

Clause embodied in Report No. 4 of the Planning and Transportation Committee, as adopted by the Council of the City of Toronto at its meeting held on May 30, 31 and June 1, 2001.

1

Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property

(City Council on May 30, 31 and June 1, 2001, amended this Clause by:

- (1) *striking out and referring Recommendation No. (6) embodied in the joint report dated February 21, 2001, from the City Solicitor and the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee, to the Licensing Sub-Committee for further review and the hearing of depositions, viz.:*

“(6) the charging of any fee or service charges for using visitor parking spaces in residential buildings be prohibited, and appropriate City of Toronto by-laws be amended to conform to this change.”;

- (2) *deleting the following exceptions to the 30-minute grace period:*

“- vehicles that are being relocated into a supervised, secured, fenced compound located on the same property; and

- unauthorized vehicles found parked on a licensed commercial parking lot.”; and

- (3) *adding thereto the following:*

“It is further recommended that:

(a) the grace period exemption be extended to reserved employee parking, provided that it is posted as such; and

(b) the report dated April 11, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted:

‘It is recommended that:

(1) the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$60.00 for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property; and

(2) the balance of this report be received as information.’ ”)

(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on May 30, 2001, as the first item of business, and invited Staff Superintendent Reynolds, Toronto Police Service, to be present at the meeting during consideration of this matter.)

(Clause No. 3 of Report No. 3 of The Planning and Transportation Committee)

The Planning and Transportation Committee recommends that the joint report (February 21, 2001) from the City Solicitor and the Commissioner of Urban Development Services, appended to the transmittal letter (March 13, 2001) from the City Clerk be adopted subject to amending Recommendation (6) to read:

“(6) the charging of any fee or service charges for using visitor parking spaces in residential buildings be prohibited, and appropriate City of Toronto by-laws be amended to conform to this change.”

so that these recommendations now read:

- “(1) There be a mandatory grace period of 30 minutes before a vehicle is towed from private or municipal property, subject to the exceptions noted in this report;**
- (2) the requirement that properties be approved by the Chief of Police before vehicles may be removed from the properties not apply to tows authorized by the police officers and Municipal Law Enforcement Officers (MLEO’s) employed by the Toronto Police Service;**
- (3) the Parking on Private/Municipal Property By-law, the Municipal Law Enforcement Officer Appointment By-law and the Licensing By-law amendments require the issuance of a Toronto Police Service Tow Card by the police officer or MLEO who issued the parking infraction notice before a vehicle is towed under by-law or by a licensed tow truck;**
- (4) the Licensing By-law amendment not specify an entire form of contract which is to be signed by private parking enforcement agencies and property owners, but rather, require that such contracts contain wording to prohibit the payment of administration fees from the private parking enforcement agencies to the private property owners;**
- (5) the Toronto Police Services Board be asked to consider whether a fee should be charged for properties to be designated under the programme;**
- (6) the charging of any fee or service charges for using visitor parking spaces in residential buildings be prohibited, and appropriate City of Toronto by-laws be amended to conform to this change;**

- (7) Council enact the new parking on Private/Municipal Property By-law, the new MLEO Appointment By-law and Licensing By-law amendments presented with this report, with the by-laws to take effect on January 1, 2002;**
- (8) the Chief of Police, as part of the two-year review of the private property enforcement programme, consider whether an annual permit requirement and related fees should be implemented for signs required on private property under the programme;**
- (9) the existing provisions under which Works and Emergency Services employees are appointed as Municipal Law Enforcement Officers be amended to bring the appointment process in line with that which exists for other MLEO's; and**
- (10) the appropriate City officials be authorized and take the necessary action to implement the by-law requirements."**

The Planning and Transportation Committee reports, for the information of Council, having requested the Commissioner of Urban Development Services to report directly to City Council for its meeting on April 24, 2001 on:

- (1) the appropriateness of the existing set fine for parking violations on private property; and
- (2) the following motion placed by Councillor Milczyn which was referred to the Commissioner of Urban Development Services for report:

"With respect to Recommendation (1) of the joint report (February 21, 2001) from the City Solicitor and the Commissioner of Urban Development Services, an additional exception to the mandatory grace period of 30 minutes be included, being: unauthorized vehicles on a commercial or industry property that interfere with the business operation of the business owners or tenants."

The Planning and Transportation Committee submits the following transmittal letter (March 13, 2001) from the City Clerk:

City Council, at its meeting held on March 6, 7 and 8, 2001, referred the following Motion to the Planning and Transportation Committee:

- (9) Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property

Moved by: Councillor Moscoe

Seconded by: Councillor Prue

"Whereas Council at its regular meeting held on October 3, 4, and 5, 2000, and at its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000 considered Report No. 17 Clause No. 1 of the Administration Committee entitled "Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property", which Clause incorporated recommendations from the Planning and Transportation Committee; and

Whereas Council adopted recommendations of the Planning and Transportation Committee embodied in a communication dated September 19, 2000 from the City Clerk, subject to two amendments; and

Whereas the amended recommendations adopted by Council deferred consideration of all aspects of the Clause pertaining to the 30-minute grace period between the ticketing and towing of vehicles and directed that the Commissioner of Urban Development Services and the City Solicitor report on that issue directly to Council; and

Whereas Council also directed that staff submit the amended by-laws directly to Council and report on any significant issues arising during their preparation; and

Whereas the City Solicitor and Commissioner of Urban Development Services have prepared the attached joint report dated February 21, 2001 in accordance with Council's direction; and

Whereas the City Solicitor has prepared Bills as directed by Council to reflect the recommendations contained in the attached joint report of February 21, 2001;

Now Therefore Be It Resolved That Council give consideration to the above-mentioned joint report dated February 21, 2001 from the Commissioner of Urban Development Services and the City Solicitor and that Council adopt such joint report."

(Joint report dated February 21, 2001, from the City Solicitor
and Commissioner of Urban Development Services)

Purpose:

As directed by Council at its meeting of October, 2000, to report on the proposed grace period between ticketing and towing and on other significant issues arising during the preparation of the recommended by-laws relating to parking enforcement on private property.

Financial Implications and Impact Statement:

There are no financial implications to the recommendations contained in this report.

