

Toronto Accessibility Advisory Committee

Meeting No. 15
Meeting Date Friday, May 19, 2017
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Janice Dicks, Committee Secretary
Phone 416-338-5089
E-mail janice.dicks@toronto.ca

DI15.4	ACTION	Amended		Ward:All
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Abuse and Misuse of Accessible Parking Permits

Committee Decision

The Toronto Accessibility Advisory Committee recommends that:

1. City Council direct the City Manager to establish an inter-divisional working group to discuss concerns relating to enforcement and use of accessible permits within Toronto; with the working group to include, but not be limited to Equity, Diversity and Human Rights, the Toronto Accessibility Advisory Committee, Transportation Services, and Municipal Licensing and Standards.
2. City Council direct the City Manager to send an invitation to the Toronto Police Services Board and the Toronto Parking Authority to invite them to participate in the working group.

Decision Advice and Other Information

Scott Wylie, Patrol Supervisor, Disabled Liaison Section, Parking Enforcement East, Toronto Police Services gave an update to the Toronto Accessibility Advisory Committee on accessible parking permits.

Origin

(April 7, 2017) Report from the Chair, Toronto Police Services Board

Summary

The purpose of this report is to provide the City's Disability, Access and Inclusion Advisory Committee (DAIAC) with information pertaining to the abuse and misuse of accessible parking permits.

Background Information

(April 7, 2017) Report from the Chair, Toronto Police Services Board on Abuse and Misuse of Accessible Parking Permits

<http://www.toronto.ca/legdocs/mmis/2017/di/bgrrd/backgroundfile-103680.pdf>



STAFF REPORT ACTION REQUIRED

Abuse and Misuse of Accessible Parking Permits

Date:	April 7, 2017
To:	Disability, Access and Inclusion Advisory Committee
From:	Andy Pringle, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the City's Disability, Access and Inclusion Advisory Committee (DAIAC) with information pertaining to the abuse and misuse of accessible parking permits.

RECOMMENDATION

It is recommended that the Disability, Access and Inclusion Advisory Committee consider the Chief's report and the Toronto Police Services Board's (Board) motions and following the review and consultations with any other groups, as appropriate, provide a report to the Board including any specific recommendations with respect to improvements to accessible parking permits.

FINANCIAL IMPACT

There are no financial implications with regard to the receipt of this report.

ISSUE BACKGROUND

At its meeting held on February 23, 2017, the Board was in receipt of a report dated February 15, 2017, from Chief of Police Mark Saunders with regard to the abuse and misuse of accessible parking permits.

COMMENTS

Mr. Kris Langenfeld was in attendance and delivered a deputation to the Board.

Acting Deputy Chief Rick Stubbings, Operational Support Command, and Staff Sergeant Nicole Lee, Parking Enforcement Unit, were in attendance and responded to questions about this report.

The Board approved the following Motions:

1. THAT the Board refer the Chief's report to the City's Disability, Access and Inclusion Advisory Committee (DAIAC) and any relevant TPS Disability Committees, and request further consultation, and that DAIAC provide a report to the Board following the consultation;
2. THAT the Board request that a complete review be undertaken by the Government of Ontario with respect to the process, conditions and other matters related to the issuance, renewal and use of Accessible Parking Permits and the legal and enforcement aspects of same, and that local councils, police services and disability support and advocacy organizations (among others) be consulted on the present inadequacies and future improvements which could be made;
- 3 THAT a copy of this Motion be forwarded to the City of Toronto Executive Committee with a request for support; and
- 4 THAT the Board receive Mr. Langenfeld's deputation.

The Board received the Chief's report and agreed to forward a copy to the Disability, Access and Inclusion Advisory Committee for review and consultations with any other groups, as appropriate.

As part of its consideration of this matter, the DAIAC may like to consult with the Toronto Police Service's Disabilities Community Consultative Committee. The contact person for this Committee is:

Staff Superintendent Peter Yuen
Chair
Toronto Police Service – Disabilities Community Consultative Committee
40 College Street
Toronto, Ontario M5G 2J3
peter.yuen@torontopolice.on.ca
416-808-8088

CONCLUSION

A copy of Board Minute No. P32/17, in the form attached as Appendix "A", regarding this matter is provided for information.

