

Authority: Planning and Transportation Committee Report No. 4, Clause No. 1,  
as adopted by City Council on May 30, 31 and June 1, 2001  
Enacted by Council: June 1, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 464-2001**

#### **To amend further By-law No. 574-2000, a by-law for the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto.**

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

1. Subsection 43(1) of Schedule 6 to By-law No. 574-2000, a by-law respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto, as amended, is further amended by deleting the word “or” at the end of clause (c) thereof, and by deleting clause (d) thereof and inserting the following in lieu thereof:
  - (d) any person authorized by law to direct the removal of the vehicle from municipal property; or
  - (e) subject to subsection (7) of this section, any person authorized by law to direct the removal of the vehicle from private property.
2. Section 43 of Schedule 6 to By-law No. 547-2000, as amended, is further amended by adding the following subsection:
  - (7) Despite clause 43(1)(e) of this Schedule, no driver or owner driving his or her own tow truck shall commence to tow or otherwise convey any vehicle from private property or to hook, lift or connect such vehicle to the tow truck, or to perform any other services in relation to such vehicle without the consent of the owner of the vehicle, unless:
    - (a) subject to subsection (8) of this section, a parking infraction notice has first been issued and served in accordance with Part II of the *Provincial Offences Act*, as amended;
    - (b) a Toronto Police Services tow card has first been issued by the Municipal Law Enforcement Officer who issued the parking infraction notice, or by a police officer, police cadet or a Municipal Law Enforcement Officer employed by the Toronto Police Service;
    - (c) all pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws; and

- (d) signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended.
  - (8) Clause (7)(a) of this section does not apply to vehicles which do not bear a number plate issued under the *Highway Traffic Act*, as amended.
- 3. Schedule 22 to By-law No. 574-2000, as amended, is further amended by adding the following sections:
  - 3. No owner or operator of a public garage shall store, park or receive at his or her public garage any vehicle which has been towed from private property without the consent of the owner of the vehicle unless:
    - (1) subject to subsection (4) of this section, the vehicle bears a parking infraction notice issued in accordance with Part II of the *Provincial Offences Act*, as amended;
    - (2) a Toronto Police Services tow card issued by the Municipal Law Enforcement Officer who issued the parking infraction notice, or by a police officer, police cadet, or Municipal Law Enforcement Officer employed by the Toronto Police Service, is provided to such owner or operator at the time the vehicle is first received at such public garage; and
    - (3) a sign approved by the Executive Director, bearing letters and numbers not less than 7.5 centimetres in height, and bearing a representation of a parking infraction notice and a Toronto Police Service tow card, has been posted at the said public garage in a clearly visible location, stating:
      - (a) the name, address, telephone number and hours of operation of the said public garage;
      - (b) a 24-hour phone number for the owner or operator of the said public garage, or an employee thereof, by which persons may receive an immediate response to complaints in respect of the public garage;
      - (c) all fees which may be charged or received by the said public garage in relation to such vehicle; and
      - (d) that the said public garage has no lien on the vehicle arising from the towing or storage of the vehicle unless a Toronto Police Service tow card has first been issued in relation to such vehicle.
  - (4) Subsection (1) of this section does not apply where the vehicle does not bear a number plate issued under the *Highway Traffic Act*, as amended.
- 4. Every owner or operator of a public garage which stores, parks or receives at his or her public garage a vehicle which has been towed from private property

without the consent of the owner of such vehicle shall, immediately upon receipt of such vehicle, forward the Toronto Police Service tow card issued in relation to such vehicle, or the information contained therein, to the Parking Enforcement Unit by facsimile transmission or by such other method or form of transmission as may be approved by the Parking Enforcement Unit.

5. No owner or operator of a public garage shall demand any payment whatsoever for services provided in relation to a vehicle which has been towed from private property without the consent of the owner of the vehicle unless:
  - (1) section 3 of this Schedule has been complied with;
  - (2) the Toronto Police Services tow card issued in relation to the vehicle is first provided to the owner of the vehicle; and
  - (3) the owner of the vehicle has been provided with a statement, in a form approved by the Executive Director, containing the information set out in the sign referred to in section 3 of this Schedule.
4. Section 1 of the General Provisions to By-law No. 574-2000, as amended, is further amended by adding the following subsections:
  - (27.1) “Municipal Law Enforcement Officer” means a person appointed as a Municipal Law Enforcement Officer in accordance with Chapter 150 of the City of Toronto Municipal Code, as amended;
  - (28.1) “Parking Enforcement Services” means any parking enforcement activities carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property, including but not limited to parking enforcement activities carried on by a business which:
    - (a) employs one or more Municipal Law Enforcement Officers; or
    - (b) issues any document requesting or demanding the payment of money in relation to vehicles parked on private property without the consent of the owner or occupant of the property;
  - (28.2) “Parking Enforcement Unit” means the Parking Enforcement Unit of the Toronto Police Service;
  - (33.1) “Private Parking Enforcement Agency” means a business which provides or performs parking enforcement services;
  - (41.1) “Toronto Police Service Tow Card” means a Toronto Police Service tow card approved by the Chief of Police of the Toronto Police Service;

