



REPORT FOR ACTION

Administrative Penalty System for Parking Violations - Revised Implementation Date

Date: February 10, 2017

To: Government Management Committee

From: Interim City Solicitor, Treasurer, Director - Court Services

Wards: All

SUMMARY

On July 14th, 2016 City Council approved the governance and administrative requirements to establish an Administrative Penalty System (APS) for parking violations (i.e. parking tickets). This change will move the dispute mechanism for violations of the City of Toronto's parking by-laws from a court based system to an administrative review model. In the report approved by Council, staff recommended an effective date of May 15, 2017 for the APS, the Administrative Penalty Tribunal, the new Code Chapter governing the APS and any associated by-law amendments. This report proposes that City Council instead approve an August 28th, 2017 implementation date for the Administrative Penalty System for parking violations as well as for the Tribunal and any Code Chapter or by-law amendments associated with APS.

Ongoing consultation with the City's Information & Technology Division has revealed that critical technological requirements for the APS program written in a legacy platform programming language cannot be completed in time for May 15th, 2017, due to an industry skill shortage in this area. It has been determined that an August 28th, 2017 implementation date will eliminate IT development risks and allow sufficient time for user acceptance and security testing.

This report also proposes that City Council approve the following APS procedural amendments and clarifications. These include:

A revised timeline for the application of the Vehicle Owner / Address Search Fee, Late Payment Fee and Plate Denial Enforcement Fee.

Removing the remuneration of \$50 to a Hearing Officer for a written decision.

RECOMMENDATIONS

The Interim City Solicitor, Treasurer, and Director of Court Services recommend that:

1. City Council direct that the effective date for the Administrative Penalty System for Parking Violations established under Item GM13.12, the operational effective date for the Administrative Penalty Tribunal, the in force date of the new Municipal Code Chapter 610, Penalties, Administration of, and any other referenced date of May 15, 2017 be August 28, 2017.
2. City Council approve modifications to the Administrative Penalty System for parking violations procedural timelines as generally described in this report.
3. City Council eliminate the Administrative Penalty Tribunal member remuneration fee of \$50 for a written decision.
4. City Council authorize the City Solicitor to introduce the necessary bills to give effect to Council's decision and authorize the City Solicitor to make any necessary clarifications, refinements, minor modifications, technical amendments, or by-law amendments as may be identified by the City Solicitor in order to give effect to the reasonable operation of the APS program.

FINANCIAL IMPACT

The recommendation as proposed in this report are not anticipated to result in any net revenue changes for Parking Tags Enforcement and Operations over the 2017 to 2018 period.

The revised implementation date to begin the new process in 2017 may result in deferral of certain net costs from 2017 into 2018 as a result of potentially operating two dispute systems into 2018. The amount of time and associated costs in 2018 where the court system would continue to be relied upon will depend on the volume of disputes received up to August 28, 2017.

The delay will not result in any ongoing cost savings, as certain costs are expected to shift into future months. The shift from 2017 to 2018 could be in the range of \$2 million to \$4 million.

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

DECISION HISTORY

On July 14th, 2016 City Council adopted GM13.12: Administrative Penalty System for Parking Violations. By adopting the recommendations, City Council approved the governance and administrative requirements to establish an Administrative Penalty System (APS) for parking violations (i.e. parking tickets) that will include an Administrative Penalty Tribunal. The program as outlined in the report was to become effective on May 15th, 2017. The link to the staff report and Council's decisions are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.12>

General provisions regarding APS procedural requirements were included in GM13.12 in Attachment 1. The procedural requirements set out the timing of the application of additional fees in the new dispute process. The link to Attachment 1 – Administrative Penalty System Procedural Requirements is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.12>

The remuneration schedule for the City of Toronto's Administrative Penalty Tribunal was included in GM13.12. The link to Attachment 4 – Governance Structure for the City of Toronto's Administrative Penalty Tribunal is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.12>

COMMENTS

Reasons for Delayed APS Implementation Date

The City's Information & Technology Division's Business Transformation Unit is responsible for identifying business requirements for the City's APS program. Business requirement documentation was prepared upon Council approval of the APS program in July 2016. This work was completed through consultation with Court Services, Legal Services, Revenue Services, and Toronto Police Service. Critical IT requirements were identified through this process, including significant modifications to the existing Parking Tag Management System (PTMS) and the development of an online application for screening review scheduling.

Preliminary work-level estimates for the critical IT business requirements were previously projected to fall within the parameters of a May 15th, 2017 implementation date. However, new information and unforeseen circumstances have revealed that the work cannot be completed within this timeframe.

Accordingly, the revised date of August 28, 2017 is desirable for the effective date of APS; the Administrative Penalty Tribunal; the in force date of the new Municipal Code Chapter 610, Penalties, Administration of; the in force date for any other by-law

amendments to Code Chapter 610 and its schedules and designated by-laws required to reflect any changes to the text and/or Schedules of the various designated by-laws until the proposed Code Chapter 610 comes into force; and any amendments to Municipal Code Chapter 217, Records, Corporate (City), Chapter 219, Records, Corporate (Local Boards), the various traffic and parking by-laws/designated by-laws, and the adoption of new record retention schedules.

