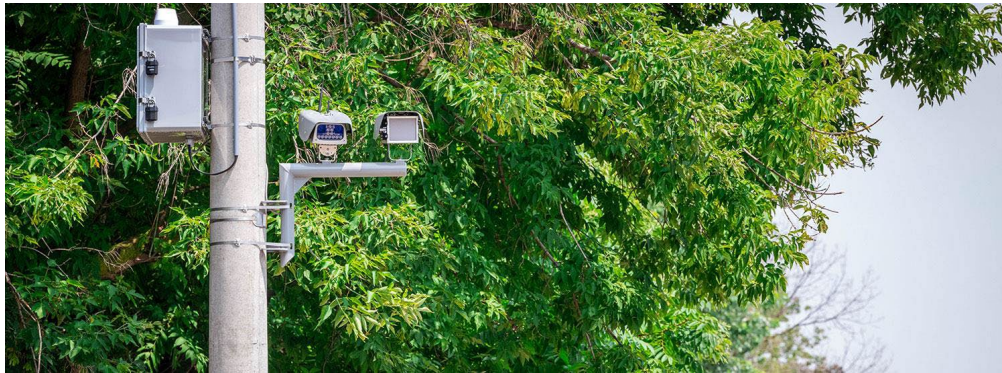
## **Automated Speed Enforcement**

- Launch of Automated Enforcement processing centre
- Begin rollout of 185 ASE cameras

2026

## **Red Light Camera**

- Transfer of Regional Roads



## **AUTOMATED SPEED ENFORCEMENT**

- 185 Cameras (largest deployment in Canada)
- More than 500k tickets per year (previously less than 25k)
- Offering ASE Cameras, image processing and ticket mailing service to municipalities

