

A by-law to amend the Debris and Anti-
Littering By-law 0219-1985, as amended, to
increase fines

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize The Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS Section 127 of the *Municipal Act, 2001* permits a municipality to pass a by-law to require the owner or occupant of land to clean and clear the land, not including buildings or to clear refuse or debris from the land, not including buildings, to regulate when and how this shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land and to define "refuse" for the purpose of this section;

AND WHEREAS the Council of The Corporation of the City of Mississauga enacted By-law 0219-1985, as amended (the "Debris and Anti-Littering By-law") on March 25, 1985;

AND WHEREAS the Debris and Anti-Littering By-law currently provides for a maximum fine of \$5,000 upon conviction;

AND WHEREAS Council of The Corporation of the City of Mississauga wishes to amend the Debris and Anti-Littering By-law to introduce a minimum fine of \$500 and to increase the maximum fine to \$100,000 upon conviction for by-law offences where charges are laid under Part III of the *Provincial Offences Act*, in accordance with the *Municipal Act, 2001*;

NOW THEREFORE, the Council of The Corporation of the City of Mississauga **ENACTS** as follows:

1. That section 10 of the Debris and Anti-Littering By-law 0219-1985, as amended be deleted in its entirety and replaced with the following new sections 10(1), 10(2), 10(3) and 10(4):
 - 10(1) Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as both may be amended from time to time.
 - 10(2) All contraventions of any provision of this By-law are designated as continuing offences.
 - 10(3) In addition to sections 10(1) and 10(2), any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, to the following fines:
 - (a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.

10(4) Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under subsection 10(3)(a), to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

ENACTED and **PASSED** this_____day of _____, 2023.

Approved by Legal Services City Solicitor City of Mississauga

Nupur Kotecha
Date: December 6, 2023
File: BL.01-23.27

MAYOR

CLERK