Recommendations:

It is recommended that:

- (1) there be a mandatory grace period of 30 minutes before a vehicle is towed from private or municipal property, subject to the exceptions noted in this report;
- (2) the requirement that properties be approved by the Chief of Police before vehicles may be removed from the properties not apply to tows authorized by the police officers and Municipal Law Enforcement Officers (MLEO's) employed by the Toronto Police Service;

- (3) the Parking on Private/Municipal Property By-law, the Municipal Law Enforcement Officer Appointment By-law and the Licensing By-law amendments require the issuance of a Toronto Police Service Tow Card by the police officer or MLEO who issued the parking infraction notice before a vehicle is towed under by-law or by a licensed tow truck;
- (4) the Licensing By-law amendment not specify an entire form of contract which is to be signed by private parking enforcement agencies and property owners, but rather, require that such contracts contain wording to prohibit the payment of administration fees from the private parking enforcement agencies to the private property owners;
- (5) the Toronto Police Services Board be asked to consider whether a fee should be charged for properties to be designated under the programme;
- (6) Planning staff be asked to review whether existing zoning by-laws in force in the City should be amended to prohibit the charging of a fee for residential visitor parking;
- (7) Council enact the new parking on Private/Municipal Property By-law, the new MLEO Appointment By-law and Licensing By-law amendments presented with this report, with the by-laws to take effect on January 1, 2002;
- (8) the Chief of Police, as part of the two-year review of the private property enforcement programme, consider whether an annual permit requirement and related fees should be implemented for signs required on private property under the programme;
- (9) the existing provisions under which Works and Emergency Services employees are appointed as Municipal Law Enforcement Officers be amended to bring the appointment process in line with that which exists for other MLEO's; and
- (10) the appropriate City officials be authorized and take the necessary action to implement the by-law requirements.

Background:

In a report dated May 30, 2000 the City Solicitor and Commissioner of Urban Development Services made a number of recommendations to improve the delivery of parking enforcement services to private property and to address serious abuses which have been experienced by the public since 1990 when private municipal law enforcement officers (MLEO's) appointed under municipal by-law were first given the authority to ticket and tow vehicles parked on private property without consent. While the authority to tow illegally parked vehicles was subsequently removed from some of the parking on private property by-laws, problems experienced by the public were exacerbated when tow operators and property owners resorted to the unregulated 'common law right to tow'.

The May 30, 2000 report recommended that Council adopt new MLEO Appointment By-laws and new Parking on Private/Municipal Property By-laws. It also recommended amendments to the Licensing By-law regulations applying to tow truck owners and drivers and to vehicle storage and pound operators and amendments to establish, for the first time, licensing requirements and

regulations for commercial businesses providing parking management and enforcement services. The report did not include draft by-laws. Instead, the report described the contents of the proposed by-laws. In some respects, the proposed by-law contents were described in great detail. Other aspects of the by-laws were described in general terms.

The May 30, 2000 report was considered by the Administration Committee, the Licensing Sub-Committee and the Planning and Transportation Committee. When the report was considered by Council at its meeting in October 2000, Council endorsed the recommendations of the Planning and Transportation Committee subject to an amendment to the '30-minute grace period' recommendation and requested a report on the 30-minute grace period directly to Council. Staff were also directed to report directly to Council on any significant issues arising during the preparation of the by-laws.

Comments:

As directed by Council at its October 2000 meeting, this is a report on the 30-minute grace period proposed between ticketing and towing and on a number of other issues identified in the preparation of the new parking on Private/Municipal Property By-law, MLEO Appointment By-law and Licensing By-law amendments recommended in the May 30, 2000 report from the City Solicitor and the Commissioner of Urban Development Services.

Grace Period Between Ticketing and Towing

As noted in the May 30, 2000 report, staff recommend a mandatory grace period before a vehicle is towed from private or municipal property. This is consistent with what is presently required by the by-laws of the former area municipalities which authorized the removal of illegally parked vehicles. The grace periods were introduced to discourage abuse by MLEO and tow operators. The staff recommendation is for a 30-minute grace period, though we are more concerned that there be a grace period than with its actual length. Of the former area municipality by-laws which permit towing, the Etobicoke by-law requires a one-hour grace period while the East York and Scarborough by-laws require a 30-minute grace period. As noted in the August 10, 2000 report from the Chairman of the Toronto Police Services Board to the Licensing Sub-Committee, staff believe that a 30-minute grace period is not unreasonable considering the steps that an officer must complete before commencing the actual tow. The steps required include:

- assessment of the situation to determine whether a parking tag should be issued;
- further assessment of whether towing is required in the particular circumstances;
- placement of call to summon the tow truck;
- waiting for the tow truck to arrive; and
- commencement of the tow.

In most cases, it will likely take more than 30 minutes to complete these steps.

The August 10, 2000 report from the Chairman of the Toronto Police Services Board recommended a number of exceptions to the 30-minute grace period. As amended by Committee, the exceptions are:

- vehicles parked in an approved and properly-signed fire route;
- vehicles parked in a disabled parking space;
- vehicles parked in a loading bay;
- vehicles parked in a driveway;
- vehicles parked on properties containing three or fewer parking spaces;
- vehicles parked in parking spaces reserved for residents of a residential building if the resident with an exclusive right to use the affected space has signed a complaint in relation to the parked vehicle prior to the removal of the vehicle;
- vehicles that are being relocated into a supervised, secured, fenced compound located on the same property; and
- unauthorized vehicles found parked on a licensed commercial parking lot.

No grace period would apply in these excepted situations. These exceptions cover most situations where the grace period would potentially cause undue hardship or safety concerns.

The draft by-laws presented with this report include the requirement of a 30-minute grace period subject to the noted exceptions.

Towing from Properties Not Approved by the Chief of Police

One of the three 'tow conditions' recommended in the May 30, 2000 report was that the property from which the vehicle is to be removed receive prior approval by the Chief of Police. While not expressly stated in the report, staff had not intended that this requirement apply to tows authorized by police officers and MLEO's employed by the Toronto Police Service.

