

"Drove Away" Parking Tags

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Administration Committee recommends the adoption of the report (November 10, 1999) from the Chief Financial Officer and Treasurer.

The Administration Committee reports, for the information of Council, having forwarded a copy of the aforementioned report to the Provincial Offences Act Task Force.

The Administration Committee submits the following report (November 10, 1999) from the Chief Financial Officer and Treasurer:

Purpose:

To report on the implementation of a twelve month pilot project which would provide for an alternative method of service for "drove away" parking tags.

Funding Sources, Financial Implications and Impact Statement:

An increase in gross parking tag revenue of up to \$500.0 thousand could be billed if the City undertakes a pilot project utilizing an alternative method of service for parking tags issued to vehicles which are driven away prior to the Parking Infraction Notice being served on the vehicle. The one time cost to the City of implementing and operating the pilot project, estimated at \$160,000 would be recovered from the additional revenue received.

Recommendations:

It is recommended that:

- (1) the City Solicitor submit to the Administration Committee the necessary amendments to the by-laws and/or Municipal Codes of the seven former municipalities to provide for:
 - (a) the issuance of a new form of notice [for convenience is called a Notice of Impending Summons (NIS) in this report] to the owners of vehicles which are driven away prior to the issuance of a Parking Infraction Notice; and
 - (b) a voluntary payment scheme which parallels the existing voluntary and set fine amounts for parking tags;
- (2) the Ministry of the Attorney General be requested to amend the Provincial Offences Act to provide for an additional form of service, preferably by first class mail, of Parking Infraction Notices under Part II of the Act;

- (3) the Chief Financial Officer and Treasurer, in conjunction with the Parking Enforcement Unit of the Toronto Police Service, conduct a twelve month pilot project incorporating an alternative method of service for “drove away” parking tags commencing in the year 2000 once the necessary amendments to the appropriate by-laws and Municipal Codes have been adopted by Council;
- (4) the Chief Financial Officer and Treasurer, in consultation with the Parking Enforcement Unit of the Toronto Police Service, report on the results of the pilot project on a quarterly basis; and
- (5) the appropriate City officials be authorized to take the necessary action to give effect thereto.

Background/Council History:

The issue of “drove away” parking tags is not new. This situation occurs when a person, parked or stopped illegally, drives away before the Parking Enforcement Officer can complete the tag and place it on the vehicle. It is estimated that approximately 42,000 of these “drove away” tags will not be issued in 1999. Based on the collection rate of 78 percent and an average payment amount of \$24.00, this represents a loss in revenue to the City of \$785,000. It is expected that using the process described below, the City could recover up to \$500,000 of that amount.

At its meeting held on May 11, 12 and 13, 1999, City Council adopted Clause No. 19(a) of Report No. 5 of The Corporate Services Committee (attached as Appendix A). The Committee reported having endorsed the recommendations embodied in the report. The Chief Financial Officer and Treasurer, in consultation with the City Solicitor and the Parking Enforcement Unit of the Toronto Police Service, was requested to report back to the Committee with recommendations pertaining to the implementation of a pilot project which would provide for an alternative method of service of “drove away” parking tags.

Discussion:

A number of meetings and discussions took place among staff from Finance, Legal Services and the Parking Enforcement Unit of the Toronto Police Service to discuss the issue of “drove away” parking tags. There were two basic alternatives discussed:

- (1) Request that the Ministry of the Attorney General amend the Provincial Offences Act (the Act) to provide for an additional form of service of Parking Infraction Notices under Part II of the Act, preferably by first class mail; and
- (2) Amend the by-laws and/or municipal codes of the seven former municipalities to provide for the issuance of a Notice of Impending Summons, by first class mail, to the registered owners of the vehicles which are driven away prior to the issuance of a Parking Infraction Notice, which would be followed up with proceedings under Part III of the Act.

The first option is the preferred approach, however, depending on the legislative calendar, this amendment, even if agreed to by the Ministry, could take up to a year or more to be passed by the Legislature. This would seriously impact any opportunity to prosecute persons who drive away while the officer is writing the parking tag.

The second option involves amending the by-laws and/or municipal codes of the seven former municipalities to provide for the mailing of a Notice of Impending Summons (NIS) to the registered owner of the vehicle plate on an interim basis. A voluntary payment scheme, similar to the set fine and voluntary payment structure for existing parking fines, would also have to be included in the by-law and code amendments. As the existing Authorized Requester Agreement with the Ministry of Transportation only applies to Part II infractions, an additional agreement would be required in order to obtain the name and address of the registered owner of the vehicle plate.

