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**MEMORANDUM**

**PWC-C 46-2020**

**Subject:** Short Form Offences and Set Fine Schedule

**Date:** Tuesday, December 8, 2020

**To:** Public Works Committee

**From:** Susan McPetrie, Waste Management Services Advisor

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This memorandum is intended to advise Committee members that the Short Form Offences and Set Fine Schedule, to be enforced under the amended Solid Waste Management By-law No. 2017-56 has been approved, with amendments, by the Chief Justice of the Ontario Court (Provincial Division). The order took effect October 19, 2020 (Appendix 1).

**Background**

On August 13, 2020, Regional Council approved the recommendations of the Public Works Committee to amend Solid Waste Management By-law No. 2017-56 to reflect the updates outlined in Report PW 34-2020. Council also approved the recommendation to forward the Short Form Offences and Set Fines Schedule as proposed in Report PW 34-2020 to the Chief Justice of the Ontario Court for approval, as required under the Provincial Offences Act. The forwarded Set Fines Schedule included the revisions as proposed in Committee's friendly amendment to increase the set fine amount for illegal dumping from \$500 to \$1000.

**Submission to Ontario Court of Justice**

The amended by-law was approved at the Regional Council meeting held on September 17, 2020. On October 2, 2020, the proposed Short Form Offences and Set Fines Schedule was submitted to the Chief Justice. The submission included a rationale for the increased set fine amount that emphasized Niagara Region's commitment to addressing illegal dumping (Appendix 2). It noted that with the start of the new collection contract and service level changes, including every-other-week garbage collection, limitations on large item collection and discontinuation of large appliance and metal household item collection, the higher set fine amount would provide a greater deterrent to illegal dumping. As a result, the impacts of illegal dumping, such as contamination of

the natural environment, the creation of aesthetically displeasing areas and the financial and resource burden for investigation and clean-up would be reduced. The submission also included a proposed new short order offence, failure to comply with an order. This new offence and associated set fine will facilitate enforcement of orders to correct contraventions of the by-law.

### **Approval with Amendments**

On October 19, 2020, the Office of the Regional Senior Justice, Ontario Court of Justice sent notification to Niagara Region that the Schedule of Set Fines had been approved with amendments as shown below.

Table 1: Proposed and Approved Set Fine Amounts

<b>Item</b>	<b>Short Form Wording</b>	<b>Proposed Set Fine Amount</b>	<b>Approved Set Fine Amount</b>
32	Illegal Dumping	\$1000	\$750
37	Failure to Comply with an Order	\$500	\$300

Refer to Appendix 3 for the full schedule of approved Short Form Offences and Set Fines, which took effect October 19, 2020.

Respectfully submitted and signed by

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Susan McPetrie  
Waste Management Services Advisor

### **Appendices**

Appendix 1	Order from Chief Justice of the Ontario Court
Appendix 2	Set Fine Application Explanation
Appendix 3	Short Form Offences and Set Fines Schedule