

How Bylaw Adjudication Works

The Municipal By-law Enforcement Act allows municipalities to enforce parking tickets and other by-law violations through the use of administrative penalties and non-judicial adjudicators instead of relying on limited Provincial Court resources.

The goal is to create a simple, fair, and cost-effective system to enforce by-laws while resolving disputes in a way that promotes understanding and compliance. The majority of the violations that will be enforced this way will relate to parking restrictions and community liveability by-laws.

A penalty notice is issued if a by-law enforcement officer believes that there has been a by-law violation. The notice will include the relevant information relating to the violation and the amount of the administrative penalty that is owed. You may dispute the violation by contacting the municipal offices.

A dispute is first reviewed by a screening officer who will review the information contained on the penalty notice and any additional information you may wish to provide. The screening officer will then determine if the penalty should be upheld, cancelled or in some cases varied.

If you disagree with the screening officer's decision, you can request adjudication by a provincially appointed adjudicator. The adjudicator will review the screening officer's decision and any additional information that the adjudicator considers relevant. The adjudicator's decision is final and not subject to any appeal.

How to Pay the Fine on the Penalty Notice

Payment of the fine indicated on the Penalty Notice can be made in person or by mail to:

Town of Niverville
86 Main Street, PO Box 267
Niverville, MB R0A 1E0

Do not send cash in the mail.

Payment may also be made by credit card (*subject to current convenience fee rates*), debit, cash or cheque at the Town Office.

Take note of any early payment discounts that are set out on the penalty notice.

How to Dispute a Penalty Notice

You have until the date noted on the penalty notice to pay the administrative penalty or dispute the penalty notice. If you do not pay the penalty or dispute the notice before that date, you will receive a Final Notice. The Final Notice will give you 30 additional days to pay the penalty or dispute the penalty notice. If you do neither within that period, you will no longer be able to dispute the penalty notice.

You may dispute a penalty notice by appearing at the address set out below on weekdays between 2:00 pm and 5:00 pm and requesting to speak to a screening officer.

Town of Niverville
86 Main Street, PO Box 267
Niverville, MB R0A 1E0

The screening officer will review the penalty notice and may:

- cancel the penalty notice;
- in some circumstances, enter into a compliance agreement with your consent to resolve the violation;
- in some circumstances reduce the administrative penalty if the circumstances warrant; or
- uphold the penalty notice.

The specific options available to the screening officer are determined by the particular by-law. A copy of each by-law is available online at <http://whereyoubelong.ca/town-council/by-laws>

If you are not satisfied with the decision of the screening officer you may request a hearing before an adjudicator.

How to Request an Adjudication Hearing

You may request an adjudication hearing by completing and returning an Adjudication Request Form to the municipal offices within the time period set out on the form. Shortly after you submit the form, you will be contacted to schedule the adjudication hearing. The address, email or phone number set out on the form will be used to contact you.

You are required to pay a \$25 adjudication fee when requesting an adjudication hearing. This amount will be refunded to you if you are successful.

The adjudicator is appointed by the province and must be independent and objective. The adjudicator may not be an employee or officer of any municipality and may not hear a dispute if there is an apprehension of bias towards you.

You may appear at the adjudication hearing in person, or you may be represented by an agent or a lawyer. You may also participate in the adjudication hearing through prepared written submissions or by telephone or other telecommunications device. Be sure to clearly indicate how you wish to participate when scheduling the hearing.

At the adjudication hearing, the adjudicator will review the screening officer's decision and the relevant evidence before deciding whether or not the contravention occurred. If the adjudicator believes that the violation occurred, the administrative penalty must be paid in full. If not, the penalty notice is cancelled, the \$25 adjudication fee is refunded, and no penalties are payable. The adjudicator may also reduce the administrative penalty if exceptional circumstances exist.

What is a Compliance Agreement

A compliance agreement is an agreement that you may voluntarily enter into in certain situations. By entering into the agreement you recognize that a by-law violation has occurred and agree to resolve the violation by bringing the situation back into compliance with the by-law.

Compliance agreements are best suited to ongoing violations, like minor zoning issues or general neighbourhood livability by-laws, where you are willing to correct the situation but need some time to do so. The compliance agreement will include a time period for resolving the situation and identify what needs to occur before the situation is resolved.

The screening officer will review a report from the by-law officer concerning whether the agreement has been complied with. The screening officer will cancel the penalty notice if the terms of the compliance agreement are fulfilled. If the screening officer believes that you have not complied with the terms of the agreement, the penalty must be paid within 14 days of when you received notice of the screening officer's decision.

You may dispute the screening officer's decision by requesting an adjudication hearing.

What Happens if the Administrative Penalty is Not Paid

An administrative penalty may become payable in one of the following scenarios:

- you do not respond to a penalty notice within 30 days of receiving a Final Notice;
- the screening officer confirms that the by-law violation occurred and you do not request an adjudication hearing within the time set out;
- the screening officer determines that you did not comply with the terms of a compliance agreement and you do not request an adjudication hearing with 14 days; or
- the adjudicator confirms that the by-law violation occurred.

In any of these scenarios, the administrative penalty is owing and must be paid by you to the Municipality. The Municipality is entitled to take enforcement action to recover any unpaid amounts. Examples of enforcement action include registering a lien against your vehicle in the Personal Property Registry, even if the by-law offence did not involve the use of your vehicle and filing a judgment against your land in the provincial Land Titles office.