



REPORT FOR ACTION

Proposed Increase - Parking Violation Notice Penalty Amount

Date: October 20, 2020
To: Board of Directors, Toronto Parking Authority
From: Acting President, Toronto Parking Authority
Wards: All

SUMMARY

This report provides additional information regarding an increase to the off-street parking administrative penalty amounts for the 2021 Operating Budget.

Within its inventory of more than 300 off-street parking facilities, Toronto Parking Authority (TPA) has removed the daily maximum rate at 32 high demand locations. This rate structure encourages the turnover of parking, which is consistent with TPA's mandate to provide short-stay high turnover parking.

Out of the 32 carparks where the daily maximum rate has been removed, there are 17 car parks where the \$30.00 penalty amount is less than the cost to park for an eight (8)-hour period. The discrepancy between the parking rates at these 17 locations and the penalty amount has raised concern that customers are electing to park without paying for parking as the risk and cost of receiving a Parking Violation Notice (PVN) is less than the cost of parking for a full day.

To verify the extent of the compliance issues, TPA undertook surveys and found that, on average, only 64percent of vehicles were paying for parking. The full survey details can be found in Attachment 1.

As a result of the observed compliance issues, TPA is recommending an amendment to City of Toronto Municipal Code Chapter 610, *Penalties, Administration of*, to increase the penalty amount from \$30.00 to \$75.00 for vehicles parked at municipal parking facilities in violation of Sections 950-601C(1), 950-601C(2), 950-601C(3), 950-601F(1), 950-601G(1), 950-601G(2) and 950-601O of Chapter 950, Traffic and Parking.

The increased penalties are intended to promote compliance.

RECOMMENDATIONS

The Acting President, Toronto Parking Authority, recommends that:

1. the Board of Directors of Toronto Parking Authority refer this report to City Council for consideration through Budget Committee;
2. City Council increase the penalty amount from \$30.00 to \$75.00 for the offences in Sections 950-601C(1), 950-601C(2), 950-601C(3), 950-601F(1), 950-601G(1), 950-601G(2) and 950-601O of City of Toronto Municipal Code Chapter 950, Traffic and Parking, with an implementation date of June 1, 2021; and
3. City Council amend City of Toronto Municipal Code Chapter 610, Penalties, Administration of, generally as set out in Attachment 2 to this report from the Acting President, Toronto Parking Authority.

FINANCIAL IMPACT

Implementation of the new PVN penalty amount is estimated to cost \$365,000 - \$400,000, which is needed to update Toronto Police Services' (TPS) Pre-Printed Ticket Manual. TPS will be requesting quotations for the update and a more refined estimate will be available at that time. Sufficient funding is available in TPA's 2020 Capital Budget TPA908615-1 (CPK376-01) to cover these expenses.

TPA has confirmed that there are no costs associated with the implementation of the new PVN penalty amount for Technology Services, Revenue Services, Legal Services or Court Services.

TPA estimates that \$220,000 in additional revenue will be generated in 2021 at TPA off-street facilities as a result of the increased penalty amount, which increased penalty amount is expected to improve compliance rates of paid parking. This estimate accounts for the reduced demand for parking that is expected to continue through 2021 as a result of the Covid-19 pandemic and has been accounted for in the revenue forecasts that are included in TPA's 2021 Budget submission.

It is further estimated that the PVN penalty amount increase will generate an additional \$750,000 in revenue to Parking TAGS in 2021.

DECISION HISTORY

There is no prior decision history associated with this report.

COMMENTS

The City of Toronto implemented an Administrative Penalty System (APS) for parking violations on August 28, 2017. The APS allows City Council to set the administrative penalty amount (penalty amount) for all parking violations.

Under Chapter 610 of the Municipal Code, the current penalty amount for a PVN issued at a TPA off-street parking facility is \$30.00.

A number of factors may be considered when reviewing penalty amounts for parking violations. These include the impact of non-compliance, comparable violations, and penalty amounts in other jurisdictions.

Within its inventory of more than 300 off-street parking facilities, TPA has removed the daily maximum rate at 32 high-demand locations. This rate structure encourages the turnover of parking, which is consistent with TPA's mandate to provide short-stay high turnover parking.

