

Authority: Planning and Transportation and Works Committee Joint Report 1, Clause 1, adopted as amended, by City of Toronto Council on June 27, 28 and 29, 2006, and Notice of Motion J(50), moved by Deputy Mayor Bussin, seconded by Councillor Moscoe, as adopted by City of Toronto Council on July 25, 26 and 27, 2006

Enacted by Council: July 27, 2006

CITY OF TORONTO

BY-LAW No. 680-2006

To adopt a new City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards.

WHEREAS the former City of Toronto obtained the authority by way of special legislation, *The City of Toronto Act, 1980* (c. 126), to pass by-laws authorizing, pursuant to permits issued, front yard parking within the former City of Toronto and the authority to charge fees in connection with each permit; and

WHEREAS the former City of Toronto obtained the authority by way of special legislation, the *City of Toronto Act, 1981*(c.103), to authorize, pursuant to permits issued to owners of private property, front yard parking for physically handicapped persons; and

WHEREAS this By-law regulates parking in front yards, as defined herein, only for the geographical area of the former City of Toronto as it existed on December 31, 1997; and

WHEREAS under Subsection 11(1) of the *Municipal Act, 2001*, the City may pass by-laws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways; and

WHEREAS under Subsection 9(3) of the *Municipal Act, 2001*, the City, a by-law passed under Section 11 may regulate or prohibit respecting the matter and may require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration; and

WHEREAS under section 391 of the *Municipal Act, 2001*, the City may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it and for the use of its property including property under its control; and

WHEREAS, pursuant to section 427 of the *Municipal Act, 2001*, if a municipality has authority by by-law to direct or require that a matter or thing be done, the municipality may, in the same or another by-law, direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing this matter or thing from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes; and

WHEREAS public notice of the proposed fees was given as required by section 14 of Ontario Regulation 244/02 under the *Municipal Act, 2001* and posted on the City's web site; and

WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS under section 446 of the *Municipal Act, 2001*, section 425 of the *Municipal Act, 2001* applies to by-laws passed by the Council of a municipality under any other general or special Act except as otherwise provided in that Act;

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

1. The City of Toronto Municipal Code is amended by adding the following chapter:

Chapter 918

PARKING ON RESIDENTIAL FRONT YARDS AND BOULEVARDS

ARTICLE I General Provisions

§ 918-1. Definitions.

- A. A term not defined in this section shall have the same meaning as the term has in the Highway Traffic Act and its regulations and its successors.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AGENT – A person authorized in writing to act on behalf of the owner.

ANNUAL RENEWAL FEE – The yearly fee payable to the Treasurer of the City of Toronto for use of a front yard parking pad that is contained entirely or partially within the boulevard.

APPLICANT – A person applying for a front yard parking licence to park a motor vehicle on the boulevard and/or front yard of a residential property.

BOULEVARD – That part of the highway that is not used, or intended to be used, for motor vehicle travel by the general public, and that is situated between the travelled portion of the roadway and the adjoining private property, excluding the sidewalk.

DISABLED PERSONS PARKING PERMIT – A valid disabled person parking permit issued by the Ministry of Transportation under the provisions of the *Highway Traffic Act*.

DRIVEWAY – Private driveway or mutual driveway.

FORMER CITY OF TORONTO – The geographical area of the City of Toronto as it existed on December 31, 1997.

FRONT YARD – That portion of private property which is located:

- (1) between the front wall of a residential building on such private property and the abutting public highway; and
- (2) in the former City of Toronto;

FRONT YARD PARKING – The parking of a motorcycle or private passenger motor vehicle, excluding trucks, vans, campers or other oversize vehicles, in a front yard where the parking is prohibited by a City by-law.

FRONT YARD PARKING LICENCE – The Licence issued by the General Manager, authorizing the construction, maintenance and use of a front yard parking pad.

FRONT YARD PARKING PAD – That portion of the boulevard and/or front yard which has been constructed in accordance with the provisions of this chapter and licensed for the purpose of parking a motor vehicle by the owner or occupant.

GENERAL MANAGER – The General Manager of Transportation Services Division and his or her designate or successor.

PUBLIC HOLIDAYS – New Years Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), Christmas Day, Boxing Day; or any day designated by City Council as a designated holiday, with the exception of Easter Monday and Remembrance Day.

LANDSCAPED OPEN SPACE – The area of the boulevard or front yard that supports the growth of vegetation and may include a walkway, patio or similar area, but does not include a driveway, front yard parking pad or the sidewalk.

LICENCE – A permit.

MOTOR VEHICLE – Motorcycle or private passenger motor vehicle, excluding trucks, vans, campers or other oversize vehicles.

