

**The Corporation of the
Township of Selwyn**

By-law No. 2026-058

**Being a By-law to establish an Administrative Monetary Penalty System
(AMPS) for The Corporation of the Township of Selwyn**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9 of said Act, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas section 102.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has 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*, S.O. 2001, c. 25, as amended, 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 said Act; and

Whereas sections 434.2(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that an administrative penalty imposed by a municipality on a person under section 434.1 of said Act constitutes a debt of the person to the municipality; and

Whereas section 434.2 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that if an administrative penalty imposed under section 434.1 of said Act is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes; and

Whereas section 15.4.1(1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, 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 section 15.1 of said Act, or an order of an officer under subsection 15.2 (2) of said Act as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3 of said Act; and

Whereas sections 23.2, 23.3, and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorize a municipality to delegate its administrative and hearing powers; and

Whereas the Council of The Corporation of the Township of Selwyn is of the opinion that the delegations of legislative power under this By-law to the Screening Officers and to Hearings Officers are of a minor nature having regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power; and

Whereas section 391(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas the Council of The Corporation of the Township of Selwyn deems it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated municipal By-laws, or portions of the designated municipal By-laws to enforce and seek compliance;

Now Therefore, the Council of The Corporation of the Township of Selwyn Hereby Enacts As Follows:

Short Title

1. This By-law may be cited as the “Administrative Monetary Penalty System (AMPS) By-law”.

Definitions

2. In this By-law:

“Adjournment Fee” means the amount the recipient is liable to pay as specified under section 45 of this By-law and listed in Schedule “A”;

“Administrative Fee” means any fee specified in this By-law listed in Schedule “A” of this By-law;

“Administrative Penalty” means an administrative penalty established by this By-law or set out in a Designated By-law for a contravention of said Designated By-law;

“AMPS” means an Administrative Monetary Penalty System;

“Authorized Representative” means someone appearing on behalf of a Person in accordance with a written authorization provided upon request, and who is not required to be licensed by any professional body;

“Clerk” means the person appointed by Council to carry out the duties of the municipal clerk for the Township under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or their designates;

“Council” means the Council of the Corporation of the Township of Selwyn;

“Day” means any calendar day;

“Designated By-law” means a By-law, or a part of provision of a By-law, that is designated under this or any other By-law, and is listed in Schedule “B” to which AMPS applies;

“Hearing” means the process set out in this By-law;

“Hearing Decision” means a notice that contains a decision made by a Hearing Officer;

“Hearing Officer” means a person who performs the functions of a Hearing Officer in accordance with this By-Law and pursuant to the Municipality's Hearing Officer By-Law, as amended;

“Hearing Non-Appearence Fee” means an Administrative Fee established by Council, as amended, in respect of a Person's failure to appear at the time and place scheduled for a review before a Hearing Officer and listed in Schedule “A”;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the Township are officially closed for business;

“Late Payment Fee” means an Administrative Fee established by Council, as amended, in respect to a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule “A”;

“Officer” means:

- (a) a Municipal By-law Enforcement Officer appointed by Council to enforce the Township’s By-laws,
- (b) a Provincial Offences Officer appointed by Council to enforce the Township’s By-laws,
- (c) a Property Standards Officer appointed by Council to enforce the Township’s By-laws,
- (d) the Chief Building Official for the Township,
- (e) a Building Inspector, or
- (f) a police officer employed by the Peterborough Police Service or the Ontario Provincial Police;

“Owner” in the case of a property, means the registered owner of the property;

“Penalty Notice” means a notice given to a Person pursuant to this By-law;

“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice in accordance with this By-law;

“Penalty Notice Number” means the reference number on the Penalty Notice that is unique to the Penalty Notice in accordance with this By-law;

“Person” includes an individual or a business name, sole proprietorship, association, firm or corporation, partnership, or limited partnership, or an authorized representative thereof;

“Regulation” means Ontario Regulation 333/07, as amended;

“Request for Review by a Hearing Officer” means the request which is made in accordance with this By-law for the review of a Screening Decision;

“Request for Review by a Screening Officer” means the request which is made in accordance with this By-law for review of a Penalty Notice;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Non-Appearence Fee” means an Administrative Fee established by Council, as amended, in respect of a Person’s failure to appear at the time and place scheduled for review before a Screening Officer and listed in Schedule “A”;

“Screening Officer” means each person performing the functions of a Screening Officer in accordance with this By-law;

“Screening Review” means the process set out in this By-law;

Application of this By-law

3. Schedule “A” attached to and forming part of this By-law shall set out the Administrative Fees imposed for the purposes of this By-law.

