

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

January 5, 2016

Ms. Christiane Potvin, Clerk  
Township of Val Rita-Harty  
2 Avenue de l'Eglise  
C.P. 100  
Val Rita, Ontario, P0L 2G0

Dear Ms. Potvin:

**Re: Set Fines – Provincial Offences Act – Part I**  
**Township of Val Rita-Harty, Cochrane District**

Thank you for your letter dated December 14, 2015 directed to Kerry-Lee Thompson regarding a set fine for By-Law #1013-15.

I have had an opportunity to consider your request. For the reasons that follow, I have not approved the request and have instead imposed a set fine of \$175.00 for these offences.

A set fine is a sentencing process and must consider the circumstances of the offence, the need for deterrence and must also consider proportionality (minor versus serious offences). Early guilty pleas are also an important consideration.

The set fine regime is meant to encourage out of court settlements, while also considering the above principles and must also consider similar sentences for similar offences in the region. I have reviewed other such by-laws in the region. The average set fine is well below \$200.00. I have also considered rural versus urban in this review.

Setting the set fine in this case at the amount requested would neither achieve the ends of sentencing nor the set fine regime.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

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I have forwarded the copy of the Orders and the schedules of these set fines to the Ontario Court of Justice in Cochrane, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'P. Boucher'.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

PJB/hrd

encl.

c.c.: His Worship Theodore Hodgins, Regional Senior Justice of the Peace  
Her Worship Monique Mechefske, Justice of the Peace

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## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 1013-15, of the Township of Val Rita-Harty, Cochrane District, attached hereto is the set fine for these offences. This Order is to take effect January 12<sup>th</sup>, 2016.

Dated at the City of Greater Sudbury, this 5<sup>th</sup> day of January, 2016.

A handwritten signature in blue ink, appearing to read 'P. Boucher', written over a horizontal line.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1013-15

## **BEING A BY-LAW TO PROHIBIT THE OBSTRUCTION OF ROADWAYS AND SIDEWALKS WITHIN THE MUNICIPALITY OF THE VAL RITA-HARTY AND REGULATE THE DUMPING OF SNOW THEREON**

**WHEREAS**, Section 8 of the Municipal Act, Chapter 25, S.O. 2001, as amended, confers broad authority upon municipalities and provides that a municipal power shall be exercised by by-law;

**AND WHEREAS**, the Highway Traffic Act (R.S.O. 1990, C. H.8, S. 181) prohibits any person from depositing snow or ice on a roadway without permission from the road authority, and

**NOW THEREFORE** the Municipal Council of the Corporation of the Township of Val Rita-Harty enacts as follows:

1. For the purpose of this by-law, "roadway" shall be defined as the municipal road allowance and "travelled portion of the roadway" shall be defined as that part of a roadway designated or intended for use by vehicular traffic.
2. No person shall place or deposit, or cause to be placed or deposited, snow on the travelled portion of a roadway within the Municipality of Val Rita-Harty.
3. No person shall create or cause an accumulation of snow to be created on property adjacent to municipal sidewalks or roadways, thereby causing the obstructing, encumbering or fouling of such sidewalks or roadways.
4. No person shall deposit any snow from a private property or cause any snow from a private property to be deposited on any part of a roadway allowance within the Municipality of Val Rita-Harty.
5. The accumulation of snow on the part of a municipal road allowance that is located along the entrance or driveway of a private property may be cleared and deposited by the owner of the property only on the part of the road allowance that fronts his property and that is not open for and used by or for pedestrian and vehicular traffic and parking.
6. No property owner, tenant, occupant or contractor shall deposit snow on or fronting his property on any part of a roadway allowance that is located adjacent to any other neighboring property.
7. Every person who contravenes any section of this by-law is guilty of an offence and upon conviction of an offence is liable to a fine as provided for by the Provincial Offences Act R.S.O. 1990 Chapter P.33 as amended, and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this by-law.
8. That schedule "A" form part of this by-law

**CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY**

BY-LAW No. 1013-15

9. That by-law 750-04 be repealed

READ A FIRST TIME THIS 24<sup>th</sup> DAY OF NOVEMBER 2015


  
\_\_\_\_\_

Mayor: Johanne Baril

  
\_\_\_\_\_

Acting Clerk: Lise Bérubé

READ A SECOND TIME THIS 24<sup>th</sup> DAY OF NOVEMBER 2015

  
\_\_\_\_\_

Mayor: Johanne Baril

  
\_\_\_\_\_

Acting Clerk: Lise Bérubé

READ A THIRD TIME AND PASSED THIS 24<sup>th</sup> DAY OF NOVEMBER 2015

  
\_\_\_\_\_

Mayor: Johanne Baril

  
\_\_\_\_\_

Acting Clerk: Lise Bérubé

*I hereby CERTIFY that the above is true copy of By-law No. 1013-15 as enacted and passed by the Council of the Corporation of the Township of Val Rita-Harty on the 24<sup>th</sup> of November 2015.*

*Dated in Val Rita this 15<sup>th</sup> day of December, 2015.*

  
Lise Bérubé  
Acting Clerk

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1013-15

## SCHEDULE "A"

### TO BY-LAW NO. #1013-15 DUMPING OF SNOW Part 1 Provincial Offences Act

#### SET FINE SCHEDULE

*PJ Baucher*

Item	Column 1 Short Form Wording	Column 2 Provisions creating or defining offence	Column 3 Set Fine
1	Placed or deposited snow on travel portion of roadway	Section 2	<del>\$ 500.00</del> 175.00
2	Create or cause accumulation of snow adjacent to municipal sidewalks or roadways	Section 3	<del>\$ 500.00</del> 175.00
3	Deposited snow on road allowance	Section 4	<del>\$ 500.00</del> 175.00
4	Depositing snow on road allowance adjacent to neighboring property	Section 6	<del>\$ 500.00</del> 175.00

**Note:** The penalty provision for the offences indicated above this Section 7 of By-Law Number 1013-15, a certified copy of which has been filed

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BY-LAW No. 1013-15

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#### SET FINE SCHEDULE

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Item	Column 1 Short Form Wording	Column 2 Provisions creating or defining offence	Column 3 Set Fine
1	Placed or deposited snow on travel portion of roadway	Section 2	\$ 175.00
2	Create or cause accumulation of snow adjacent to municipal sidewalks or roadways	Section 3	\$ 175.00
3	Deposited snow on road allowance	Section 4	\$ 175.00
4	Depositing snow on road allowance adjacent to neighboring property	Section 6	\$ 175.00

**Note:** The penalty provision for the offences indicated above this Section 7 of By-Law Number 1013-15, a certified copy of which has been filed