MUTUAL DRIVEWAY – A driveway benefiting the owners of two adjoining residential properties, intended to provide vehicular access between a street or lane and a parking space located behind the main front wall of the dwelling and is evidenced by a right of way.

OCCUPANT – The person residing in the residential property for which an application has been made for a front yard parking licence.

OWNER – The registered owner(s) of the residential property.

PARKING PLATE – An official marking device issued by the City, authorizing parking on the front yard parking pad.

PERMEABLE PAVING – Permeable paving material or equivalent material satisfactory to the General Manager, designed to minimize surface water runoff to the sewer system.

PRIVATE DRIVEWAY – The portion of a residential property, which is intended to provide vehicular access between a street or lane and a parking space located behind the main front wall of the dwelling.

PRIVATE PROPERTY – Property other than municipal property.

RESIDENTIAL BUILDING – A converted house, a detached house, a duplex, a row house, a rowplex, a semi-detached house, a semi-detached duplex, a triplex or a semi-detached triplex as defined in the applicable zoning by-law, which is used for residential purposes.

RESIDENTIAL PROPERTY – A parcel of land within the City on which a residential building has been constructed.

SIDEWALK – The portion of a highway that is improved for the use of pedestrians.

SOFT LANDSCAPING – The area of the boulevard or front yard that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground, but soft landscaping does not include above-ground pots and/or planters which are readily moveable.

TERMS OF FRONT YARD PARKING LICENCE – The standard terms and conditions of approval of the front yard parking licence, as set out in this chapter.

TREASURER – The Treasurer of the City of Toronto or his or her successors.

- C. A reference to a Ward in this chapter is to that Ward as defined in Ontario Regulation 438/02.

ARTICLE II Restrictions

§ 918-2. Boulevard.

- A. No person shall construct, install or maintain all or a portion of a front yard parking pad on the boulevard unless the person has:
- (1) Obtained the consent of the City;
 - (2) Obtained all applicable permits required by the City;
 - (3) Paid all applicable fees as required by the City; and
 - (4) Entered into and is in compliance with an agreement in a form and content satisfactory to the City Solicitor and the General Manager.

- B. No person shall park any motor vehicle on any boulevard unless parking is authorized under this chapter or under any other provision except for the parking of a motor vehicle within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metre from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway.
- C. Despite any other provisions of this chapter or the provisions of any other City by-law, no person shall park any motor vehicle on that portion of the boulevard that is situated between the travelled portion of the roadway and the sidewalk.
- D. No person shall drive any motor vehicle on any boulevard except for the purpose of parking on a licensed front yard parking pad, or except for the purpose of directly crossing a boulevard at a driveway or other designated crossing.
- E. Despite any other provisions in this chapter, no person shall park any motor vehicle on a licensed front yard parking pad on the boulevard unless there are displayed on the motor vehicle parking plates, in the manner prescribed by law:
- (1) Number plates issued in accordance with the provisions of the *Highway Traffic Act*, showing the number of the permit issued by the Province of Ontario for the motor vehicle, and there is affixed to a number plate displayed on the motor vehicle, in the prescribed manner, evidence of the current validation of the permit; or
 - (2) Number plates issued in accordance with the laws of another jurisdiction and there is affixed to the number plate displayed on the motor vehicle, in the prescribed manner of the jurisdiction, evidence of the current validation of the permit, where so required by that jurisdiction.

§ 918-3. Front yard.

- A. No person shall park any motor vehicle in any front yard unless parking is authorized under this chapter or any other by-law provision.
- B. Despite any other provisions in this chapter, no person shall park any motor vehicle on a licensed front yard parking pad in the front yard unless there are displayed on the motor vehicle in the manner prescribed by law:
- (1) Number plates issued in accordance with the provisions of the *Highway Traffic Act*, showing the number of the permit issued by the Province of Ontario for the motor vehicle and there is affixed to a number plate displayed on the motor vehicle, in the prescribed manner, evidence of the current validation of the permit; or

- (2) Number plates issued in accordance with the laws of another jurisdiction and there is affixed to the number plate displayed on the motor vehicle, in the prescribed manner of the jurisdiction, evidence of the current validation of the permit, where so required by that jurisdiction.

§ 918-4. Limitations.

- A. The General Manager shall not accept a front yard parking application for a licence for more than one motor vehicle, or for an additional vehicle where the property is currently licensed.
- B. Despite any other provision of this chapter, where the City has removed the front yard parking pad and restored the boulevard and/or the front yard at the property owner's request, the owner and the subsequent owners may not apply to reinstall a front yard parking pad for a period of five years from the date of restoration.
- C. No front yard parking licence shall be issued for parking in front of the main front wall of a building for any property designated as CR, MCR, RA, in the applicable City zoning by-law.

