
Memorandum

PWC-C 14-2024

Subject: Process to Appeal Red-Light Camera and Automated Speed Enforcement Infractions

Date: November 5, 2024

To: Public Works Committee

From: Scott Fraser, Associate Director Transportation Planning

This memorandum provides the information requested by [PWC-C 11-2024](#) - Motion Respecting the Process to Appeal Red-light Camera and Automated Speed Enforcement Infractions.

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5976cbfd-e4c5-49ed-9647-7b39d5dd7d97&Agenda=Merged&lang=English&Item=20&Tab=attachments>)

Automated Enforcement (AE) programs such as Red-Light Cameras (RLC) and Automated Speed Enforcement (ASE) use cameras to collect evidence of potential speeding and red-light camera violations.

The RLC and ASE programs use cameras and speed measurement devices to help enforce posted speed limits in community safety zones and stopping on red light at intersections.

The information collected by AE cameras are sent to a Municipal Joint Processing Centre (JPC) where Provincial Offence Officers manually review all information collected by the cameras to identify violations and lay charges as appropriate.

Automated Enforcement tickets are issued only if the evidence collected shows a Highway Traffic Act infraction has occurred.

The Highway Traffic Act (HTA) specifies exemptions for EMS, Fire, and Police vehicles using lights and sirens to respond to an emergency, as well as for snow plows clearing an intersection. Provincial Offences Officers do not have discretion to introduce new exemptions. Tickets will not be issued in circumstances where evidence shows that an exemption under the HTA applies.

Automated enforcement tickets are issued to the owner of the vehicle (not the operator) and consequently there are no demerit points for these tickets.

The Provincial Offences Courts process provides the public with an opportunity to dispute tickets as set out in the *Provincial Offences Act*.

Members of the public who receive tickets can dispute them through the court system, either by requesting a meeting with a prosecutor in an "early resolution" meeting or by requesting a trial. It is through these two options that members of the public can present information about extenuating circumstances that should be considered beyond the exemptions set out in the HTA.

Prosecutors and Justices of the Peace have some discretion and authority to consider the circumstances around each ticket. The Justice of the Peace presiding over the case ultimately has the authority to impose a fine below the minimum (including a \$0 fine) if deemed appropriate based upon a consideration of specific circumstances. This decision will be up to the Justice of the Peace and will be considered on a case-by-case basis.

Information about the dispute process and available options is included on the notice sent to the vehicle owner and is available on the Region's website at [Provincial Offence Court](https://www.niagararegion.ca/living/provincial-offences/default.aspx) (<https://www.niagararegion.ca/living/provincial-offences/default.aspx>).

Courts staff have completed a thorough review regarding the protocol for disputed RLC charges.

Court Services' approach to RLC tickets was informed by case law and consultation with other municipalities that prosecute RLC charges. Each ticket challenged will be assessed individually, taking into account factors such as the risk to public safety that occurred (e.g. the speed at which the driver proceeded through the intersection). Where appropriate, the prosecutor may support a reduction to the minimum fine amount of \$200.

Region Staff have completed a jurisdictional scan through the City of Toronto Joint Processing Centre

Transportation Services relies upon the Toronto Joint Processing Centre (JPC) to share process information related to the issuance of charges. In many cases the JPC advises its partners on matters of consistency that may affect the operations of the JPC. Upon receiving our request for information about the practices of other jurisdictions in relation

to declining to issue charges beyond the exemptions provided by the HTA, the JPC clearly communicated that other jurisdictions with automated enforcement programs are not “exempting” charges that fall outside of those covered in the HTA, which is consistent with our understanding of the limited authority provided to Provincial Offences Officers.

Respectfully submitted and signed by:

Scott Fraser, P.Eng.
Associate Director, Transportation Planning