



Type of law:
CRIMINAL LAW

A 2021 Alberta Guide to the Law

Bylaws, Tickets, & Fines



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GENERAL

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BYLAWS & PROVINCIAL TICKETS

Bylaws are rules and regulations enacted and enforced by cities



If you are concerned that someone is violating a bylaw you can register your complaint by calling 3-1-1

Within several days an officer will investigate your complaint



If you violate a bylaw you may be given an order to comply or a fine. The order may require you to:

- Stop doing something
- Take action to fix the violation
- State a time by which you must comply with the bylaw
- State the action the City may take if you do not comply

Provincial laws and regulations enacted by the provincial government and enforced by either the RCMP or the city police



Common examples of breaches of provincial laws and regulations include:

- Driving without insurance
- Speeding
- Careless driving



If you violate a provincial regulation you may have to:

- pay a fine
- go to prison

Common examples of provincial regulations include:

- Driving without insurance
- Speeding
- Careless driving

The Fine Option Program

- This program is for those who are unable to pay their fine, yet they face jail time if they do not pay. The program allows individuals to "pay" their fine through community service
- You should apply for this program before the payment due date.

Contesting a Fine

- An individual can contest a fine that they disagree with unless they have pleaded guilty or been found guilty at trial.
- The ticket or notice regarding the fine will provide the options for entering a not guilty plea.
- Usually, this means attending court or mailing back the ticket or notice after filling out a specific section that shows that you are contesting the fine.

UNPAID FINES

I got a fine! What do I do?

Read the ticket or notice and figure out:

- ➔ What is the fine for?
- ➔ How much is the fine?
- ➔ What are the options for paying it?
- ➔ What are the options for fighting it?
- ➔ When is the due date for paying or fighting the fine?
- ➔ Is there a court date?

Failing to respond to a fine can lead to more fines, late fees, being charged with another offence, an arrest warrant, or time in jail. Additionally, government fines can lead to individuals being unable to receive motor vehicle related registry services until the fine is paid in full.



Fine Enforcement Program

- ➔ This government program is responsible for collecting fines due to public offences.
- ➔ If you are unable to pay your fine as a lump sum, you may be able to speak with this program to make other payment arrangements.

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What are Bylaws?

Bylaws are rules and regulations created to maintain the safety and wellbeing of the community. Bylaws are typically enforced using warnings and fines. Breaching a bylaw can result in a fine.

This section of the pamphlet will focus on the bylaws and the relevant processes that are applicable within the municipality of the **City of Edmonton**. This pamphlet will also discuss what happens when a fine is not paid.

Where Can I Find Bylaws?

Bylaws can be found online at: https://www.edmonton.ca/city_government/bylaws.aspx. Online versions of the bylaws do not contain the maps, charts, and graphs that may be important to understanding the bylaw and how it works. As such, if you would like to better understand the bylaw, you should contact the Office of the City Clerk. The Office of the City Clerk maintains all the bylaws and can provide printed versions.

The Office of the City Clerk can be contacted at:

City Hall - 3rd Floor

1 Sir Winston Churchill Square

Edmonton, AB T5J 2R7

Ph: 780-496-8178

Fax: 780-496-8175

Email: InformationServices@edmonton.ca

Fines

A fine is a financial penalty issued to an individual who has breached a rule, regulation, or law (including bylaws). While only the government can create laws, private organizations and other agencies may have rules and regulations for those participating in their business.

Note: This pamphlet will focus on government-issued fines.

Types of Government Fines

There are three types of government fines that an individual may receive:

Municipal Fines (e.g., City of Edmonton Fines) - These are imposed when an individual violates a city by-law or regulation and include things such as parking tickets.

Provincial Fines - These are imposed when an individual violates a provincial law or regulation and

include things such as speeding tickets and hunting and wildlife violations.

Federal Fines - These are imposed when an individual violates a federal law or regulation, such as impaired driving, assault, or another criminal charge that results in a fine. Other federal laws may impose a fine, such as the *Access to Information Act* or the *Canada Elections Act*.

Each level of government oversees different areas of the law and will have different rules and/or requirements for the repayment of fines.

Other Types of Fines

Private organizations and agencies can use fines to enforce compliance with their private bylaws, which are rules and regulations. An example of a private organization or agency would be a condominium corporation or a sports league. While they can issue fines, they can only issue them against those who are, or should be, aware of the organization's rules and regulations. Even if a guest caused an issue in a condominium building, the owner of the unit will have to pay the fine.