**ARTICLE III
Applicability**

§ 918-5. Front yard parking prohibited.

- A. The General Manager shall not accept an application for a licence to park on any portion of a boulevard for residential properties located within Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16 (portion outside former City of Toronto, excluding the portion east of Avenue Road, south of Brooke Avenue in the former City of North York), 23, 24, 25 (portion outside former City of Toronto), 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44.
- B. The General Manager shall not accept a front yard parking application for front yard parking for residential properties located within the area of the former City of Toronto in Wards 18, 19, 20, 27, 28, 30 and that portion of Ward 21 (located south of St. Clair Avenue West).
- C. The General Manager shall not accept a front yard parking application for residential properties located within Ward 26, which do not have an existing mutual driveway.
- D. In the event that future Ward boundary realignments result in the area of a Ward changing by not more than 20 percent, the General Manager shall be authorized to introduce any necessary Bills in Council to apply the front yard parking provisions of this chapter to reflect the criteria applicable in the majority area of the Ward, but this shall not apply to the areas of the current Wards 16 and 25.

§ 918-6. Grandparenting.

If, prior to the coming into force of this chapter, a front yard parking licence has been issued or was approved for issuance, the licence shall be governed by the regulations in effect at the time of issuance or approval of the licence as long the conditions of approval at the time of issuance or approval continue to be complied with and any required fees are paid in accordance with Chapter 441, Fees.

§ 918-7. Canadian National Exhibition temporary parking.

None of the provisions of this chapter shall prohibit the temporary parking of motor vehicles on the boulevard or front yard each year from the opening date to the closing date, inclusive, of the Canadian National Exhibition, on the public highways designated in Column 1 below between the limits set out in Column 2:

Column 1	Column 2
Cowan Avenue	Springhurst Avenue and the south end
Spencer Avenue	Springhurst Avenue and the south end
Springhurst Avenue	Fort Rouille Street and Dunn Avenue
Thorburn Avenue (North Side)	Entire length
Tyndall Avenue	Thorburn Avenue and the south end

ARTICLE IV**Application for a Front Yard Parking Licence****§ 918-8. Front yard parking.**

- A. An application for a front yard parking licence shall be on the form prescribed by the General Manager and shall include the following:
- (1) Name, address and telephone number of the applicant;
 - (2) Copy of motor vehicle registration;
 - (3) Copy of property deed and survey; and
 - (4) A detailed landscape proposal, which shall include:
 - (a) Plans which must be drawn to scale and scale must be noted on plans;
 - (b) All relevant dimensions;

- (c) All highway names and municipal addresses;
 - (d) All physical details of the property such as utilities, sidewalks, walkways, trees, fences, retaining walls, etc.;
 - (e) North arrow;
 - (f) Property lines; and
 - (g) Location of proposed front yard parking pad.
- B. The General Manager shall not accept an application for a front yard parking pad for a residential property with a private driveway.
- C. A front yard parking pad may not be licensed for a residential property:
- (1) Fronting on a Major Arterial Road as contained in the City's Road Classification System or a highway that is an extension or connecting link of the King's Highway;
 - (2) Fronting on a highway where on-street permit parking is authorized on the same side of the highway, fronting the proposed front yard parking pad; and
 - (3) If on-street permit parking is in effect on a highway block and is less than 90 percent subscribed, regardless of the side of the highway where the residential property is located.
- D. The owner of a residential property with no existing driveway may apply for a front yard parking licence under this section, provided:
- (1) The residential property is located on a highway which is under the jurisdiction of the City of Toronto;
 - (2) The applicant shown on the application is the owner of the residential property, and proof of ownership is satisfactory to the General Manager;
 - (3) The applications include a landscape plan satisfactory to the General Manager;
 - (4) The applicant has paid a non refundable application fee, which represents the City's costs for polling, providing the parking plate, administrative, survey and inspection services;
 - (5) On-site parking is neither available nor feasibly accessible, by means of a driveway or a contiguous street or lane;
 - (6) The residential property is either permitted under the applicable zoning by-law or a legal non-conforming use;

- (7) The General Manager shall not accept a front yard parking application unless a minimum of three years have passed since a public poll has been conducted which resulted in a negative response; and
 - (8) The owner of a residential property submitting the application for a front yard parking licence relinquishes his/her on-street permit parking permit, if in possession, to obtain a front yard parking licence.
- E. The owner or occupant in possession of a valid disabled persons parking permit submitting an application for front yard parking under this section must permanently reside at the residential property in connection with the application being made.
 - F. The owners of adjoining residential properties may submit joint front yard parking applications to use one curb ramp to service two front yard parking pads, provided all conditions outlined in this chapter have been complied with.
 - G. The owner of a residential property with an existing mutual driveway having a maximum width of 2.2 metres measured at the narrowest point may submit an application to the General Manager for a front yard parking licence, provided all conditions outlined in this chapter have been complied with.
 - H. The owner of a residential property with an existing driveway leading to an integral garage, which has been eliminated in accordance with the provisions of the applicable City of Toronto zoning by law, may make an application to the General Manager for a front yard parking licence to allow parking only on the existing driveway, as modified, to comply with the provisions of this chapter.
 - I. All applications must comply with § 918-14.