A detailed review of the 17 locations where the PVN penalty amount is below the cost of parking for an eight-hour period was carried out by TPA (refer to Attachment 3). Based on the results of the surveys, it was found that only 64 percent of vehicles, on average, were paying for parking.

As an example of the discrepancy between the PVN penalty amount and parking rates in effect, Car Park 263, which is located at 130 Elizabeth Street, has a half-hour rate of \$4.00, which translates to a cost of \$64.00 to park over an eight-hour period. Where customers are parking for a period of more than four (4) hours, it is less costly to pay the penalty amount instead of the parking rates that are in effect.

Based on the analysis carried out, it has been determined that a penalty amount of \$75.00 would be needed to encourage compliance at these facilities. The proposed penalty amount of \$75.00 is consistent with the penalty amounts imposed by the City of Toronto (City) for other parking-related infractions on municipal property. Attachment 4, Table 1 includes a summary of the penalty structure applied by the Parks, Forestry & Recreation Division for unauthorized/improper parking, which is generally set at \$100.00.

The proposed penalty amount is also consistent with the fine amounts applied by other municipal parking authorities in Canada, including the cities of Montreal and Vancouver, which have minimum fines of \$78.00 and \$68.50, respectively. Attachment 4, Table 2 includes a summary of the fine structure applied by the cities of Montreal and Vancouver as well as other comparable jurisdictions.

Both the existing and proposed penalty amounts are low relative to the fine structures in place with other public agencies, including the Toronto Transit Commission, which has a fine amount of \$425.00 for passengers failing to display a valid TTC fair and Metrolinx, which has a fine amount of \$125.00 for customers parking in a reserved parking space without authorization. Attachment 4, Table 3 details these amounts.

The increased penalty amount from \$30.00 to \$75.00 will encourage compliance at TPA's off-street parking facilities and will ensure an availability of short-term high turnover parking. Should the recommendations of this report be endorsed, TPA will work to implement the increased penalty amounts by June 1, 2021.

CONTACT

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SIGNATURE

Robin Oliphant, Acting President,
Toronto Parking Authority

ATTACHMENTS

Attachment 1 – Compliance Survey Results
Attachment 2 – Proposed Amendments to the Municipal Code
Attachment 3 – Car Park Locations with Half Hour Rate Greater than Parking Violation
Notice (PVN) Amount
Attachment 4 – Comparative Analysis

ATTACHMENT 1 - COMPLIANCE SURVEY RESULTS

At the 17 car park locations that the Toronto Parking Authority (TPA) has removed the maximum day rates, it was suspected that parkers would elect to not pay for parking and instead pay the Parking Violation Notice (PVN) amount given that the penalty amount is below the cost of parking for an eight-hour period.

To confirm the extent of the suspected compliance issue, TPA undertook compliance surveys at 13 of its' off-street facilities. The surveys were carried out between July 30 and August 19, 2019 and took place in either the afternoon or late morning. Car parks were surveyed twice during this period with the exception of CP 219, which was surveyed four times.

All parked cars were classified into one of four categories: 1) having an Accessible Parking Permit; 2) having a paid ticket on display on their dashboard; 3) having either not paid or paid using the mobile GreenP app; or 4. having an infraction ticket. The license plate numbers were recorded for those who had either not paid or had used the mobile GreenP app. The list of license plates was then cross-referenced against mobile pay data to determine which cars had paid and which had not. The compliance results are summarized below in Table 1.

Table 1: Compliance Survey Results

Car Park	Compliant Vehicles	Total Vehicles Parked	Compliance Rate
3	25	58	43%
13	35	49	71%
53	55	83	66%
106	105	151	70%
116	57	76	75%
195	77	140	55%
216	42	68	62%
219	47	73	64%
223	31	48	65%
229	8	16	50%

Car Park	Compliant Vehicles	Total Vehicles Parked	Compliance Rate
277	17	30	57%
282	10	14	71%
501	83	106	78%
Total	592	912	64%

The overall compliance rate for the 13 car parks without a maximum day rate was found to be only 64percent with the overall range of rates falling between 43 - 78 percent.

