

A by-law to establish and implement an
Administrative Penalty System for
Contraventions Detected Using Camera
Systems

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 (the "City") to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 21.1 of the *Highway Traffic Act*, R.S.O 1990, c. H.8 ("HTA") allows for administrative penalties to be imposed in order to promote compliance with the HTA and its regulations;

AND WHEREAS section 205.1 of the HTA authorizes a municipality to use an automated speed enforcement system in a community safety zone designated by by-law passed under subsection 214.1(1) of the HTA where the prescribed rate of speed is less than 80 kilometres per hour or in a school zone designated by by-law passed under subsection 128(5)(a) of the HTA;

AND WHEREAS Ontario Regulation 355/22 (Administrative Penalties for Contraventions Detected Using Camera Systems) enacted under the HTA authorizes a municipality to impose administrative penalties for vehicle-based contraventions captured by automated enforcement systems;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the Council of The Corporation of the City of Mississauga considers it desirable to provide for a system of administrative penalties and fees for designated sections of the HTA as set forth in Regulation 355/22;

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

PART I - SHORT TITLE

1. This By-law may be referred to as the "Camera Systems Administrative Penalty By-law".

PART II - DEFINITIONS

2. For the purposes of this By-law:

"Administrative Penalty" means a monetary penalty set out and calculated in the Regulation for a Contravention;

"Appeal" means either a Screening Review or a Hearing Review of an Administrative Penalty, as outlined in Parts VII and VIII of this By-law;

"By-law" means this by-law and any schedule to this by-law as may be amended from time to time;

"City" means The Corporation of the City of Mississauga;

"City Solicitor" means the City Solicitor for the City and includes their designate;

“Contravention” means a contravention of the following HTA provision prescribed in the Regulation for the purposes of subsection 21.1(2) of the HTA:

- (a) subsection 128(1) (Rate of Speed), where the evidence is obtained through the use of an automated speed enforcement system under Part XIV.1 of the HTA;

“Council” means the elected Council of the City;

“Day” means a calendar day;

“Extension” means an extension of the 30-Day period to commence a Screening Review or a Hearing Review;

“Extension of Time to Pay” means an extension granted by a Screening Officer or Hearing Officer, as applicable, to pay an Administrative Penalty and/or a Fee that extends beyond the payment deadlines set out in this By-law;

“Extenuating Circumstances” means grounds for an extension of time to request a Screening Review or a Hearing Review resulting from an Owner’s failure to act due to accident, illness or other cause that through no fault of their own leads to their failure to meet a time limit, and “Extenuating Circumstances” includes “fair and appropriate in the circumstances” as used in the Regulation;

“Fee” means any fee specified in this By-law;

“Hearing Decision” means a written notice that contains the decision of a Hearing Officer;

“Hearing Officer” means a person from time to time appointed by by-law to review Administrative Penalties and Penalty Orders;

“Hearing Review” means the second stage of an Appeal commenced by requesting a review of the Screening Decision by a Hearing Officer;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices of the City are officially closed for business;

“HTA” means the *Highway Traffic Act*, R.S.O. 1990, CHAPTER H.8;

“Late Payment Fee” means a Fee established by the Regulation and imposed on a Person who is subject to a Penalty Order, which Late Fee shall be included in the amount of the Administrative Penalty and payable to MTO in respect of an Owner’s failure to pay an Administrative Penalty within the time periods set out in this By-law;

“MTO” means the Ontario Ministry of Transportation;

“Non-attendance Fee” means a Fee established by the Regulation and listed in Schedule “A”, in respect of an Owner’s failure to attend at the date and time scheduled for a Screening Review or a Hearing Review;

“Officer” means a prescribed authorized person under section 21.1(2) of the HTA, namely a person employed by the City or another municipality and designated as a provincial offences officer by the MTO under subsection 1(3) of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 to issue Penalty Orders and impose Administrative Penalties pursuant to the HTA and the Regulation;

“Owner” in relation to a motor vehicle means,

- (a) a Person who is the holder of the permit for the motor vehicle, or
- (b) if the motor vehicle permit consists of a vehicle portion and plate portion and different Persons are named on each portion, the Person whose name appears on the plate portion;

“Payment Plan” means a plan of periodic payments approved by a Screening Officer or Hearing Officer, as applicable, to pay an Administrative Penalty and/or a Fee;

“Penalty Order” means an order made under subsection 21.1(2) of the HTA and given to a Person pursuant to section 8 of this By-law;

“Penalty Order Service Date” means the 7th Day following the Day on which a Penalty Order was mailed or couriered;

“Person” includes a corporation, partnership or limited partnership;

