

Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Violations

Date: December 21, 2023

To: Infrastructure and Environment Committee

From: City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller

Wards: All

SUMMARY

The purpose of this report is to provide City Council with an overview of the governance and administrative requirements to expand the City of Toronto's Administrative Penalty System to include Red Light Camera and Automated Speed Enforcement violations effective November 1, 2024. The report requests City Council approval of several recommendations to establish an expanded Administrative Penalty System. Under the *Highway Traffic Act* and Ontario Regulation 355/22: Administrative Penalties for Contraventions Detected Using Camera Systems, the City can establish an administrative penalty and dispute resolution process for specific *Highway Traffic Act* violations issued through camera systems.

This report responds to City Council's direction through [Item 2022.IE27.8 – Update on Vision Zero Management Strategy and Related Initiatives](#) to report back to the Infrastructure and Environment Committee with an update and any necessary recommendations to give effect to the operation of an Administrative Penalty System for the Red Light Camera and Automated Speed Enforcement programs.

Adopting an administrative penalty structure for Red Light Camera and Automated Speed Enforcement disputes will move forward Vision Zero, increase public safety, and increase efficient dispute resolution with the additional benefit of allowing more efficient use of limited court time in provincial courts. It will also allow the City to better manage the addition of cameras to both programs as per Council's direction, while maintaining a speedier dispute resolution timeline.

The Administrative Penalty System expansion project includes the procurement of a new adjudicative case management technology solution. The acquisition of a modern, robust, scalable, and versatile technology solution is necessary and will ensure the long-term viability of the City's Administrative Penalty System. The current case management system for parking violations is the Parking Tag Management System

(PTMS). This system was modified in 2017 to temporarily support the program and cannot be further modified to support expanded Administrative Penalty System operations. A new technology solution will allow for the efficient administration and management of administrative penalties for automated speed enforcement, red light camera, and parking and will allow for any future needed expansion of the Administrative Penalty System. Capital funding for a case management solution to replace the Parking Tag Management System has already been approved by Council through the capital budget.

RECOMMENDATIONS

The City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller recommend that:

1. City Council establish a system of administrative penalties for Red Light Camera and Automated Speed Enforcement contraventions under, and in accordance with, the requirements of Ontario Regulation 355/22 made under the *Highway Traffic Act, R.S.O. 1990*, to be effective November 1, 2024.
2. City Council authorize the City Solicitor to amend City of Toronto Municipal Code Chapter 610, Penalties, Administration Of, so that it reads generally as set out in Attachment 1 to the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller, such proposed replacement City of Toronto Municipal Code Chapter 610 to come into force on November 1, 2024.
3. City Council continue the Administrative Penalty Tribunal, expand the mandate of the Administrative Penalty Tribunal, and approve the updated Tribunal governance structure outlined in Attachment 2 of this report, such expanded mandate and updated Tribunal governance structure to be effective November 1, 2024.
4. City Council deems that any authorizations it has given prior to November 1, 2024 for City of Toronto Municipal Code Chapter 610, Penalties, Administration Of, including the establishment of by-laws as designated by-laws and the establishment of penalty amounts, continue to apply to the proposed replacement City of Toronto Municipal Code Chapter 610 and its schedules, as necessary.
5. City Council authorize the City Solicitor to introduce any necessary bills to amend the proposed replacement City of Toronto Municipal Code Chapter 610 and its schedules to reflect any changes to the text and/or schedules between the date that City Council adopts this Item and November 1, 2024, that being the date that the proposed replacement City of Toronto Municipal Code Chapter 610 comes into force, to update the proposed replacement City of Toronto Municipal Code Chapter 610 to incorporate any changes made to the current City of Toronto

Municipal Code Chapter 610 and its Schedules in the interim, as required, and to make any additional required amendments deemed necessary by the City Solicitor, in consultation with the General Manager, Transportation Services, Director, Court Services, and Controller, to the proposed replacement City of Toronto Municipal Code Chapter 610, including any amendments required as a result of any legislative changes.