Private organizations or agencies handle enforcement different than government-issued fines. If a person does not respond to a privately issued fine, the private company may hire a collection agency to obtain the payment, and the individual may receive other penalties, including a late fee. The Courts can assist with issues of settlement and resolve any unfair processes or conduct. Additionally, private organizations still have to follow applicable laws. For example, under the *Condominium Property Act*, if the breach of a condominium bylaw results in a monetary fine, the amount must be specified within the bylaw.

Receiving a Fine

It is crucial that individuals review the paperwork they receive when they are given a fine in order to determine:

- What the fine is for
- The amount of the fine
- Whether you **MUST** appear in court
- How to pay a fine
 - Typically, if an individual receives a fine that does not require a court appearance and the individual pays the fine, they are considered to have pleaded guilty and accepted the penalty. In this case, the matter is finished after the fine is paid.
- How to contest a fine
 - Contesting a fine means that you either disagree with the fine in full or the amount of the fine.

- Generally, after you contest a fine, you will be given a court date where you will appear before a Judge or Justice of the Peace to explain why you do not agree with the fine.
- If a fine is given after an individual is convicted of breaching a regulation or law, the fine cannot be contested other than through an appeal.
 - An example of this occurs for instance if someone is convicted of theft under \$5000, they could still face an additional fine.
- If a fine is given without a conviction, such as a speeding ticket, the ticket will show how and when to pay the fine, and how to contest it if you wish.
- When being issued a ticket it is good practice to not do anything that would make the situation memorable for the police officer. It is best to handle the situation without anger or aggression.
- It is helpful to immediately write down details about the incident, especially if you wish to contest the fine. Some important details to write down may include:
 - The contact information of any witnesses and get a statement of what they saw/heard
 - The location of the road and traffic signs, anything on the road, and the light signals
 - The position of the vehicles involved (if any) and their location on the road
 - The conditions of the road and any relevant weather
 - Any other details that may be important

Bylaw Complaints Process

1. Making A Complaint

Before making a complaint, the City of Edmonton encourages individuals to discuss the concern and try to reach a resolution. If the concern is not resolved, an official complaint can be made. To make a complaint about a bylaw violation, the address and description of the violation is required along with your name and phone number.

Generally, you can call **311** to make a bylaw complaint. However, certain types of complaints can be made online at: <https://permits.edmonton.ca/Default.aspx?appArea=Complaints>

The types of complaints that can be made online are:

- Dead animal removal request
- Excessive barking dog
- Excessive dog defecation

- Noxious weed infestation
- Snow/Ice on sidewalk
- Unlicensed pet
- Untidy/unsightly property

Keep in mind that, when making a complaint, your knowledge may be required if the matter goes to court and a testimony is needed from you.

2. Response to the Complaint

After a complaint is made, a file for the complaint is created. Either a Municipal Enforcement Officer (MEO), Community Standards Peace Officer (CPO), or an Animal Control Officer (ACO) will begin an investigation within 4 business days. Depending on the circumstances, the officer may provide a warning with a time frame for the individual to resolve the concern or they may issue a fine. An officer may also issue an Order permitting the City to fix the issue and bill the property owner for the cost. The City may also request that you appear as a witness if the issue continues onto court.

Bylaw Enforcement Process

A person who violates a bylaw is guilty of an offence and will be liable to a penalty. In response to a bylaw offence an *order to comply*, a *municipal tag*, or a *violation ticket* may be issued. Each of these are different and have different consequences.

Order to Comply

If there are reasonable grounds to believe that a bylaw is being violated, an order to comply may be issued. The order may require someone to:

- a. stop doing something, or change the way they are doing something;
- b. take action to fix the violation and/or prevent it from continuing;

The Order will generally also state a time within which a person must comply with the bylaw and state what action the City will take if the person does not comply with the bylaw.

Municipal Tag

If a municipal tag is issued in response to an offence, it will specify a fine of a certain amount (the amount varies depending on the offence). If that amount is paid on or before the specified due date, the offender will not be prosecuted. If the fine is not paid before the due date, a violation ticket may be issued.