“Regulation” means Ontario Regulation 355/22 made under the HTA and “entitled Administrative Penalties for Contraventions Detected Using Camera Systems”;

“Screening Decision” means a written notice which contains the decision of a Screening Officer;

“Screening Officer” means a person employed by the City to review Administrative Penalties and Penalty Orders;

“Screening Review” means the first stage of an Appeal commenced by requesting a review of a Penalty Order, including the Administrative Penalty and any Fees, by a Screening Officer;

PART III – APPLICATION OF THIS BY-LAW

3. This By-law applies to Contraventions that are prescribed in the Regulation to impose Administrative Penalties for Contraventions detected using camera systems.
4. The Administrative Penalty amounts for Contraventions are set out in the Regulation.
5. In the event of a conflict between this By-law and the Regulation, the Regulation prevails.

PART IV - ADMINISTRATION OF THE BY-LAW

6. The City Solicitor shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the City Solicitor deems necessary.
7. The City Solicitor is authorized to establish forms and notices necessary to implement the By-law and may amend such forms and notices from time to time as the City Solicitor deems necessary.

PART V - PENALTY ORDER

8. An Officer who has reason to believe that a motor vehicle has been involved in a Contravention may issue a Penalty Order within 23 Days after the Day on which the Contravention occurred.
9. Every Owner of a motor vehicle that has been involved in a Contravention shall, upon issuance of a Penalty Order, be liable to pay to the City an Administrative Penalty in the amount specified in the Regulation by the applicable due date.
10. For greater certainty, if a Penalty Order is imposed under section 8 of this By-law, the Penalty Order shall be imposed on the Owner of the motor vehicle, whether or not the Owner was the driver of the motor vehicle.
11. A Penalty Order shall be in the specified form and include the following information:
 - (a) a Penalty Order number;
 - (b) the HTA provision contravened;
 - (c) the date and location of the Contravention;
 - (d) the vehicle licence plate number or vehicle identification number;
 - (e) the amount of the Administrative Penalty;
 - (f) a statement that the Owner may, no later than 30 Days after the Day the Penalty Order is served on them, pay the Administrative Penalty unless they commence an Appeal; and
 - (g) information regarding the Appeal process including the manner in which to commence an Appeal.

12. A Penalty Order may include the following information:
 - (a) a copy of a photograph or image of the motor vehicle involved in the Contravention; and
 - (b) a statement by the Officer that is certified to be true in respect of the Contravention or in respect of the service of the Penalty Order.
13. No Officer shall accept payment of an Administrative Penalty.

PART VI – SERVICE OF PENALTY ORDER

14. A Penalty Order may be served on the Owner by mail or by courier to the most recent address that appears in the MTO's records in respect of the holder of the plate portion of the permit for the motor vehicle involved in the Contravention.
15. If an Officer who imposed the Penalty Order believes that the Owner resides outside Ontario, or in the case of a corporation, has its principal place of business outside Ontario, the Penalty Order may be served on the Owner by sending the order by mail or by courier to the address outside Ontario at which the Officer believes the Owner resides or has its principal place of business.
16. The address mentioned in section 15 may be determined from a document obtained from the government of any province or territory of Canada or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number plates or other evidence of vehicle ownership in that jurisdiction.
17. Service of a Penalty Order in accordance with this By-law is deemed to be effected on the Penalty Order Service Date.

PART VII – REVIEW BY SCREENING OFFICER

18. An Owner who is served with a Penalty Order may commence the first stage of an Appeal by requesting a Screening Review within 30 Days after the Penalty Order Service Date in the manner set out in the Penalty Order.
19. If an Owner has not requested a Screening Review within 30 Days after the Penalty Order Service Date, the Owner may request a Screening Officer to grant an Extension within 60 Days after the Penalty Order Service Date by attending in person at the location listed in the Penalty Order to complete the required form.
20. Where an Owner has not requested an Extension within 60 Days after the Penalty Order Service Date, the right to request an Extension expires and:
 - (a) the Owner is deemed to have waived the right to request a Screening Review; and
 - (b) the Administrative Penalty set out in the Penalty Order and any Fees are deemed to be confirmed and are not subject to any further Appeal.
21. A Screening Officer may grant an Extension only where the Owner demonstrates, on a balance of probabilities, the existence of Extenuating Circumstances that warrant an Extension.
22. Where a Screening Officer refuses to grant an Extension, the Administrative Penalty as set out in the Penalty Order and any Fee are deemed to be confirmed and are not subject to any further Appeal.
23. If a Screening Officer grants an Extension request, the Screening Officer will proceed with the Screening Review.
24. Where an Owner fails to attend at the time and date scheduled for an Extension request or a Screening Review:
 - (a) the Owner is deemed to have abandoned the Extension request or the Screening Review request, as applicable;
 - (b) the Administrative Penalty set out in the Penalty Order and any Fee are deemed to be confirmed and are not subject to any further Appeal; and
 - (c) the Owner shall pay to the City a Non-attendance Fee.