5. Section 2 of the General Provisions to By-law No. 574-2000, as amended, is further amended by adding the following subsection:

(60) every private parking enforcement agency;

6. Schedule 1 to By-law No. 574-2000, as amended, is further amended by adding the following under the columns indicated and after the licence category of “Plumbers”:

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Private property enforcement agency		
for initial licence	186.00	December 31
for renewal	88.00	

7. By-law No. 574-2000, as amended, is further amended by adding the following schedule:

**SCHEDULE 37 TO BY-LAW No. 574-2000**

Relating to Private Parking Enforcement Agencies

1. In this Schedule:

- (1) “Agency” means a private parking enforcement agency licensed or required to be licensed under this by-law;
- (2) “Designated Manager” means a person designated to maintain control over the management and operations of an agency in accordance with section 3 of this schedule;
- (3) “Occupant” means,
  - (i) the tenant of the property or part thereof, whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;
  - (ii) the spouse or same-sex partner of the tenant; or
  - (iii) a person authorized in writing by an occupant as defined in clauses (i) or (ii) of this subsection to act on the occupant's behalf to request parking enforcement services;

- (4) “Owner” when used in relation to property means,
    - (i) the registered owner of the property;
    - (ii) the registered owner of a condominium unit, whose consent shall extend only to the control of the owner's unit and any parking spaces allotted to the owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property;
    - (iii) the spouse or same-sex partner of a person described in clauses (i) or (ii) of this subsection;
    - (iv) where the property is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation; or
    - (v) a person authorized in writing by the owner as defined in this subsection to act on the owner's behalf to request parking enforcement services;
  - (5) “Owner” when used in relation to a vehicle means the registered owner of the vehicle and any person authorized by such owner to exercise control over the vehicle;
  - (6) “Private Parking Enforcement Course” means the Private Parking Enforcement Course approved by the Chief of Police of the Toronto Police Service;
  - (7) “Vehicle pound” means any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage or holding of any vehicle removed or caused to be removed from private property without the consent of the owner of the vehicle.
- 2.**
- (1) Every applicant for a licence as an agency which employs one or more Municipal Law Enforcement Officers shall successfully complete the Private Parking Enforcement Course.
  - (2) For the purposes of subsection (1) of this section, the designated manager of an applicant for a licence as an agency shall be deemed to be an applicant for a licence.
- 3.**
- (1) Every agency which is an individual person shall maintain control over the management and operations of his or her agency and shall not delegate this responsibility.
  - (2) Every agency which is a partnership shall designate one of the partners who is an individual person to be responsible for maintaining control over the management and operations of the agency on behalf of the partnership and such partner shall not delegate this responsibility.

- (3) Every agency which is a corporation shall designate one of its officers or employees to be responsible for maintaining control over the management and operations of the agency on behalf of the corporation and such officer or employee shall not delegate this responsibility.
  - (4) Every agency required by this section to designate a person to be responsible for maintaining control over the management and operations of an agency shall make such designation by means of a notice of designated manager, signed by or on behalf of the said licensed agency and by the person so designated, showing the business address of each of them, on a form provided by the Municipal Licensing and Standards Division.
  - (5) When any person designated by an agency, as shown on a notice of designated manager filed with the Municipal Licensing and Standards Division under this section, ceases to have control over the management and operations of the agency, the agency shall file with the Municipal Licensing and Standards Division a new notice of designated manager within 3 days of the date upon which the cessation of control occurred.
  - (6) Where an agency employs one or more Municipal Law Enforcement Officers, no person shall be designated by such agency in accordance with this section unless such person has first successfully completed the Private Parking Enforcement Course.
- 4.
- (1) Every agency which is a partnership or corporation shall file with the Municipal Licensing and Standards Division an Annual Return on a form supplied by the Municipal Licensing and Standards Division, each year prior to the renewal of such agency's licence.
  - (2) Where the shares in a corporate agency are held in whole or in part by another corporation, such other corporation shall file with the Municipal Licensing and Standards Division at the same time as the corporate agency, an Annual Return as provided in subsection (1) of this section and if such Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then such third corporation shall likewise file an Annual Return, and so on until the names of living persons not being corporations are shown and identified as the shareholders of any and all corporations having an interest in the agency.
- 5.
- (1) Every agency which is a corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation.
  - (2) Every agency which is a partnership shall forthwith notify the Municipal Licensing and Standards Division in writing of any changes in the membership of the partnership.