A primary reason for requiring prior approval of such properties is to ensure that appropriate signage is erected giving the owners of removed vehicles notice of a number to call to locate a vehicle after it has been towed. This is less of a concern when the tow is authorized by a police officer, or an MLEO employed by the Toronto Police Service. The normal response of someone whose vehicle has been towed is to contact the police, and the Toronto Police Service has an immediate record of all vehicles towed on the direction of a police officer or MLEO employed by the Toronto Police Service, including information as to where the vehicles are stored. In addition, requiring the posting of approved signs in all cases would preclude tows from private residences and similar properties where signage requirements are arguably not reasonable. Accordingly, the draft by-laws presented with this report do not apply the requirement of Chief of Police approval of the property in respect of tows authorized by police officers and MLEO's employed by the Toronto Police Service.

Where signage is required, it has been suggested that annual permits for the signs also be required. The fees for such permits would cover the cost of annual inspections to ensure that the signs are in place and that the information on the signs remains accurate. Staff is not recommending annual permits at this time. However, we do recommend that this again be considered as part of the review undertaken by the Chief of Police after two years.

Toronto Police Service Tow Card

The fact that a parking infraction notice is issued before a vehicle is towed does not necessarily mean that the vehicle is being towed pursuant to the Parking on Private Property By-law. For the

tow to be a by-law tow as opposed to a common law tow, the police officer or MLEO who issued the parking infraction notice must be the individual who authorizes the tow. When a police officer or MLEO authorizes a tow, they do so by signing and issuing a Toronto Police Service Tow Card. When members of the public attend at the pound to retrieve an impounded vehicle, this tow card is the clear evidence that the vehicle was towed under by-law and is subject to a lien. The by-laws presented with this report include a requirement for the issuance of a tow card by the police officer or MLEO who issued the parking infraction notice before a vehicle is towed.

Proposed Requirement of Prescribed Form of Contract Between Property Owners and Enforcement Companies

One of the recommendations made by Committee and adopted by Council was that conditions for the Chief of Police approval of properties include a requirement that agreements between private property owners and enforcement companies be in a standard format filed and approved by the Toronto Police Service. Staff understand that the intent or objective of this condition is to ensure that the contracts between property owners and enforcement companies contain certain provisions to contractually proscribe the payment of administration fees from the enforcement company to the property owner.

In the past, the City has never prescribed the entire form of contracts which private parties are to use. We are not in a position to give legal advice to the parties to private contracts and cannot anticipate all the terms which may be required or appropriate in a particular situation. What the Licensing By-law may require in appropriate cases is that contracts contain certain terms which are considered necessary to protect the public interest, and that contracts be filed with Municipal Licensing and Standards. The Licensing By-law amendments presented with this report include such a requirement.

Fee for Site Approval

One of the recommendations of the Licensing Sub-Committee adopted by Council is that an appropriate fee be charged for properties to be designated as private properties and for the supervision by the Toronto Police Service of those properties. Given that the approval of properties and the supervision is to be done by the Toronto Police Service, this recommendation should be referred to the Toronto Police Services Board for appropriate action.

Visitor Permit at No Charge

Another recommendation of the Licensing Sub-Committee which was adopted by Council was that the landlords of residential buildings be required to post a sign advising visitors of the means by which to obtain a visitor's permit and be required to provide an opportunity for visitors to obtain a visitor permit at no charge within the 30-minute grace period. The concern is with the proposed requirement that visitor permits be provided at no charge. There are numerous residential properties within the City where the only visitor parking is parking for which a charge is imposed. Whether the fee is stated as a charge for the permit, or a charge for parking, the substance and effect are the same. There are zoning by-law provisions in the former City of North York by-laws prohibiting charging for visitor parking, but the practice is quite common,

elsewhere in the new City. Before passing a by-law which would have the effect of prohibiting all charges for visitor parking, it would be prudent to obtain a Planning report on the implications of such a requirement.

The parking on Private/Municipal Property By-law presented with this report does require that the landlords of residential properties with visitor parking for which a permit is required post a sign advising visitors of the means by which to obtain a permit. Before a property is approved by the Toronto Police Service, they will do the necessary investigation to ensure that a permit is readily available within the 30-minute grace period.

Proposed Effective Date of By-laws

To provide sufficient time for the proper implementation of the by-laws, it is recommended that the new by-laws have an effective date of January 1, 2002.

Interim Provisions for Works and Emergency Services Employees

Of the present municipal MLEO Appointment By-laws all, except one, provide that individuals who meet certain criteria, including that they are certified by the Chief of Police as competent to enforce one or more municipal parking by-laws, are appointed municipal Law Enforcement Officers. The by-laws need not be amended each time a new individual or employee is certified by the Chief. The one exception is the present, Article III of Chapter 150 of the City of Toronto Municipal Code. That chapter appoints employees of the City's Works and Emergency Services Department listed in a schedule to the Article as MLEO's so that the Article must be amended each time an employee is to be appointed. A by-law to amend this provision is presented with this report. As drafted, it will take effect when the by-law is enacted and will bring the appointment process for MLEO's in the Works and Emergency Services Department in line with the present appointment process for other MLEO's.

Conclusions:

As directed by Council, this report contains comments on the proposed 30-minute grace period between ticketing and towing. It also identifies and comments on a number of significant issues identified during the drafting of the by-laws.

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Authority: Administration Committee Report No. 17, Clause No. 1, as adopted by City of Toronto Council on October 3, 4, 5, 6, 10,11 and 12, 2000

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To prohibit the parking or leaving of motor vehicles on private property or municipal property without consent

WHEREAS section 210 paragraph 131 of the *Municipal Act* provides that councils of local municipalities may pass by-laws prohibiting the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the municipality or any local thereof without the consent of the municipality or local board as the case may be;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this By-law,
 - (a) “Chief of Police” means the Chief of the Toronto Police Service;
 - (b) “licensed commercial parking lot” means a parking lot for which a public garage licence has been issued pursuant to Licensing By-law No. 574-2000 where motor vehicles are temporarily parked or stored for hire or gain;
 - (c) “municipal property” means property owned or occupied by the City or any local board thereof;
 - (d) “occupant” means,
 - (i) the tenant of the property or part thereof whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement,
 - (ii) the spouse or same sex partner of the tenant,
 - (iii) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
 - (iv) a person authorized in writing by an occupant as defined in clauses (i), (ii) or (iii) to act on the occupant’s behalf for requesting the enforcement of this by-law;