A detailed review of the 17 locations where the penalty amount is below the cost of parking for an eight-hour period was carried out by TPA. Car Park 263, located at 130 Elizabeth Street, has a half hour rate of \$4.00, which translates to a cost of \$64.00 to park over an eight-hour period. Where customers are parking for a period of more than four (4) hours, it is less costly to pay the penalty amount instead of the parking rates that are in effect. Based on the analysis carried out, it has been determined that a penalty amount of \$75.00 would be needed to encourage compliance at these facilities.

ATTACHMENT 2 - PROPOSED AMENDMENTS TO THE MUNICIPAL CODE

Amendments to Municipal Code Chapter 610, *Penalties, Administration Of*

Deletion from Schedule A, Table 10: Chapter 950, Traffic and Parking:

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Front Wheels Not Opposite Meter	\$30.00
§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Rear of Forward Vehicle Not Opposite Forward Meter – Two Meters on same standard	\$30.00
§ 950-601C(1)	Car Park – Parallel Park – Metered Space - Rear of Forward Vehicle Not as Close as Practicable to forward meter – Two Meters on Same Standard	\$30.00
§ 950-601C(1)	Car- Park - Parallel Park – Metered Space – Front of Rear Vehicle Not Opposite Rear Meter – Two Meters on Same Standard	\$30.00
§ 950-601C(1)	Car-Park – Parallel Park – Metered Space - front of rear vehicle not as close as practicable to rear meter – Two Meters on Same Standard	\$30.00
§ 950-601C(2)	Car-Park - Angle Park – Metered Space - Front of Vehicle Not as Close as Practicable to Meter	\$30.00
§ 950-601C(3)	Car-Park –Park – Part of Vehicle Outside Designated Metered Space	\$30.00
§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for Both Spaces	\$30.00
§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for (Meter/Machine) for Both Spaces	\$30.00

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§ 950-601F(1)	Car-Park - Park – Meter Not Used/Fee Not Paid	\$30.00
§ 950-601G(1)	Car-Park - Park – Parking Machine (Not Used/Required Fee Not Paid)	\$30.00
§ 950-601G(1)	Car-Park – Park - Fail to Activate Parking Machine	\$30.00
§ 950-601G(1)	Car Park – Parking Machine - Park – Not Within Permitted Period	\$30.00
§ 950-601G(2)	Car-Park – Parking Machine - Park – Issued Card Not Properly Displayed	\$30.00
§ 950-601O	Car-Park - (Park/Leave) Vehicle – Contrary to Posted Sign	\$30.00

Addition to Schedule A, Table 10: Chapter 950, Traffic and Parking:

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Front Wheels Not Opposite Meter	\$75.00
§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Rear of Forward Vehicle Not Opposite Forward Meter – Two Meters on same standard	\$75.00
§ 950-601C(1)	Car Park – Parallel Park – Metered Space - Rear of Forward Vehicle Not as Close as Practicable to forward meter – Two Meters on Same Standard	\$75.00
§ 950-601C(1)	Car- Park - Parallel Park – Metered Space – Front of Rear Vehicle Not Opposite Rear Meter – Two Meters on Same Standard	\$75.00
§ 950-601C(1)	Car-Park – Parallel Park – Metered Space - front of rear vehicle not as close as practicable to rear meter – Two Meters on Same Standard	\$75.00

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§ 950-601C(2)	Car-Park - Angle Park – Metered Space - Front of Vehicle Not as Close as Practicable to Meter	\$75.00
§ 950-601C(3)	Car-Park –Park – Part of Vehicle Outside Designated Metered Space	\$75.00
§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for Both Spaces	\$75.00
§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for (Meter/Machine) for Both Spaces	\$75.00
§ 950-601F(1)	Car-Park - Park – Meter Not Used/Fee Not Paid	\$75.00
§ 950-601G(1)	Car-Park - Park – Parking Machine (Not Used/Required Fee Not Paid)	\$75.00
§ 950-601G(1)	Car-Park – Park - Fail to Activate Parking Machine	\$75.00
§ 950-601G(1)	Car Park – Parking Machine - Park – Not Within Permitted Period	\$75.00
§ 950-601G(2)	Car-Park – Parking Machine - Park – Issued Card Not Properly Displayed	\$75.00
§ 950-601O	Car-Park - (Park/Leave) Vehicle – Contrary to Posted Sign	\$75.00