6. City Council authorize the continued delegation to the City Solicitor to appoint Screening Officers, who will be City employees, as required by O. Reg. 611/06 and delegate to the City Solicitor the additional authority to appoint Screening Officers, who will be City employees, required by O. Reg 355/22 to respond to requests for review of penalty notices issued under the City's administrative penalty system established under that regulation.
7. City Council direct City staff to update the policies, guidelines and procedures that apply to the existing Administrative Penalty System as needed to give effect to the system of administrative penalties, procedures and the Administrative Penalty Tribunal as generally outlined in this report and make them publicly available on the City's website.
8. City Council authorize the City Solicitor, in consultation with the City Clerk, to introduce any necessary bills to amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 219, Records, Corporate (Local Boards) and to adopt new record retention schedules, subject to the approval of the City's external auditor as required by s. 201, to give effect to the system of administrative penalties, procedures and the Administrative Penalty Tribunal as generally outlined in this report and generally outlined in Attachments 1 and 2 inclusive, such amendments to come into force on November 1, 2024.
9. City Council authorize the General Manager, Transportation Services, to negotiate, enter into and execute an agreement(s) with His Majesty the King in Right of Ontario, as represented by the Minister of Transportation, for the access and use of licence plate registration information in relation to administrative penalty proceedings for red light camera violations, on terms and conditions as generally outlined in the body of the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller and on such further terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.
10. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute an agreement(s) with His Majesty the King in Right of Ontario, as represented by the Minister of Transportation, for the access and use of license plate registration information in relation to administrative penalty proceedings for automated speed enforcement violations, on terms and conditions as generally set out in the report (December 21, 2023) from City

Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller, and on such other terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.

11. City Council authorize the Director, Revenue Services to negotiate, enter into and execute, on behalf of the City, an agreement(s) with His Majesty the King in Right of Ontario as represented by the Minister of Transportation (MTO) and His Majesty the King in Right of Ontario, as represented by the Attorney General (MAG), for the access and use of licence plate registration information and for the City's access to the Defaulted Fines Control Centre (DFCC) to transmit requests to the Registrar of Motor Vehicles to refuse to issue or validate vehicle permits for unpaid administrative penalties for the purposes of the administrative parking penalty program, on such terms and conditions as generally set out in the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller and on such other terms and conditions satisfactory to the Director, Revenue Services and in a form satisfactory to the City Solicitor.
12. City Council authorize the Director, Revenue Services to negotiate, enter into and execute, on behalf of the City, new agreement(s) with His Majesty the King in Right of Ontario, as represented by the Attorney General (MAG), in relation to camera systems administrative penalty enforcement programs, for the City's access to the Defaulted Fines Control Centre (DFCC) to transmit requests to the Registrar of Motor Vehicles, to refuse to issue or validate vehicle permits for unpaid administrative penalties, and for the remittance of penalty amounts collected by the Minister of Transportation (MTO) to the City; and the arrangement(s) for the portion of the administrative penalty to be remitted by the City to MAG to be credited to the victims' justice fund on such terms and conditions as generally set out in the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller and on such other terms and conditions satisfactory to the Director, Revenue Services and in a form satisfactory to the City Solicitor.
13. City Council authorize the General Manager, Transportation Services, to negotiate, enter into, and execute a new or amended agreement(s) between the City of Toronto and the Partnering Municipalities, said Partnering Municipalities generally as listed in Attachment 5 to the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller, for Automated Speed Enforcement administrative penalty violation processing and for their cost-sharing of the expenses of the joint municipal processing centre and to amend such agreement(s) each time a new Municipality is added to such agreement for the duration of the contract between the City of Toronto and Redflex Traffic Systems (Canada) Incorporated, for the provision of Automated Speed Enforcement services, on terms and conditions generally as set out in the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General

Manager, Transportation Services, Director, Court Services, and Controller satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor, and authorize the General Manager, Transportation Services to include all necessary budget and staff changes required to support other municipalities as part of the annual budget submission.

14. City Council authorize the General Manager, Transportation Services, to negotiate, enter into, and execute a new agreement(s) between the City of Toronto and the Partnering Municipalities generally as listed in Attachment 6 to the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller, for Red Light Camera administrative penalty violation processing and for their cost-sharing of the expenses of the joint municipal processing centre and to amend such agreement(s) each time a new Municipality is added to such agreement for the duration of the contract between the City of Toronto and Traffipax LLC., for the provision of Red Light Camera services, on terms and conditions generally as set out in the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller and satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor, and authorize the General Manager, Transportation Services, to include all necessary budget and staff changes required to support other municipalities as part of the annual budget submission.
15. City Council authorize the City Solicitor to introduce the necessary Bills to give effect to City Council's decision and City Council authorize the City Solicitor to make any necessary clarifications, refinements, modifications, technical amendments, or by-law amendments as may be identified by the City Solicitor, in consultation with the General Manager, Transportation Services, the Director of Revenue Services, and the Director of Court Services, in order to give effect to Recommendations 1 to 14 inclusive.