4. The Municipal By-Laws, or portions of Municipal By-Laws, listed in Schedule "B", attached to and forming part of this By-law, shall be Designated By-Laws, including but limited, for the purposes of Sections 102.1 and 434.1 of the *Municipal Act, 2001* and paragraph 3(1)(b) of the Regulation, as amended.
5. A Municipal By-law listed in Schedule "B", attached to and forming part of this By-law, shall set out the Administrative Penalties and may include short form language to be used on a Penalty Notice for contraventions of said Designated By-Law.
6. The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall continue to apply to contraventions of a Designated By-law, except that no person that is required to pay an administrative penalty under this By-law pursuant to a Penalty Notice in respect to a contravention of a Designated By-law shall be charged with an offence in respect of the same contravention under the *Provincial Offences Act*.

Penalty Notice

7. Every person who contravenes a provision of a Designated By-law shall, upon issuance of a Penalty Notice, be liable to pay the Township an Administrative Penalty in the amount specified in this By-law or the Designated By-law which was contravened.
8. Where the offence is continuous, each day the offence continues shall constitute a new and separate offence.
9. An Officer who has reasonable grounds to believe that a Person has contravened any Designated By-law may issue a Penalty Notice as soon as reasonably practicable.

Required Information on a Penalty Notice

10. A Penalty Notice shall include the following information, as applicable:
 - (a) The date of the offence;
 - (b) The Penalty Notice Date;
 - (c) A Penalty Notice Number;
 - (d) The location of the offence;
 - (e) Name of Person to whom the Penalty Notice is Issued;
 - (f) The licence plate or vehicle identification number ("VIN") to which the Penalty Notice was issued;
 - (g) The amount of the Administrative Penalty;
 - (h) The identification number and signature of the Officer;
 - (i) The short form wording as listed in the Designated By-law, or other particulars reasonably sufficient to indicate the contravention;
 - (j) Such additional information as the Clerk deems appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and
 - (k) A statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to

the Township unless cancelled pursuant to the Screening Review or Hearing Process.

Method of Service

11. In addition to the methods of service prescribed under section 46 of this By-law, an Officer may serve the Penalty Notice on a Person by delivering it personally to the Person within thirty (30) days of the offence.
12. No Officer may accept payment of an Administrative Penalty or Administrative Fee.
13. A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the Township an applicable Administrative Fee(s).

Voluntary Payment of a Penalty Notice

14. Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.
15. A Penalty Notice shall be deemed to have been paid when the Administrative Penalty and any Administrative Fees prescribed in Schedule "A", attached to and forming part of this By-law, as applicable, have been paid.

Review by Screening Officer

16. A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, in accordance with the process set out under section 20.
17. A Person's right to request a review expires if it has not been exercised in the manner prescribed in section 20 before 4:30 p.m. on the fifteenth (15th) day after the Penalty Notice Date.

Request for Extension

18. If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Screening Officer extend the time to request a Screening Review to a date that is no later than thirty (30) days after the Penalty Notice Date, in accordance with the process set out in section 20.
19. A Person's right to request an extension for time for a Screening Review expires if it has not been exercised in the manner prescribed in section 20 before 4:30 p.m. on the thirtieth (30th) day of the Penalty Notice Date, at which time:
 - (a) The Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;
 - (b) The Administrative Penalty shall be deemed to be affirmed; and
 - (c) The Administrative Penalty shall not be subject to any further review, including a review by any Court.
20. A Person's Request for Review by a Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, on the prescribed form and in accordance with the directions on the prescribed form.

21. A Request for Review by a Screening Officer or a request for an extension of time to request a Screening Review shall only be scheduled by the Screening Officer if the Person makes the request on or before the dates established in sections 17 and 18 of this By-law.

Discretion of the Screening Officer

22. The Clerk may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the Screening Officer in their sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.
23. Where an extension of time to request a Screening Review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be affirmed. Notice of this decision will be provided by the Screening Officer to the Person in accordance with Section 46 of this By-law.

Method of Screening Review

24. On a Screening Review of an Administrative Penalty, the Screening Officer will direct that the Screening Review proceed by an in-person, virtual meeting or written review.

Failure to Attend Screening

25. Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:
- (a) The Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
 - (b) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed;
 - (c) The Administrative Penalty shall not be subject to any further review, including review by any Court; and
 - (d) The Person shall pay to the Township a Screening Non-Appearance and any other applicable Administrative Fee(s).