25. On a review of a Penalty Order, a Screening Officer may confirm, vary or set aside the Penalty Order and shall do so as soon as practicable after the Screening Review is complete.
26. In deciding whether to confirm, vary or set aside the Penalty Order, a Screening Officer shall:
 - (a) determine whether it was reasonable for the Officer to impose the Penalty Order; and
 - (b) be satisfied that the Owner has demonstrated on a balance of probabilities that any variance of a Penalty Order is necessary to relieve undue financial hardship.
27. For the purposes of section 25 of this By-law, a Screening Officer shall not decide whether to confirm, vary or set aside a Penalty Order unless the Owner has been given the opportunity to make submissions in the same manner in which the Screening Review is to be conducted.
28. No witnesses shall be called in a Screening Review.
29. In making a determination under section 25 of this By-law, a Screening Officer may consider the following information, if available:
 - (a) photographs or images taken by the camera system or enforcement system, as applicable;
 - (b) statements, including certified statements, made by the Officer who imposed the Penalty Order;
 - (c) documents, including certified documents, setting out the name and address of the Owner, a description of the permit and the number plate of the motor vehicle;
 - (d) statements by the Owner made either in writing or in the manner in which the Screening Review is conducted;
 - (e) statements by or on behalf of the City, made either in writing or in the manner in which the Screening Review is conducted; and
 - (f) any other information, materials or submissions that the Screening Officer considers to be credible or trustworthy in the circumstances.
30. If a Screening Officer decides to vary the amount of the Administrative Penalty set out in the Penalty Order, they shall vary the amount in accordance with the Regulation.
31. After a Screening Review is held, a Screening Officer shall provide a copy of the Screening Decision to the Owner in person, by mail, courier or electronic means as soon as practicable after the decision is made.

PART VIII – REVIEW BY HEARING OFFICER

32. An Owner may commence the second stage of an Appeal by requesting a Hearing Review within 30 Days after the date of the Screening Decision in the manner set out in the Penalty Order.
33. If an Owner has not requested a Hearing Review within 30 Days after the Screening Decision, the Owner may request a Hearing Officer to grant an Extension within 60 Days after the Screening Decision by attending in person at the location listed in the Penalty Order to complete the required form.
34. Where an Owner has not requested an Extension within 60 Days after the Screening Decision, the right to request an Extension expires and:
 - (a) the Owner is deemed to have waived the right to request a Hearing Review; and
 - (b) the Screening Decision, the Administrative Penalty as may have been modified in the Screening Decision and any Fees are deemed to be confirmed and are not subject to any further Appeal.
35. A Hearing Officer may grant an Extension only where the Owner demonstrates, on a balance of probabilities, the existence of Extenuating Circumstances that warrant an Extension.

36. Where a Hearing Officer refuses to grant an Extension, the Screening Decision, the Administrative Penalty as may have been modified in the Screening Decision and any Fee are deemed to be confirmed and are not subject to any further Appeal.
37. If a Hearing Officer grants an Extension request, the Hearing Officer will proceed with the Hearing Review.
38. Where an Owner fails to attend at the time and date scheduled for an Extension request or a Hearing Review:
 - (a) the Owner is deemed to have abandoned the Extension request or the Hearing Review request, as applicable;
 - (b) the Screening Decision, Administrative Penalty as may have been modified in the Screening Decision and any Fee are deemed to be confirmed and are not subject to any further Appeal; and
 - (c) the Owner shall pay to the City a Non-attendance Fee.
39. On a review of a Penalty Order, a Hearing Officer may confirm, vary or set aside the Screening Decision and shall do so as soon as practicable after the Hearing Review is complete.
40. In deciding whether to confirm, vary or set aside a Penalty Order, a Hearing Officer shall:
 - (a) determine whether the Screening Decision was reasonable; and
 - (b) be satisfied that the Owner has demonstrated on a balance of probabilities that any variance of a Penalty Order is necessary to relieve undue financial hardship.
41. For the purposes of section 39 of this By-law, the Hearing Officer shall not decide whether to confirm, vary or set aside a Screening Decision unless:
 - (a) the Owner has been given the opportunity to make submissions in the same manner in which the Hearing Review is to be conducted; and
 - (b) a representative of the City has been given an opportunity to make submissions in the same manner in which the Hearing Review is to be conducted.
42. No witnesses shall be called in a Hearing Review.
43. In making a determination under section 39 of this By-law, a Hearing Officer may consider the following information, if available:
 - (a) photographs or images taken by the camera system or enforcement system, as applicable;
 - (b) statements, including certified statements, made by the Officer who imposed the Penalty Order;
 - (c) documents, including certified documents, setting out the name and address of the Owner, a description of the permit and the number plate of the motor vehicle.
 - (d) statements by the Owner made either in writing or in the manner in which the Hearing Review is conducted;
 - (e) statements by or on behalf of the City, made either in writing or in the manner in which the Hearing Review is conducted; and
 - (f) any other information, materials or submissions that the Hearing Officer considers to be credible or trustworthy in the circumstances.
44. If a Hearing Officer decides to vary the amount of the Administrative Penalty set out in the Penalty Order, they shall vary the amount in accordance with the Regulation.
45. After a Hearing Review is held, a Hearing Officer shall provide a copy of the Hearing Decision to the Owner in-person, by mail, courier or electronic means as soon as practicable after the Hearing Decision is made.
46. All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.