CONTACT

Chief of Police Mark Saunders
Toronto Police Service
Telephone No. 416-808-8000
Fax No. 416-808-8002

SIGNATURE

Andy Pringle
Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P32/17

cc. Staff Superintendent Peter Yuen, Toronto Police Service

a: Abuse and Misuse of Accessible Permits.doc

APPENDIX A

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on February 23, 2017

#P32 Abuse and Misuse of Accessible Parking Permits

The Board was in receipt of a report dated February 15, 2017 from Mark Saunders, Chief of Police, with regard to this matter.

Mr. Kris Langenfeld was in attendance and delivered a deputation to the Board.

Acting Deputy Chief Rick Stubbings, Operational Support Command, and Staff Sergeant Nicole Lee, Parking Enforcement Unit, were in attendance and responded to questions about this report.

The Board approved the following Motions:

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- 6 THAT a copy of this Motion be forwarded to the City of Toronto Executive Committee with a request for support; and
- 7 THAT the Board receive Mr. Langenfeld's deputation.

Moved by: J. Tory
Seconded by: C. Lee



Toronto Police Services Board Report

February 15, 2017

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Abuse and Misuse of Accessible Parking Permits

Recommendations:

It is recommended that the Board request Service Ontario to add:

1. a requirement for a secondary physician to review Accessible Parking Permit approvals in the interests of strengthening the integrity of the program, thereby providing a check and balance system; and
2. a requirement for the return of temporary permits to Service Ontario once the permanent one is received so that two valid permits for the same person are not in circulation; and
3. a photo of the named permit holder on the reverse side of the Accessible Parking Permit for the purposes of discouraging fraudulent activity and assisting with investigations.

Financial Implications

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

The Board, at its meeting of October 20, 2016, (Min. No. P238/16 refers) received a report from Vice Chair Chin Lee regarding the abuse and misuse of accessible parking permits. He advised the Board that he had received a number of complaints from residents in this regard and he consequently met with representatives of the Service to discuss the issue and its role in enforcement.

The Board approved his report and the request for the Chief to provide information related to the following questions:

- How many accessible parking permits do Service members inspect on an annual basis and of these, how many are retained/seized?
- How many tickets are issued on an annual basis related to the abuse or misuse of accessible parking permits?
- How do the exemptions provided for by the City of Toronto impact the enforcement of abuse or misuse of accessible parking permits?
- What challenges does the Service face in enforcement in this area?
- Are there any recommendations or suggestions for improved enforcement?

Discussion:

The Parking Enforcement Unit Disabled Liaison Section

The Toronto Police Service (T.P.S.) Parking Enforcement Unit (P.E.U.) has operated the “Disabled Liaison Section” (D.L.S.) for over 15 years, which specializes in the accessible parking concerns of the community. Specifically:

- The D.L.S. consists of 10 members (1 Police Constable, 1 Patrol Supervisor, 7 Parking Enforcement Officers, 1 clerk) at full strength
- Members attend calls for service for reported abuse and misuse of Accessible Parking Permits (A.P.P.s)
- Members enforce parking by-laws in accordance with the City of Toronto exemptions applicable to the display of a valid A.P.P. (see Appendix A).

- Police officers issue Highway Traffic Act (H.T.A.) violations for the misuse of A.P.P.s
- Members attend community events to provide information and education
- The D.L.S. provides training and education to other police and municipal agencies

The P.E.U. has enjoyed a productive partnership with the City by participating in various parking program discussions from the enforcement perspective. One of the most challenging issues today is the competing need for curb space; this includes courier and delivery loading, bicycle lanes, peak period parking restrictions to alleviate congestion, residential permit parking, car-sharing, transit stops, taxi-cab stands and short-term paid parking in business districts. These are among the interests that must be balanced with the need for accessible parking. Fair and consistent enforcement is part of a fair and balanced program. The number of A.P.P.s that are misused in order to obtain free or preferential parking can pose an enforcement problem, as the current resources dedicated to this effort could be increased with more effectiveness if resources were available. It is the goal of the T.P.S. P.E.U. to ensure that accessible parking is being used by those who are legally entitled to this accommodation. Complaints similar to those received by the Vice Chair are continually investigated by the P.E.U. D.L.S.