- (3) Where, as a result of changes in the membership of a partnership or the transfer of existing shares or by the issue of new shares of a corporation, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership or corporation may not be entitled to the continuation of its licence in accordance with this by-law, a hearing may be held before the Toronto Licensing Tribunal to determine whether the licence shall be revoked or have conditions placed on it.
  - (4) Where the controlling interest in a partnership or corporation which is an agency is sold, transferred or acquired, the licence issued to the corporation or partnership shall be terminated forthwith, and the Municipal Licensing and Standards Division may, subject to the provisions of this by-law, issue a new licence upon payment of the prescribed fee.
- 6.
  - (1) Every agency shall file with the Parking Enforcement Unit a list of all properties at which such agency provides parking enforcement services.
  - (2) The list required to be filed in accordance with subsection (1) of this section may not be altered or amended unless ten days prior notice of such alteration or amendment is given, in writing, to the Parking Enforcement Unit.
  - (3) No agency shall provide parking enforcement services at any property unless such property is listed on the list required to be filed under subsection (1) of this section.
- 7.
  - (1) No agency shall provide parking enforcement services at any property unless the agency has entered into a written agreement with the owner or occupant of such property, which agreement shall state:
    - (a) that no fee, commission, gift or other consideration shall be paid or given by the agency to an owner or occupant of the property in return for permitting such agency to provide or perform parking enforcement services;
    - (b) that the agency shall not demand or receive any financial incentive from the owner or occupant of the property based on the number of vehicles against which such agency takes parking enforcement action;
    - (c) the names and business addresses of all parties thereto;
    - (d) its effective date; and
    - (e) its termination date, if any.
  - (2) No agency shall be a party to an agreement unless the owner or occupant of the property to which the agreement pertains is a party to such agreement.

- (3) Any person licensed under this By-law who enters into or purports to enter into any agreement for the provision of services other than in accordance with this section, may, in addition to any other penalty to which such person may be liable under this By-law, be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.
  - (4) Every agency shall notify the Municipal Licensing and Standards Division in writing of the expiration or other sooner termination of any agreement to which such agency is a party or of any change in such agreement, within 10 days thereof.
  - (5) A written agreement shall be filed with the Municipal Licensing and Standards Division within 10 days of the date at which the agreement or the exercise of any rights or obligations pursuant thereto, becomes effective, whichever occurs first.
  - (6) Every agency shall, prior to the renewal of its licence, file with the Municipal Licensing and Standards Division a statutory declaration, in a form provided by the Division, stating that the agency has reviewed all of the agreements to which such agency is a party and that such agreements comply with all of the provisions of this by-law.
8. Every agency shall ensure that no person employed, engaged or otherwise acting under such agency's authority removes or causes to be removed any vehicle parked on private property without the consent of the owner of the vehicle unless:
- (1) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended;
  - (2) Subject to subsection (4) of this section, a parking infraction notice has first been issued and served pursuant to Part II of the *Provincial Offences Act*, as amended; and
  - (3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws.
  - (4) Subsection (2) does not apply to vehicles which do not bear a number plate issued under the *Highway Traffic Act*, as amended.
9. (1) No agency shall pay or provide, directly or indirectly, any fee, commission, gift or other consideration to an owner or occupant of property in return for permitting such agency to provide or perform parking enforcement services.
- (2) No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any



business providing towing services, in return for permitting or authorizing such business to tow a vehicle parked on private property without the consent of the owner or occupant of the property.

- (3) No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any vehicle pound, in return for permitting or authorizing a vehicle parked on private property without the consent of the owner or occupant of the property to be towed to, or stored at, such vehicle pound.
- (4) No agency shall permit any business which provides towing services or any vehicle pound to demand, request, accept or receive, directly or indirectly, from the owner of a vehicle removed or towed by or under the direction of such agency, any fee for the parking enforcement services provided by such agency to the owner or occupant of such property.

**8.** This by-law shall come into force on the 1st day of January, 2002.

ENACTED AND PASSED this 1st day of June, A.D. 2001.

CASE OOTES,  
Deputy Mayor

JEFFREY A. ABRAMS,  
Acting City Clerk

(Corporate Seal)