ARTICLE V

Front Yard Parking Licence Issuance

§ 918-9. Conditions – General.

The owner shall not commence construction of the front yard parking pad until being notified in writing by the General Manager that approval has been granted and the owner has obtained the required construction and paving permit and shall:

- A. In the case of front yard parking for a corner property on the flank, the General Manager may, in his or her sole discretion, require the person to whom approval has been granted to install a barrier, having a maximum height of 0.8 metre provided along the side of the front yard parking pad, that will serve to contain the parking in the authorized area and provide adequate sightlines;
- B. The front yard parking pad shall be constructed in compliance with all conditions outlined in § 918-10;

- C. The owner shall complete construction of the front yard parking pad within six months of obtaining permission from the General Manager, unless an extension is granted;
- D. Upon completion of construction to the satisfaction of the General Manager, approval shall be granted for the installation of a curb ramp from the travelled portion of the street;
- E. The installation of a curb ramp to access the front yard parking pad or pads for joint applications shall be provided by the City with the full cost being borne by the applicant;
- F. For a front yard parking pad containing one parking space, the curb ramp shall not be more than 2.6 metres in width;
- G. In the case of a joint application for a curb ramp servicing two parking spaces, the curb ramp shall not be more than 3.05 metres in width;
- H. Once the owner has paid the applicable fees in this chapter and as set out in Chapter 441, Fees, the General Manager shall approve the front yard parking licence and issue a parking plate to the owner.

§ 918-10. Conditions – Parking area.

Unless otherwise provided in this chapter, no person shall construct, maintain or use a front yard parking pad which is not in accordance with the following:

- A. The front yard parking pad shall be constructed to slope upward at a two percent to six percent gradient from the rear edge of the sidewalk or curb, where no sidewalk exists, to the private property;
- B. The proposed front yard parking pad must be paved with permeable paving material;
- C. The width of the front yard parking pad shall not be less than 2.2 metres and not more than 2.6 metres, except for a front yard parking pad licensed to the holder of a disabled persons parking permit which shall not be more than 3.66 metres in width;
- D. The total length of the front yard parking pad shall not be less than 5.3 metres and not be more than 5.9 metres; and
- E. Any driveway leading to a front yard parking pad shall be a maximum of 2.0 metres in length measured from the rear edge of the sidewalk or, where no sidewalk exists, the face of the curb or edge of the roadway and maximum of 2.6 metres in width.
- F. No motor vehicle shall be parked less than 0.3 metres from:
 - (1) The back edge of the public sidewalk;
 - (2) Any door of any residential building, measured perpendicular to the door;
 - (3) The bottom step of any stairs;

- (4) Any basement or ground floor window in any residential building, measured perpendicular to the window, and in the case of a basement window, the front of the motor vehicle shall face the main front wall of the residential building; or
 - (5) Any portion of any wall of any residential building containing any window in the second or higher floor, measured perpendicular to the portion of wall.
- G. No portion of the front yard parking pad shall be located closer than 2.0 metres from a fire hydrant without prior written approval of the Fire Chief for the City of Toronto, which approval may be refused if, in the opinion of the Fire Chief, such an exception may detrimentally affect access to the fire hydrant.
 - H. The proximity of the front yard parking pad to any intersection shall be to the satisfaction of the General Manager.
 - I. The front yard parking pad shall be situated perpendicular to the adjacent sidewalk and, where there is no sidewalk, perpendicular to the face of the curb or edge of the travelled portion of the roadway.
 - J. Despite Subsection I an angled front yard parking pad may be permitted only where an obstruction or obstructions such as fire hydrants, trees, and hydro poles or the front yard and or boulevard is not deep to accommodate the motor vehicle from being parked perpendicular to the adjacent sidewalk or curb.
 - K. The General Manager may approve parking other than perpendicular, provided the front yard parking pad is located no closer than 2.0 metres to the rear edge of the sidewalk or, where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the travelled portion of the roadway.
 - L. In the case of a mutual driveway, the proposed front yard parking pad can not be located within the existing mutual driveway, but shall be constructed adjacent to the mutual driveway, while maintaining the existing grade of the mutual driveway.
 - M. The licensed portion of the boulevard or front yard shall not be more than that required to establish a legal front yard parking pad.