Accessible Permits Inspected and Retained / Tickets Issued Due to Accessible Permit Abuse or Misuse

In 2015, the P.E.U retained 1,057 A.P.P.s for investigation of possible misuse. This is an increase of 28.4% or 234 more permits retained over 2014. The unit laid 913 H.T.A. charges in this regard, an increase of 40.5% or 263 more charges over 2014. The total increased again in 2016 to 1,350 A.P.P.s having been retained for investigation into suspected misuse, which significantly exceeds the 2015 annual total in part due to the blitz conducted by P.E.U. These efforts are in support of maintaining the integrity of the A.P.P. and ensuring parking spaces are available for use by persons who are properly using valid A.P.P.s.

The total number of A.P.P. inspections, including those where no violation has been charged, is not routinely captured. However, during a two week public awareness campaign in February 2016, this was tracked for the first time. A total of 1,565 permits were inspected and 293 permits retained with pending H.T.A. charges for misuse of the A.P.P.

A total of 12,877 parking tickets were issued related to accessible parking permit abuse or misuse in 2015. In 2016, a total of 16,104 parking tickets were issued.

Parking Exemptions and Relationship to A.P.P. Abuse and Misuse

The parking exemptions granted for the displaying of a valid A.P.P. in the vehicle in which the issued permit holder is being transported are established in the Toronto Municipal Code (Attached as Appendix A is a complete list of parking exemptions). For the purposes of this report, the exemptions which mostly impact enforcement are the payment exemption for on-street parking and the exemption for most no parking areas other than in rush hour routes.

The City of Toronto's parking exemptions do not exist to the same extent in neighbouring municipalities, contributing to the high levels of abuse in Toronto as demonstrated by the number of permit seizures (1257 seized in 2015 and 1350 seized in 2016). As a result, the D.L.S. receives a large number of inquiries and complaints regarding the appearance of A.P.P. abuse (estimated approximately 3000/year). The D.L.S. responds by investigating whether the driver or passenger is the holder of a valid permit as well as educating the complainants on the City's exemptions.

Enforcement Challenges

One enforcement challenge is the existence of counterfeit A.P.P.s. In recent years, Service Ontario has introduced security measures on the A.P.P. which has greatly assisted in the identification of fraud.

However, the majority of abuse involves valid A.P.P.s which are being used by persons other than the named permit holder. The permit is issued to a person, for use in whichever vehicle they are driving or transported as a passenger. If the permit holder is neither the driver nor a passenger being transported, then abuse is established and a parking ticket or H.T.A. charge is issued. The motive for this abuse is to use the no parking exemption in order to park in a convenient location, or to obtain free on street parking in a paid-parking area.

In some cases, the named permit holder is deceased, and other persons continue to use the permit to obtain parking exemptions and free parking. There is an opportunity to tighten the process with the Ontario Death Registry and its time-frame to ensure permits are not issued or renewed to deceased persons.

Public complaints are also received regarding people who appear not to require a permit, but are using one. It should be noted here that any questions pertaining to the nature of an individual's disability is never part of a D.L.S. investigation into misuse of an A.P.P. and is not the purview of the T.P.S. The D.L.S. regularly receives a number of complaints where a citizen alleges ineligibility for an A.P.P., similar to those complaints received by the Vice Chair in his role as a Councillor. However, the P.E.U. may only investigate whether the person using the permit is the actual permit holder. Any questions about the accountability of doctors who qualify their patients for an A.P.P. are questions for Service Ontario and the A.P.P. program governance. The continuing pattern of complaints received along this theme suggests a problem, and has the impact

of engaging police resources to determine if the permit holder is the actual user. It should be noted that the A.P.P. itself states that it is no longer valid when the permit holder no longer has a disability. However, anyone deemed to have a permanent disability has their permit renewed automatically every five years. In all cases, medical information is not something disclosed to enforcement agencies, and how A.P.P. eligibility and continuing qualification is verified and managed is the purview of Service Ontario.