Payments made on the Notice of Impending Summons would be processed in the same manner as the current Notice of Impending Conviction and Notice of Fine and Due Date, i.e., by mail, at chartered banks, at ATM machines, through the Integrated Voice Response telephone number, or in person.

After the time limits for payment specified in the amended by-laws have expired, the process provided by Part III of the Act would be followed. This process is labour intensive and would require that a Parking Enforcement Officer swear out an information in front of a Justice of the Peace (JP), and the JP would, in most instances, issue a summons to attend court. In most instances this Summons would have to be personally served on the defendant. The swearing of the information and the personal service of the Summons would be the responsibility of the Parking Enforcement Unit of the Toronto Police Service.

It is anticipated that there would be no requirement for additional staff in the Parking Enforcement Unit for the duration of the pilot project. The one-time cost of modifying the existing Parking Tag Management System to perform this additional process would be approximately \$50,000.00. Based on current 1999 volumes, the annual cost of producing the Notices of Impending Summons, the information and the personal service summons would be approximately \$30,000.00. The costs of obtaining the name and address data from the Ministry of Transportation would be approximately \$80,000. These costs would be recovered from the additional revenue expected. The total cost of the pilot would be \$160,000.

The use of Part III of the Provincial Offences Act for “drove away” parking tags could increase the number of cases scheduled for trial by as much as 10 per cent. Provided that these charges would be heard in the existing POA II parking tag courts, it is not expected that any additional courtrooms would be required during the pilot project, due to the existing caseload and scheduling time frames. The scheduling time frames for the parking tag courts will be carefully monitored throughout the pilot project to ensure all parking tag trials are scheduled in a timely manner. However, if these charges are not heard in a POA II parking tag court, additional court resources and Justices of the Peace may be required. This would affect the workload of the court offices.

Staff from the Legal Division and the Parking Enforcement Unit of the Toronto Police Service has been consulted in the preparation of this report.

Conclusion:

At this time, there is no follow up process for enforcing parking by-laws where the vehicle is driven away prior to the service of a Parking Infraction Notice (PIN). Under Part II of the Provincial Offences Act, the service of the PIN must be made either on the vehicle or handed to the person having charge of the vehicle at the time of the actual offence. Under the existing legislation, if the service of the PIN cannot be made in one of the above ways, no further action can be taken on these “drove away” infractions.

As a long term goal, it is therefore recommended that the Ministry of the Attorney General be requested to amend the Provincial Offences Act to provide for an additional form of service, preferably by first class mail, of Parking Infraction Notices under Part II of the Act.

As an interim solution to the service problem, it is suggested that proceedings be commenced under Part III of the Act. Proceeding under POA Part III, service at the time of the offence is not required. While more labour intensive, the Part III process, when coupled with a Notice of Impending Summons and a parallel voluntary payment process, will provide a deterrent to persons who drive away to avoid the service of the Part II Parking Infraction Notice.

It is therefore recommended that the City Solicitor submit to the Committee the necessary amendments to the by-laws and/or Municipal Code of the seven former municipalities to provide for:

- (a) the issuance of a Notice of Impending Summons to the registered owners of vehicles which are driven away prior to the issuance of a Parking Infraction Notice; and
- (b) a voluntary payment scheme which parallels the existing voluntary and set fine amounts.

It is also recommended that the Chief Financial Officer and Treasurer, in conjunction with the Parking Enforcement Unit of the Toronto Police Service, conduct a twelve month pilot project incorporating an alternative method of service for “drove away” parking tags commencing in the year 2000 once the necessary amendments to the appropriate by-laws and Municipal Codes have been adopted by Council.

In order to determine the feasibility of extending the pilot project past the 12 month period, it is also recommended that the Chief Financial Officer and Treasurer, in consultation with the Parking Enforcement Unit of the Toronto Police Service, report on the results of the pilot project on a quarterly basis.

Contact Names and Numbers:

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Appendix "A"

Other Items Considered by the Committee

(City Council on May 11 and 12, 1999, received this Clause, for information.)

(a) "Drove-Away" Parking Tags.

The Corporate Services Committee reports having endorsed the Recommendations embodied in the following report:

(April 6, 1999) from the Chief Financial Officer and Treasurer updating the Committee with respect to the action taken pertaining to a recommendation contained in the Auditor's review of Parking Tag Operations concerning an alternative means of serving parking tags to "drove-away" vehicles; advising that an increase in parking tag revenue of up to \$1.1 million, less expenses, could be realized if an alternative method of service of parking infraction notices to persons who "drove away" were established that would be acceptable to the Courts and the judiciary; and recommending that:

- (1) the Chief Financial Officer and Treasurer, in consultation with the City Solicitor and the Parking Enforcement Unit of the Toronto Police Service, report back to the Corporate Services Committee with recommendations pertaining to the implementation of a pilot project which would provide for an alternative method of service of "drove-away" parking tags; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Administration Committee also submits the following report (November 9, 1999) from the Chairman, Toronto Police Services Board:

Purpose:

To request the Administration Committee to prepare draft amendments to the Municipal By-law so that "droveaway" parking tags can be processed under part II of the *Provincial Offences Act*.