FINANCIAL IMPACT

As shown in Table 1, the City currently spends approximately \$16.23 million on operating costs for Red Light Camera and Automated Speed Enforcement tickets. The City's Red Light Camera and Automated Speed Enforcement programs are expected to generate \$68.68 million in revenue from charges issued in 2023. This is comprised of fines and administrative fees under the *Provincial Offences Act*. Moving these charge types to an Administrative Penalty System, combined with a potential increase in the number of Automated Speed Enforcement Cameras from 75 to 150 by 2026*, is expected to increase the gross operating budget for processing and dispute resolution from \$16.23 million to \$49.9 million by 2026.

* MM5.25 – Improving Road Safety by Expanding the Number of Automated Speed Enforcement Cameras and Operational Hours.

Table 1 – Revenues and Expenditures										
GROSS EXPENDITURES	2023 Budget		2024 Request (Transition)		2025 Estimate		2026 Estimate		Change 2023 to 2026*	
	\$ million	# POS**	\$ million	# POS	\$ million	# POS	\$ million	# POS	\$ million	# POS
Transportation Services	12.74	29	14.51	29	19.32	33	33.72	51	20.98	22
Court Services	3.49	21	3.20	21	1.03	3	1.15	3	(2.34)	(18)
Legal Services	0	0	2.27	21	3.51	30	4.62	50	4.62	50
Revenue Services	0	0	1.98	13	6.41	17	10.24	19	10.24	19
Technology Services	0	0	0.10	1	0.17	1	0.17	1	0.17	1
Total Operating Costs	16.23	50	22.06	85	30.44	84	49.9	124	33.67	74
GROSS REVENUES	2023 Budget		2024 Request (Transition)		2025 Estimate		2026 Estimate		Change 2023 to 2026	
	(\$ million)		(\$ million)		(\$ million)		(\$ million)		(\$ million)	
RLC and ASE Fines (POA)	68.68		45.74		0		0		(68.68)	
RLC and ASE Penalties (APS)	0		22.27		75.54		113.68		113.68	
Fees authorized under O. Reg 355/22 (APS)	0		1.16		4.23		7.48		7.48	
Total Gross Revenues	68.68		69.17		79.77		121.17		52.49	
NET REVENUES	(52.45)		(47.11)		(49.33)		(71.27)		(18.82)	

* The financial analysis in the chart above represents the estimated impact of moving ASE and RLC charges to APS and potentially increasing in the number of cameras from 75 in 2023 to 150 in 2026.

** POS stands for Positions

Expanding the Administrative Penalty System will require start up capital costs for expanded space for screening officers and service counters. These include construction costs for expanded Screening Office facilities. Temporary space has been identified on the third floor of Metro Hall to accommodate an expansion of the current screening

office space available with the assistance of the City's Real Estate Management Team and Revenue Services. Repurposing and renovating existing available space to expand screening facilities will reduce the required expenditures needed to support the increased staffing for screening offices. Capital funding of \$0.105 million is required to purchase the necessary furnishings, computer equipment and other identified items to set up the additional required space. These costs will be fully funded from capital funding to support the Administrative Penalty System that has previously been approved by City Council and are included in the 10-Year Capital Plan for Revenue Services Division as part of the Office of the Controller.

In addition, approved capital combined funding sufficient to fully cover the replacement of the current Parking Tag Management System with a new adjudicative case management system is available within the 10-Year Capital Plan for Revenue Services Division as part of the Office of the Controller (\$3.458 million) and Transportation Services (\$2.75 million). As mentioned above, the acquisition of a modern, robust, scalable, and versatile technology solution is necessary as the current system cannot support an expanded program.

Expansion of the Administrative Penalty System to include Red Light Camera and Automated Speed Enforcement charges will result in 74 additional positions across five City divisions by 2026. Of these positions, 52 are needed to support expanded Screening Office operations, expanded Administrative Penalty Tribunal Operations, expanded customer service inquiries and payment services across all channels, and support for a new case management technology solution[†].

Operational funding for 2024 has been included in the Staff Prepared 2024 Operating Budget for relevant divisions as outlined in Table 1. Future costs will be requested on a divisional basis through the annual budget process. The amount of funding requested will be based on resource requirements to support the expanded Administrative Penalty System and the anticipated increase in the number of Red Light Camera and Automated Speed Enforcement penalty notices from the additional cameras.

