

A by-law to amend By-law 0285-2013, as amended, being a by-law to establish the positions of Screening Officer and Hearing Officer to adjudicate Reviews and Appeals of Administrative Penalties

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 subsection 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* 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 the *Municipal Act, 2001*;

AND WHEREAS Ontario Regulation 333/07 enacted under the *Municipal Act, 2001* authorizes a municipality to impose administrative penalties in respect of the parking, standing or stopping of vehicles;

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 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 under the Administrative Penalties Regulation 333/07 and Ontario Regulation 355/22, a person who receives a penalty notice or penalty order, as applicable, shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

AND WHEREAS under the Administrative Penalties Regulation 333/07 and Ontario Regulation 355/22, a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality;

AND WHEREAS the Council for The Corporation of the City of Mississauga wishes to make certain amendments to By-law 0285-2013 as amended;

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

1. That the Recitals section of the Screening and Hearing Officer By-law 0285-2013, as amended, is further amended by:
 - a. adding the following new recital after the second recital:

AND WHEREAS section 434.1 of the *Municipal Act, 2001* 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 the Act;

- b. adding the following new recitals after the third recital:

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 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 under the Administrative Penalties Regulation 333/07 and Ontario Regulation 355/22, a person who receives a penalty notice or penalty order, as applicable, shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

AND WHEREAS under the Administrative Penalties Regulation 333/07 and Ontario Regulation 355/22, a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality;

- c. deleting the fourth and fifth recitals.

2. That section 2 of the Screening and Hearing Officer By-law 0285-2013, as amended, is further amended, as follows:

- a. by deleting the definition of “Administrative Penalty” and replacing it with the following new definition:

“Administrative Penalty” means a monetary penalty imposed for a contravention of a Designated By-law or the Camera Regulation as set out in the Administrative Penalty By-law”;

- b. by deleting the definition of “Administrative Penalty By-law” and replacing it with the following new definition:

“Administrative Penalty By-law” means the City’s Administrative Penalty By-law 0282 -2013, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting the stopping, standing or parking of vehicles in the City of Mississauga; and the City’s Licensing Administrative Penalty By-law 0135-2014, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting licensing in the City of Mississauga and the City’s Camera Systems Administrative Penalty By-law 0036-2025 (or successor), being by-law to establish and implement an Administrative Penalty System for Contraventions Detected Using Camera Systems in the City of Mississauga;

- c. by adding the following new definitions in alphabetical order:

“Camera Regulation” means Ontario Regulation 355/22 made under the *Highway Traffic Act*, R.S.O 1990, c. H.8 and “entitled Administrative Penalties for Contraventions Detected Using Camera Systems”;

“Designated By-law” means a by-law or provision of a by-law that is designated under the City’s Administrative Penalty By-law 0282 -2013, as amended, or the City’s Licensing Administrative Penalty By-law 0135-2014, as amended;

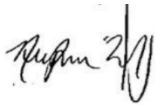
- d. by deleting the definition of “Manager of Prosecutions” and replacing it with the following:

“Manager of Prosecutions & APS” means the Manager of Prosecutions & APS and includes their designate;

3. That section 4 of the Screening and Hearing Officer By-law 0285-2013, as amended, is deleted in its entirety and replaced with the following:

4. The Screening Officer shall have all the powers of review as set out in the City's Administrative Penalty By-law, the Regulation and the Camera Regulation.
4. That section 5 of the Screening and Hearing Officer By-law 0285-2013, as amended, is amended by adding "& APS" after "Prosecutions".
5. That section 7 of the Screening and Hearing Officer By-law 0285-2013, as amended, is deleted in its entirety and replaced with the following:
 7. The Hearing Officer shall have all the powers of review as set out in the City's Administrative Penalty By-law, the Regulation and the Camera Regulation.
6. That section 8 of the Screening and Hearing Officer By-law 0285-2013, as amended, is deleted in its entirety and replaced with the following:
 8. A Hearing Officer shall be appointed or re-appointed by Council on the recommendation of the City Solicitor, which recommendation shall give preference to an eligible candidate:
 - (a) with knowledge of and experience in administrative law: and
 - (b) of good character.
7. That sections 8.1, 8.2 and 8.3 be added to the Screening and Hearing Officer By-law 0285-2013, as amended, as follows:
 - 8.1 Notwithstanding section 8, Council may revoke the appointment of a Hearing Officer at any time on the recommendation of the City Solicitor, if the Hearing Officer is found to not be performing their duties as required under this By-law, or under any agreement entered into between the City and the Hearing Officer.
 - 8.2 The City Solicitor is authorized to submit by-laws for enactment by Council regarding Hearing Officer appointments, reappointments or revocations, without the need for an accompanying corporate report.
 - 8.3 The City Solicitor is authorized to execute, on behalf of the City, professional services agreements with Hearing Officers appointed by Council, and all necessary agreements and ancillary documents.
8. That section 11 of the Screening and Hearing Officer By-law 0285-2013, as amended, be deleted and replaced with the following:
 11. A Hearing Officer shall be appointed for the term or remainder of the term of Council that appointed the Hearing Officer.

ENACTED and **PASSED** this 2nd day of April 2025.

Approved by Legal Services City Solicitor City of Mississauga

Nupur Kotecha
Date: 2025/03/27
File: LA.25-24.155

_____ MAYOR

_____ CLERK