Screening Decision

26. After Review by a Screening Officer, the Screening Officer shall issue a Screening Decision to the person, delivered in accordance with section 46 of this By-law, which may cancel, affirm, or vary the penalty, including any Administrative Fee(s), on the following grounds:
- (a) The Screening Officer shall only cancel or vary the penalty, including any Administrative Fee(s), where the Person establishes on a balance of probabilities that the Designated By-law as described in the Penalty Notice was not contravened.
27. Pursuant to section 8(3) of *Ontario Regulation 333/07*, a Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.

Review by Hearing Officer

- 28.** A Person may Request a Review by the Hearing Officer within fifteen (15) days of issuance of a Screening Decision in accordance with the Township's Hearing Officer By-law, as amended.

Request for Extension

- 29.** If a Person has not requested a Review by a Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Clerk extend the time to request a Review by a Hearing Officer to a date that is not later than thirty (30) days after the Screening Decision Date, in accordance with the process set out in section 50 of this By-law.
- 30.** A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised, on or before thirty (30) days after the Screening Date, at which time:
- (a) the Person shall be deemed to have waived the right to request a Review by Hearing Officer or request an extension for a Review by Hearing Officer;
 - (b) the Screening Decision is affirmed; and
 - (c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 31.** A Person's right to for Review by a Hearing Officer or request for an extension of time to request a Review by a Hearing Officer are exercised by a submission in writing, on the prescribed form and in accordance with the directions on the prescribed form.
- 32.** A Request for Review by a Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with section 50 of this By-law.
- 33.** A Request for Review by a Hearing Officer or a request for an extension of time to request a Review by a Hearing Officer shall only be scheduled by the Clerk or their designate if the Person makes the request on or before the dates established by Sections 28 and 29 of this By-law.

Discretion of the Clerk

- 34.** The Clerk may grant a request to extend the time to request a Review by a Hearing Officer only where the Person demonstrates, to the satisfaction of the Clerk in their sole discretion that they were not served in accordance with section 11 or section 46 of this By-law.
- 35.** Where an extension of time to request a Review by a Hearing Officer is granted by the Clerk, or when a Review by a Hearing Officer has been requested in accordance with this Section, Notice of a Hearing will be provided in accordance with section 46 of this By-law.

Failure to Attend Hearing

- 36.** Where a Person fails to appear at the time and place scheduled for a Hearing:
- (a) the Person shall be deemed to have abandoned the Request for Review by a Hearing Officer;
 - (b) a Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be affirmed;

- (c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and
- (d) the Person shall pay the Township a Hearing Non-Appearance Fee, Late Payment Fee and any other applicable Administrative Fee(s).

Method of Hearing

- 37. A Hearing Officer shall conduct a de novo Hearing in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, and the Township's Hearing Officer By-law, as amended.
- 38. Pursuant to section 5.2(1) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, the Hearing Officer may hold an electronic hearing.
- 39. The Parties to a Hearing shall be the Person seeking review and the Township, which may be represented by the Clerk, a Screening Officer, an Officer, or a delegate of any of these persons.
- 40. Any information contained in the Penalty Notice is admissible in evidence as proof of the facts certified in it, in the absence of evidence to the contrary. If a Person wishes to challenge the facts contained in the Penalty Notice, they will be required to mark the prescribed form accordingly.

Duties of Hearing Officer

- 41. Upon the conclusion of a Hearing, the Hearing Officer shall:
 - (a) affirm the Screening Decision; or
 - (b) cancel, reduce the penalty and/or the time for payment of the Administrative Penalty, including the Administrative Fee(s), on the following grounds:
 - (i) where the Person establishes on a balance of probabilities that the Designated By-law(s) as described in the Penalty Notice was not contravened; or
 - (ii) where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Fee(s), is necessary to relieve an undue financial hardship.
- 42. Pursuant to section 8(3) of *Ontario Regulation 333/07*, a Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation, or By-law.
- 43. After a Hearing is complete, the Hearing Officer shall issue a Hearing Decision to the Person and deliver it in accordance with Schedule 'A' to the Township's Hearing Officer By-law.
- 44. The decision of a Hearing Officer is final.
- 45. A Person may request an adjournment of a scheduled review upon application to the Clerk, who may approve the request based on extenuating circumstances. An Administrative Fee shall be charged as prescribed in Schedule "A", attached to and forming part of this By-law.