The enforcement of regulatory offences, including those for Red Light Cameras and Automated Speed Enforcement, are not designed to be revenue generation tools for municipalities. The fines and penalties associated with these offences are for the purpose of deterring behaviour which has been determined to be a risk to public safety.

It is important to note that the financial information above does not reflect expenditures or revenues associated with parking violation notices issued under the City's existing Administrative Penalty System, which expenditures and revenues are already reported under the City's non-program budget. The Administrative Penalty System Activity Report will be updated in future years to reflect financial and performance information for Red Light Camera and Automated Speed Enforcement penalties issued through the expanded program.

[†] The additional positions within Transportation Services are not associated with the transition to administrative penalty dispute resolution. Rather, they are associated with the expansion of the Red Light Camera and Automated Speed Enforcement programs.

The information above represents current and future year budget impacts. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

Equity Impact Statement

Equity-based prioritization has been a focus for the expansion of the Administrative Penalty System and of the Transportation Services capital budget planning process with the development of a Transportation Equity Lens framework. This framework has been added to all capital budget requests to understand the impacts of programs on equity-deserving groups, including vulnerable road users. An Administrative Penalty System also improves access to the justice system and City dispute resolution programs.

DECISION HISTORY

At its meeting on February 2, 2022, City Council adopted with amendments item <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE27.8>, and in so doing authorized City staff, once the enabling regulatory framework is provided by the Province, to take steps to implement an Administrative Penalty System for Red Light Camera and Automated Speed Enforcement programs, and to report back to the Infrastructure and Environment Committee with an update and any necessary recommendations to give effect to the operation of an Administrative Penalty System for the Red Light Camera and Automated Speed Enforcement programs.

At its meeting on July 16, 17 and 18, 2019, City Council adopted item <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.IE6.9>, and in so doing requested that the Province of Ontario amend the Highway Traffic Act, develop regulations under the Highway Traffic Act, and make any requisite amendments to any existing regulations under the City of Toronto Act, 2006, to permit the City of Toronto to use an Administrative Penalty System for offences enforced through the use of an Automated Speed Enforcement system and the Red Light Camera system and to ensure revenue from these offences administered through an Administrative Penalty System be payable to the City of Toronto to recover program costs.

At its January 31 and February 1, 2018, meeting City Council adopted report Public Works and Infrastructure Item PW25.10 titled Vision Zero Road Safety Plan (2017-2021) Update. This report requested that the City Solicitor and the Director, Court Services investigate the feasibility of adopting an Administrative Penalty System for both the Red Light Camera Program and the future Automated Speed Enforcement Program. The report also requested the City Manager to expedite the development of the business case for IT solutions to advance the development of the Administrative Penalty System for consideration in the 2018 budget process.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PW25.10>

On July 14, 2016 City Council adopted GM13.12: Administrative Penalty System for Parking Violations. By adopting the recommendations, City Council approved the

governance and administrative requirements to establish an Administrative Penalty System (APS) for parking violations (i.e. parking tickets) that will include an Administrative Penalty Tribunal. The link to the staff report and Council's decisions are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.12>

COMMENTS

Requirements to Implement an Expanded Administrative Penalty System

Staff from Court Services, Revenue Services, Legal Services, Transportation Services, and Technology Services Divisions formed a Steering Committee to support the expansion of the Administrative Penalty System. This is consistent with Council's direction in February 2022 for staff to take steps to implement an Administrative Penalty System for the Red Light Camera and Automated Speed Enforcement programs once the enabling regulatory framework was in place. The Steering Committee will be working with People and Equity, City Clerk's Office, Strategic Public and Employee Communications, and Corporate Real Estate Management to ensure that the appropriate resources, systems, organization and administrative structures, processes, and procedures are in place at least four weeks in advance of the proposed implementation date on November 1, 2024. This will allow sufficient time to train staff prior to the expanded program going live.

Additionally, 2024 will be a transition year in which both systems (the current court-based program and the expanded Administrative Penalty System) will be operating. Red Light Camera and Automated Speed Enforcement charges issued with offence dates prior to November 1, 2024, under the *Provincial Offences Act* will be fully processed through the court-based program. Plans are being developed to ensure a smooth transition during this changeover period.

The following sections highlight key activities that will occur to establish an expanded Administrative Penalty System for Red Light Camera and Automated Speed Enforcement contraventions in the City of Toronto for the proposed implementation date on November 1, 2024.