- (e) “owner” when used in relation to property means,
 - (i) the registered owner of the property,
 - (ii) the registered owner of a condominium unit, whose consent shall extend only to the control of the owner’s unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner’s exclusive use in the declaration or description of the property,
 - (iii) the spouse or same-sex partner of a person described in clause (i) or (ii),
 - (iv) where the property is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation,
 - (v) a person authorized in writing by the property owner as defined in clause (i), (ii), (iii) or (iv) to act on the owner’s behalf for requesting the enforcement of this by-law;
 - (f) “private property” means property other than municipal property;
 - (g) “property” means municipal property or private property, as the case may be.
2. No person shall park or leave a motor vehicle on municipal property without the consent of the City or the local board of the City, as the case may be.
3. No person shall park or leave a motor vehicle on private property without the consent of the owner or occupant of the property.
4. Where the owner or occupant of property to which this by-law applies has posted signs stating the conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, any motor vehicle parked or left on the property contrary to those conditions or prohibitions shall be deemed to have been parked or left without the consent of the owner or occupant.
5. (1) In this section,
- (a) “designated event” means
 - (i) the receipt by the Toronto Police Service of the request for service requesting that a vehicle be removed, if the removal of the vehicle is authorized by a police officer, police cadet or municipal law enforcement officer employed by the Toronto Police Service; or
 - (ii) the service of a parking infraction notice in accordance with the provisions of the *Provincial Offences Act*, if the removal of the vehicle is not authorized by a police officer, police cadet or municipal law enforcement officer employed by the Toronto Police Service;
 - (b) “waiting period” means the length of elapsed time between the designated event and the attaching of the towing vehicle to the vehicle to be moved.

- (2) A police officer, police cadet or municipal law enforcement officer employed by the Toronto Police Service upon discovery of a vehicle parked or left on private property or municipal property contrary to sections 2 or 3 of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for the removal, care and storage of it, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- (3) No vehicle shall be removed pursuant to subsection (2) unless,
 - (a) a waiting period of thirty minutes has expired,
 - (b) a Toronto Police Service tow card is issued in respect of the vehicle at the time of the tow, and
 - (c) if the vehicle bears a number plate issued under the *Highway Traffic Act*, as amended, a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with the provisions of Part II of the *Provincial Offences Act*.
- (4) A municipal law enforcement officer not employed by the Toronto Police Service upon discovery of a vehicle parked or left on private property or municipal property contrary to sections 2 or 3 of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for the removal, care and storage of it, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.
- (5) No vehicle shall be removed pursuant to subsection (4) unless,
 - (a) the Chief of Police has approved the property based on an inspection and satisfactory information provided sufficient to satisfy the Chief of Police that,
 - (i) the boundaries of the property are clearly defined,
 - (ii) signs with dimensions, contents and in sufficient locations as approved by the Chief of Police are posted on the property,
 - (iii) if the property is a residential property with visitor parking for which a permit is required, signs satisfactory to the Chief of Police have been posted on the property advising visitors of the means by which to obtain a permit and the Chief of Police is satisfied that a permit may readily be obtained within the 30-minute waiting period,
 - (iv) there are no signs on the property that refer to the tagging and towing of vehicles except signs that have been approved by the Chief of Police,
 - (v) all signs posted on the property that refer to the towing of vehicles will be removed if the Chief of Police approval of the property is cancelled,
 - (vi) only private roadways designated as fire routes by municipal by-law are signed as fire routes,

- (vii) any reference to a municipal by-law in a sign posted on the property is a reference to a by-law currently in force,
 - (viii) the Toronto Police Service has current information on file as to the licensed private parking enforcement agency and licensed tow operator, if any, contracted to provide services to the property, and as to the public garage at which vehicles removed from the property are stored,
 - (ix) the owners of any vehicle removed from the property will have 24-hour access to information as to where the removed vehicle is stored,
 - (x) the owner of any vehicle removed from the property will be entitled to a Toronto Police Service review of actions taken to remove the vehicle from the property;
- (b) a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with the provisions of Part II of the *Provincial Offences Act*;
 - (c) a waiting period of thirty minutes has expired; and
 - (d) a Toronto Police Service tow card is issued in respect of the vehicle at the time of the tow by the municipal law enforcement officer who issued the parking infraction notice.
- (6) The waiting period required by subsection (3) and paragraph (5)(c) hereof shall not apply in respect of,
- (a) A vehicle parked on a private roadway designated by municipal by-law as a fire route and marked by one or more signs posted under the supervision of the City of Toronto Works and Emergency Services Department;
 - (b) A vehicle parked in a designated disabled parking space in contravention of a municipal by-law;
 - (c) A vehicle parked in a loading space;
 - (d) A vehicle parked on a driveway;
 - (e) A vehicle parked on a lot or area other than a licensed commercial parking lot containing three or fewer parking spaces;
 - (f) A vehicle parked in a parking space reserved for a resident of a residential building if the resident who has an exclusive right to use the parking space has signed a complaint in relation to the parked vehicle prior to the vehicle being removed;

- (g) A vehicle parked without permission on a licensed commercial parking lot;
 - (h) A vehicle that is relocated to a supervised, secure, fenced compound located on the property where the vehicle was parked or left.
- (7) Parking spaces that are accessed by a common driveway are deemed to be on the same lot or area for the purpose of applying paragraph (6)(e) hereof.
6. Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
7. The owner of a vehicle that is parked or left in contravention of this by-law is guilty of an offence and liable to the fine or penalty for the offence even though the owner was not the driver at the time of the contravention unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.
8. (1) Except as provided in subsection (2), the following are repealed:
- 1. Former Borough of East York By-law Number 127-79;
 - 2. Former City of Etobicoke Municipal Code Chapter 183, sections 1 to 15;
 - 3. Former City of North York By-law Number 27900;
 - 4. Former City of Scarborough By-law Number 20910;
 - 5. Former City of Toronto Municipal Code Chapter 400, section 34; and
 - 6. Former City of York Municipal Code Chapter 989, Articles 1 and 2.
- (2) Despite subsection (1), where a person is alleged to have contravened a by-law listed in that subsection prior to the date this by-law comes into force, the by-law listed in subsection (1) shall continue to be in full force and effect for the purposes of any enforcement proceedings brought against such person until the proceedings have been concluded.
9. This by-law shall come into force on January 1, 2002.

ENACTED AND PASSED this .