Financial Implications and Impact Statement:

The Toronto Police Services Board has not been advised about any financial implications with regard to this matter.

Recommendations:

It is recommended that the Administration Committee prepare draft amendments to the Municipal By-law so that “droveaway” parking tags can be processed under part II of the *Provincial Offences Act*.

Background:

At its meeting on October 19, 1999, the Toronto Police Services Board was in receipt of the following report September 29, 1999 from David J. Boothby, Chief of Police:

“Subject: Information Requested by the Toronto Police Services Board relating to Parking Enforcement Unit

Recommendation: (1) that the Board receive this report for information.

Background:

At its meeting of August 12, 1999, the Toronto Police Services Board (Board Minute 347/99) requested information pertaining to the following:

Written Guidelines on Unit Performance Standards:

The 1999 Unit Performance Standards have been set in the areas of (a) non-processible tags and (b) non-patrol hours by platoon and by officer for tag issuance. In order to ensure these standards are met a review of officer and platoon performance is conducted at the completion of each Compressed Work Week cycle. Another performance standard, parking tag issuance by officer by area, is being developed for implementation in 2000.

The implementation of this additional performance standard will be in conjunction with implementing the final stages of the management information system that will give supervisors a complete picture of a members work performance.

Also with approval of a year 2000 Operating Budget a training program will be introduced that will teach Supervisory staff the skills necessary to deal with performance standards. These courses include: Coach Officers Course, Instructional Techniques, and Counselling and Evaluation Techniques. This training is required to ensure professional, protective performance counselling.

Update on the Rationale to “Input Spoiled Tags”:

This feature, although non-revenue in nature, is of paramount importance for investigative tracking so that the integrity of the system can be assured.

Cost Analysis of Hand-Held Automatic Tagging Machines verses Current Procedures:

The Service's previous cost analysis of hand-held equipment did not support the use of hand-helds but since that time technology has progressed. In fact, there are now hand-helds that appear to suit the needs of the Service, however, the one major problem that must be overcome before the Service can move to hand-helds is the compatibility of a bank processible paper. Because of the outstanding paper issues, these machines do not produce a Parking Tag suitable for processing by the banks. Presently banks process more than 72 percent of the issued tags. Once this problem has been solved Parking Enforcement will re-evaluate hand-held machines with the intent of incorporating these machines into its operation.

It is believed that with the introduction of hand-helds there will be two benefits. First the cost of processing the tags will be reduced; present annual estimate of \$500,000 by Parking Tag Operations. Secondly, there will be a positive impact on the officer controllable errors specifically in the following areas: illegible, incomplete, and change not initialled. However, without solving the paper problem we can not complete a pilot project so that an objective evaluation can take place.

Status of the Request to the Province to Amend Legislation That Would Resolve Issues Regarding "Droveaway Tags":

The Parking Enforcement Unit, in conjunction with the City's Parking Tag Operations Office, the Solicitor's Office, and the Office of the Director of Prosecutions have met to explore legislative change, and discuss alternative solutions. City Legal reports that they are currently looking at amending the Municipal Bylaw to allow for droveaway tags to be processed under Part II of the Provincial Offences Act. For more precise timing and information, this question should be referred to City Legal.

It is recommended that the Board receive this report for information.

Superintendent Douglas Reynolds (808-6653) will be present at the Board meeting to answer any questions."

Conclusions:

Gerald Parker, President, Beyond Ability, was in attendance and made a deputation to the Board.

Supt. Doug Reynolds, Parking Enforcement Unit, was also in attendance and discussed this report with the Board.

The Board received the foregoing report and Mr. Parker's deputation and approved the following Motions:

- (1) THAT the Chief of Police provide the Board with a report by March 2000 on the following:

- implementation of the new performance standard: parking tag issuance by officer by area
 - implementation of final stages of the management information system for supervisors
 - results of the development of the supervisory training program; and
- (2) THAT a copy of this report be forwarded to the City of Toronto Administration Committee for information and request that it prepare draft amendments to the Municipal By-Law to allow for “droveaway tags” to be processed under Part II of the *Provincial Offences Act*.

Contact:

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