

Authority: Toronto Community Council Report No. 12, Clause No. 17, adopted as amended,
by City of Toronto Council on October 28, 29 and 30, 1998

Enacted by Council: October 27, 1999

CITY OF TORONTO

BY-LAW No. 732-1999

To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Front Yard Parking.

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

1. Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code is amended as follows:

- A. By striking out the phrase “Ward 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16” from §400-9D(1)(c) of the former City of Toronto Municipal Code, Chapter 400, and inserting in lieu thereof the following:

“Ward 19, 20, 21, 22, 23, or 26”

- B. By inserting a new Subsection (1.3) after Subsection (1.2) in §400-9D of the former City of Toronto Municipal Code, Chapter 400, as follows:

“(1.3) Notwithstanding any other provision of §400-9D, and other than in Ward 23 (Midtown), where the City of Toronto has removed the front yard parking in accordance with §400-9D(8) and restored the City of Toronto boulevard at its expense, the owner and the subsequent owners may not apply to reinstall front yard parking for a period of 5 years from the date of removal.”

- C. By inserting a new Subsection (3.1) after Subsection (3) in §400-9D of the former City of Toronto Municipal Code, Chapter 400, as follows:

“(3.1) (a) Notwithstanding any other provision of Chapter 90 or §400-9D, where a poll has been conducted for the block under §400-9D, the results of the poll are to be used in connection with each subsequent application for front yard parking on that block for a period of 2 years from the date of the poll.

- (b) Subsection (3.1)(a) does not apply to applications submitted within Ward 23 (Midtown) or under §313-40.”

- D. By inserting a new Subsection (a.1) after Subsection (a) in §400-9D(4) of the former City of Toronto Municipal Code, Chapter 400, as follows:

“(a.1) Except in Ward 23(Midtown), where on-site, off-street parking is neither available nor feasible.”

- E. By striking out §400-9D(4)(b) of the former City of Toronto Municipal Code, Chapter 400, and inserting in lieu thereof the following:

“(b) Except in Ward 23 (Midtown), where the property is situated on the side of the street where permit parking is not authorized.

(b.1) If the property is within Ward 23 (Midtown), where the property is not located in an area or on a street authorized for permit parking pursuant to §400-38.”

- F. By inserting a new Subsection (d.1) after Subsection (d) in §400-9D(4) of the former City of Toronto Municipal Code, Chapter 400, as follows:

“(d.1) Except in Ward 23(Midtown), notwithstanding the provisions of §400-9D(4)(a) to (d), inclusive, where unusual circumstances, as determined by the Commissioner of Works and Emergency Services, including but not limited to mid-block installation of traffic signals or speed humps, caused by the City prohibit on-street parking in front of the property.”

- G. By striking out §400-9D(4)(e) of the former City of Toronto Municipal Code, Chapter 400, and inserting in lieu thereof the following:

“(e) Fees and other conditions.

[1] (a) Except for in Ward 23 (Midtown), if the applicant has paid, effective October 30, 1998, a non-refundable, one-time only application fee of two hundred and fifty-five dollars and four cents (\$255.04).

(b) Where the property is within Ward 23 (Midtown), if the applicant has paid, effective June 1, 1992, an administrative, survey and inspection fee of fifty-one dollars and twenty-five cents (\$51.25), which represents the City’s costs for the polling and the providing of identifying markers, administrative, survey and inspection services, which fee is not refundable under any circumstances and which fee shall automatically increase on the first day of January in each subsequent year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto

Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the fee increase date.