Mayor

City Clerk

Authority: Administration Committee Report No. 17, Clause No. 1, as adopted by City of Toronto Council at its regular meeting held on October 3, 4 and 5, 2000, and at its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To adopt a new City of Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers.

WHEREAS under section 15 of the *Police Services Act* Council may appoint persons to enforce the by-laws of the municipality and under subsection 170(15) of the *Highway Traffic Act* municipal law enforcement officers are empowered, upon the discovery of any vehicle parked or standing in contravention of a municipal by-law, to cause the vehicle to be moved or impounded; and

WHEREAS under subsection 3(1) of the *Provincial Offences Act* the Solicitor General of Ontario designated all municipal law enforcement officers as provincial offences officers and under section 15 of the *Provincial Offences Act* a provincial offences officer may issue certificates of parking infraction and parking infraction notices; and

WHEREAS the Toronto Police Service continues to train and recommend competent persons for enforcing one or more municipal parking by-laws within the City of Toronto; and

WHEREAS by Part XII of the *City of Toronto Act, 1997 (No. 2)* and paragraph 57 of section 207 of the *Municipal Act*, Council may delegate to the Toronto Parking Authority the construction, maintenance, operation and management of parking operations and facilities;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended as follows:
 - A. By repealing Chapter 150, Municipal Law Enforcement Officers.
 - B. By adding the following as a new Chapter 150, Municipal Law Enforcement Officers.

Chapter 150

MUNICIPAL LAW ENFORCEMENT OFFICERS

ARTICLE I Definitions

§ 150-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHIEF – The Chief of the Toronto Police Service.

MOTOR VEHICLE – Includes an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicles running only upon rails.

MUNICIPAL PROPERTY –

- A. Except in Article II (Parking Authority) and in the case of actions by a municipal law enforcement officer as defined in Article II, property owned or occupied by the City or any local board of the City.
- B. In Article II (Parking Authority) and in the case of actions by a municipal law enforcement officer as defined in Article II, off-street municipal parking facilities placed by Council under the jurisdiction of the Parking Authority.

PARK or PARKING –

- A. Except in Article II (Parking Authority) and Article III (private agencies) and in the case of actions by a municipal law enforcement officer as defined in Article II or Article III, the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- B. In Article II (Parking Authority) and Article III (private agencies) and in the case of actions by a municipal law enforcement officer as defined in Article II or Article III, the standing still of a vehicle, whether occupied or not.

PARKING AUTHORITY – The Toronto Parking Authority as established by the *City of Toronto Act, 1997 (No. 2)* and Chapter 179, Parking Authority.

PRIVATE PROPERTY – Property other than municipal property as defined in Subsection A of the definition of municipal property.

RELOCATING – The moving or towing of a vehicle to a location where parking is permitted.

STAND or STANDING – The halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

STOP or STOPPING – The halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.

TORONTO POLICE SERVICE TOW CARD – A Toronto Police Service tow card approved by the Chief.

VEHICLE – Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.

WAITING PERIOD –

- A. In the case of actions by a municipal law enforcement officer as defined in Article II (Parking Authority), Article III (private agencies) or Article IV (TTC), the length of elapsed time between the service of a parking infraction notice in accordance with Part II of the *Provincial Offences Act* and the attaching of the towing vehicle to a vehicle to be moved.
- B. In the case of actions by a municipal law enforcement officer as defined in Article V (police), the length of elapsed time between the receipt by the Toronto Police Service of the request for service requesting that a vehicle be removed and the attaching of the towing vehicle to the vehicle to be moved.

ARTICLE II Employees of Parking Authority

§ 150-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the Parking Authority whose duties include the enforcement of parking regulations and who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

§ 150-3. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting parking on municipal property within the City; and

- B. If they comply with the conditions in Article VII, authorizing the removal, towing and impounding, of vehicles parked or left in contravention of those by-laws.

ARTICLE III

Employees of Licensed Private Parking Enforcement Agencies

§ 150-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED OFFICER (PARKING OFFENCES) – Any principal, officer or employee of a business holding a valid Private Parking Enforcement Agency licence issued under Licensing By-law No. 574-2000 who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

§ 150-5. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.

- A. Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:
- (1) Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for enforcing by-laws respecting the parking of vehicles on private property and municipal property; and
 - (2) If they comply with the conditions in Article VII, for authorizing the removal, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws.
- B. The conditions applicable to every certified officer (parking offences) are:
- (1) The person is at least 18 years of age.
 - (2) The person is entitled to work in Canada.
 - (3) The person is employed by or is a principal or officer of a business currently licensed as a Private Parking Enforcement Agency under Licensing By-law No. 574-2000.
 - (4) The person and the Private Parking Enforcement Agency are not, directly or indirectly, the owner or operator of a tow truck or an employee of an owner or operator of a tow truck.

- (5) The person authorizes and agrees to personal background checks as necessary to confirm that he or she is of good character.
 - (6) The person is not facing criminal or federal statute charges and does not have a criminal record that would adversely affect his or her credibility in court proceedings, unless a pardon has been granted.
 - (7) The licensed Private Parking Enforcement Agency that the person is an employee principal or officer of executes an indemnity agreement with the City substantially in a form satisfactory to the City's Commissioner of Works and Emergency Services and the City Solicitor and provides and maintains liability insurance and files a current certificate in a form and amount satisfactory to the City Treasurer.
 - (8) Neither the person nor any other individual associated with the licensed Private Parking Enforcement Agency that the person is an employee, officer or principal of shall prepare or issue any document in relation to a vehicle parked, stopped or standing on private property or municipal property other than:
 - (a) A certificate of parking infraction and parking infraction notice issued under Part II of the *Provincial Offences Act*;
 - (b) A Toronto Police Services tow card; and
 - (c) Other documents, if any, approved by the Chief.
- C. No municipal law enforcement officer shall request or require the payment of an administrative or any other fee by the owner or driver of a vehicle to whom a parking infraction notice has been issued.
- D. The appointment of each certified officer (parking offences) as a municipal law enforcement officer terminates immediately when the certified officer (parking offences) ceases to be an employee, officer or principal of a business licensed by the City as a Private Parking Enforcement Agency under By-law No. 574-2000.
- E. The Chief may suspend or cancel the certificate of any certified officer (parking offences) who violates or ceases to comply with any of the conditions in Subsection B or C.

