



STAFF REPORT ACTION REQUIRED

Review of Parking Ticket Cancellation Guidelines

Date:	June 12, 2012
To:	Government Management Committee
From:	Treasurer and City Solicitor
Wards:	All Wards
Reference Number:	P:\2012\Internal Services\rev\gm12019rev (AFS12447)

SUMMARY

This report recommends changes to the parking ticket cancellation guidelines used by Revenue Services staff in assessing whether a parking ticket may be cancelled. Additionally, this report recommends that authority be delegated to the Treasurer to amend or update the parking ticket cancellation guidelines from time to time as required to incorporate technical amendments such as new by-law references or legislative requirements, new offences, new fines.

RECOMMENDATIONS

The Treasurer and City Solicitor recommend that:

1. City Council amend the current Parking Ticket Cancellation guidelines to implement a 10 minute grace period for all time-restricted offences, excluding major arterial routes during rush hour periods.
2. City Council authorize the Treasurer or designate, in consultation with the City Solicitor, the General Manager of Transportation Services and the Toronto Police Service, to amend or update the parking ticket cancellation guidelines from time to time as warranted, to reflect and incorporate references to new by-laws or legislative requirements, new offences, amendments to existing by-laws or legislation, or new fines or fine amounts.

Financial Impact

There are no financial implications at this time. While the implementation of a 10 minute grace period for time-limited offences (instead of the current 5 minute grace period for certain pay-and-display meter offences) could result in more tickets being cancelled, it is

expected that these tickets (where a ticket has been issued within 10 minutes of the expiry of a time-restricted offence) would likely result in a minimal fine or no fine being imposed by the justice of the peace, or in the withdrawal of the ticket by the prosecutor if the offence went to a trial, which would result in no revenue. By cancelling the ticket without having to schedule a trial, court costs associated with such tickets are reduced, while court capacity would be preserved to hear more serious parking ticket or traffic offences. This will streamline overall service delivery and provide improved customer service by having parking ticket disputes resolved in a more timely manner.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting held on February 22, and 23, 2010, City Council, in considering a report dated January 27, 2010 from the Auditor General titled “Controls Over Parking Tags Need Strengthening” (re: Audit Committee Report Meeting No. 1, Item AU15.2), adopted a recommendation requesting that “the Treasurer report to the Government Management Committee for its meeting on May 20, 2010, on the protocols/guidelines for parking tag cancellations prior to making the guidelines public.”

The report and Council decision can be accessed at:

<http://www.toronto.ca/legdocs/mmis/2010/au/reports/2010-02-12-au15-cr.htm#AU15.2>

Subsequently, on June 8 and 9, 2010, City Council, in considering item GM31.12: *Parking Ticket Cancellation Guidelines*, adopted the following:

1. City Council direct that the existing parking ticket cancellation guidelines be revised by deleting reference to specific streets under Section 2.0.
2. City Council direct the Treasurer, in consultation with the General Manager of Transportation Services, to prepare a further report to the Government Management Committee by March 31, 2011, after completion of the Transportation Services review, to recommend the inclusion of new Parking Ticket Cancellation guidelines and process for couriers and delivery vehicles and taxis, and that staff continue to apply the existing guidelines until such time as the new guidelines are approved.
3. City Council request the City Solicitor to report back to the Government Management Committee by March 31, 2011, on the outcome of tickets that go before the courts pertaining to the number of convictions, dismissals, withdrawals, etc.
4. City Council refer the following recommendation of the Government Management Committee to the Treasurer for consideration as part of the review set out in Part 2 above:
 - City Council delegate authority to the Treasurer, or his/her designate, in consultation with the City Solicitor and General Manager of Transportation Services and Toronto Police Service, to amend or update the parking ticket cancellation guidelines from time to time as required, including to reflect and

incorporate references to new by-laws and/or legislative requirements, new offences, amendments to existing by-laws or legislation, or new fines or fine amounts.

Council's decision in the above matter is available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM31.12>

At the same meeting of City Council, while considering Audit Committee Report AU16.1 *"Issues Respecting Parking Tag Issuance and Cancellation"*, Council requested, among other things, that the Treasurer:

"Report annually to the Government Management Committee on the number of tickets cancelled in each category with a view to using the data to evaluate our cancellation protocol".

That report, and Council's decisions in the matter is available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.AU16.1>

The City's Parking Ticket Cancellation Guidelines are available at:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-31302.pdf> and

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-31301.pdf>

ISSUE BACKGROUND

Parking tickets have always been a key component in enforcing the City of Toronto's parking by-laws, regulating the movement of traffic on City roadways, and helping to ensure smooth traffic flows and safe streets. Set fines have been established for each type of parking infraction, with the fine amount set at a level to serve as a deterrent to illegal parking.

