

Authority: Special Committee to Review the Final Report
of the Toronto Transition Team
Report No. 1(4), February 4, 5 and 6, 1998
Intended for first presentation to Council: February 4, 1998
Adopted by Council: February 6, 1998

CITY OF TORONTO

BY-LAW No. 28-1998

A By-law respecting the “Toronto Parking Authority”.

WHEREAS, by the *City of Toronto Act, 1997 (No. 2)*, a parking authority (the “Parking Authority”) was established on January 1, 1998 under the name of Toronto Parking Authority in English and *Office des parcs de stationnement de Toronto* in French, and the Parking Authority is deemed to be a parking authority established under paragraph 57 of section 207 of the *Municipal Act*;

AND WHEREAS section 89 of the *City of Toronto Act, 1997 (No. 2)* provides that the Council of the City shall pass a by-law to establish the size, composition and membership of the Parking Authority, and may by by-law give the Parking Authority certain additional powers;

The Council of The City of Toronto HEREBY ENACTS AS FOLLOWS:

1.
 - (a) The Parking Authority shall consist of seven members appointed by Council, each of whom shall be a person qualified to be elected as a member of Council. At least two members shall be members of Council, one of whom shall be a member of the Urban Environment and Development Committee.
 - (b) The City’s senior transportation administrator shall be a non-voting member of the Parking Authority.
2. Councillor members shall hold office for a term expiring May 31, 1999 and until their successors are appointed to office. Non-Councillor members shall hold office until the expiration of the term of the Council that appointed them and until their successors are appointed to office.
3. The members may be paid such remuneration as may be fixed by Council.
4. Where a vacancy occurs in the membership of the Parking Authority from any cause, Council shall immediately appoint a qualified person who shall hold office for the remainder of the term for which his or her predecessor was appointed.
5. A member’s seat becomes vacant or a member becomes disqualified from sitting as a member upon the occurrence of any of the following circumstances:
 - (a) if he or she ceases to be a person qualified to be elected as a member of Council;

- (b) is mentally incapable and has been so found by a tribunal or court of competent jurisdiction;
 - (c) has the status of a bankrupt;
 - (d) resigns from his or her office;
 - (e) becomes an employee of the Parking Authority; or
 - (f) dies during his or her term of office.
- 6. Any member is eligible for reappointment on the expiration of his or her term of office subject to any policies adopted by Council from time to time respecting the appointment of persons to municipal boards and committees.
- 7. All the powers, rights, authorities and privileges now or hereafter conferred upon the City by any general or special Act with respect to the construction, maintenance, operation and management of parking facilities within the City of Toronto including on-street metered parking facilities shall be exercised by the Parking Authority subject to the following limitation:
 - (a) Land and buildings where vehicles may be parked shall be acquired and owned by the City and shall be used by the Parking Authority only where designated by by-law of Council for that purpose.
 - (b) Only Council shall pass by-laws regulating the parking of vehicles and imposing penalties for the contravention of such by-laws.
- 8. Administration for the Parking Authority shall be provided through the President/Chief Administrative Officer who shall be appointed by the Board of the Parking Authority.
- 9. The Parking Authority may enter into agreements for the construction of parking facilities in, under, over or on land that is vested in the City for any purpose.
- 10.
 - (1) The Parking Authority may sell, lease or otherwise dispose of land or buildings, or parts of them, that have been designated for the Parking Authority's use by by-law of Council and are no longer required for the Parking Authority's purposes.
 - (2) The terms of the transaction shall be subject to Council's approval.
 - (3) The City shall execute any documents that are required for the transaction.
 - (4) The money obtained from such transaction shall be paid to the City and the balance remaining after payment of incidental expenses shall be paid into the reserve fund established under clause (d) of paragraph 56 of section 207 of the *Municipal Act*.

11. Where the City or the Parking Authority constructs a building or structure on land owned by the City, for the purposes of the Parking Authority, above or below ground level or both, the City or, with Council's consent, the Parking Authority may construct on, under or in connection with the building or structure any foundations, footings and supports that the City or the Parking Authority considers necessary to permit space above the building or structure that is owned by the City, but not required for City or Parking Authority purposes, to be used for the construction of other buildings or structures by any person to whom an interest in the space is transferred.
12. A building that the City or the Parking Authority constructs as a municipal parking facility may include facilities at basement, street mezzanine or second floor levels that are not required for City or Parking Authority purposes. The City or the Parking Authority may lease those facilities for commercial or administrative purposes.
13.
 - (1) The Parking Authority may enter into agreements for the maintenance, operation and management of parking facilities within the City of Toronto.
 - (2) The Parking Authority may, with the consent of the council of the municipality concerned, enter into agreements for the maintenance, operation and management of parking facilities outside the City of Toronto.
 - (3) The net revenue obtained under such agreements shall be paid into the reserve fund established under clause (d) of paragraph 56 of section 207 of the *Municipal Act*.
14. The Parking Authority shall submit to Council its estimates for the current year, at the time and in the form prescribed by Council and shall make requisitions upon Council for all sums of money required to carry out its powers and duties, but nothing herein divests Council of its authority with reference to providing the money for the purposes of the Parking Authority and, when money is so provided by Council, the City Treasurer shall, upon the certificate of the Parking Authority, pay out such money.
15. On or before the 1st day of March in each year, the Parking Authority shall submit its annual report for the preceding year to Council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
16. The municipal auditor shall be the auditor of the Parking Authority and all books, documents, transactions, minutes and accounts of the Parking Authority shall, at all times, be open to his or her inspection.
17. Municipal Code Chapter 75, Parking Authority, of the City of Toronto and By-laws 31295, 32181, 32376 and 32726 of the Corporation of the City of North York are repealed.

ENACTED AND PASSED this 6th day of February, A.D. 1998.

MEL LASTMAN,
Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)