Violation Ticket

There are two types of violation tickets:

a) Summons Violation Ticket

- **Pink** in colour, reads “Part 2, Summons” in the top right corner
- A summons violation will have a complaint (noting the alleged offence) and a summons (noting a date to appear in Court and how to respond to the summons)
- A summons violation ticket may offer an option of voluntary payment or may only require a court appearance

b) Offence Notice Violation Ticket

- **Yellow or white** in colour, read “Part 3, Offence Notice” in the top right corner
- An offence notice violation ticket will have a certificate of offence (noting the alleged offence) and an offence notice (indicating the penalty for the offence, a date to appear in Court, and how to respond to the offence notice)
- An offence notice always offers the option of voluntary payment

Voluntary Payment

If a violation ticket includes a fine, the defendant has the option to make a voluntary payment. A voluntary payment of a summons violation ticket is made by paying the fine noted on the ticket on or before the date of the Court appearance. Voluntary payment of an offence notice violation ticket is made by paying the amount noted as the penalty of the offence. Voluntary payment of a violation ticket is both a guilty plea and a conviction of a bylaw offence.

Appearances

A defendant will have to make a Court appearance if required by a summons violation ticket. A defendant may also have to make a Court appearance if they wish to plead not guilty to a bylaw offence (although some violation tickets allow you to sign a not guilty plea and mail it to the Court). Once a defendant appears in Court and enters a plea of not guilty, a trial date will be set.

Contesting a Ticket

If you receive a ticket for an offence that you have not committed, you can contest the ticket. You can contest a ticket by appearing in court on or before the appearance date noted on your ticket and entering a plea of not guilty. Your ticket may also provide another way of entering a not guilty plea (by signing a not guilty plea on the ticket and mailing it, for example).

You can also contest your ticket by sending a letter to the following address:

City of Edmonton
Bylaw Ticket Administration
PO Box 2024

Edmonton, Alberta T5J 4M6

Phone: 780-496-5161

Fax: 780-496-6054

You must include the ticket number, your name, and your mailing address along with a brief explanation of the circumstances regarding the ticket. Be sure to include any applicable information such as a permit number, police file number, etc.

Owner Liability for Traffic Bylaws

Under the Traffic Bylaw (Bylaw 5590) if a vehicle is involved in an offence, the owner of that vehicle is liable for that offence. However, if you can establish that you were:

- a. not driving (or parking) the car; **and**
- b. that the car was being driven (or parked) without your permission (either express or implied);

you will not be held liable for the offence. Therefore, if you are contesting a ticket on the basis that you should not be liable as the owner of the vehicle, make sure to communicate those two points as clearly as possible.

Failure to Respond

Failure to respond to a penalty for a bylaw offence can result in a variety of consequences. You may be unable to obtain important services such as vehicle registration. Late payments may be added. In some cases, a warrant for arrest may be issued. If you do not pay a **municipal tag**, you may be issued a violation ticket.

If you fail to respond to a **summons violation ticket**:

- a. a not guilty plea may be entered and a trial date set;
- b. a warrant for arrest may be issued; **OR**
- c. a new summons may be issued requiring a court appearance.

If you fail to respond to an **offence notice violation ticket**, a guilty plea will be entered, and you will owe the noted penalty. If you have a good reason for missing your trial date, you can apply to have this conviction set aside within 15 days. To do so, you will have to go to court with a filed affidavit explaining why you failed to respond to the ticket. If the ticket is in relation to a traffic matter, an Affidavit on Application to Set Aside a Conviction form can be used from the Traffic Court section of the Alberta Court Website (<https://albertacourts.ca/provincial-court/traffic-court>). If a not guilty plea is entered and you fail to appear on your trial date you may be found guilty of the offence, the trial may proceed without you, or a new trial date may be set.

Bylaw and Ticket Payment Options

Municipal tags and bylaw tickets may be paid online or in person. You can pay your ticket online by Visa, MasterCard or American Express. Most financial institutions will also allow you to pay a ticket in person on or before the due date.

