

City of Mississauga Corporate Report



<p>Date: February 11, 2025</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Sam Rogers, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: March 5, 2025</p>

Subject

Automated Speed Enforcement – Administrative Penalty System

Recommendation

1. That a by-law be enacted, effective April 1, 2025, to establish and implement an Administrative Penalty System for contraventions detected using camera systems in the City of Mississauga, substantially in the form set out in Appendix 1 to the corporate report entitled "Automated Speed Enforcement - Administrative Penalty System" dated February 11, 2025 from the Commissioner of Transportation and Works.
2. That the Commissioner of Transportation and Works and the City Clerk or designates be authorized to execute, on behalf of The Corporation of the City of Mississauga, an agreement for Automated Speed Enforcement Administrative Penalty with His Majesty the King in Right of Ontario, as represented by the Ontario Ministry of Transportation, including all necessary agreements and related ancillary documents, all in a form satisfactory to the City Solicitor, as outlined in this corporate report.
3. That the City Manager and Chief Administrative Officer and the City Clerk or designates be authorized to execute, on behalf of The Corporation of the City of Mississauga, an Agreement for Camera Systems Administrative Penalty Enforcement Systems with His Majesty the King in Right of Ontario, as represented by the Attorney General, including all necessary agreements and related ancillary documents, all in a form in a form satisfactory to the City Solicitor, as outlined in this corporate report.
4. That the Commissioner of Transportation and Works or designate be authorized to execute, on behalf of The Corporation of the City of Mississauga, a Centralized Municipal Processing Centre Agreement for the Automated Speed Enforcement System(s) with the City of Toronto and other partnering municipalities, including all necessary agreements and related ancillary documents, all in a form satisfactory to the City Solicitor, as outlined in this corporate report.

Executive Summary

- Automated Speed Enforcement (ASE) cameras have been enforcing posted speed limits within neighbourhood school area community safety zones throughout the City of Mississauga since 2021.
- In 2024, Council approved an extension of the ASE Program with an additional 60 cameras planned to be implemented by 2029.
- The ASE program continues decrease vehicle operating speeds and increase motorists compliance with the speed limit, making Mississauga's roadways safer for all road users.
- Ontario Regulation 355/22 enacted under the Highway Traffic Act ("O. Reg.355/22") authorizes municipalities to impose Administrative Penalties for vehicle-based contraventions detected using camera systems
- Moving Automated Speed Enforcement disputes from the provincial courts to a City administered Administrative Penalty System is advantageous as it shifts disputes from Provincial Courtrooms to municipality administered screening and hearings.
- The transition of camera tickets from Provincial Offences Act (POA) to Administrative Penalty System (APS) is planned to occur in April of 2025.

Background

In the 2022 business planning cycle, a multi-year budget request (BR10522) was approved with the staffing required for both the administrative penalty system (APS) expansion and the creation of a Mississauga Processing Centre. A shift from the existing POA framework to APS for camera-based offences will reduce the burden associated with administering automated camera enforcement programs, enable a sustainable program, and allow for future expansion. The APS case management technology solution has been expanded for the management of ASE ticket types.

Following the expansion to the City's APS program, additional processing capacity is planned to be realized through the establishment of a City run processing centre to support and expand the City's ASE program in 2025.

Comments

Expansion of the Administrative Penalty System

The City is currently responsible for court administration, court support, and some prosecution responsibilities for provincial offences as defined by the POA. This means that the City is responsible for administering and prosecuting all Automated Speed Enforcement charges issued under the Highway Traffic Act. Under an Administrative Penalty System, contraventions enforced through the Automated Speed Enforcement program will be included in the City's new administrative penalty by-law for contraventions detected using camera systems (By-law). It is

proposed that the By-law come into force on April 1, 2025. The POA will no longer be used to enforce contraventions for these offence types once contraventions are issued under APS.

Ontario Regulation 355/22 provides for a two-stage appeal process that has been included in the draft By-law (attached as Appendix 1), as follows:

- First Stage Appeal: A Screening Officer reviews the appeal
- Second Stage Appeal: If contested, a Hearing Officer reviews the decision

The option to dispute a penalty order is available through a first stage appeal where the registered owner of the vehicle would be required to notify the City to request a first stage appeal screening. The Penalty Order will be reviewed by the screening officer who will provide a decision. The Screening Officer may confirm, vary or cancel the penalty order. The Screening Officer will notify the appellant once a review is complete.

The registered owner of the vehicle has the option to escalate the decision of the screening officer to a second stage appeal allowing for a review by a Hearing Officer. A vehicle owner must submit a request to the City after the screening decision to commence a second stage appeal. The Hearing Officer has the authority to confirm, vary or set aside the screening decision. The decision of the Hearing Officer is final and there is no further appeal.

The expanded Administrative Penalty System will continue to operate in an impartial, transparent, fair and accessible process similar to the current POA system.

Agreements

A variety of agreements will be required for the Administrative Penalty System to be implemented for Automated Speed Enforcement violations. Without these agreements, the City's authority to operate the Automated Speed Enforcement program under an Administrative Penalty System can not happen.

Ministry of Transportation Ontario

A new operational Agreement with the Ministry of Transportation for ASE is necessary in order for the City of Toronto, on behalf of the City of Mississauga, to obtain access to the Provincial motor vehicle licence plate registration information. The terms of the operational agreements are generally in line with those contained in the existing agreements with MTO to access licence plate information in relation to Automated Speed Enforcement proceedings under the Provincial Offences Act.

Attorney General

A new operational agreement with the Attorney General for Camera Systems Administrative Penalty Enforcement Systems is also required. The Agreement with MAG contains provisions outlining:

- The Victim Component requirements, including calculation, timing and frequency
- Requirements for sending plate licence denial requests to MTO through the Defaulted Fines Control Centre (DFCC) interface
- Reporting requirements to MAG

City of Toronto

APS penalties for ASE contraventions will continue to be issued by the Centralized Processing Centre, located in Toronto until the Mississauga Processing Centre is established late in 2025.

A new agreement with the City of Toronto as well as Partnering Municipalities for ASE violation processing under APS is required. This Agreement details the services and functions undertaken by the Toronto Centralized Processing Centre and the responsibilities of the partnering municipalities including liability and indemnity provisions, and cost sharing. The terms of the new agreement are similar to those contained in the existing agreements with the City of Toronto and Partnering Municipalities for Processing Services under the Provincial Offences Act. The estimated program cost is \$800,000.00 excluding taxes, for the City of Toronto to continue to undertake the processing for Mississauga's Automated Speed Enforcement program.

Financial Impact

The cost identified in this report is estimated to be \$800,000 for the term of the agreement for services provided by City of Toronto for the processing ASE contraventions by the Centralized Processing Centre. These costs can be absorbed in the current 2025 operating budget.

Any operating impact for subsequent years will be included in the 2026 Operating Budget submission and will be subject to Council Approval.

Conclusion

Staff from the Transportation and Works Department request Council grant authority to enter into new agreements with the City of Toronto (and partnering municipalities), and Province of Ontario (Attorney General, Minister of Transportation) for the governance and administrative requirements to expand the City's Administrative Penalty System to include Automated Speed Enforcement contraventions.

Attachments

Appendix 1: Draft By-law - Administrative Penalty System for contraventions detected using camera systems



Sam Rogers, MBA, Commissioner of Transportation and Works

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