

September 22, 2011

Fixed Fine System for Parking Tickets

General Information:

- At its meeting of September 21 and 22, 2011, Toronto City Council adopted, with amendments, the Government Management Committee's recommendations regarding item GM7.9: *Further Report on the Implementation of a Fixed Fine System for Parking Tickets*. The Government Management Committee's recommendations are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM7.9>
- *The Provincial Offences Act (POA)* requires that a "Set Fine" be established for each type of parking offence. The set fine is the dollar amount that appears on the face of a parking ticket and it is the amount that a parking ticket recipient pays out of court to avoid any further proceedings. Set fines are established by the Regional Senior Judge (RSJ) for Toronto Region.
- Under the Fixed Fine system approved by Toronto City Council on September 21, 2011, the City's bylaws will prescribe a "fixed fine" amount that applies where a parking ticket trial results in a conviction (either because the defendant pleads guilty or is found guilty by the Courts). The Fixed Fine for a parking infraction is the same as the Set Fine amount that appears on the face of a ticket. If a defendant is found not guilty at trial, no fine is payable.
- By setting fixed fines equal to the set fine amount, the amount that must be imposed in court on a guilty plea or a conviction at trial is the same as the amount that appears on the face of the ticket. The presiding Justice would not be able to impose a fine amount less than the original ticket amount or no fine at all, with the result that defendants appearing in court will not be able to obtain a reduced fine amount.
- Setting the fixed fine equal to the set fine preserves the right of an individual to appear in court to dispute a ticket without being exposed to a higher fine when convicted.
- In 2010, the City of Toronto issued 2,787,071 parking tickets. Of the parking tickets issued, 306,651 Requests for Trial were filed – roughly 11% of all tickets issued in 2010.
- A parking ticket recipient appeared in court in less than 40% of the trials scheduled in 2010. For trials where the defendant did not appear (roughly 45% of all scheduled trials), 11.4% paid after receipt of a trial notice but prior to the scheduled trial, and 33.4% failed to attend their scheduled trial date, resulting in an automatic conviction. (See Table 1 below)
- In approximately 62% of trials scheduled in 2010 where the ticket recipient appeared in court and was convicted, the fine imposed by the court was less than the set fine amount indicated on the face of the ticket. On average, the fine assessed in court was approximately 50% of the original fine amount.
- A fixed fine system for parking tickets will help to ensure:
 - early resolution of parking tickets;
 - a reduction in the number of trial requests made when the parking ticket recipient simply wishes to obtain a reduced fine amount, by establishing the principle that the fine imposed cannot be reduced through the court process;
 - parking ticket trials are scheduled in a timely manner, allowing residents to receive a fair outcome without having to wait months for a trial date;
 - fewer parking ticket disputes are stayed or withdrawn due to the length of time that has elapsed since the ticket was issued; and
 - adequate court capacity and resources are available to hear parking ticket trials and other more serious provincial offences, by reducing the number of unnecessary or frivolous trial requests.

- **Fines for Accessible Parking Offences**

- Council's adoption of the Government Management Committee's recommendations regarding Item GM7.9: *Further Report on the Implementation of a Fixed Fine System for Parking Tickets*), maintained set fines for accessible parking offences (previously disabled parking offences) at \$450. The *City of Toronto Act, 2006* prescribes a minimum fine of \$300.00 that applies on conviction for accessible parking offences.
- Trials were requested for approximately half of all accessible parking tickets issued in 2010. Where a trial results in a guilty finding, the fine imposed by the Justice at trial could, in practice, be any amount up to \$450, with a minimum fine amount of \$300 set out in the *City of Toronto Act*, (subject to any discretion exercised by a presiding Justice to reduce the amount to less than the \$300 minimum where circumstances warrant). Given that tickets issued for accessible parking offences result in some offenders submitting payment of the full \$450 set fine amount, the set fine amount for accessible parking offences will be maintained at \$450.

Media contact(s):

Cindy Bromley, Communications Manager, Finance & Administration, cbromley@toronto.ca, 416-392-4993
Casey Brendon, Director, Revenue Services, cbrendo@toronto.ca, 416-392-8065