All other components of the APS project are moving forward. Facilities Management, Legal Services, and Revenue Services have chosen North York Civic Centre and Metro Hall as public Screening Office locations. Facilities Management and Court Services are finalizing the design and construction plans for the Administrative Penalty Tribunal at 40 Orchard View Boulevard. Renovations to City owned space at 1530 Markham Road for use by APS staff are being completed. APS policy development is underway and project leaders are working with CUPE Local 79 on the transition of human resources.

New and Amended APS Procedures

1. Revised timelines for additional fees.

GM13.12: Administrative Penalty System for Parking Violations included a number of attachments, including Attachment 1 which outlined general procedural requirements and the timelines for the imposition of additional administrative fees, if applicable.

The APS Steering Committee has reviewed the approved timeline for these fees and recommends that a number of the timelines be adjusted generally as follows:

(a) an Administrative Penalty is due and payable upon issuance and service of the Penalty Notice, unless otherwise indicated within the Screening Decision, the Hearing Decision, and/or any decision regarding a request for an extension of time to pay, respectively;

(b) where an Administrative Penalty is not paid within 15 calendar days after it becomes due and payable, the Owner of the vehicle shall pay to the City a Vehicle Owner/Address search fee;

(c) where an Administrative Penalty is not paid within 30 calendar days after it becomes due and payable, the Owner of the vehicle shall pay to the City a Late Payment Fee;

(d) where an Administrative Penalty and all other fees have not been paid within 60 calendar days after it becomes due and payable, the Owner of the vehicle shall pay to the City a Plate Denial Enforcement Fee and the City may notify the applicable Registrar of Motor vehicles in the jurisdiction where the permit is registered of the default;

(e) where an Owner of a vehicle requests a screening review or a hearing review, an extension of time for such a review, or an extension of time to pay, the timelines are suspended until the decision is issued and served;

(f) where any decision is issued varying the date or amount which is due and payable, the Administrative Penalty and any fees will be deemed to be due and payable in accordance with that decision; and

(g) where an Owner wishes to request an extension of time to pay the Administrative Penalty and any applicable administrative fees, the Owner shall do so by submitting an application in the form provided: (i) at the same time as making a request for a review of a Penalty Notice by a Screening Officer; (ii) at the same time as making a request for a review of a Screening Decision by a Hearing Officer; (iii) at the same time as making a request for an extension of time to request a review; or (iv) where no request for review and/or no request for an extension of time to request a review is made, within 15 calendar days after the Penalty Notice Date.

The APS Steering Committee has determined that issuing a Notice of Overdue Parking Penalty (NOPP) sixteen (16) calendar days after the administrative penalty becomes due and payable will ensure that the penalty recipient has an opportunity to respond before their dispute options expire on day thirty (30). In order to issue a NOPP, the City must pay a vehicle address search fee to the Ministry of Transportation.

Applying the Vehicle Owner / Address Search Fee on day 16 after it becomes due and payable allows the City to recover these costs. If the fee is not applied until day 30, some additional costs associated with the failure of the vehicle owner to respond will not be recoverable.

Applying the Late Payment Fee on the 31st calendar day after the administrative penalty becomes due and payable will provide the vehicle owner with maximum time to respond. If the Late Payment Fee is applied on day 16, the vehicle owner will incur the fee before their dispute options expire. The APS Steering Committee has determined that moving this fee application to day 31 is preferable in order to allow a recipient to fully exercise their dispute options before incurring additional fees in addition to the Vehicle Owner / Address Search Fee.

Applying the Plate Denial Enforcement Fee on the 60th calendar day after the administrative penalty becomes due and payable provides the vehicle owner with sufficient time to respond after their dispute options are exhausted. If the Plate Denial Enforcement Fee is applied on calendar day 30, the Owner will exhaust their dispute options and move into plate denial on the same day. The APS Steering Committee has determined that moving the Plate Denial Enforcement Fee to calendar day 60 after the administrative penalty becomes due and payable is recommended to allow for the processing of payments before the next enforcement step is taken.

As work progresses on the implementation of the APS program, the City Solicitor may make further refinements or minor modifications to the identified timelines in order to give effect to the reasonable operation of APS.

2. Removal of \$50.

Attachment 4 of GM13.12: Administrative Penalty System for Parking Violations outlined the City of Toronto's Administrative Penalty Tribunal governance structure. Section 10 states that member remuneration for a written decision is \$50.

It is anticipated that the time scheduled for the hearing officer will include any time necessary to prepare written reasons, where such reasons are requested. Accordingly, this extra remuneration fee is unnecessary.

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SIGNATURE

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