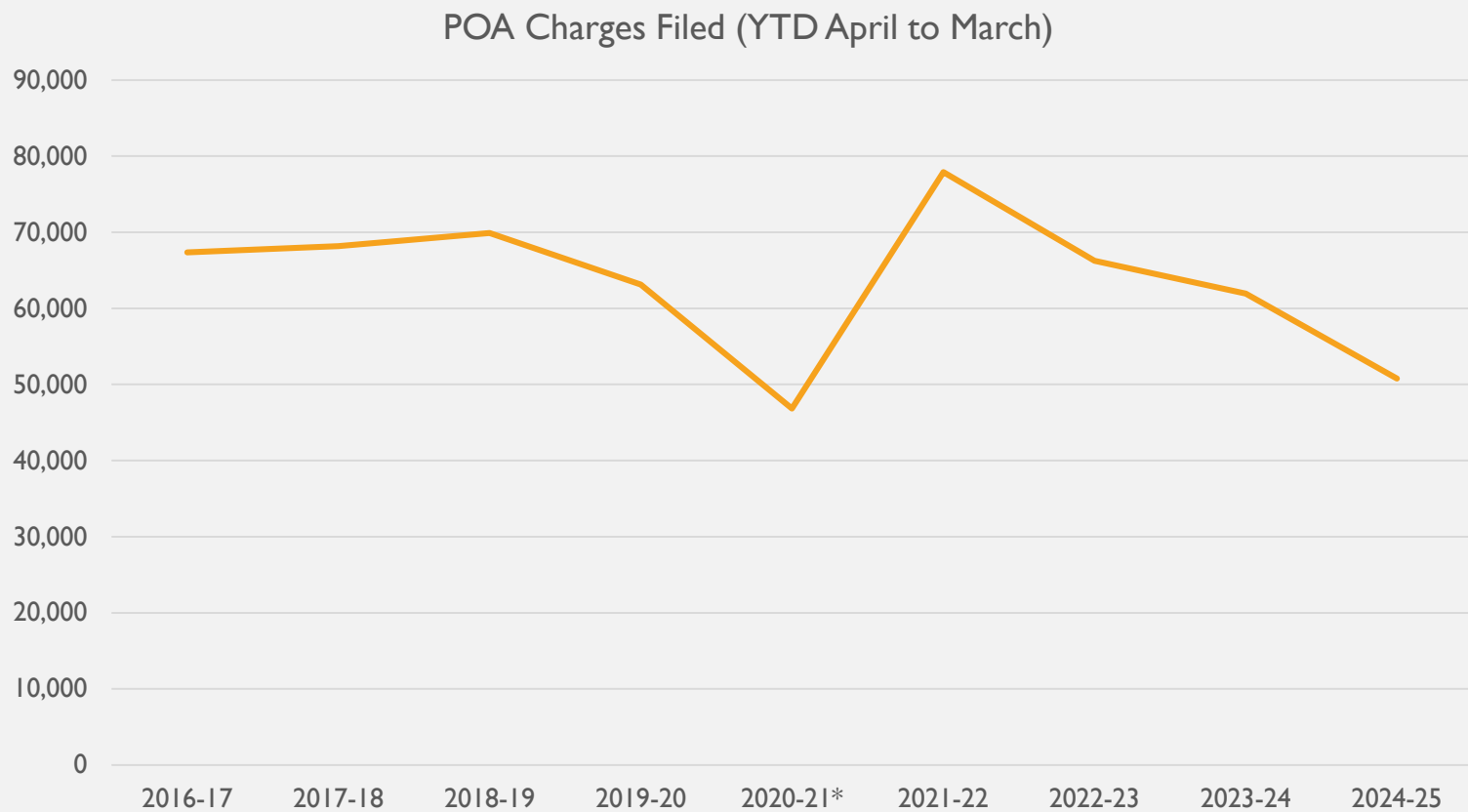
# BRAMPTON BY-LAWS ENFORCED THROUGH APS

City of Brampton By-laws		
Adult Entertainment	Ground Cover Maintenance And Prohibited Plants	Short-term Rental
Animal Services	Mobile Licensing	Snow And Ice Removal
Additional Residential Units (ARU) Registration	Numbering Of Lots	Supportive Housing Residences Registration
Boulevard Maintenance	Pool Enclosure	Traffic By-law (Including parking)
Business Licensing	Refuse And Dumping	Vacant Building
Contraventions Detected Using Camera Systems (ASE)	Property Standards	Vital Services
Encroachment	Residential Rental Licensing	
Fireworks	Site Alteration	

# IMPACT OF AUTOMATED SPEED ENFORCEMENT

Measures	Measure Type	Measure Data	Story Behind the Data															
<b>Administrative Penalty System (APS) Charges Filed</b> Court Administration	Output	<table><tr><th>Year</th><th>Actual</th><th>Target</th></tr><tr><td>2022</td><td>156,000</td><td></td></tr><tr><td>2023</td><td>151,000</td><td></td></tr><tr><td>2024 Estimate</td><td>193,000</td><td></td></tr><tr><td>2025 Projection</td><td>567,000</td><td></td></tr></table>	Year	Actual	Target	2022	156,000		2023	151,000		2024 Estimate	193,000		2025 Projection	567,000		APS charges include Automated Speed Enforcement (ASE) tickets, parking tickets, property by-law infractions as well as other municipal by-law infractions. The Administrative Penalty System relieves the court system by processing charges through this more efficient program. We continuously monitor this measure to anticipate volumes and allocate appropriate resourcing for operations. We anticipate a significant increase in APS charges in 2025 resulting from the number of ASE cameras increasing to 185. We do not establish targets for the number of charges laid. The City's priority is to achieve compliance.
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# IMPACT OF AUTOMATED SPEED ENFORCEMENT ON POA



\* COVID-19 Pandemic

# **BRAMPTON: LESSONS LEARNED**

- Council Education
- Plan for Growth
- Invest in Quality Systems
- Public Information and Communication
- Pros and Cons of Local Control
- Facility and Service Delivery Considerations

THANK YOU!