

Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Violations – Revised Implementation Date

Date: September 13, 2024

To: Infrastructure and Environment Committee

From: Director, Court Services, Chief Technology Officer, Executive Director, Finance Shared Services, City Solicitor, and General Manager, Transportation Services

Wards: All

SUMMARY

On February 6, 2024, Toronto City Council approved the governance and administrative requirements to establish an expanded Administrative Penalty System that includes Red Light Camera and Automated Speed Enforcement violations. This change will move the dispute mechanism for violations of Red Light Camera and Automated Speed Enforcement offences from a court-based system to an administrative review model.

In the report approved by Council, staff recommended an effective date of November 1, 2024, for the new proposed replacement City of Toronto Municipal Code Chapter 610 governing the Administrative Penalty System, the expanded mandate of the Administrative Penalty Tribunal, the updated governance structure for the Administrative Penalty Tribunal, and any associated by-law amendments. This report proposes that City Council approve a revised effective date of December 9, 2024.

The Administrative Penalty System program team requires additional time to complete critical requirements for the system implementation. A revised implementation date of December 9, 2024, is being proposed to complete the balance of critical requirements including the privacy impact assessment, cyber risk assessment, user acceptance testing, penetration testing to secure the system and its data, as well as staff training.

Extending the implementation date to December 9, 2024, has no impact on the timelines for increasing the number of Automated Speed Enforcement Cameras from 75 to 150 as directed by City Council. It is anticipated the new camera systems will begin to be implemented starting in January 2025. More information on the expansion of the Automated Speed Enforcement program will be available in an upcoming Vision Zero report to the Infrastructure and Environment Committee on November 27, 2024.

RECOMMENDATIONS

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

1. City Council amend its decision on item 2024.IE10.1 by revising the date “November 1, 2024” and replacing it with “December 9, 2024” wherever it appears in the decision.
2. City Council authorize the inclusion into the proposed replacement City of Toronto Municipal Code Chapter 610 of an additional transition provision, generally as follows:

“Despite anything in this chapter to the contrary, a payment plan shall not be available in a screening review of a designated by-law provision or in a hearing review of a designated by-law provision.”

3. City Council authorize the appropriate City officials to submit directly to Council at the appropriate time in the opinion of the Director of Court Services, in consultation with Chief Technology Officer, Director, Revenue Services, Executive Director, Finance Shared Services and the City Solicitor, any necessary bills to amend City of Toronto Municipal Code Chapter 610 as it reads at that time to delete the transition provision in Recommendation 2 to the report (September 13, 2024) from the Director, Court Services, Chief Technology Officer, Executive Director, Finance Shared Services, City Solicitor, and General Manager, Transportation Services.
4. City Council authorize the City Solicitor to introduce the necessary bills to give effect to 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, Revenue Services, and the Director, Court Services, in order to give effect to the reasonable operation of the expanded Administrative Penalty System program.

FINANCIAL IMPACT

There are no financial implications resulting from the recommendations included in this report in the current budget year or in future years. The operating costs as well as revenues from fines and administrative fees will continue under the Provincial Offences Act until the Administrative Penalty System for Red Light Camera and Automated Speed Enforcement violations is implemented on December 9, 2024.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On February 6, 2024, City Council adopted IE10.1: Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Violations. By adopting the recommendations, City Council approved the governance and administrative requirements to establish an Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Violations that will include an expanded mandate for the Administrative Penalty Tribunal. The program as outlined in the report was to become effective on November 1, 2024. The link to the staff report and Council's decisions are available at: <https://secure.toronto.ca/council/agenda-item.do?item=2024.IE10.1>

COMMENTS

A new case management system that provides financial management and lifecycle management for managing disputes is critical to ongoing Administrative Penalty System operations. A detailed work schedule for case management system development was prepared in consultation with Advance Solutions Corporation (the vendor) upon the issuance of the competitive contract in January 2024. While initial work-level estimates were projected to fall within the parameters of a November 1, 2024, implementation date, additional time is needed to build and test all system functions and complete the necessary privacy impact assessments, cyber risk assessment, vulnerability assessments, and penetration tests.

The case management system will handle sensitive personal information collected directly from the public and Ministry of Transportation. In order to ensure the system is secure and impenetrable to protect this data, a comprehensive privacy impact assessment of the final product is required. Moving the implementation date to December 9, 2024, will provide the vendor and City staff with the necessary time to complete the privacy impact assessment and all related work to ensure the integrity of the system.

A December 9, 2024, implementation date will also allow the vendor and City staff to complete user acceptance testing of the new system and related staff training. This will ensure that staff are adequately prepared, and the system meets the needs of the City when the updated Administrative Penalty By-law comes into effect.

Accordingly, the revised date of December 9, 2024, is desirable for the effective date of the expanded Administrative Penalty System, the updated mandate for the Administrative Penalty Tribunal, the in-force date of the proposed replacement City of Toronto Municipal Code Chapter 610, , and any amendments to Municipal Code Chapter 217, Records, Corporate (City), City of Toronto Municipal Code Chapter 441,

Fees and Charges, Chapter 219, Records, Corporate (Local Boards), and the adoption of new record retention schedules.

The proposed replacement City of Toronto Municipal Code Chapter 610 attached as Attachment 1 to Item IE10.1, as adopted by Council on February 6, 2024, contemplated payment plans being available in specified circumstances to both designated by-law provisions (parking offences) and designated statute provisions (Automated speed enforcement and red light camera violations).

Payment plans are not required for parking violations pursuant to the applicable regulation as they are for red light camera and automated speed enforcement violations. Further work is required to ensure that payment plans for parking violations (designated by-law violations) can be fully supported on the new case management platform as parking violations integrate with different systems than do automated speed enforcement and red light camera violations.

Accordingly, in the interim, it is being recommended that the proposed replacement Chapter 610 include a transition provision clarifying that, despite anything in the proposed replacement Chapter to the contrary, a payment plan shall not be available in a screening review of a designated by-law provision or in a hearing review of a designated by-law provision.

It is being recommended in this report that, at the appropriate time in the opinion of the Director of Court Services, in consultation with Chief Technology Officer, Director, Revenue Services, Executive Director, Finance Shared Services and the City Solicitor, the City Solicitor be authorized to submit directly to Council, without the need for any report, any necessary bills to amend City of Toronto Municipal Code Chapter 610 as it reads at that time to delete the transition provision.

All other components of the expanded Administrative Penalty System project are on schedule. These include agreements with the Ministry of Transportation and Ministry of the Attorney General, updated instructions and information for the public on City web pages, updated online look up tools for violations and penalty orders issued under the City's Administrative Penalty System, and organizational design elements to support the program.

CONTACT

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

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

John Longarini, Acting Director, Revenue Services, 416-395-0125,
john.longarini@toronto.ca

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

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

SIGNATURE

Dianne Kasias
Director, Court Services

Sonia Brar
Chief Technology Officer, Technology Services Division

David McIsaac
Executive Director, Finance Shared Services

Wendy Walberg
City Solicitor

Barbara Gray
General Manager, Transportation Services