In 2009, the Auditor General reviewed the City's parking ticket collection processes and acknowledged in his report that:

- The City has significant internal controls related to the process for cancelling parking tickets, and that in many instances parking tickets are cancelled due to circumstances beyond the City's control (for example, when the ticket is issued to a vehicle registered outside Ontario or the vehicle owner drives away before the ticket is received or affixed to the vehicle);
- While it may be possible to reduce the number of cancelled parking tickets, this can only be achieved through amendments to provincial legislation.

At its meeting in June 2010, Council approved the public release of the Parking Ticket Cancellation Guidelines that had been in place since 1994 and also approved the release of a user-friendly version of the Parking Ticket Cancellation Guidelines written in a more user-friendly format for public use. Both sets of guidelines set out the criteria and the evidence required for a parking ticket to be cancelled. Both documents continue to be used to determine eligible cancellations.

In administering the guidelines for cancellations, staff of Revenue Services' First Appearance Facilities (parking ticket counters) review each disputed ticket based on the evidence presented by the person who received the ticket, the nature of the infraction, and the circumstances of the ticket issuance. Additional steps routinely taken by staff to ascertain whether a ticket warrants a cancellation include:

- examining the license plate history to identify past infractions, whether there are prior cancellations and the reasons for cancellations;
- requesting an investigation by Transportation Services, the Toronto Parking Authority or the Toronto Police Service Parking Enforcement Unit to verify that signage may have been missing or covered, that meters or pay and display machines were not operational at the time of the infraction and/or that work was being carried out on the roadway, preventing legal parking;
- reviewing various by-law exemptions and permit parking zones to confirm that the permit was used in the correct zone;
- confirming temporary police considerations which would permit illegal parking due to police investigations, construction zones (e.g.: heavy crane lifts) or other street closures directed by police;
- accessing the Ministry of Transportation license plate/vehicle registration data to verify whether disabled parking permits are valid.

At the time that Council approved the Parking Ticket Cancellation Guidelines, staff committed to reviewing the cancellation guidelines from time to time to identify any necessary modifications or clarifications, and to incorporate as appropriate feedback received from the public or staff. This report identifies some recommended changes to the guidelines, as well as changes to the process for updating the guidelines to incorporate technical and /or minor amendments such as new by-law references or legislative requirements, new offences or new fines.

COMMENTS

Although the City of Toronto's collection rate for parking tickets is one of the highest in Canada, 493,185 of the approximately 2.8 million tickets issued in 2011 were cancelled (roughly 17.4 per cent of all tickets issued). Parking tickets are cancelled for a variety of reasons. While many of the cancellations were required due to errors on the tickets or for legislative reasons such as offenders driving away prior to having the ticket served, approximately 5 per cent of all tickets issued in 2011 (or 28% of all cancellations) were cancelled by staff of Revenue Services' First Appearance Facilities (parking ticket counters), under the Council approved guidelines.

Additional statistics on the number of parking tickets cancelled each year by cancellation type are reported to the Government Management Committee each year through a staff report. The *2011 Parking Ticket Activity Report* is available at:

<http://www.toronto.ca/legdocs/mmis/2012/gm/bgrd/backgroundfile-45849.pdf>

Since the public release of the cancellation guidelines in June 2010, there has been a 12.2 per cent decrease in the number of tickets cancelled at the City's parking ticket counters in 2011, from 155,200 cancellations in 2010 to 138,315 in 2011, or a total decrease of 16,885 tickets cancelled.

The decrease in the number of parking tickets cancelled at the City's parking ticket counters may be partially attributed to the publication of the cancellation guidelines. Members of the public can now inform themselves of the circumstances and the evidence required to support a cancellation – more parking ticket recipients are opting to either pay their parking ticket, or to request a trial to dispute the parking ticket when it is clear that it does not meet the criteria for cancellation under the guidelines.

The publication of the guidelines has also allowed for greater clarity and consistency for staff in determining circumstances that meet the criteria, and the evidence required – this has allowed for a more stringent application of the criteria for cancellations. Overall, the publication of the guidelines has been effective in helping to identify those parking tickets that may otherwise have been disputed in court, but where the prospect of conviction was unlikely – a clear set of criteria for cancellations allows these types of disputes to be resolved without the need for a trial and court resources.

Cancellations by Type

The Parking Ticket Cancellation Guidelines set out the circumstances under which a ticket may be cancelled by City staff at the City's First Appearance Facilities (FAFs), and the evidence required to support the cancellation. Table 1 below identifies the number of tickets cancelled by FAF staff, by type of cancellation.

The user-friendly version of the guidelines that was approved for public release by Council in June 2010 excluded criteria for delivery vehicle cancellations, pending the completion of a Transportation Services strategy for courier/delivery vehicles. Until such time that new cancellation criteria are identified for such vehicles, Council directed that staff continue to use the existing criteria for cancellations contained in the earlier version of the guidelines. Staff continue to work towards refining the cancellation codes within the City's Parking Tag Management System (PTMS) to delete redundant or outdated cancellation codes and to facilitate better reporting of cancellations by type.