Recommendations and Suggestions

In the interests of strengthening the integrity of the program, there may be better alternatives to the current practice of authorization by a single health care provider. In order to provide a check and balance in this regard, the Board may wish to make a recommendation for Service Ontario consideration of the requirement for a secondary physician to review A.P.P. approvals.

A further suggestion concerns the temporary A.P.P. issued in the application process while the permit holder awaits receipt of the permanent A.P.P. in the mail. The temporary permit should be returned to Service Ontario, but this doesn't appear to be required. Until the temporary permit expires, two valid permits for the same person are in circulation with risk that some will be used fraudulently by someone other than the permit holder.

A recommendation which would likely discourage much of the fraudulent use of A.P.P.s and assist with investigations is to include a photo of the named permit holder added to on the reverse side of the permit. For privacy reasons, it would not be viewed at any time except during lawful inspection of the permit.

T.P.S. P.E.U. representatives are a valuable resource and willing to participate in any future meetings or working groups with Service Ontario to affect improvements, such as a check and balance on the sole authority of a doctor to approve permit applications, a tiered system within the A.P.P. for permit holders with higher levels of need, further enhancements to the permit document and other suggestions which may arise. Discussions have taken place in previous years which have produced some positive changes, such as new security features included on the permit.

T.P.S. P.E.U. representatives are also available to participate in any future meetings or working groups with the City to explore any enhancements to the A.P.P. program which could be implemented through parking by-laws. These suggestions could include solutions to parking around hospitals and a review of appropriate exemptions for example.

Conclusion:

Abuse and misuse of A.P.P.s is a concern for the T.P.S. P.E.U. The enforcement objective is to ensure that accessible parking spaces and by-law exemptions are being used by persons who are properly complying with the regulations of a valid accessible permit.

The permit holder must be the driver or a passenger. A.P.P. misuse is sometimes appropriately addressed by educating the motorist, although clear instructions are provided with the permit. More often, evidence of intentional abuse is discovered, a parking ticket or an offence under the H.T.A. is issued and the permit is retained. Enforcement includes both response to complaints and proactive enforcement. D.L.S. Parking Enforcement Officers and Police investigate to ensure the person using the permit is the permit holder. If the permit has been issued to the driver or passenger, the qualifications for a person to be issued a permit, and be continually renewed, is a separate issue which T.P.S. enforcement cannot address, but is the purview of Service Ontario and the Province of Ontario.

T.P.S. representatives would be willing to participate in any working groups in the future. Abuse and misuse of permits does prompt many public inquiries and complaints. The T.P.S. P.E.U. is mandated to enforce City parking bylaws and to respond to the parking concerns of the community. In this case, the objective is to reduce abuse and misuse of accessible parking permits in order that accessible parking is available for those to whom it is intended.

Acting Deputy Chief Richard Stubbings, Operational Support Command, will be in attendance to answer any questions the Board may have concerning this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

Attch: Appendix A



TORONTO POLICE SERVICE - PARKING ENFORCEMENT UNIT
INFORMATION CONCERNING ACCESSIBLE PARKING PERMIT PROGRAM (APP)
PARKING EXEMPTIONS AND HOLDER RESPONSIBILITIES



A current valid Accessible Parking Permit must be displayed and clearly visible on the vehicle's sun visor or front dash.

A permit holder or driver (operating a vehicle for the purpose of transporting an Accessible Permit holder) who displays a valid Accessible Parking Permit is exempt from the following:

- Signed prohibited parking areas; this includes time restricted No Parking areas (i.e. 8am - 6pm) and general No Parking Anytime areas that display the regulatory No Parking sign. This does not apply to signed Rush Hour Routes (7am - 9am or 3:30pm - 6:30pm Monday to Friday).
- Signed on-street permit parking areas. Vehicles displaying a valid Accessible Parking Permit are permitted to park without a designated on-street parking permit.
- Signed parking limits such as One Hour and Two Hour maximums; holders are allowed to exceed the signed maximum parking limit.
- Unsigned maximum Three Hour parking limit in effect on all city streets.
- Holders may park at on-street parking meters or 'pay and display' machines without putting a coin in the meter/machine during the hours of legal operation. Note: exemption does not apply on Private or Municipal property.