Service of Documents

- 46.** The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-law, when served in any of the following ways, is deemed effective service:
- (a) immediately, when a copy is delivered by personal service to the Person to whom it is addressed;
 - (b) immediately, when a copy is placed on or affixed in any manner to the Person's vehicle;
 - (c) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
 - (d) immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number, or
 - (e) immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic mail address.
- 47.** For the purposes of sections 46 (c), (d) and (e) of this By-law, a Person's last known address, facsimile number, or electronic mail address includes an address, facsimile number, or electronic mail address provided by the Person to the Township as may be required by a form, practice or policy under this By-law.
- 48.** If a notice document that is to be given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the Township as part of a proceeding under this By-law, or sent electronically to an electronic mail address that was provided by the Person, there is an irrebuttable presumption that the notice or document is given or delivered to the Person.
- 49.** A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the Clerk, immediately. Failure to comply with this section will negate consideration for an extension of time to Request a Review by Hearing Officer pursuant to section 28 of this By-law.

Effective Service

- 50.** Where this By-law requires service by a Person on the Township, service shall be addressed to the Clerk, and shall be deemed effective:
- (a) Immediately, when a copy is delivered by personal service to the Clerk at the location prescribed on the applicable form or notice;
 - (b) On the fifth (5th) Day following the date a copy is sent by registered mail or by regular mail to the location prescribed on the applicable form or notice;
 - (c) Immediately with respect to electronic mail or upon the conclusion of a copy by facsimile to the facsimile transmission number listed on the applicable form or notice.

Administration

- 51.** The Clerk shall administer this By-law and establish any additional practices, policies, penalties and procedures necessary to implement this By-law, and may amend such practices, policies, penalties and procedures from time to time as they deem necessary, without amendment to this By-law, in accordance with the Township's Delegation of Powers and Duties Policy.

Administrative Penalty and Fees

52. Any Administrative Fee(s) prescribed within Schedule “A”, attached to and forming part of this By-law, shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Hearing Officer.
53. Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the Township a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).

Non-Sufficient Funds

54. Where a Person makes payments to the Municipality of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument, for which these are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the Township the NSF Fee set out in the Township’s Fees and Charges By-law, as amended.
55. An Administrative Penalty, including any applicable Administrative Fee(s), that is affirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Township owed by the Person.

Collection of Debt Owed to the Township

56. If an Administrative Penalty, including any applicable Administrative Fee(s) or Late Payment Fee(s), is not paid within fifteen (15) days after it becomes due and payable, the Township may, in addition to any other remedy it may have at law:
 - (a) Add the administrative penalty to the tax roll for any property in the Township for which all of the owners are responsible for paying the Administrative Penalty, and collect it in the same manner as municipal taxes in accordance with section 434.2 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
 - (b) File a certificate of default in a court of competent jurisdiction in accordance with section 9(2) of the Regulation; or
 - (c) Notify the Registrar of Motor Vehicles of the default in accordance with section 10(1) of the Regulation, and the Registrar of Motor Vehicles shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.

Cancellation

57. When an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.

Authorized Representative

58. An Authorized Representative is permitted to appear on behalf of a Person at a Screening Review or Review by Hearing Officer, or to communicate with the Township on behalf of a Person in accordance with a written authorization satisfactory to the Clerk.

Holiday

59. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

Proof of Financial Hardship

60. A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Hearing Officer.

Order to Restrain

61. Sections 431 and 440 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, apply to this By-law, providing respectively, for a Court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the Township, for a Court to make Orders to Restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.
62. Nothing in this By-law shall limit the Township's right to enforce a Designated By-law by any other and all legal means.

Severability

63. If any of the provisions of this By-law are deemed to be *ultra vires* by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Interpretation

64. The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, as amended, shall apply to this By-law.

Effective Date

65. This by-law shall come into force the day on which it is passed.

Read a first, second and third time and passed this 23rd day of June, 2026.

Originally Signed
Mayor, Sherry Senis

Originally Signed
Clerk, Angela Chittick

Corporate Seal

The Corporation of the Township of Selwyn

By-law No. 2026-058

Schedule “A”
Administrative Fees

Item	Column 1 Administrative Fee Description	Column 2 Fee Amount
1.	Ministry of Transportation Search Fee	\$14.00
2.	Late Payment Fee	\$25.00
3.	Adjournment Fee	\$25.00
4.	NSF Fee	In accordance with the Township’s User Fees and Charges By-law
5.	Screening Non-Appearence Fee	\$100.00
6.	Hearing Non-Appearence Fee	\$375.00

NOTE: The Fee Amount for Administrative Fees listed above does not include
Harmonized Sales Tax (H.S.T.)

The Corporation of the Township of Selwyn

By-law No. 2026-058

Schedule “B”

Designated By-laws

Item	Column 1 By-law Number	Column 2 Short Title
1.	2026-057	Parking By-law