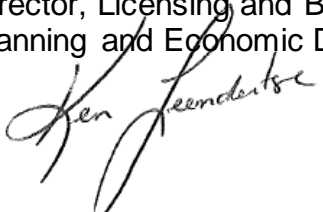




INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 13, 2020
SUBJECT:	Release of Business Information for COVID-Related Offences (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

At the November 11, 2020 Council meeting, staff were directed:

- (a) to develop and then immediately implement a protocol that would provide for the release, upon request, and without going through the MFIPPA process, the names of any businesses, or individuals charged on behalf of a business, who are charged with a COVID-related offence from this day forward; and
- (b) to develop an online portal where the businesses charged with COVID-related offences can be posted from this day forward, in order to share the information with the public.

The purpose of this Information Update is to advise Council that staff has now developed a protocol as directed and will be in a position to begin implementing Council's direction as of Monday November 16, 2020.

Staff have identified that charges issued to businesses under the following City By-laws and Regulations will be released to the public in accordance with Council's direction:

- Face Covering By-law (20-155), as amended;
- Physical Distancing By-law (20-164), as amended;
- *Reopening Ontario Act*, 2020, S.O. 2020, c. 17
- Any other legislation/by-laws enacted by the Province or the City in relation to the pandemic

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Staff will release the name of the business as well as the charge as written on the ticket of the alleged offence. Staff will not be providing a specific description of each alleged offence. To protect personal information, only the street name of the business will be disclosed on the City's website, any additional details will require an inquiry through the City's Freedom of Information process.

Staff will release the aforementioned information on the City's website at <https://www.hamilton.ca/coronavirus/faq-about-enforcement> on a weekly basis. The information will be released only after the ticket or penalty notice has been served on the defendant. Information on the City's website will be continually reviewed and or corrected as necessary.

The City's website will include a disclaimer statement that the business names listed does not mean the business has committed or been convicted of an offence under the *Reopening Ontario Act*, or a charge under the City's By-laws. All parties are entitled to a trial or a screening, where commission of an offence must be proven, and charges may be dropped, withdrawn, or acquitted.

It is important to note that charges under the City's Face Covering By-law and Physical Distancing By-law proceed by way of the Administrative Penalty System (APS) before a screening and or hearing officer resulting in a penalty, not a conviction by the court.

If you have any questions respecting this communication, please contact Ken Leendertse, Director, Licensing and By-law Services, by phone at Ext. 3059 or by email at ken.leendertse@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

none