ARTICLE IV

Transit Commission Route Supervisors

§ 150-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the Toronto Transit Commission as a route supervisor and who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

§ 150-7. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.

- A. Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the periods of time and the area of the City set out in the certification of the Chief and for the following purposes:
- (1) Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purposes of enforcing municipal by-laws respecting parking, stopping and standing on Toronto Transit Commission transit routes and on municipal property occupied or used by the Toronto Transit Commission;
 - (2) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws on municipal property occupied or used by the Toronto Transit Commission; and
 - (3) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws on Toronto Transit Commission transit routes, and the relocating of vehicles during snow removal.
- B. The conditions applicable to every certified officer (parking offences) are as follows:
- (1) The Toronto Transit Commission which employs the person execute an indemnity agreement with the City in a form satisfactory to the City's Commissioner of Works and Emergency Services and the City Solicitor; and
 - (2) The Toronto Transit Commission which employs the person provides and maintains liability insurance and files a current certificate in a form and amount satisfactory to the City Treasurer.

ARTICLE V

Employees of the Toronto Police Service

§ 150-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the Toronto Police Service who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

§ 150-9. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting the parking, standing or stopping of vehicles within the City; and
- B. If they comply with the conditions in Article VII, authorizing the relocating, removal, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws.

ARTICLE VI

Employees of the Works and Emergency Services Department

§ 150-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOULEVARD – That part of any highway between the curb or edge of roadway and the highway line, exclusive of the area covered by sidewalk.

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the City's Works and Emergency Services Department who has been or is certified by the Chief as competent for the purposes of enforcing one or more municipal parking by-laws within the City or any specified part or parts of it for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

MUNICIPAL LAW ENFORCEMENT OFFICER – A municipal law enforcement officer appointed as such under this article.

§ 150-11. Authority to issue certificates of parking infraction and parking infraction notices on municipal property; towing and impounding.

Every certified officer (parking offences) is appointed a municipal law enforcement officer for the period of time and area of the City set out in the certification of the Chief and for the following purposes:

- A. Issuing certificates of parking infraction and parking infraction notices under Part II of the *Provincial Offences Act* for the purpose of enforcing by-laws respecting parking, standing or stopping of vehicles on highways during snow removal and by-laws respecting parking or standing of vehicles on boulevards; and

- B. If they comply with the conditions in Article VII, authorizing the removing, towing and impounding, of vehicles parked, left, stopped or standing in contravention of those by-laws, or authorizing the relocating of vehicles during snow removal.

ARTICLE VII Removal of Vehicles

§ 150-12. Compliance with licensing by-law.

- A. The relocation, removal or impoundment of any vehicle shall be done only by a tow truck owner or operator holding a valid towing licence issued under Licensing By-law No. 574-2000.
- B. The removal of any vehicle shall be carried out in accordance with the relevant provisions respecting towing of Licensing By-law No. 574-2000.

§ 150-13. Removal and impoundment of vehicles by Parking Authority, private agencies or Toronto Transit Commission.

A municipal law enforcement officer as defined in Article II (Parking Authority), Article III (private agencies) or Article IV (TTC), shall not cause the removal, towing and impounding of a vehicle from municipal property or private property unless:

- A. The vehicle is parked, stopped, standing or left, as the case may be, in contravention of a municipal by-law.
- B. The municipal property or private property that the vehicle is parked or left on has been inspected and approved by the Chief with satisfactory information furnished to satisfy the Chief that:
- (1) The boundaries of the property are clearly defined;
 - (2) Signs with dimensions, contents and in sufficient locations as approved by the Chief are posted on the property;
 - (3) There are no signs on the property that refer to the tagging and towing of vehicles except signs that have been approved by the Chief;
 - (4) All signs posted on the property that refer to the towing of vehicles will be removed if the Chief of Police's approval of the property is cancelled;
 - (5) In the case of a municipal law enforcement officer as defined in Article III (private agencies), if the property is a residential property with visitor parking for which a permit is required, signs satisfactory to the Chief have been posted on the property advising visitors of the means by which to obtain a permit and the Chief is satisfied that a permit may readily be obtained within a thirty-minute waiting period;

- (6) Only private roadways designated as fire routes by municipal by-law are signed as fire routes;
 - (7) Any reference to a municipal by-law in a sign posted on the property is a reference to a by-law currently in force;
 - (8) The Toronto Police Service has current information on file as to the licensed tow operator contracted to provide services to the property and the public garage where vehicles removed from the property will be stored;
 - (9) The owner of any vehicle removed from the property will have 24-hour access to information as to where the removed vehicle is stored; and
 - (10) The owner of any vehicle removed from the property will be entitled to a Toronto Police Service review of actions taken to remove the vehicle from the property;
- C. A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*;
- D. A waiting period of 30 minutes has expired; and
- E. The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.

§ 150-14. Removal or impoundment of vehicles parked on Transit Routes by TTC.

- A. A municipal law enforcement officer as defined in Article IV (TTC) shall not cause the removing, towing and impounding of a vehicle parked, stopped or standing on a transit route unless:
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
 - (2) A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
 - (3) The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.
- B. A municipal law enforcement officer as defined in Article IV (TTC) shall not cause the relocating of a vehicle during snow removal unless:
- (1) Staff employed by the City's Works and Emergency Services Department have determined that vehicles are to be relocated to facilitate snow removal operations;
 - (2) The municipal law enforcement officer has been trained by the Toronto Police Service in respect of relocation procedures;

- (3) The municipal law enforcement officer follows Toronto Police Service relocation procedures; and
- (4) The municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the relocation.

§ 150-15. Removal or impoundment of vehicles by police.

- A. A municipal law enforcement officer as defined in Article V (police) shall not cause the removal, towing or impounding of a vehicle unless,
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
 - (2) The municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow; and
 - (3) If the vehicle bears a number plate issued under the *Highway Traffic Act*, a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
 - (4) If the vehicle is being removed, towed or impounded from private property or municipal property, a waiting period of 30 minutes has expired.
- B. A municipal law enforcement officer shall not cause the relocating of a vehicle unless the municipal law enforcement officer issues a Toronto Police Service tow card in respect of the vehicle at the time of the moving or relocation.