§ 918-11. Conditions – Landscaped open space.

- A. A minimum of 50 percent of the boulevard and front yard must be maintained as landscaped open space for lots less than 15 metres.
- B. A minimum of 60 percent of the boulevard and front yard must be maintained as landscaped open space for lots greater than 15 metres.
- C. A minimum of 75 percent of the boulevard and front yard must be maintained as soft landscaping.

- D. The remaining 25 percent of this area will be permitted as hard surface such as walkways, patios, and other hard surface areas provided that these areas cannot be used, or in the opinion of the General Manager, are capable of being used for vehicle parking purposes.
- E. Hard surface paving areas must be separated from driveways, front yard parking pads and walkways by means of a permanent physical barrier.
- F. Walkways located on the boulevard from the back edge of the sidewalk or back of curb to the property line, shall not have a width greater than 1.05 metres.

§ 918-12. Conditions – Tree planting.

- A. The applicant must in writing and to the satisfaction of the General Manager of Parks, Forestry and Recreation guarantee the health of a tree or trees in accordance with the requirements of Chapter 813, Trees, and accept all costs and responsibility for any injury to a tree or trees that may be caused by the granting of the front yard parking licence.
- B. No person shall remove a tree for the purpose of the front yard parking.
- C. The applicant agrees and undertakes in writing to plant a tree, as directed by the General Manager on the boulevard fronting or in the front yard of the residential property for which the licence is being sought at the applicant's expense and to the satisfaction of the General Manager of Parks, Forestry and Recreation.
- D. If the applicant has not planted a tree on the boulevard fronting or in the front yard of the residential property for which the licence is being sought and after a written notice to the owner by the General Manager providing 30 days notice to plant a tree, the City will plant a tree at the applicant's expense and the tree planting service fee will be added to the tax roll and collected in the same manner as taxes.
- E. If the General Manager of Parks, Forestry and Recreation determines it is not feasible for the planting of a tree on the boulevard fronting or in the front yard of the residential property for which the licence is being sought the applicant must pay a tree planting service fee for planting of a tree, on City property in the general area, preferably on the same street as outlined in Chapter 441, Fees.

§ 918-13. Condition – Downspout disconnection.

Where the building roof drains to the sewer where physically feasible, the applicant shall disconnect the building roof water down spouts, at the applicant's expense, to the satisfaction of the General Manager of Toronto Water Services.

§ 918-14. Conditions – Polling.

- A. Where an application has been made and filed under § 918-8, the General Manager shall certify the eligibility of the application with respect to the requirements of this chapter.

- B. Where the applicant otherwise complies with all requirements of this chapter, and where no other poll has been conducted within the last three years with a negative result, the General Manager shall conduct a poll to determine neighbourhood support of the application, in accordance with the Municipal Code Chapter, containing Polling and Notification Procedures, with the following specific requirements:
- (1) Where a poll is required for front yard parking, a petition must be submitted by the applicant signed by residents of at least 50 percent of the total number of residential properties having a municipal address located on both sides of the highway from the ends of the side lot lines to the nearest intersection indicating their initial support of the application before a poll is initiated;
 - (2) The polling limit shall consist of the residential properties located on both sides of the highway from the ends of the side lot lines of the residential property to a distance of 100 metres or to the nearest intersection, whichever is the lesser of the two distances;
 - (3) A minimum polling response rate of 50 percent of eligible voters is required;
 - (4) A response rate less than 50 percent shall be deemed a negative poll;
 - (5) Where the minimum response rate has been satisfied and the poll results in at least 50 percent of those persons casting ballots being in favour of the application, the poll shall be deemed a favourable poll;
 - (6) Where a poll has been conducted on a highway and the results of the poll are favourable, the secrecy of each ballot shall be kept confidential and the results of the poll shall be used in connection with each subsequent application for front yard parking within the polling limits; and
 - (7) Where the results of the poll are negative, repolling for the same purpose may not take place until three years have passed from the closing date of the previous poll.
- C. The results of a poll undertaken in accordance with this section shall be valid for a period of three years and shall be applicable to other applications in the polling area during that time. Except as provided for in this chapter, no further polls for the purpose of applications shall be held in the same polling area during that three year period. In the event of a positive poll result, any other applications in the polling area shall be deemed to have received a positive polling result, and in the event of a negative result, any other applications in the polling area shall be deemed to have received a negative polling result.
- D. Despite any provision of any polling bylaw of general application, the provisions of this chapter, to the extent of any conflict or inconsistency with any other provisions, shall govern.

§ 918-15. Licensing.