ATTACHMENT 3 -CAR PARK LOCATIONS WITH HALF HOUR RATE GREATER THAN PARKING VIOLATION NOTICE (PVN) AMOUNT

#	CP #	Carpark Address	Space Count	Half Hour Rate	Day Max. (7am-6pm)	Evening Max. (6pm-7am)	Peak Usage	Day Maximum		Parking Violation Notice		
								All	Comm.	No Day Max (1/2 Hr (x16))	Penalty Amount	Penalty Amount Minus Day Max
1	3	13 ISABELLA ST. E OF YONGE	33	\$3.00	No Day Max	\$10.00	72%	63%	9%	\$48.00	\$30	(\$18.00)
2	13	10 DELISLE AVE.	38	\$3.00	No Day Max	\$6.00*	92%	83%	11%	\$48.00	\$30	(\$18.00)
3	53	803 RICHMOND ST. W OF WALNUT	49	\$2.00	No Day Max	\$10.00	73%	57%	21%	\$32.00	\$30	(\$2.00)
4	106	15 DENISON AVE.	120	\$2.00	No Day Max	\$8.00	65%	53%	10%	\$32.00	\$30	(\$2.00)
5	212	363 ADELAIDE ST. W	23	\$3.50	No Day Max	\$10.00	99%	96%	16%	\$56.00	\$30	(\$26.00)
6	216	205, 207, 209 MC CAUL ST.	38	\$3.00	No Day Max	\$8.00	88%	68%	19%	\$48.00	\$30	(\$18.00)
7	219	87 RICHMOND ST. E	20	\$2.50	No Day Max	\$5.00	88%	81%	33%	\$40.00	\$30	(\$10.00)
8	223	1501 YONGE ST.	37	\$2.00	No Day Max	-	72%	49%	13%	\$32.00	\$30	(\$2.00)

#	CP #	Carpark Address	Space Count	Half Hour Rate	Day Max. (7am-6pm)	Evening Max. (6pm-7am)	Peak Usage	Day Maximum		Parking Violation Notice		
								All	Comm.	No Day Max (1/2 Hr (x16))	Penalty Amount	Penalty Amount Minus Day Max
9	227	105 SPADINA AVE. AT ADELAIDE	18	\$3.50	No Day Max	\$10.00	95%	89%	23%	\$56.00	\$30	(\$26.00)
10	263	130 ELIZABETH ST. (TORONTO COACH TERMINAL)	27	\$4.00	No Day Max	No Night Max	85%	65%	13%	\$64.00	\$30	(\$34.00)
11	277	242 DANFORTH AVE.	19	\$2.00	No Day Max	\$6.00	118%	98%	8%	\$32.00	\$30	(\$2.00)
12	288	292 BRUNSWICK AVE.	19	\$2.00	No Day Max	No Night Max	83%	52%	13%	\$32.00	\$30	(\$2.00)
13	404	95 BEECROFT RD.	29	\$2.00	No Day Max	\$6.00	141%	141%	110%	\$32.00	\$30	(\$2.00)
14	419	5667 YONGE ST. S/E CORNER YONGE & BISHOP AVE.	23	\$2.00	No Day Max	\$6.00	66%	54%	7%	\$32.00	\$30	(\$2.00)
15	521	7 MONKTON AVE.	25	\$2.00	No Day Max	\$5.00	110%	95%	31%	\$32.00	\$30	(\$2.00)
16	600	850 COXWELL AVE. (CIVIC CENTRE CARPARK)	20	\$2.00	No Day Max**	\$3.00	107%	87%	18%	\$32.00	\$30	(\$2.00)

#	CP #	Carpark Address	Space Count	Half Hour Rate	Day Max. (7am-6pm)	Evening Max. (6pm-7am)	Peak Usage	Day Maximum		Parking Violation Notice		
								All	Comm.	No Day Max (1/2 Hr (x16))	Penalty Amount	Penalty Amount Minus Day Max
17	707	1530 MARKHAM RD. (PT. OF CP706)	24	\$2.50	No Day Max	\$3.00	83%	68%	3%	\$40.00	\$30	(\$10.00)

ATTACHMENT 4 - COMPARATIVE ANALYSIS

The proposed penalty amount of \$75.00 is consistent with the fine amounts applied by other municipal parking authorities in Canada, including the cities of Montreal and Vancouver, which have minimum fines of \$78.00 and \$68.50, respectively. Table 2 includes a summary of the fine structure applied by other comparable jurisdictions.