- [2] If the applicant has submitted, with the application, a landscape plan satisfactory to the Commissioner of Works and Emergency Services, such plan to include a permeable surface pad, except if the property is within Ward 23 (Midtown), where landscape plans are not required.
- [3] If the applicant makes every reasonable effort to plant a tree on the City boulevard or on private property, in the front yard, to the satisfaction of the Commissioner of Economic Development, Tourism and Culture, and if that is not feasible, then the applicant funds the planting of a tree on City property in the general area, preferably on the same street, except if the property is within Ward 23 (Midtown), where planting of a tree is not required.
- [4] If all of the other terms and conditions of this subsection which are required to be complied with prior to the issuance of the licence have been complied with by the applicant.
- [5] Notwithstanding anything else in this Code, but subject to §400-47L(2), not more than one (1) licence for a parking space to be located on private property or on the untravelled portion of a highway, or both, shall be issued in respect of a residential building pursuant to Chapter 248, §313-40, 400-9D or 400-9E, or any combination of those sections.”
- H. By inserting a new Subsection (4.1) after Subsection (4) in §400-9D of the former City of Toronto Municipal Code, Chapter 400, as follows:
- “(4.1) Notwithstanding any other provision of §400-9D, front yard parking is not permitted in Ward 25 (Don River).”
- I. By striking out §400-9D(6) of the former City of Toronto Municipal Code, Chapter 400, and inserting in lieu thereof the following:
- “(6) (a) Except in Ward 23 (Midtown), Ward 24 (Downtown), or Ward 25 (Don River), where the Commissioner of Works and Emergency Services refuses to approve the issuance of a licence or grant permission under Subsection D(4) or 400-47D, an applicant may appeal to the Toronto Community Council, as per the appeal process below:

- [1] The applicant submits in writing to the Commissioner of Works and Emergency Services a request for special exemption to the by-law, detailing the reasons for the appeal;
 - [2] The applicant has paid a non-refundable appeal fee of two hundred dollars (\$200.00);
 - [3] The Commissioner of Works and Emergency Services conducts a poll in a polling area consisting of residential properties located on both sides of the street within 100 metres of the subject property, or to the nearest intersection, whichever is the shorter distance;
 - [4] The Commissioner of Works and Emergency Services prepares a report on the appeal and the results of the poll for consideration by the Toronto Community Council and for the hearing of deputations, and the Ward Councillors' position(s) on the request;
 - [5] Residents within the polling area shall be notified of the hearing date;
 - [6] The Toronto Community Council shall recommend to Council whether to grant or refuse the application;
 - [7] Despite Subsection D(6)(a)[6], Council may direct the Commissioner of Works and Emergency Services to grant permission or to issue a licence under Subsection D(4) or §400-47D, subject to compliance with the other provisions of the section.
- (b) Where the Commissioner of Works and Emergency Services refuses to approve the issuance of a licence or grant permission under Subsection D(4) or 400-47D in Ward 23(Midtown), or where the Commissioner of Works and Emergency Services refuses to approve the issuance of a licence or grant permission under §313-40 or 313-42, an applicant may appeal to the Toronto Community Council in writing setting out the reasons why the applicant believes the application complies with the provisions of this section and request to be heard by the Toronto Community Council.
- [1] The Commissioner of Works and Emergency Services shall forward a report on the application to the Toronto Community Council, setting out the grounds for refusal.

[2] The Toronto Community Council shall recommend to Council whether to grant or refuse the application.

[3] Despite Subsection D(6)(b)[2], Council may direct the Commissioner of Works and Emergency Services to grant permission or to issue a licence under Subsection D(4) or §400-47D, subject to compliance with the other provisions of the section.

(c) Appeals are not permitted in relation to Ward 24 (Downtown) or Ward 25 (Don River) applications made pursuant to §400-47 or §400-9D.”

J. By inserting a new Subsection (8) after Subsection (7) in §400-9D of the former City of Toronto Municipal Code, Chapter 400, as follows:

“(8) Except in Ward 23 (Midtown), where the owner of a property licensed for front yard parking wishes to relinquish the front yard parking licence, the City, at its own expense, agrees to:

(a) plant a City tree in the boulevard in front of the house;

(b) re-sod the area;

(c) remove the curb cut;

(d) provide free down spout disconnection service;

(e) offer a free water conservation audit to the property owner;

and

(f) provide one year’s free permit parking, for one vehicle in the household.”

2. Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code is further amended as follows:

A. By striking out the word “Commissioner” where it appears in §400-9D(1) and §400-9D(2) and substituting therefor the words “Commissioner of Works and Emergency Services”.

3. The provisions of this By-law shall be deemed to have come into force effective October 30, 1998.

ENACTED AND PASSED this 27th day of October, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)