- A. Where adequate space for parking cannot be provided on private property behind the main front wall of the residential building, and the owner of the residential property has submitted an application and satisfied all conditions in this chapter, the owner will be required to enter into an agreement with the City of Toronto in a form satisfactory to the City Solicitor and General Manager to license a portion of the boulevard or front yard, whereby:
- (1) The applicant agrees in writing to indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the permission granted under the agreement for the parking of a motor vehicle on the licensed front yard parking pad or anything done or neglected to be done in connection with this front yard parking;
 - (2) An annual renewal fee is paid if the front yard parking pad extends in whole or in part onto the boulevard as outlined in Chapter 441, Fees;
 - (3) The applicant upon request to terminate the agreement and cancel the licence will be reimbursed the remaining portion of the term of the agreement;
 - (4) The applicant acknowledges, in writing, that:
 - (a) Front yard parking agreements are not transferable from one owner to another and that a new property owner must enter into a new agreement with the City in order to continue a front yard parking licence for the front yard parking pad;
 - (b) The responsibility lies with the existing property owner to advise the new property owner if the existing parking pad was legally installed;
 - (c) The legal status of the front yard parking pad or permit shall be treated as information which may be made available to the public; and
 - (d) Where an encroachment agreement is required, it shall be registered on title so that the new purchaser is aware of the conditions applied to the front yard parking pad;
 - (5) The City shall acknowledge, in writing, when a legal inquiry is received respecting the purchase and sale of a property that:
 - (a) Front yard parking agreements are not transferable from one owner to another and that a new property owner must enter into a new agreement with the City in order to continue a front yard parking licence for the front yard parking pad; and
 - (b) It is the responsibility of the new owner to ensure that the existing front yard parking pad was legally installed;

- (6) The applicant acknowledges, in writing, that the City has the right for any reason, without liability, to terminate the agreement and the licence on 30 days written notice from the General Manager.
- B. Every licence shall be in writing and shall:
- (1) Describe any area for which it is issued;
 - (2) Describe the front yard parking pad or any part of the pad as to measurements and alignment; and
 - (3) Describe any class of motor vehicle for which it is issued.
- C. The General Manager shall grant a front yard parking licence in accordance with this chapter provided the terms of front yard parking licence, which includes a sketch of the front yard parking pad approved by the General Manager.

§ 918-16. Parking plate.

- A. A parking plate shall be issued by the General Manager to the applicant which shall be firmly attached to the front wall of the building or on the face of an appurtenance to the front wall of the building at a height of not more than 1.83 metres from grade;
- B. No person shall improperly acquire a parking plate for front yard parking;
- C. No person shall use a parking plate issued under this section unless the licence is used in accordance with this section;
- D. No person shall use, other than in the manner provided for in this section a parking plate issued in connection with a front yard parking license; and
- E. The parking plate shall be located as close as possible to the front yard parking pad and, in all cases, at a location which at all times is visible from the roadway.

§ 918-17. Renewal.

- A. Every front yard parking licence granted pursuant to this chapter shall expire on December 31 in the calendar year that such front yard parking licence was granted;
- B. An owner or occupant who has been granted a front yard parking licence pursuant to this chapter may, on or before January 1 of the calendar year following the year in which the front yard parking licence was granted or renewed, as the case may be, renew the front yard parking licence by paying the annual renewal fee; and
- C. Where a property owner or occupant fails to submit payment to the City of Toronto for the annual renewal fee, as required under this section, the City may recover the fees in a like manner as municipal taxes.

§ 918-18. Transfer.

A front yard parking licence may be transferred to a new property owner provided:

- A. There has not been any change to the originally approved and licensed front yard parking pad;
- B. The new owner has submitted and filed an application with the General Manager;
- C. The new owner has entered into a new agreement with the City of Toronto in a form satisfactory to the General Manager; and
- D. The new owner has paid the non refundable transfer fee as described in Chapter 441, Fees.

§ 918-19. Cancellation.

- A. When an owner of a residential property in connection with which a front yard parking licence has been issued under this chapter decides to voluntarily relinquish the front yard parking licence, the City after having receipt of a letter of consent from the owner of the property to permit the General Manager to work on the front yard and or boulevard the City, at its own expense, shall:
 - (1) Plant a City tree in the boulevard in front of the house where feasible;
 - (2) Re-sod the boulevard area; or
 - (3) Re-sod the boulevard and front yard parking area;
 - (4) Remove the curb cut;
 - (5) Provide free down spout disconnection service where feasible;
 - (6) Offer a free water conservation audit to the property owner; and
 - (7) Where it is available in accordance with other City by-laws, provide one year's free on-street permit parking, for one vehicle in the household.
- B. The General Manager may revoke or terminate a front yard parking licence and, where applicable, remove the parking plate upon 30 days written notice by the General Manager to the owner, if any of the following occur:
 - (1) The Owner fails to comply with any provision of this chapter;
 - (2) The owner fails to comply with the terms of front yard parking licence;
 - (3) The owner fails to pay the annual renewal fee for the front yard parking licence;

