

Proposed Implementation of Disabled Parking Space - 470 Main Street

(City Council on December 13, 14 and 15, 1999, adopted this Clause, without amendment.)

The East York Community Council recommends adoption of the report (October 5, 1999) from the Director, Transportation Services, District 1.

The East York Community Council reports having requested the Commissioner of Works and Emergency Services to submit a report to the Planning and Transportation Committee with respect to the Regulations under the Highway Traffic Act which authorize the Minister of Transportation to issue disabled person parking permits, such report to provide comment with respect to what steps are, or could be, taken to verify applications for such disabled person parking permits and whether the provincial regulations should be amended.

The East York Community Council submits the following report (October 5, 1999) from the Director, Transportation Services, District 1:

Purpose:

To report to the East York Community Council on the proposed implementation of a disabled parking space adjacent to 470 Main Street.

Financial Implications:

Funds to undertake the installation of the disabled parking space in the estimated amount of \$500.00 are contained in the Transportation Services Division 1999 Current Budget.

Recommendations:

It is recommended that:

- (1) Schedule 'E' of By-law No. 34-93, entitled "To provide for disabled person parking permit holders", as amended, be further amended to implement a disabled parking space on the east side of Main Street during the months of January, March, May, July, September, and November from a point 131.8 metres south of Lumsden Avenue to a point 137.6 metres south of Lumsden Avenue, and on the west side of Main Street during the months of February, April, June, August, October, and December, from a point 126.0 metres south of Lumsden Avenue to a point 131.8 metres south of Lumsden Avenue;
- (2) this disabled parking space be removed when Mrs. Jacqueline LaPointe no longer resides at 470 Main Street; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of the necessary Bill in Council.

Comments:

The Works and Emergency Services Department received a letter dated August 15, 1999, from Mrs. Jacqueline LaPointe, of Premises No. 470 Main Street, requesting that a disabled parking space be delineated adjacent to her residence. A copy of Mrs. LaPointe's disabled parking permit was provided.

Main Street, between Lumsden Avenue and Doncaster Avenue, is currently regulated by alternate side parking on a monthly basis and overnight permit parking between 11:00 p.m. and 5:00 a.m. During the months of February, April, June, August, October, and December, parking is allowed on the west side, and during the months of January, March, May, July, September, and November parking is allowed on the east side. The property at 470 Main Street does not have access to on-site parking.

Overnight permit parking records show that parking permits on Main Street have sold out for the last three permit periods. The implementation of a disabled parking space would effectively eliminate one overnight permit parking space, however, it should be noted that the property at 470 Main Street has obtained a permit for the last three periods. Therefore, the implementation of a disabled parking space will not necessarily reduce the number of available permit parking spaces on Main Street, since the applicant has obtained a parking permit in the past.

The Disabled Parking By-law provides for specific times and days that a disabled parking space can be in effect. Thus, a disabled person parking space can be accommodated on a street that is designated as alternate side parking, being in effect during the same months as the existing street parking regulations on Main Street. During the months of February, April, June, August, October, and December, parking is allowed on the west side, and during the months of January, March, May, July, September, and November parking is allowed on the east side.

In accordance with the policy of the former Council of the Borough of East York regarding notification of proposed disabled parking spaces, the neighbouring residents will be notified by the City Clerk's East York Office, that this report is being presented to the East York Community Council.

Mrs. LaPointe had previously requested a disabled parking space in February, 1999, but voluntarily withdrew her request prior to the East York Community Council meeting.

Contact Name and Telephone Number:

Peter Ip, Traffic Investigator
397-7771

The East York Community Council also submits the following report (November 29, 1999) from the Director, Transportation Services, District 1:

Purpose:

To report further on the application by the resident of 470 Main Street for a disabled parking space.

Financial Implications and Impact Statement:

There are no financial implications associated with the recommendations of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

East York Community Council, at its meeting of October 12, 1999 deferred consideration of the October 5, 1999 report from the Director, Transportation Services, reporting on the proposed implementation of a disabled parking space adjacent to 470 Main Street and requested the Commissioner, Works and Emergency Services, in consultation with the City Solicitor, to investigate the application further and submit a further report to the Community Council. (Clause No. 4(c), Report No. 12)

Comments:

The responsibility for issuing disabled parking permits lies with the Minister of Transportation. Clause 2(1) of Revised Regulation 581 under the Highway Traffic Act states that the Minister shall issue a disabled person parking permit to every applicant therefor if:

- (a) the applicant is an individual who is unable to walk unassisted for more than 200 metres without great difficulty or danger to his or her health or safety; and
- (b) the applicant submits a certificate of a medical practitioner, on a form to be provided by the Ministry, certifying that the applicant is a disabled person and setting out whether the disability is temporary or permanent and, if temporary, the anticipated length of time the disability is expected to continue, if known.

If a person obtains a disabled person parking permit from the Ministry of Transportation under the Highway Traffic Act, the person would be eligible for approval for a disabled parking space under By-law No. 34-93 of the former Borough of East York. The applicant for the disabled parking space for 470 Main Street has a valid disabled parking permit. The City has no authority to question the Ministry's determination that the resident is eligible for a disabled parking permit. Previous applicants have never been asked to provide further proof such as a doctor's note under East York's Disabled Persons Parking By-law. To approach the resident in this instance would result in discrimination. Staff have, however, verified with the Ministry that the applicant's permit-parking permit is valid.

It should be noted that the disabled parking space is not reserved for the private use by the resident of 470 Main Street. It is available to any motorist with a disabled parking permit. Furthermore, since the resident of 470 Main Street has had an overnight permit parking permit for the last 3 terms, designating a space in front of 470 Main Street would not necessarily remove a parking space from this section of Main Street.

Conclusions:

There is no basis to deny the applicant a disabled parking space in front of 470 Main Street. The applicant has a valid disabled permit and meets the requirements for a disabled parking space as outlined in former Borough of East York Disabled Persons Parking By-law No. 34-93. The parking space would not be reserved for the resident of 470 Main Street since any motorist with a valid disabled parking permit would be allowed to park in the space. The introduction of a

disabled parking space may not result in a loss of parking given that the applicant has had an overnight permit parking permit for the last 3 terms.

Contact:

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The East York Community Council also had before it the following communications:

- (i) (November 8, 1999) from Mr. M. Smith, East York, objecting to the proposed implementation of a disabled parking space at 470 Main Street; and
- (ii) (November 14, 1999) from Mr. N. Ballo Singh, East York, objecting to the proposed implementation of a disabled parking space at 470 Main Street.