Expansion of Screening Offices and Recruitment of Additional Screening Officers

The expanded Administrative Penalty System and increased volumes of Red Light Camera and Automated Speed Enforcement offences will require sufficient Screening Office space and the recruitment of additional Screening Officers to hear and adjudicate disputes related to violations. An increase in Screening Officer complement is needed to address increased volumes and to meet dispute resolution service timelines required by the Regulation permitting their use. Screening Officers will be appointed by the City Solicitor and staff assigned to these positions will be part of the Legal Services Division complement.

Legal Services has worked with Corporate Real Estate Management to identify a temporary location for Screening Office expansion. The capital funding required to support the temporary additional Screening Office space is outlined in the financial impact section of this report. Legal Services is continuing to work with Corporate Real Estate Management to identify a permanent location and a funding source for Screening Office expansion which aligns with the City's Office Modernization Plan.

Expansion of the Administrative Penalty Tribunal's Mandate

The Administrative Penalty Tribunal's current mandate is to provide an independent review of administrative penalties for parking violations assessed to individuals. Tribunal members, also referred to as Hearing Officers, have the authority to affirm, reduce, or cancel administrative penalties in accordance with Toronto Municipal Code Chapter 610, Penalties, Administration of.

Pursuant to O. Reg. 355/22, an appellant may commence the second stage of an appeal by requesting a review of the screening officer's decision by a hearing officer. As such, for the Administrative Penalty System to be expanded to Red Light Camera and Automated Speed Enforcement violations, the Administrative Penalty Tribunal's mandate needs to be expanded to include the independent review of administrative penalties for Red Light Camera and Automated Speed Enforcement violations. An updated governance structure for the Administrative Penalty Tribunal is provided in Attachment 2 to this report. Appointment of additional Hearing Officers is not required as the Administrative Penalty Tribunal has the capacity to absorb the anticipated increase in the number of hearings.

The Administrative Penalty Tribunal will continue to operate under an open, transparent, and accessible process similar to the current 'open court'[‡] *Provincial Offences Act* system. The information collected by the Administrative Penalty Tribunal will be collected not only for the resolution of administrative penalty disputes, but also to ensure that a record available to the public concerning the tribunal's resolution of administrative penalty disputes is created and maintained.

Replacement of Administrative Penalty By-law

Pursuant to the authority of Ontario Reg. 611/06: Administrative Penalties under the *City of Toronto Act, 2006*, in 2017 the City moved its parking offences from being determined under the *Provincial Offences Act* to an Administrative Penalty System. Pursuant to the authority of Ontario Regulation 355/22: Administrative Penalties for Contraventions Detected Using Camera Systems under the *Highway Traffic Act*, enacted by the Province on July 1, 2022, the City can now implement an Administrative Penalty System dispute resolution program for Red Light Camera and Automated Speed Enforcement contraventions.

City of Toronto Municipal Code Chapter 610, Penalties, Administration of, currently only provides an administrative penalty regime for parking, standing, and stopping offences. Chapter 610 must be replaced with an amended by-law to expand the Administrative

[‡] Generally, the open court principle requires that court proceedings be open to the public.

Penalties regime to Red Light Camera as well as Automated Speed Enforcement contraventions.

There are notable differences between O. Reg. 611/06 and O. Reg. 355/22, including but not limited to the penalty amounts for violations, fees, terminology, timelines, etc. Given these differences, the proposed replacement Chapter 610 deals with both regimes together where possible but also separates out the process between parking and the camera-based offences where required as a result of different regulatory schemes set up by the Province which govern these programs.

The designated by-law provisions as listed in Column 1 of Schedule A of the proposed replacement Chapter 610 and the penalty amounts as set out in Column 3 of Schedule A of the proposed replacement Chapter 610 were not changed from those found in current Chapter 610.

The fees in Schedule C of the proposed replacement Chapter 610 amended those currently found in Schedule B of current Chapter 610 to include the fees for the camera contraventions as regulated by O. Reg. 355/22.

The updated proposed replacement Chapter 610 to support expanded Administrative Penalty System operations is provided in Attachment 1 to this report. Prior to the bill being introduced to Council for enactment closer to the date of implementation, amendments may be made, as required, to the proposed replacement Chapter 610 to incorporate matters including but not limited to:

- Any changes adopted by Council to Chapter 610 in the interim between the date that the report (December 21, 2023) from the City Solicitor, Chief Technology Officer, General Manager, Transportation Services, Director, Court Services, and Controller is considered at Council and the proposed replacement Code Chapter 610 is enacted (the “Interim Period”); and/or
- Any amendments deemed necessary by the City Solicitor, in consultation with the General Manager, Transportation Services, Director, Court Services, and Controller, to the proposed replacement City of Toronto Municipal Code Chapter 610, to achieve Council’s decision including any amendments required as a result of any legislative changes in the Interim Period.