- (4) Where the front yard parking licence was obtained on the basis of false, misleading or incorrect information;
 - (5) Where the residential building using the front yard parking pad has been demolished and parking is required to be provided on site in accordance with the applicable zoning by-law;
 - (6) Where the property is no longer a residential property;
 - (7) Where the boulevard is required for any municipal purpose; or
 - (8) In the event of a breach, by the owner of any agreement entered into under § 918-15.
- C. Upon revocation or termination of the front yard parking licence for any reason set out in subsection B, the owner shall discontinue the use of the front yard parking pad and shall replace and restore the front yard parking pad to a safe and proper condition to the satisfaction of the General Manager within 30 days of receiving written notice and pay the costs incurred by the City to remove the curb ramp.
- D. Despite revocation or termination of the front yard parking licence, no portion of the annual renewal fee shall be refunded.
- E. A front yard parking licence issued to the owner or occupant in possession of a disabled persons parking permit under this chapter shall automatically cease to remain in force and the permission granted under it will be cancelled immediately following the cessation of permanent occupancy of the residential dwelling by a disabled person.
- F. Upon the cessation of permanent occupancy of the residential building by the owner or occupant in possession of a disabled persons parking permit, the owner of the property shall, at his or her expense, replace and restore the boulevard to a safe and proper condition to the satisfaction of the General Manager within 30 days of receiving written notice, unless subsequently approved for regular front yard parking under this chapter and pay the cost incurred by the city of removing the curb ramp.
- G. A front yard parking licence issued to the holder of a disabled person parking permit under this section shall be cancelled if the holder of the front yard parking licence obtains a designated on-street disabled parking space.

ARTICLE VI
Refusal of an Application

§ 918-20. Refusal.

The General Manager shall refuse to issue a front yard parking licence if:

- A. There is an existing valid front yard parking licence or permission for a front yard parking pad on the residential property pursuant to this chapter or any predecessor by-law.
- B. A widened mutual driveway is proposed and the residential property owner has applied for a front yard parking pad to be constructed, other than, adjacent to the mutual driveway.
- C. An application is based on, or an applicant has, a temporary disabled persons parking permit.
- D. The General Manager determines that the application does not comply with the criteria set out in this chapter or where the poll referred to in § 918-14 results in a majority of those persons casting ballots not being in favour of the application.

ARTICLE VII
Appeals

§ 918-21. Appeal.

- A. Where the General Manager refuses to accept an application, approve the issuance of a front yard parking licence or grant permission under this chapter, unless such refusal or non approval is pursuant to §§ 918-5A, C and D, an applicant may appeal to the applicable Community Council, in accordance with the appeal process as follows:
 - (1) The applicant must submit in writing to the General Manager a request for an exemption to this chapter, detailing the reasons for the appeal accompanied by a landscape proposal as outlined in § 918-8A(4).
 - (2) The applicant must pay a non-refundable appeal fee as outlined in Chapter 441, Fees.
 - (3) The Clerk shall conduct a poll in accordance with § 918-14B.
 - (4) The General Manager shall prepare a report based on the appeal for consideration by the appropriate Community Council and for the hearing of depositions.
 - (5) Residents on the highway within the polling limits shall be notified by the City Clerk of the hearing date and given the opportunity to depute the matter to the appropriate Community Council.
 - (6) Community Council shall recommend to Council whether to grant or refuse the application for exemption to this chapter, and Council may direct the General Manager to issue a front yard parking licence, subject to compliance with conditions as may be set by Council.
- B. Residential properties located in the area of the former City of Toronto in Wards 18, 19, 20, 27, 28, 30 and that portion of Ward 21 (located south of St. Clair Avenue West), shall

not be entitled to file an appeal pursuant to Section 21. Unless the property has no other alternative parking option, and meets the physical requirements set out in this chapter.

ARTICLE VIII
Maintaining Parking Area

§ 918-22. Using boulevards for municipal purposes.

Nothing in this chapter shall prevent the General Manager from altering, opening or otherwise using any boulevard for municipal purposes.

§ 918-23. Property owner's responsibilities.

