



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Policies and Priorities Committee

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: June 22, 2021

Report Number: CS-2021-14

Subject: Parking Ticket Appeal Committee

Recommendations

It is recommended:

That CS-2021-14 entitled “Parking Ticket Appeal Committee” **be received;**

And that the establishment of a Parking Ticket Appeal Committee, comprised of three (3) administrative staff to hear and consider parking ticket appeals, **be approved;**

And further that a by-law **be prepared** to appoint staff to the Committee and to delegate authority to the members to reduce or waive parking ticket fines that are appealed.

Background

By-law No. 2001-36, as amended, regulates traffic and parking on highways, including private roadways, in the jurisdiction of the Town of Tecumseh (Traffic By-law).

The Traffic By-law is enforced by the Tecumseh OPP Detachment and provides set fines for persons who contravene certain provisions of the By-law with respect to operating a vehicle and parking. The set fines range from \$40 to \$80 depending on the type of contravention and have been approved by the Ontario Court of Justice, in accordance with the Provincial Offences Act.

Persons that receive a ticket for contravening the Traffic By-law currently have three (3) options:

1. Pay to the Town, the “Voluntary Payment” within seven (7) days, which payments range from \$30 to \$60 and are less than the set fines.
2. Request a trial within fifteen (15) days and appear in Court at a date and time established by the Provincial Offences Act Office in Windsor (POA).
3. Do nothing, resulting in a conviction being entered into against them, after fifteen (15) days, and the set fines with additional penalties being collected by the POA.

Currently, the OPP process tickets for trial with the POA on behalf of the Town, and issue notices of conviction.

New legislation in the form of the Community Safety & Policing Act 2019 has been passed, but not yet proclaimed. Once the new legislation is proclaimed, it is anticipated that the OPP will no longer process tickets issued under the Traffic By-law.

The purpose of this report is to recommend a simple and convenient process to allow persons to appeal a ticket issued under the Traffic By-law, locally, prior to the legal option of taking the ticket to trial (No. 2 above). Such a process will reduce time in administering trial requests, issuing notices of convictions, collection of set fines, as well as the officer's time in court and legal fees for attending a trial. Additionally, it will collect fines that have not been collected as a result of tickets being voided by the OPP at their discretion.

Comments

The following Table summarizes the number of tickets that were issued by the OPP for Tecumseh during the period 2017 to 2019, along with the number of tickets which were paid voluntarily, notices of convictions that were entered, trials requested and either voided or warnings issued. The numbers for 2020 have not been provided as the POA was not processing convictions and trials due to the pandemic.

Year	Number of tickets	Paid	Notice of Conviction	Voided Tickets	Set for trial
2019	425	214	45	154	12
2018	309	136	52	121	0
2017	258	104	40	112	2

The fines for tickets that have been voided are lost revenue to the Town. A system of appeal would allow for these fines to be collected, at least in part.

Legislative Authority

Section 23.1 of the Municipal Act, 2001 S.O. 2001 c.25 (Act) permits a council to delegate its powers and duties under the Act to a person or body.

Parking Ticket Appeal Committee

In accordance with the authority of the Act, it is recommended that a Parking Ticket Appeal Committee (Committee) be appointed and comprised of three (3) staff members:

1. the Director with oversight of by-law enforcement,
2. a manager from the Clerk's office, and
3. one other staff person.

The Clerk's office will be responsible for coordinating meeting agendas, taking minutes and issuing the decisions by the Committee.

Persons wishing to appeal a ticket will be required to complete a Parking Ticket Review Request Form (Request Form) and to submit it within five (5) days of issuance of the ticket. The Request Form will collect the person's name, address, ticket number and reason for requesting the appeal. The issuing Officer will be asked to provide comment on the Form.

The Committee will consider the person's written request and the Officer's comments and decide whether or not to grant the appeal, and any reduction or waiver of the Voluntary Payment. Notice of the decision would be issued within seven (7) days of the Form being submitted in order to allow the person making the appeal opportunity to request a trial should they not be satisfied with the Committee's decision.

A by-law to create the Committee and delegate authority to the Committee for certain powers to reduce fines or waive fines will be prepared for Council's consideration of approval at a forthcoming Regular Council Meeting.

Consultations

Fire & Emergency Services
Planning & Building Services
OPP

Financial Implications

Currently, fines are not being collected from tickets that have been voided. The proposed appeal process will allow for at least part of these fines to be collected.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Manager Planning Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	