Procurement and Implementation of an APS Case Management System

Administrative Penalty System expansion will require the development and implementation of a new case management technology system. The current case management system (Parking Tag Management System - PTMS) was developed in a legacy programming language and has been modified periodically along with other applications as a temporary solution to support the City’s Administrative Penalty System for parking violations. The Parking Tag Management System cannot be used to accommodate the expansion of the Administrative Penalty System for camera-based offences.

A new software solution has already been approved for capital funding and will provide additional capacity for Transportation Services, Court Services, Legal Services and

Revenue Services to process the additional charges resulting from the expansion of the camera-based programs. A vendor was selected in May 2023 through a competitive bid process and staff anticipate that the contract will be finalized in January 2024. The new system is expected to be completed in advance of the November 1, 2024, implementation date to allow sufficient time for staff training. The system was designed to accommodate the addition of future regulated offences under an Administrative Penalty System should Council decide to move in that direction.

Overview of the Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Contraventions

The City of Toronto is currently responsible for court administration, court support, and some prosecution responsibilities for provincial offences and federal contraventions as defined by the *Provincial Offences Act* and the federal *Contraventions Act*. This means that the City is responsible for administering and prosecuting all Red Light Camera and Automated Speed Enforcement charges issued under the *Highway Traffic Act*.

Under an Administrative Penalty System, contraventions enforced through Red Light Camera and Automated Speed Enforcement systems will be included in the City's system of administrative penalties under its administrative penalty by-law. The *Provincial Offences Act* will no longer apply to any contraventions for these offence types once the City's updated administrative penalty by-law becomes effective.

Ontario Regulation 355/22 outlines the dispute resolution procedures that must be in place. These procedures ensure timely and fair dispute resolution services to improve the customer experience, contribute to public safety by building capacity within the court system and support a more efficient resolution of disputes and expedited payment of penalties assessed.

Under an Administrative Penalty System, those who wish to dispute an administrative penalty can submit a request online or in-person for a review of the penalty by a Screening Officer. The Screening Officer can cancel, affirm, or vary the penalty amount, including any administrative fee, upon the grounds set out in the administrative penalty by-law.

A Screening Officer can also approve an extension of time to request a screening review, an extension of time to pay the penalty, and payment plans as set out in the administrative penalty by-law. This differs from the current court-based process for red light camera and automated speed enforcement offences where only a Justice of the Peace can adjudicate disputes and approve payment plans as part of a court proceeding following a court appearance.

Under the Administrative Penalty System, when an owner's administrative penalty is affirmed or varied by a Screening Officer, the owner has the right to have the Screening Officer's decision reviewed by a Hearing Officer. Council-appointed Hearing Officers may cancel, affirm, or vary the decision of a Screening Officer upon the grounds set out in the administrative penalty by-law. A Hearing Officer can approve an extension of time to request a hearing review, an extension of time to pay the penalty, and payment

plans. The *Statutory Powers Procedure Act* applies to a review by a Hearing Officer and Hearing Officers are members of the Administrative Penalty Tribunal.

The expanded Administrative Penalty System will continue to operate in an open, transparent, and accessible process similar to the current *Provincial Offences Act* system in keeping with the fundamental 'open court' principle. The program will ensure that a record available to the public concerning the various processes, including meetings with a Screening Officer, will be created, and maintained, and the information collected through the operation of the Administrative Penalty System is collected specifically for this purpose.

The Administrative Penalty System and the City's Vision Zero Road Safety Plan

The Red Light Camera and Automated Speed Enforcement programs are important components of the City's Vision Zero Road Safety Plan. Data suggests that these two programs facilitate positive road safety outcomes and promote desirable driving behaviours. Installation of 298 Red Light Cameras as approved by Toronto City Council on March 6, 2020, was completed as of April 2023. City Council also requested that staff investigate all procurement options to acquire and implement 75 additional Automated Speed Enforcement Cameras as soon as possible, for a total of 150 cameras across the city.