Municipal Tags (Online): <http://coewebapps.edmonton.ca/tags/default.aspx>

Violation Tickets, Notices of Conviction, Time to Pay Notices (Online):
<https://eservices.alberta.ca/fine-payments.html>

By Mail:

City of Edmonton – Ticket Administration
PO Box 2024
Edmonton, AB T5J 4M6

In Person (credit, debit, or cash):

Edmonton Service Centre
2nd Floor - 10111 104 Avenue NW
Edmonton, AB T5J 0J4

Offence notice violation tickets or summons violation tickets with a voluntary payment option can also be paid at the provincial courthouse, located here:

Law Courts
1A Sir Winston Churchill Square
Edmonton, AB
T5J 0R2

If You Need Help Paying Your Ticket

More Time To Pay

If you go to Court and speak to a Justice of the Peace or a prosecutor and explain your situation, they may be able to reduce the amount of the fine and/or grant more time to pay the fine. Sometimes a payment schedule will be put in place; other times a new deadline will be set. Several factors will be considered including financial need, the amount of the fine, the severity of the offence, and the circumstances of the offence.

Provincial Tickets and Fines

Provincial fines come from laws that the provincial legislature has created. The most common provincial tickets and fines come from driving offences, these include:

- Driving without insurance
- Speeding
- Failing to stop at a stop sign
- Making an unsafe lane change
- Driving without a license

For these violations, you may go to court if you wish to contest the fine. The date for you to attend court will be written on your ticket. Provincial tickets that come with a summons (where you **MUST** appear in court) are generally for more serious violations including:

- Careless driving
- Hit and run accidents
- Excessive speeding

Contesting a Traffic Ticket or Fine

You may want to contest your traffic ticket or fine. There are several common reasons why a person may want to contest their ticket or fine including:

- Errors on the ticket
- You believe you are not guilty of the charge
- The Crown Prosecutor cannot prove that you committed the offence
- Having your license taken away would cause you severe personal hardship

It is important after receiving your ticket to check it for errors. If you notice any errors note that this does not necessarily invalidate the ticket. If there are errors, you may wish to contact the Crown Prosecutor prior to the court date on your ticket. Depending on the error, the Crown may withdraw the charges, or edit the information and proceed with the court date.

If you feel that you are not guilty of the offence you can fight the ticket in court. However, it is important to consider the time and cost of going to court. When you attend the court date on your ticket, you may be given another day to attend court for an actual trial. You may have to hire a lawyer for your trial and take time off work. At trial there is no guarantee of a win. When going to court

bring any notes you made and bring any witnesses that you wish to call. Be sure to get their full names and addresses.

Note: The Police will have 6 months to lay charges against you from the date of the traffic offence.

Paying Provincial and Federal Fines (Alberta)

Provincial and federal fines can generally be paid:

- Online
 - <https://eservices.alberta.ca/fine-payments.html>
 - Payments must be in full, and the online amount will include late fees.
 - If the ticket cannot be found online:
 - it may not have been entered yet as it was issued within the last 90 days, OR
 - it was issued more than 2 years ago and cannot be paid online. In which case the ticket and payment to the address listed on the letter from Fines Enforcement.
 - Online payments cannot be made for:
 - Fines due for Federal Offences
 - Restitution and other Court Orders directing payment to a victim
 - Municipal Fines
- In Person
 - At a registry (Motor Vehicle Related Fines Only)
 - At a courthouse
- Mail
 - To the address listed on the ticket
 - Fines Enforcement Program
 - PO Box 11363, Edmonton, AB T5J 3K6
 - Payments made by mail should be by cheque or money order, not cash, and should be addressed to the Government of Alberta.
 - Payment should include the ticket or docket number, so the right fine is paid off.

Alternatives To Payment of Bylaws and Tickets

If you do not have a source of income, you may enrol in several alternative programs to pay the bylaw, ticket or fine.

Fine Option Program: If an individual receives a fine and non-payment of the fine would lead to time in jail, they can speak with the Crown to request enrolment in the **Fine Option Program**. This program allows you to pay off a fine on an hourly basis by doing some community service work, which is paid at minimum wage. The provincial government operates the Fine Options Program, but it can also be used to pay City fines. It is up to the Justice of the Peace whether to allow alternatives to payments.

To participate in this program, individuals **must**:

- Face the risk of jail time if they do not pay their fine
- Apply for enrolment in the program on or before the due date of the fine.

The **Fine Option Program** can be contacted at 780-422-0730.

Institutional Fine Option Program: If an individual is serving time in jail because of a defaulted payment, they can potentially enroll in the **Institutional Fine Option Program** by talking to the staff at the institution. In this program, they may be assigned extra work within the institution, or they may be able to complete some community service outside the institution.