PLEASE NOTE: In all of the above situations, parking is permitted for a period not to exceed 24 hours.

Further exemptions include (drop off/pick up ONLY):

- Signed No Stopping areas only while actually engaged in the loading/unloading of the named permit holder.
- Signed /marked designated No Standing Accessible parking space only while actually engaged in the loading/unloading of the named permit holder.
- Signed/marked designated bicycle lane only while actually engaged in the loading/unloading of the named permit holder.



Vehicles displaying Accessible Parking Permits are NOT exempt from the following:

- No Parking/No Stopping/No Standing areas in designated emergency or snow routes.
- Parking within 60 cm of a driveway.
- Stopping/Parking on a bridge.
- Parking within 3 meters of a fire hydrant.
- Within 7.5 meters of any fire hall on the side of the highway on which the fire hall is located or within 30.5 meters of the fire hall on the opposite side of the highway.
- Parking within 9 meters (signs not required) or 15 meters (signs required) of an intersection.
- Parking in a 'car-share' vehicle parking area (i.e. Auto Share).
- Parking in a designated Fire Route.
- Parking within a stand designated for taxicabs.
- Parking in an area marked by an authorized sign as a passenger or freight loading zone during stipulated times.
- Parking in a position as to prevent the removal of any other vehicle previously parked.
- Overnight parking between the hours of 2am and 6am from Dec 1 to Mar 31 in the former municipality of North York.
- Parking on Private or Municipal Property: if parked in a designated Accessible parking space, payment must be made as well as the proper display of Accessible Parking Permit. If parked in a non-Accessible space, permit holder must ensure that they comply with posted conditions in order to legally park on the property.



Where authorized signs to that effect are displayed, no person shall, on any highway, park any vehicle with an Accessible Parking Permit displayed:

Non-exemptions (where signs are required)



- Parking in designated No Standing or No Stopping areas.
- No parking in a public lane.
- Within 15 meters of an intersection.
- Within 30.5 meters of an intersection controlled by a traffic control signal.
- In front of an entrance to or exit from any building or enclosed space in which persons may be expected to congregate in large numbers.
- Within a turning basin.
- So as to interfere with the formation of a funeral procession.
- Within 15 meters of the termination of a dead-end street.
- Within a T-type intersection.
- Within the following distances of a crosswalk controlled by traffic control signals and located other than at an intersection.
 - 1) 15 meters of the crosswalk measured on each side of the highway in the direction of travel of vehicles on that side of the highway.
 - 2) 30.5 meters of the crosswalk measured on each side of the highway in the direction opposite to the direction of travel of vehicles on that side of the highway.

COMMITTING ANY OF THE ABOVE OFFENCES MAY RESULT IN YOUR VEHICLE BEING TAGGED AND/OR TOWED.

PLEASE NOTE THE FOLLOWING

Despite any other provisions, no person shall park a vehicle on a highway in such a manner as to interfere with the movement of traffic or any location where it would create an impediment or obvious hazard.

"Accessible Parking Permits" shall not be altered or defaced in any way. Photocopied or reproduced copied (by any means) are not valid. Persons using copied, altered or fraudulently obtained permits may be charged under the Highway Traffic Act.

"Accessible Parking Permits" are issued to the individual with the disability, the permit privileges are not transferable. The permit is not valid when displayed on a vehicle and the vehicle is not being used to pick up or transport the holder of the permit. Persons who use an "Accessible Parking Permit" in the absence of the named holder may be charged under the Highway Traffic Act.

For more information on Accessible Parking Permits, please refer to the Ontario Highway Traffic Act and the revised Regulations of Ontario 1990, Reg. 581.

Revised Sept 2016