An Administrative Penalty System is a requirement for expanded Red Light Camera and Automated Speed Enforcement operations. Dispute resolution through an Administrative Penalty System allows the City to efficiently respond to fluctuating Red Light Camera and Automated Speed Enforcement dispute levels arising from an increase in the number of cameras. At the same time, dispute resolution of these matters through an Administrative Penalty System frees up capacity within the Provincial Offences court system for the hearing of a high volume of other offences.

Agreements

A variety of agreements will be required for the Administrative Penalty System to be implemented and expanded for Red Light Cameras and Automated Speed Enforcement violations.

Operational Agreements with the Ministry of Transportation for Red Light Cameras and Automated Speed Enforcement

Each participating municipality will be required to sign an agreement with the Ministry of Transportation (MTO) for each camera system program – i.e. one agreement with the MTO for Automated Speed Enforcement and one agreement with MTO for Red Light Cameras.

The new operational agreements with the MTO are necessary in order for the City to obtain access to the Provincial motor vehicle licence plate registration information, which will enable administrative penalties to be issued for the Automated Speed Enforcement and Red Light Camera programs on behalf of the City as well as the Partnering Municipalities. If the City does not enter into operational agreements, the

City's authority to operate the Automated Speed Enforcement and Red Light Camera programs under an Administrative Penalty System could not happen.

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 and Red Light Camera proceedings under the *Provincial Offences Act*. Under these agreements, the City is required to pay fees to MTO in order to access vehicle owner information that is necessary to mail notifications related to the offence, including collection notices where amounts remain unpaid.

The operational agreements outline licensed information and transmission protocols and specify the responsibilities and requirements of each party. In order to access the licence plate ownership information, the City is required, among other things, to:

- Use licence plate ownership information through the joint municipal processing centres for only the purposes authorized in the agreements;
- Maintain staff and system security provisions to protect confidential information;
- Comply with applicable privacy laws;
- Post signs at camera-based enforcement sites to alert motorists;
- Provide semi-annual reports to the MTO;
- Pay a cost-recoverable fee to the MTO for each information request; and
- Adhere to the provincial criteria and requirements.

Operational Agreement with the Ministry of Transportation for Parking

The City's access to Provincial motor vehicle licence plate registration data also allows the City to issue the Notice of Overdue Parking Penalty and the Notice of Default for parking infractions. These letters are sent to licence plate owners who have violated by-laws related to parking, standing, or stopping of vehicles and where payment for the parking violations remains outstanding.

The terms of the Operational Agreements in relation to parking violations will allow the City to access licence plate information described above. Additionally, the terms of the MTO agreements contain provisions that relate to how MTO data can be used, stored, transmitted, and limitations on who may access the data provided, and relevant security requirements to prevent the unauthorized use of the MTO data supplied.

Agreements with Partnering Municipalities for Red Light Camera and Automated Speed Enforcement Processing

The City has existing agreements with partnering municipalities in Ontario for Automated Speed Enforcement and Red Light Camera violation processing under the Provincial Offences Act. The City will need to amend existing agreements or enter into new agreements with partnering municipalities for violation processing in relation to Administrative Penalty proceedings, which details the services and functions undertaken by both Automated Speed Enforcement and Red Light Camera joint municipal processing centres. The agreements will detail the responsibilities of the partnering municipalities and the City, including liability and indemnity provisions, and will include the formula used to determine the distribution of cost sharing.

The City's joint municipal processing centres will review all photos, assist with warning letters, process evidence, issue penalty notices and prepare evidence to be used in appeals for Automated Speed Enforcement and Red Light Camera matters.

Each Partnering Municipality will be required to formally request that the City enter into a Processing Services and Cost Sharing Agreement. The terms of the Partnering Municipality Agreements will be in line with those contained in the existing agreements with Partnering Municipalities for Processing Services under the *Provincial Offences Act*. The services to be provided by the joint municipal processing centres will include:

- Verification of Automated Speed Enforcement or Red Light Camera records;
- Obtaining licence plate ownership information;
- Preparation of penalty notices;
- Possible attendance at Administrative Penalty Tribunal hearings, if required;
- Preparation of warning letters, if required; and
- Preparation of evidence to be used in appeals.

Other terms of the processing agreement will include:

- Indemnity provisions;
- Requirements for fee payments in accordance with the cost-sharing arrangement mentioned above; and
- Requirements that partnering municipalities comply with privacy and other provisions required by the MTO or connected to the City's obligations under the Operational Agreement with MTO.

Operational Agreements with the Ministry of the Attorney General for Red Light Cameras and Automated Speed Enforcement

Each participating municipality will also need to sign an agreement with the Ministry of the Attorney General (MAG).

