

Administrative Penalty System (APS) Life Cycle

The Dispute Resolution Process

What is the Administrative Penalty System (APS)?

August 28th 2017, a new review dispute system for city parking infractions is now operationally effective

- Replaces the court based trial system governed by Provincial Offences Act
- Provides a fair and equitable dispute resolution process
- Provides greater access to dispute resolution services through new processes and technology
- Includes on-line channel for disputing or paying a penalty
- Enactment of the Administrative Penalty Tribunal

APS Highlights

Simplified and convenient process

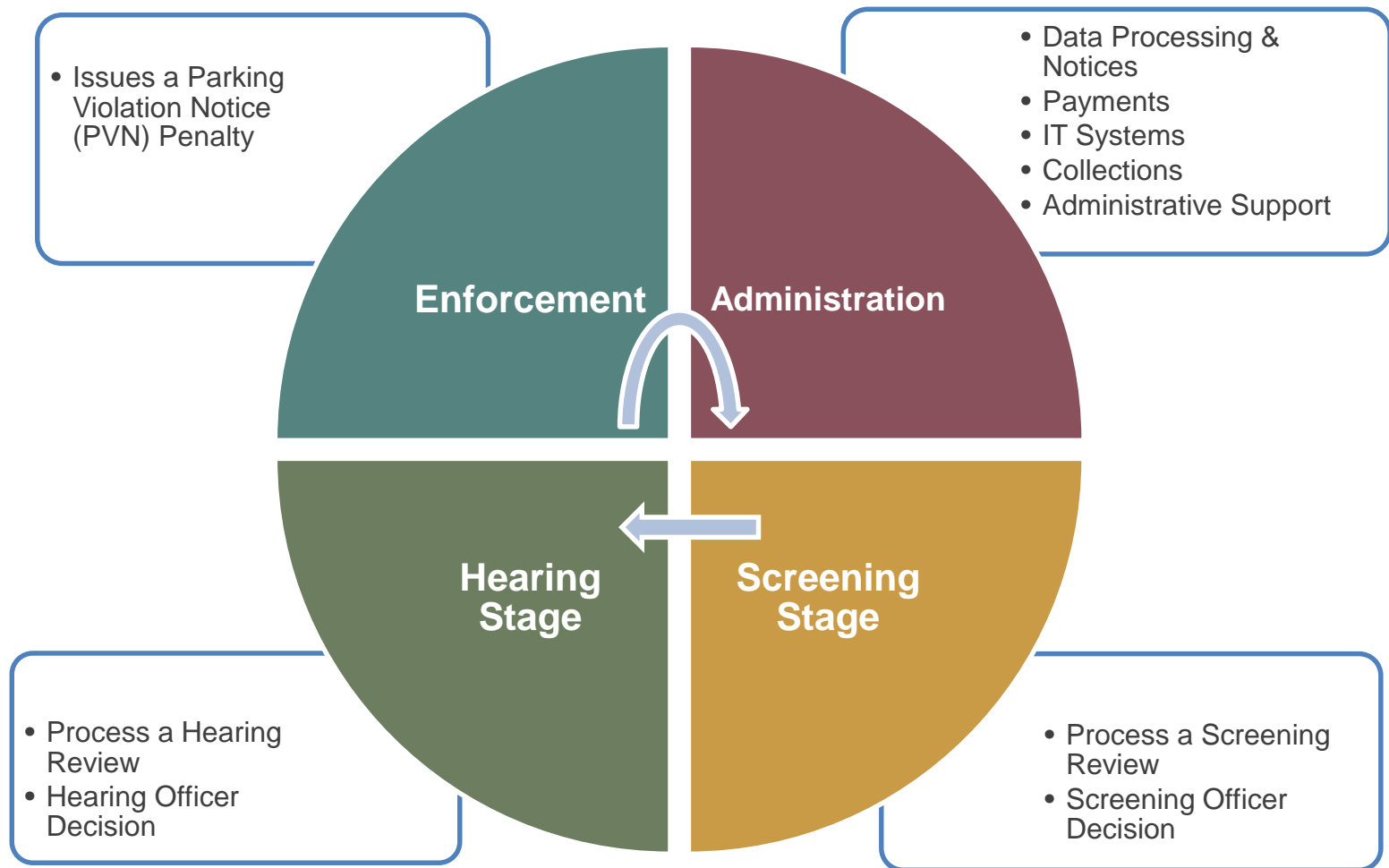
- Less time to resolution than the current court based trial system (7 to 12 months)
- Enforcement officer not required to attend.
- Screening reviews conducted at an in person meeting or electronically by going to www.toronto.ca/aps,
- The initial dispute review will be conducted by Screening Officers.
- A Screening officer's decision, can be reviewed by request to the Administrative Penalty Tribunal, within 15 days of the Screening Officer's decision.
- Hearing Officers (appointed by Council) who are members of the Administrative Penalty Tribunal, conduct an independent review of the screening officer's decision.
- Decision of the Hearing Officer is final.

