

Authority: Notice of Motion by Councillor Rae, seconded
by Councillor Adams, and Report dated September 24, 1998,
from the President, Toronto Parking Authority, as adopted by Council
on October 1 and 2, 1998
Enacted by Council: October 2, 1998

CITY OF TORONTO

BY-LAW No. 721-1998

To appoint employees of the Toronto Parking Authority as municipal law enforcement officers to enforce by-laws respecting parking in municipal parking facilities within the City of Toronto.

WHEREAS, by the *City of Toronto Act, 1997 (No. 2)* and the *Municipal Act*, the Council of the City may delegate to the Toronto Parking Authority the construction, maintenance, operation and management of parking operations and facilities; and

WHEREAS the *Police Services Act* and the *Municipal Act* permit municipal councils to appoint persons as municipal law enforcement officers to enforce the by-laws of the municipality with respect to parking on municipal property; and

WHEREAS City Council has previously directed that the responsibility for all off-street municipal parking facilities within the former Metro and Area municipalities be transferred from City staff to the Toronto Parking Authority; and

WHEREAS this delegation requires that City Council confirm and extend the appointment of Toronto Parking Authority employees as municipal law enforcement officers for the purposes of enforcing parking regulations in municipal parking facilities placed under the jurisdiction of the Parking Authority throughout the new City of Toronto area;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. As used in this by-law, the following terms shall have the meanings indicated:
 - (a) “Certified Officer (Parking Offences)” means any person certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City of Toronto or any specified part or parts thereof for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.
 - (b) “Chief” means the Chief of the Toronto Police Service.
 - (c) “City” means the City of Toronto.
 - (d) “Motor Vehicle” includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicles running only upon rails.

- (e) “Municipal Law Enforcement Officer” means a Municipal Law Enforcement Officer appointed as such under this by-law.
- (f) “Municipal Property” means, for the purposes of this by-law, off-street municipal parking facilities placed by the Council of the City under the jurisdiction of the Parking Authority.
- (g) “Parking Authority” means the Toronto Parking Authority as established by By-law No. 28-1998, being “A By-law respecting the ‘Toronto Parking Authority’, to facilitate the transfer of parking operations”, as amended or replaced from time to time.
- (h) “Parking” means the standing still of a vehicle, whether occupied or not.
- (i) “Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.

2. (1) Every person employed by the Parking Authority whose duties include the enforcement of parking regulations is hereby appointed a Municipal Law Enforcement Officer for the City and may, provided they comply with the conditions set out in subsection (2), issue certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purposes of enforcing by-laws respecting parking on Municipal Property within the City, including authorizing the removal, towing or impounding, as the case may be, of vehicles parked, left, stopped or standing in contravention of those by-laws, for the period of time, the purposes and the area of the City set out in the certification of the Chief.

(2) The conditions referred to in subsection (1) are:

- (a) That the person is a Certified Officer (Parking Offences) for the purposes of enforcing by-laws respecting parking on Municipal Property.
- (b) That no Municipal Law Enforcement Officer shall authorize the towing of any vehicle under the provisions of a by-law respecting parking on Municipal Property without first having issued a parking infraction notice with respect to a violation of the by-law.
- (c) That no Municipal Law Enforcement Officer shall authorize the towing of any vehicle under the provisions of a by-law, unless the Toronto Police Service have first inspected and approved the towing signage posted as required under this by-law.

3. (1) The removal or impoundment of any vehicle under a by-law respecting parking on Municipal Property shall be done only by a tow truck owner or operator with a valid Toronto Licensing Commission licence for towing.

(2) The removal of any vehicle shall be carried out in accordance with the relevant provisions of Licensing By-law No. 20-85 of the former Municipality of Metropolitan Toronto, as amended or replaced from time to time, respecting towing.

4. Any previous appointment under a by-law of the City of a person qualified to be appointed under this by-law is hereby rescinded with respect to the authority given under this by-law.

ENACTED AND PASSED this 2nd day of October, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)