

Township of North Kawartha

280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
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www.northkawartha.ca

Report to Council

To: Short Term Rental Advisory Committee
From: Connie Parent, Clerk
Date: August 13, 2025
Subject: Administrative Monetary Penalty System (AMP)

Recommendation:

For Committee's information.

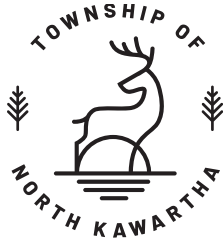
Background:

At the December 10, 2024 meeting of Committee a report was received regarding the Administrative Monetary Penalty System (AMPs). At the July 8, 2025 meeting Committee approved including AMPs in the work plan and further Stage 5 included further consideration of AMPs.

Analysis:

Historically, municipalities have relied on the Provincial Offences Act (POA) for enforcement of regulatory by-laws. Currently North Kawartha Parking and Noise By-Laws rely upon a judicial court based fine system. Some municipalities are moving away from this Act and towards an Administrative Monetary Penalty System (AMPS) to enforce by-laws. An Administrative Monetary Penalty (AMP) is a penalty imposed directly by the Municipality to an offender enforced through an administrative process rather than a judicial process. This process decreases administration, court time and provides a source of revenue for municipalities. Since 2017, the *Municipal Act* allowed municipalities to expand the use of the AMPS to include all regulatory by-laws. Section 434.1 of the *Municipal Act* allows a municipality to 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 passed by the municipality.

Section 434.1 (3) of the *Municipal Act* identifies that the amount of an administrative penalty established by the Municipality shall not be punitive in nature and shall not



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exceed the amount reasonably required to promote compliance with a by-law of the municipality.

AMPS enables a municipality to resolve disputes to by-law infractions in a timely manner and in a less formal setting than a Provincial Offences Court. The municipality can recover all or any portion of the cost of administering the dispute whereas the POA process limits the municipality's recovery of administrative costs to set fees regardless of the actual resources and associated costs used.

AMPS Process

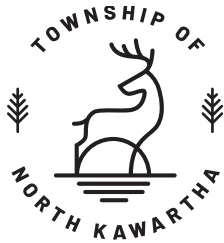
Every person who contravenes a provision of a designated by-law is issued a Penalty Notice by an Officer appointed by the Municipality and will be required to pay the Municipality an Administrative Penalty in an amount specified. A Penalty Notice is very much the same as a parking "ticket", except it requires payment of a penalty instead of a fine.

The person may either pay the Administrative Penalty within 15 days of the Penalty Notice or may request the Administrative Penalty be reviewed by a Screening Officer. If payment is paid, the file is closed. If appeals are requested within 15 days of the Penalty Notice, the following would occur:

- All disputes must proceed through a screening process. Screenings would be held within municipal facilities or held virtually. A screening officer could be a staff member.
- Hearings, if required on an appeal to a screening decision, may be held virtually before an independent body. A Hearing Officer would need to be engaged and delegated quasi-judicial and legislative authority under various Municipal By-Laws.
- If fines are not paid, they can be added to municipal taxes.

A by-law would need to be prepared to provide a process, the staff required, and procedures involved in the issuance of an Administrative Monetary Penalty System Notice and the manner in which a person may contest the penalty notice. The following is a detailed outline of the AMP process:

- When a Municipal Officer determines that an individual is in breach of a Municipal By-Law, this individual will be issued a Penalty Notice.



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- Once a Penalty Notice is issued, a person has 15 days to pay the Penalty Notice amount or appeal/contest the Notice and request to meet with the appointed Screening Officer.
- Once the 15 days has expired and no request has been made to appeal to the Screening Officer the Penalty Notice is final and binding.
- The Screening process must take place before a Hearing can be requested and such screening process should be held within 30 days.
- Should the Screening Officer find sufficient and legitimate reasons to do so, they may reduce the penalty, cancel the notice, or confirm the penalty. A Screening Officer may also provide additional time to pay a penalty.
- If a resolution cannot be reached the person can request that the matter, be further appealed and heard by an independent Hearing Officer for a more formal review. Similarly, the Hearing Officer can either affirm, amend, or rescind the Penalty Notice upon review.
- The Hearing process should take place within 1 to 3 months. The hearing officer can reduce, cancel, or confirm the penalty notice amount. The Hearing Officer's decision is final and binding. There is no appeal.
- No fee may be charged in relation to a review by the screening or hearing process.
- The owner will be notified in writing of the final penalty and if the penalty is not paid by the date specified in the letter, said amount will be added to their property taxes.

The AMP's process resolves minor by-law infractions and has the potential to take less time than a court system while maintaining an individual's right to request a review. A legal counsel to represent the Municipality would not be needed. The Municipality would be able to self represent the facts to a Hearing Officer on behalf of the Municipality if the matter reached this level of appeal.

Staff would need to determine whether AMPS could be administered with existing staff or whether additional administrative and enforcement staff would need to be hired.

The concept of graduated fines can be incorporated into the AMPS By-Law for repeat offenders for the same violations.



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Financial Implications:

Cost to produce penalty notices dependant upon a digital or paper process, staff time and potential for additional staff, hourly rate for hearing officer.

Further financial details are being investigated.

Strategic and/or Other Plans:

Strategic Economic Development Plan: Tourism: Short-term Rentals

Consultant(s) Sourced:

Matt Aldom, Chief Building Official / By-Law Enforcement Officer

Attachment:

County / City of Peterborough:

<https://www.ptbocounty.ca/living-in-our-community/parking/>

<https://www.peterborough.ca/council-city-hall/tickets-fines-and-provincial-offences-court/administrative-monetary-penalty-system/>

Trent Lakes:

<https://www.trentlakes.ca/en/build/by-laws-and-enforcement.aspx>

Havelock-Belmont-Methuen:

<https://www.hbmtwp.ca/doing-business/administrative-monetary-penalty-amp/>

Hasting Highlands:

<https://www.hastingshighlands.ca/living-here/bylaw-enforcement/>