47. The decision of a Hearing Officer is final.

PART IX – PAYMENT

48. Subject to sections 56 and 57 of this By-law, an Administrative Penalty that is confirmed or varied shall be collected by the City.
49. An Owner who is subject to a Penalty Order shall pay the Administrative Penalty within 30 Days after the Penalty Order Service Date unless an Appeal has been commenced.
50. Subject to an Extension of Time to Pay or a Payment Plan being approved under section 51 of this By-law, if an Appeal of a Penalty Order does not result in the Penalty Order being set aside, the Owner who is subject to the Penalty Order shall pay the Administrative Penalty within 30 Days after:
- (a) the date of the Screening Decision, if no request for a Hearing Review was made; or
 - (b) the date of the Hearing Decision, if a request for Hearing review was made.
51. A Screening Officer or a Hearing Officer, as the case may be, may approve a request by an Owner for an Extension of Time to Pay or a Payment Plan that extends beyond the deadlines set out in section 50.
52. The approval of an Extension of Time to Pay or a Payment Plan may be conditional upon the payment of a specified amount of the Administrative Penalty being made on or before a specified date.
53. An Owner may request an Extension of Time to Pay or a Payment Plan even after the 30-Day period set out in section 50 has expired.
54. A Screening Officer or a Hearing Officer considering a request for an Extension of Time to Pay or a Payment Plan can only approve an Extension of Time to Pay or a Payment Plan:
- (a) if the Owner establishes, on a balance of probabilities the existence of undue financial hardship that materially compromises their ability to pay an Administrative Penalty or a Fee, or both; and
 - (b) if approving the request for an Extension of Time to Pay or Payment Plan is necessary to relieve the undue financial hardship established.
55. Where an Extension of Time to Pay or a Payment Plan has been approved, no further request with respect to that Extension of Time to Pay or Payment Plan can be made by the Owner.
56. Where an Administrative Penalty is not paid within the 30-Day period set out in sections 49 and 50 of this By-law or in accordance with an Extension of Time to Pay or Payment Plan under section 51 of this By-law, the City may notify MTO of the default.
57. Where the City notifies the MTO of a default in respect of a Penalty Order:
- (a) the City shall not collect payment of the Administrative Penalty but rather MTO shall collect payment;
 - (b) the Owner shall pay a Late Payment Fee; and
 - (c) the MTO may refuse issuance and validation of a permit to the Owner of a motor vehicle who is subject to the Penalty Order until the Administrative Penalty, including the Late Payment Fee, is paid.

PART X – GENERAL PROVISIONS

58. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or the operability of any statute, regulation or by-law.

- 59. If, before a Screening Decision or Hearing Decision is made in respect of an Appeal, a Screening Officer or Hearing Officer, as the case may be, becomes aware that, the Owner who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same Contravention, the Screening Officer or Hearing Officer, as the case may be, shall set aside the Penalty Order.
- 60. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Fee is also cancelled.
- 61. Any time limit that would otherwise expire on a Holiday is extended to the next Day that is not a Holiday.
- 62. Any schedule attached to this By-law forms part of this By-law.
- 63. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

PART XI – EFFECTIVE DATE

- 64. This By-law shall come into force and effect on April 1, 2025.

ENACTED and PASSED this day of , 2025.

Approved by Legal Services City Solicitor City of Mississauga
Date:
File:

_____ MAYOR

_____ CLERK

SCHEDULE "A"**CITY OF MISSISSAUGA CAMERA SYSTEMS ADMINISTRATIVE
PENALTY BY-LAW FEES**

ITEM	FEE
Non-attendance Fee (under Regulation)	\$60

Note:

The fees and charges as listed in this Schedule "A" to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.