Benefits

- The City's APS system is faster, easier and more convenient for the public.
- Supports the City's ability to regulate the flow of traffic by promoting compliance with its by-laws (parking, standing, stopping of motor vehicles)
- Increased capacity within the court system for serious offences
- Fifteen municipalities in Ontario have implemented APS programs for parking violations including GTA municipalities: Markham, Oshawa, Burlington, Hamilton Brampton, Mississauga, and Oakville.



Life Cycle



Engaged Parties



Toronto Police Service

Bylaw Enforcement

- Issues Parking Violation Notices (PVN) – Electronic & Manual Tickets
- Electronic ticket data regarding the violation – uploaded from Toronto Police computer system (WIPS) to City of Toronto computer system (PTMS) hourly
- Manual Tickets – imaged and forwarded to Revenue Services
- Identify Drove Away PVN's for issuance through mail by City
- Provide officer notes to screening officer
- Quality assurance
- Enforce habitual offender program.

Revenue Services

Process Parking Violations

- Data & Information Processing
- Manages MTO agreement for ownership information
- Issues Notices – Notice of Outstanding Parking Penalty, Default notices, mailed Parking Violation Notice (Drove Aways)
- Call Centre
- Payment Process
- Correspondence
- Enforcement of unpaid fines.

Legal Services

Process Screening Reviews for Parking Dispute

- Screening Offices at North York Civic Centre and Metro Hall
- Screening Officers appointed by City Solicitor
- Intake requests for review – on line or in person
- Schedule appointments on line or in person
- Conduct a Screening Review – Affirm, cancel, vary penalty amount, extend time.
- Issue decision documents.

Administrative Penalty Tribunal

Twenty-five Citizen Members inclusive of a Chair were appointed by City Council May 26th 2017 for a 4 year term.

- Free from political Interference
- Permanent Hearing office located at 40 Orchard View Blvd. (2018)
- Temporary Hearing Office located at 1530 Markham Road (2017)
- Monday to Friday, 8:30 a.m. to 4:30 p.m. excluding holidays
- 20,000 Hearings scheduled annually
- Paperless environment
- Seven hearing officers per day
- Court Services Staff provide Administrative & Technical support

Administrative Penalty Tribunal

Hearing Officers

- Conduct a hearing review of the screening decision
 - Affirm
 - Cancel
 - Vary penalties
 - Time extensions.
- Issue a decision document of hearing results.
- Operate digital audio recording & Case management system
- Update hearing dispositions

Ministry of Transportation

Provincial Ministry

At front end

- Provides ownership and vehicle information relating to parking violations – City Query

At back end

- Enforcement of Unpaid fines in default – through plate denial.

Transition Years

- Both court-based system and the new APS system will be operating at the same time.
- Parking tickets issued prior to August 28th, 2017 under the Provincial Offences Act (POA) will:
 - be processed through the City's First Appearance Facilities (i.e. parking ticket counters)
 - Trial requests filed with Court Service will be scheduled at all court locations with trial dates expected to end in June 2018.
- Appeals, reopening applications and extension applications under the POA will continue to be processed through court system in decreasing numbers.

Reference

- City of Toronto Act 2006
- Ontario Regulation 611/06
- Toronto Municipal Code Chapter 610
- Statutory Powers Procedure Act
- Municipal Conflict of Interest Act
- Code of Conduct for Members of Adjudicative Boards, City of Toronto
- Conflict of Interest Policy
- Political Interference Policy
- Public Complaints Policy
- Financial Management Policy
- Rules of Practice and Procedure
- Guiding Principles

Questions?



Thank you!

Toronto APS Project Team