WHO CAN I CALL FOR MORE HELP OR INFORMATION?

Provincial Court Clerks – Criminal	Edmonton: 780-427-7868 Fax: 780-422-9736
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The Provincial Court Criminal Clerks are able to assist in providing information for Provincial Court Criminal matters regarding judicial procedures, court appearances, trial dates, adjournments, outstanding warrants, summonses, subpoenas, witness fees, and payment of fines. It is not their role to provide you with legal advice. *The criminal division does not handle traffic matters.*

Provincial Court Clerks – Traffic	Edmonton: 780-427-5913 Fax: 780-427-5791
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The Provincial Court Traffic Clerks are able to assist in providing information for Provincial Court Traffic matters regarding bylaw matters, judicial procedures, court appearances, trial dates, adjournments, outstanding warrants, summonses, subpoenas, witness fees, and payment of fines. It is not their role to provide you with legal advice.

Student Legal Services – Criminal Law Project #203, 9924 106 Street NW Edmonton, AB T5K 1C7	Ph: 780-425-3356 Fax: 780-420-0065 Email: sloed@ualberta.ca
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The Criminal Law Project looks to assist adults who have been charged with an offence but are unable to afford a lawyer or qualify for Legal Aid Alberta. A law student will volunteer their time to provide free legal assistance where they can act as an agent for you while acting under the supervision of advising lawyers. *Student Legal Services is able to assist with only some types of tickets and it is recommended that you call for more information.*

Edmonton Community Legal Centre (ECLC) Telus House, South Tower Second Floor – 10020 100 Street NW Edmonton, AB T5J 0N3	Ph: 780-702-1725 www.eclc.ca
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Edmonton Community Legal Centre (ECLC) provides legal services for low-income Albertans in certain areas of family and civil law. These services include free legal information, referral, and legal education. ECLC may also be able to provide legal advice if you fall within their eligibility criteria. Much of their legal information can be found on their website, as well as the time, dates, and locations of their public legal education programs. Additionally, ECLC has a fee waiver program if your income and document fall within their guidelines.

Legal Aid Society of Alberta Revillon Building 600 – 10320 102 Avenue Edmonton, AB T5J 4A1	Toll Free Ph: 1-866-845-3425 www.legalaid.ab.ca
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The Legal Aid Society of Alberta functions to assist low-income Albertans with certain types of legal matters. Assistance is provided through information, referrals, advice, and/or representation, depending on what your matter is and which eligibility guidelines you meet.

Lawyer Referral Service	Toll Free Ph: 1-800-661-1095
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The Lawyer Referral Service can help you find out contact information for practicing lawyers as well as who an appropriate lawyer may be for your matter. When you call, you will speak to an operator and you will describe the nature of your problem to them. The operator will then provide you with the contact information for up to three lawyers who may be able to assist you. When contacting these referred lawyers, make sure you let them know that you were given their information by the Lawyer Referral Service. The first half hour of your conversation with a referred lawyer will be free and you can discuss your situation and explore options.

Note: This free half hour is more for consultation and brief advice and is not intended for the lawyer to provide free work.

Fine Options Program 14605 134 Avenue NW Edmonton, AB T5L 4S9	Ph: 780-422-0730
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This program is run by the City of Edmonton for adult offenders to work off fines instead of making payments or spending time incarcerated. Participants complete community work service for a specified number of hours, depending on how much of their fine they wish to pay off through this program. You must use your court papers and time to pay notice to register for the program.

Office of the City Clerk City Hall - 3 rd Floor 1 Sir Winston Churchill Square Edmonton, AB T5J 2R7	Ph: 780-496-8178 Fax: 780-496-8175 Email: city.clerk@edmonton.ca
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The Office of the City Clerk handles City Council business, including bylaws, and maintains information and records for the municipal government.

Edmonton Service Center 2 nd Floor. 10111 104 Avenue Edmonton, AB T5J 0J4	https://www.edmonton.ca/programs_services/edmonton-service-centre.aspx
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The Edmonton Service Center is a one stop shop for individuals dealing with city matters, such as permits, passes, and licenses. Certain payments can also be made here.

Fine Enforcement Program	Email: jagfines.enforcement@gov.ab.ca Fax: 780-415-6026
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This is the program through the Government of Alberta that enforces fine and bail payments.