Table 1: Toronto Municipal Code Chapter 610 Penalties for Parks

Designated Part of Chapter 608	Infraction Type	Penalty Amount
§ 608-27A	Park vehicle in area of park not designated for parking	\$100.00
§ 608-27B	Park vehicle in park between 12:01 a.m. and 5:30 a.m. without permit	\$100.00
§ 608-27C	Park vehicle in park (not in designated space/contrary to posted conditions)	\$100.00
§ 608-27D	(Stop/Park) in accessible parking space in park without displaying permit	\$300.00
§ 608-27E.1	Park vehicle in park while not using park	\$100.00
§ 608-27F	Park vehicle in park for longer than 24 hours	\$100.00
§ 608-30.1	Park motorized recreational vehicle in non-designated area of park	\$175.00

Table 2: Parking Fine Structures for Comparable Municipalities

	Minimum Fine / Penalty	Maximum Fine / Penalty	Details	Percent Difference to TPA PVN
Canada (in CDN)				
Vancouver	\$68.50	\$140.00*	Late Penalty	80.0 percent
Calgary	\$40.00	\$75.00	Early Payment Reduction	28.6 percent
Ottawa	\$40.00	\$60.00	Early Payment Reduction	28.6 percent

Montreal	\$78.00			88.9 percent
Winnipeg	\$52.00	\$70.00	Early Payment Reduction	53.7 percent
United States (in USD)				
New York City	\$35.00	\$65.00	Area Based	15.4 percent
Boston	\$40.00	\$53.00	Late Penalty	28.6 percent
Philadelphia	\$26.00	\$36.00	Area Based	14.0 percent
Los Angeles	\$58.00**	\$116.00	Late Penalty	63.6 percent
Chicago	\$50.00			50.0 percent
San Francisco	\$79.00			89.9 percent

* Rate 1: \$68.50, Rate 2 \$105.00 after seven (7) Days, Rate 3 \$119.00 after 21 Days, Rate 4: \$140.00 after 28 Days

**\$58.00 first offence, \$116.00 for the second penalty, and no less than \$300.00 for the third and each additional offence

Both the existing and proposed penalty amounts are low relative to the fine structures in place with other public agencies, including the Toronto Transit Commission (TTC), which has a fine amount of \$425.00 for passengers failing to display a valid TTC fair and Metrolinx, which has a fine amount of \$125.00 for customers parking in a reserved parking space without authorization. Table 3 details these amounts.

Table 3: Other Comparable Penalty Amounts

Agency	Infraction Type	Minimum Fine	Maximum Fine	Details	Percent Difference from TPA (Minimum fine)
TTC	Failure to display paid TTC Fare	\$235.00	\$425		152.9%
TTC	Meter Not Used/Fee Not Paid	\$30.00	\$55.00		N/A
Metrolinx	Failure to display paid ticket	\$100.00	\$200.00	Minimum fine for 1st Offence	167.7 percent

Agency	Infraction Type	Minimum Fine	Maximum Fine	Details	Percent Difference from TPA (Minimum fine)
Metrolinx	Park vehicle in reserved space without authorization	\$125.00	N/A		122 percent

The penalty amount is also compared with penalty amounts for vehicle parking violations at Toronto Parks, Forestry & Recreation. Table 1 details the penalty amounts for parking violations at City of Toronto Parks, Forestry & Recreation, as found under Chapter 610 of the Municipal Code, Schedule A. The proposed penalty amount of \$75.00 is well below the penalty amounts for vehicle infractions at Parks, found to be \$100.00 and higher.

The increased penalty amount from \$30.00 to \$75.00 will encourage compliance at TPA's off-street parking facilities and will ensure an availability of short-term high turnover parking.