§ 150-16. Removal or impoundment of vehicles by Works and Emergency Services.

- A. A municipal law enforcement officer as defined in Article VI (WES Department) shall not cause the removal, towing or impounding of a vehicle unless:
- (1) The vehicle is parked, stopped or standing in contravention of a municipal by-law;
 - (2) A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*; and
 - (3) The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the tow.
- B. A municipal law enforcement officer as defined in Article VI (WES Department) shall not cause the relocation of a vehicle during snow removal unless a Toronto Police Service tow card is issued by the municipal law enforcement officer in respect of the vehicle at the time of the moving or relocation.

§ 150-17. Waiting period exceptions.

The waiting period required by §§ 150-13D and 150-15A(4) does not apply in respect of:

- A. A vehicle parked on a private roadway designated by municipal by-law as a fire route and marked by one or more signs posted under the supervision of the City of Toronto Works and Emergency Services Department;
 - B. A vehicle parked in a designated disabled parking space in contravention of a municipal by-law;
 - C. A vehicle parked in a loading space;
 - D. A vehicle parked in a driveway;
 - E. A vehicle parked on a lot or area, other than a licensed commercial parking lot, containing three or fewer parking spaces;
 - F. A vehicle parked in a parking space reserved for a resident of a residential building if the resident who has an exclusive right to use the space has signed a complaint in relation to the parked vehicle prior to the vehicle being removed;
 - G. A vehicle parked without permission on a licensed commercial parking lot; or
 - H. A vehicle that is relocated to a supervised, secure, fenced compound located on the property where the vehicle was parked or left.
2. The following are repealed:
- A. Former Borough of East York By-law Number 110-90, as amended.
 - B. Former Borough of East York By-law Number 25-91, as amended.
 - C. Former City of Etobicoke By-law Number 1989-172, as amended.
 - D. Former City of North York By-law Number 30975, as amended.
 - E. Former City of North York By-law Number 31328, as amended.
 - F. Former City of Scarborough By-law Number 22742, as amended.
 - G. Former City of Scarborough By-law Number 23034, as amended.
 - H. Former City of Toronto By-law Number 586-89, as amended.
 - I. Former City of York By-law Number 1708-89, as amended and as codified in former City of York Municipal Code Chapter 202, Municipal By-law Enforcement Officer.

- J. Former City of York By-law Number 1993-90, as amended.
3. This by-law comes into force on January 1, 2002.

ENACTED AND PASSED this _____ .

Mayor

City Clerk

Authority: Administration Committee Report No. 17, Clause No.1,
as adopted by City Council on October 3, 4, 5, 6, 10, 11, and 12, 2000
Enacted by Council:

CITY OF TORONTO

BY-LAW No.

To amend further By-law No. 574-2000, a by-law for the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 43(1) of Schedule 6 to By-law No. 574-2000, a by-law respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto, as amended, is further amended by deleting the word “or” at the end of clause (c) thereof, and by deleting clause (d) thereof and inserting the following in lieu thereof:

- 43(1) (d) any person authorized by law to direct the removal of the vehicle from municipal property; or
- (e) subject to subsection (7) of this section, any person authorized by law to direct the removal of the vehicle from private property.

2. Section 43 of Schedule 6 to By-law No. 547-2000, as amended, is further amended by adding the following subsection:

(7) Despite clause 43(1)(e) of this Schedule, no driver or owner driving his or her own tow truck shall commence to tow or otherwise convey any vehicle from private property or to hook, lift or connect such vehicle to the tow truck, or to perform any other services in relation to such vehicle without the consent of the owner of the vehicle, unless:

- (a) subject to subsection (8) of this section, a parking infraction notice has first been issued and served in accordance with Part II of the *Provincial Offences Act*, as amended;
 - (b) a Toronto Police Services tow card has first been issued by the Municipal Law Enforcement Officer who issued the parking infraction notice, or by a police officer, police cadet or a Municipal Law Enforcement Officer employed by the Toronto Police Service;
 - (c) all pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws; and
 - (d) signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended.
- (8) Clause (7)(a) of this section does not apply to vehicles which do not bear a number plate issued under the *Highway Traffic Act*, as amended.
3. Schedule 22 to By-law No. 574-2000, as amended, is further amended by adding the following sections:
3. No owner or operator of a public garage shall store, park or receive at his or her public garage any vehicle which has been towed from private property without the consent of the owner of the vehicle unless:
- (1) subject to subsection (4) of this section, the vehicle bears a parking infraction notice issued in accordance with Part II of the *Provincial Offences Act*, as amended;
 - (2) a Toronto Police Services tow card issued by the Municipal Law Enforcement Officer who issued the parking infraction notice, or by a police officer, police cadet, or Municipal Law Enforcement Officer employed by the Toronto Police Service, is provided to such owner or operator at the time the vehicle is first received at such public garage; and
 - (3) a sign approved by the Executive Director, bearing letters and numbers not less than 7.5 centimetres in height, and bearing a representation of a parking infraction notice and a Toronto Police Service tow card, has been posted at the said public garage in a clearly visible location, stating:
 - (a) the name, address, telephone number and hours of operation of the said public garage;

- (b) a 24-hour phone number for the owner or operator of the said public garage, or an employee thereof, by which persons may receive an immediate response to complaints in respect of the public garage;
- (c) all fees which may be charged or received by the said public garage in relation to such vehicle; and
- (d) that the said public garage has no lien on the vehicle arising from the towing or storage of the vehicle unless a Toronto Police Service tow card has first been issued in relation to such vehicle.

(4) Subsection (1) of this section does not apply where the vehicle does not bear a number plate issued under the *Highway Traffic Act*, as amended.

4. Every owner or operator of a public garage which stores, parks or receives at his or her public garage a vehicle which has been towed from private property without the consent of the owner of such vehicle shall, immediately upon receipt of such vehicle, forward the Toronto Police Service tow card issued in relation to such vehicle, or the information contained therein, to the Parking Enforcement Unit by facsimile transmission or by such other method or form of transmission as may be approved by the Parking Enforcement Unit.