- A. The owner and occupant shall maintain the front yard parking pad for which a front yard parking licence has been granted in a safe and clean condition free from all defects and hazards.
- B. The property owner at his/her expense, shall:
- (1) Maintain the grassed portion of the boulevard and front yard trimmed to a height of not more than 20 centimetres.
 - (2) Maintain in a good state of repair permitted paving, landscape and encroachments, and vegetation shall be maintained in a healthy and vigorous growth.
 - (3) Maintain the boulevard and front yard free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as defined by the *Weed Control Act of Ontario*.
 - (4) Prune and trim hedges, trees, shrubs, and maintain natural gardens, except for those planted by the City, to maintain a minimum vertical clearance of 2.5 metres above the sidewalk, and 5.0 metres above the roadway so that there is no encroachment on or over:
 - (a) A sidewalk; and
 - (b) A roadway where there is no sidewalk;
 - (5) Maintain pedestrian sightlines at intersections, driveways, sidewalks, walkways, travel lanes, and ensure visibility at all traffic control devices is not restricted by vegetation or other modifications to the boulevard that the property owner may undertake.
- C. Maintain an unobstructed 2.0 metres radius around fire hydrants or fire hydrant valves or as approved by the Fire Chief for the City of Toronto.

- D. Shrubs, hedges, maintained natural gardens, flowers and other plantings located within the boulevard shall not be more than 0.8 metre in height measured from the travelled portion of the adjoining roadway.
- E. Snow cleared from any front yard parking pad shall not be placed on any sidewalk or traveled portion of the roadway.

ARTICLE IX
Fees

§ 918-24. Fees for front yard parking privileges.

Unless otherwise stipulated in an agreement, every person whose motor vehicle is situated in, on, over, along, or across a boulevard for the purpose of front yard parking shall pay any applicable fees and charges, as described in this chapter and in an amount as outlined in Chapter 441, Fees.

§ 918-25. Fees for property information requests.

Where a request is received for information on the status of a front yard parking pad licence with respect to a residential property, a non-refundable property information fee, in an amount outlined in Chapter 441, Fees, shall be charged, and payment of this fee shall be required prior to providing the requested information.

§ 918-26. Fees for unlicensed front yard parking pads.

Where a residential property owner has submitted an application to licence an existing front yard parking pad constructed without authority, the applicant shall pay an inspection fee, as outlined in Chapter 441, Fees, prior to the issuance of a licence. In order to be eligible for a license, such an owner shall be required to comply with all conditions set out in Article V of this chapter.

ARTICLE X
Enforcement and Penalties

§ 918-27. Enforcement and administration.

- A. Where any person paves, excavates or undertakes work within the boulevard, without approval under this chapter, the General Manager shall provide the owner with 30 days written notice to restore the boulevard to its original condition, and if after the 30 days the owner does not comply, the General Manager may erect barricades or restore the boulevard to its original condition at the person's expense, and the City may recover its costs in a like manner as municipal taxes.
- B. Where the owner of a residential property with a front yard parking licence is in default of front yard parking licence renewal fees, the General Manager shall provide the owner with 30 days written notice for payment of fees and if after the 30 days notice the owner still is in default of the front yard parking licence renewal fees, the General Manager may erect barricades or restore the boulevard to its original condition at the owner's expense, and the City may recover its costs in a like manner as municipal taxes.

§ 918-28. Offence.

Every person who contravenes any provision of this chapter is guilty of an offence.

**ARTICLE XI
Transition**

§ 918-29. Transition.

- A. Effect on other Residential Front Yard and Boulevard Parking By-laws/codes.
- (1) Chapter 400 of the former City of Toronto Municipal Code (Traffic and Parking), Chapter 313 of the former City of Toronto Municipal Code (Streets and Sidewalks), Chapter 248 of the former City of Toronto Municipal Code (Parking Licences), By-law No. 122-93 of the former Borough of East York, being a by-law “To license and regulate boulevard parking in residential areas”, Chapter 183-17 of the former City of Etobicoke (Public Road Allowances), Chapter 955 of the former City of York (Parking Boulevard, Residential Area), Chapter 963 of the former City of York (Parking Disabled, Boulevard Residential), By-law No. 17307 of the former Borough of Scarborough, being a by-law “To prohibit the parking or driving of vehicles on boulevards” (hereinafter collectively referred to as the “Parking on Residential Front Yards and Boulevards Chapter”), shall remain in force until expressly repealed.
 - (2) In the event of any conflict between any one or more of the Residential Front Yard and Boulevard Parking By-laws set out in Subsection 29A and this Chapter, this Chapter shall govern.
2. Municipal Code Chapter 441, Fees, § 441-20B Off-street residential parking application processing and transfer fees is amended by adding the following under Columns 1 and 2, as noted:

Column 1	Column 1
Tree Planting	\$550.00
Appeal filing and processing	\$600.00
Inspection of existing front yard parking pad	\$500.00
Renewal of front yard parking	\$122.04
Acquisition of property information	\$ 60.00

3. Sections 1 and 2 of this by-law shall come into force 14 days after the date of approval by the regional Senior Justice of the Ontario Court of Justice of the set fines for the offences created by this chapter.

ENACTED AND PASSED this 27th day of July, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)