Table 1 – Parking Tickets Cancelled under Cancellation Guidelines by Type - 2011

Cancellation Type	Parking Tickets Cancelled in 2011	
	#	%
Issuing Enforcement Agency Request	44,705	32.32%
Delivery Vehicle Cancellations	34,375	24.85%
Cancellations Relating to Parking Permits	22,303	16.12%
Incorrect or Missing Data on the Parking Ticket	13,363	9.66%
Special Parking Considerations/Religious Observance	8,665	6.26%
Extenuating Circumstances	7,055	5.10%
Other – Diplomatic Immunity, Scanning Error, Official Vehicle, Vehicle mismatch on ticket, unattached plate, Documents received, etc.	5,016	3.63%
Emergency Vehicle	1,051	0.76%
Vehicle or Plate was Stolen or Lost at Time of Infraction	747	0.54%
Pay and Display Machine or Meter Missing, Removed or Inoperable	552	0.40%
Continuing Infraction	463	0.33%
Taxi/Limousines while picking up or dropping off passengers	13	0.01%
Sign Missing or Illegible	7	0.01%
Person Claims Vehicle Not at Location	0	0.00%
Vehicles Engaged in work for the City	0	0.00%
Public Utility Vehicles	0	0.00%
Valid Ontario Veteran Plate Displayed (certain days only)	0	0.00%
Nursing Agencies/Compassionate Service Agencies	0	0.00%
Security Companies – Alarm Response	0	0.00%
Tour Buses	0	0.00%
Total:	138,315	100.00%

Recommended Changes to the Cancellation Guidelines

The current Parking Ticket Cancellation Guidelines provide a transparent process that allows parking customers to consider whether their particular circumstance may warrant a cancellation. The guidelines have served as an effective tool in providing information to customers and have resulted in approximately 17,000 fewer front-line cancellations in 2011 compared to 2010. In an effort to further enhance service delivery, staff are recommending a minor change to the current guidelines.

The current guidelines allow a parking ticket to be cancelled where a valid pay-and-display receipt has been purchased and where the ticket has been issued within 5 minutes

of the expiry of the pay-and-display receipt. Where a ticket is issued after the 5-minute grace period, motorists wishing to dispute the ticket on this basis must request a trial.

Experience suggests that where a ticket is disputed in court on the basis that a ticket was issued shortly after the expiry of a valid pay and display receipt, or shortly after the expiry period for any time-restricted offence (e.g., 1 hour parking maximum), the trial is likely to result in a minimal fine, a suspended sentence, or a full withdrawal of the ticket, given the relatively minor nature of the offence. Implementing a 10 minute grace period for all time-restricted infractions (excluding time-restricted offences on major arterial routes during rush hour periods) is expected to reduce the number of trial requests submitted for such infractions, which will preserve court capacity for more serious parking and traffic offences.

Additionally, this report recommends that authority be delegated to the Treasurer or designate to amend or update the guidelines in future where necessary to incorporate references to new by-laws and/or legislative requirements, new offences, amendments to existing by-laws or legislation, or new fines or fine amounts, in consultation with the City Solicitor, General Manager of Transportation Services and the Toronto Police Service. This will allow the guidelines to be updated periodically as necessary and removes the need to bring reports to Committee and Council for minor amendments or by-law updates. Major changes to by-law or significant policy amendments would continue to be outlined in reports to Committee and Council for consideration.

No other amendments or modifications to the cancellation guidelines are being recommended at this time.

Future Report on Courier and Delivery Vehicles

While the Council directive from GM31.12: *Parking Ticket Cancellation Guidelines* (June 2010) instructed staff to report back on any changes to the Parking Ticket Cancellation Guidelines and a strategy to deal with courier and delivery vehicles, this report focuses only on the changes to the Parking Ticket Cancellation Guidelines.

The Transportation Services Division is currently reviewing the parking enforcement process for courier and delivery vehicles, with a view to developing a parking and transportation strategy for such vehicles. The Transportation Services review is intended to develop a parking and transportation strategy for delivery and courier vehicles that balances overall traffic management and commerce in the City of Toronto and the legislative provision (under the *Highway Traffic Act*) which provides an exemption from the City's parking by-laws for vehicles when standing temporarily for the purpose of, or while actually engaged in, loading or unloading merchandise or passengers.

Most recently, at its meeting of January 4, 2012, the Public Works and Infrastructure Committee requested that the General Manager, Transportation Services report back to the Committee, within the context of the Downtown Transportation Study, on parking enforcement processes and strategies for courier and delivery vehicles, including the

implementation of courier delivery zones City-wide. This report is expected later in 2012. The Committee's decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW11.3>

Should the cancellation guidelines require further amendments to reflect new procedures or parking provisions for courier and delivery vehicles, these will be made using the delegated authority sought by this report or through a further staff report to Committee and Council at that time. Until such time as the courier and delivery vehicle strategy is developed, the City will continue to use the current guidelines in considering delivery vehicle cancellations.

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