The Agreement with MAG contains provisions outlining, among other things:

- 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;
- A \$20.00 DFCC Charge owed by the City to MAG per plate denial request; and
- File layout requirements for submitting matters to the Defaulted Fine and Control Centre.

The operational agreement with MAG permits the City's access to the DFCC. This enables the City to transmit requests to the Registrar of Motor Vehicles to refuse to issue or validate vehicle permits for any unpaid administrative penalties and will allow for the remittance of penalty amounts collected by MTO to the City.

This agreement also sets out the arrangements for the portion of the administrative penalty to be remitted by the City to MAG, to be credited to the victims' justice fund. The

victims' justice fund remittances are regulated by O. Reg 355/22 and apply only to offences under that legislation. This victim fine surcharge amount does not come from the City's revenue, but rather is included in the amount that the violator must pay.

Fine / Penalty Amounts and Fees

Penalties that can be applied to Automated Speed Enforcement and Red Light Camera programs are prescribed by Ontario Regulation 355/22 and are outlined in the proposed replacement Code Chapter 610 in Attachment 1. Unlike parking penalties under the City's Administrative Penalty System, Council does not have the authority to set penalty amounts for Red Light Camera or Automated Speed Enforcement violations.

There is no difference between the fine amounts for Red Light Camera and Automated Speed Enforcement offences issued under the *Provincial Offences Act* and penalty amounts issued through an Administrative Penalty System. The Victim Fine Surcharge that is applicable under *Provincial Offences Act* charges is referred to as a Victim Surcharge under an Administrative Penalty System.

Policies and Procedures development

In the proposed replacement of Chapter 610, the City Solicitor will continue to have authority to establish policies and procedures for the purposes of the Chapter. Such policies and procedures will be found on the City's website dealing with administrative penalties.

Policies that will be developed and shared on the City's website will include processes on how the City deals with commercial delivery companies which have a large volume of parking violations on a recurring basis, how the City invoices such entities to ensure efficient payment and how the City considers, and where appropriate cancels, violations where administrative errors have occurred. Such policies will aim to ensure an adequate amount of administrative penalties are paid to encourage on-going compliance with applicable law while avoiding negative impacts on the administrative penalty system as a whole.

Conclusion

Moving Red Light Camera and Automated Speed Enforcement disputes from the provincial courts to a City administered Administrative Penalty System is advantageous for the City of Toronto. It streamlines the dispute resolution process from a customer service perspective, provides for efficient use of resources, increases the amount of court time available for the adjudication of other matters, and allows the City to avoid a backlog of disputes in the future. Administrative penalty systems have been successful at the provincial and municipal levels of government, including in the City of Toronto for parking violations, are an effective method of enforcement and dispute resolution, and contribute to trust and confidence in the justice sector.

CONTACT

Kalli Chapman, Director, Prosecutions, Legal Services, 416-392-8464,
kalli.chapman@toronto.ca

Belinda Brenner, Solicitor 1, Municipal Law, Legal Services, 416-392-8357,
belinda.brenner@toronto.ca.

Mike McGava, Project Director, Technology Services, 416-397-0041,
mike.mcgava@toronto.ca

Antonia Markos, Director, Permits and Enforcement, Transportation Services, 416-392-5209, antonia.markos@toronto.ca

Lianne Jalali, Senior Project Manager, Court Services, 416-338-2710,
lianne.jalali@toronto.ca

Russ Brownell, Senior Project Manager, Court Services, 416-338-2734,
russ.brownell@toronto.ca

Clara Ganemto, Manager, Business Performance, Planning, and Intelligence, Court Services, 416-338-3410, clara.ganemto@toronto.ca

Casey Brendon, Director, Revenue Services, 416-392-8065, casey.brendon@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

Sonia Brar
Chief Technology Officer, Technology Services Division

Barbara Gray
General Manager, Transportation Services

Dianne Kasias
Director, Court Services

Andrew Flynn
Controller

Attachments

Attachment 1 – Administrative Penalty System Procedural Requirements

Attachment 2 – Updated Governance Structure for the Administrative Penalty Tribunal

Attachment 3 – Administrative Fees related to Expanded Administrative Penalty System

Attachment 4 – Benefits of an Administrative Penalty System for Automated Offences

Attachment 5 – Automated Speed Enforcement Joint Processing Centre – Partnering Municipalities

Attachment 6 – Red Light Camera Joint Processing Centre – Partnering Municipalities