

**Authority:** Item 8, Corporate Administration  
Committee Report 06-002  
(FCS06013)  
CM: February 15, 2006

**Bill No. 007**

## **CITY OF HAMILTON**

### **BY-LAW NO. 07-007**

#### **To Provide for the Recovery of Collection Agency Fees**

**WHEREAS** Council desires to provide that the fees charged by registered collection agencies working on behalf of the City be recovered from the debtor as part of the debt, and the City from time to time retains such agencies at reasonable and approved rates for its collection including for fines and costs under the Provincial Offences Act;

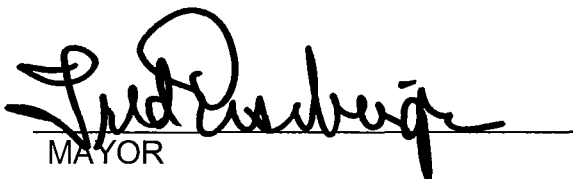
**AND WHEREAS** the Municipal Act, S.O. 2001, Chapter 25, section 304 allows the recovery of registered collection agency fees at rates approved by Council on debts of the municipality;

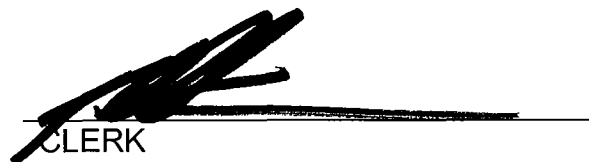
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. In this by-law the following definitions apply:
  - (a) "City" means the City of Hamilton;
  - (b) "Collection Agency" means a registered collection agency in good standing under the Collection Agencies Act and employed by the City for the collection of municipal debts;
  - (c) "debt" means the amount assigned to the collection agency for recovery;  
and
  - (d) "fee" means the amount charged to the City by the collection agency at the rates approved in this by-law.

2. The Collection Agency shall include and recover a collection fee on the City debt assigned, calculated at the following rates:
  - (a) ten percent (10%) of a debt owed by a corporation; and
  - (b) fifteen point nine percent (15.9%) of a debt owed by an individual.
  
3. The collection agency fees provided for herein are in addition to any accumulations of interest, costs, disbursements or expense incurred on or for collection of the debt which are permitted to be added to the debt as provided for under statute, instrument, agreement or other entitlement to be added as a result of non-payment or collection efforts, including fees for the filing or writs, garnishment or debtor exams, and sheriffs costs.
  
4. Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council of the City that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.
  
5. This by-law comes into force and effect on the date of its passing and enactment.

**PASSED** and **ENACTED** this 10<sup>th</sup> day of January, 2007.

  
MAYOR

  
CLERK