5. No owner or operator of a public garage shall demand any payment whatsoever for services provided in relation to a vehicle which has been towed from private property without the consent of the owner of the vehicle unless:

- (1) section 3 of this Schedule has been complied with;
- (2) the Toronto Police Services tow card issued in relation to the vehicle is first provided to the owner of the vehicle; and
- (3) the owner of the vehicle has been provided with a statement, in a form approved by the Executive Director, containing the information set out in the sign referred to in section 3 of this Schedule.

4. Section 1 of the General Provisions to By-law No. 574-2000, as amended, is further amended by adding the following subsections:

(27.1) "Municipal Law Enforcement Officer" means a person appointed as a Municipal Law Enforcement Officer in accordance with Chapter 150 of the City of Toronto Municipal Code, as amended;

(28.1) "Parking Enforcement Services" means any parking enforcement activities carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property, including but not limited to parking enforcement activities carried on by a business which:

- (a) employs one or more Municipal Law Enforcement Officers; or
- (b) issues any document requesting or demanding the payment of money in relation to vehicles parked on private property without the consent of the owner or occupant of the property;

(28.2) “Parking Enforcement Unit” means the Parking Enforcement Unit of the Toronto Police Service;

(33.1) “Private Parking Enforcement Agency” means a business which provides or performs parking enforcement services;

(41.1) “Toronto Police Service Tow Card” means a Toronto Police Service tow card approved by the Chief of Police of the Toronto Police Service;

5. Section 2 of the General Provisions to By-law No. 574-2000, as amended, is further amended by adding the following subsection:

- (60) every private parking enforcement agency;

6. Schedule 1 to By-law No. 574-2000, as amended, is further amended by adding the following under the columns indicated and after the licence category of “Plumbers”:

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Private property enforcement agency		
for initial licence	186.00	December 31
for renewal	88.00	

7. By-law No. 574-2000, as amended, is further amended by adding the following schedule:

SCHEDULE 37 TO BY-LAW No. 574-2000

Relating to Private Parking Enforcement Agencies

1. In this Schedule:

- (1) “Agency” means a private parking enforcement agency licensed or required to be licensed under this by-law;
- (2) “Designated Manager” means a person designated to maintain control over the management and operations of an agency in accordance with section 3 of this schedule;
- (3) “Occupant” means,
 - (i) the tenant of the property or part thereof, whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;

- (ii) the spouse or same-sex partner of the tenant; or
 - (iii) a person authorized in writing by an occupant as defined in clauses (i) or (ii) of this subsection to act on the occupant's behalf to request parking enforcement services;
 - (4) "Owner" when used in relation to property means,
 - (i) the registered owner of the property;
 - (ii) the registered owner of a condominium unit, whose consent shall extend only to the control of the owner's unit and any parking spaces allotted to the owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property;
 - (iii) the spouse or same-sex partner of a person described in clauses (i) or (ii) of this subsection;
 - (iv) where the property is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation; or
 - (v) a person authorized in writing by the owner as defined in this subsection to act on the owner's behalf to request parking enforcement services;
 - (5) "Owner" when used in relation to a vehicle means the registered owner of the vehicle and any person authorized by such owner to exercise control over the vehicle;
 - (6) "Private Parking Enforcement Course" means the Private Parking Enforcement Course approved by the Chief of Police of the Toronto Police Service;
 - (7) "Vehicle pound" means any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage or holding of any vehicle removed or caused to be removed from private property without the consent of the owner of the vehicle.
2. (1) Every applicant for a licence as an agency which employs one or more Municipal Law Enforcement Officers shall successfully complete the Private Parking Enforcement Course.
- (2) For the purposes of subsection (1) of this section, the designated manager of an applicant for a licence as an agency shall be deemed to be an applicant for a licence.
3. (1) Every agency which is an individual person shall maintain control over the management and operations of his or her agency and shall not delegate this responsibility.

- (2) Every agency which is a partnership shall designate one of the partners who is an individual person to be responsible for maintaining control over the management and operations of the agency on behalf of the partnership and such partner shall not delegate this responsibility.
 - (3) Every agency which is a corporation shall designate one of its officers or employees to be responsible for maintaining control over the management and operations of the agency on behalf of the corporation and such officer or employee shall not delegate this responsibility.
 - (4) Every agency required by this section to designate a person to be responsible for maintaining control over the management and operations of an agency shall make such designation by means of a notice of designated manager, signed by or on behalf of the said licensed agency and by the person so designated, showing the business address of each of them, on a form provided by the Municipal Licensing and Standards Division.
 - (5) When any person designated by an agency, as shown on a notice of designated manager filed with the Municipal Licensing and Standards Division under this section, ceases to have control over the management and operations of the agency, the agency shall file with the Municipal Licensing and Standards Division a new notice of designated manager within 3 days of the date upon which the cessation of control occurred.
 - (6) Where an agency employs one or more Municipal Law Enforcement Officers, no person shall be designated by such agency in accordance with this section unless such person has first successfully completed the Private Parking Enforcement Course.
4. (1) Every agency which is a partnership or corporation shall file with the Municipal Licensing and Standards Division an Annual Return on a form supplied by the Municipal Licensing and Standards Division, each year prior to the renewal of such agency's licence.
 - (2) Where the shares in a corporate agency are held in whole or in part by another corporation, such other corporation shall file with the Municipal Licensing and Standards Division at the same time as the corporate agency, an Annual Return as provided in subsection (1) of this section and if such Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then such third corporation shall likewise file an Annual Return, and so on until the names of living persons not being corporations are shown and identified as the shareholders of any and all corporations having an interest in the agency.
 5. (1) Every agency which is a corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation.
 - (2) Every agency which is a partnership shall forthwith notify the Municipal Licensing and Standards Division in writing of any changes in the membership of the partnership.

- (3) Where, as a result of changes in the membership of a partnership or the transfer of existing shares or by the issue of new shares of a corporation, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership or corporation may not be entitled to the continuation of its licence in accordance with this by-law, a hearing may be held before the Toronto Licensing Tribunal to determine whether the licence shall be revoked or have conditions placed on it.
- (4) Where the controlling interest in a partnership or corporation which is an agency is sold, transferred or acquired, the licence issued to the corporation or partnership shall be terminated forthwith, and the Municipal Licensing and Standards Division may, subject to the provisions of this by-law, issue a new licence upon payment of the prescribed fee.
6. (1) Every agency shall file with the Parking Enforcement Unit a list of all properties at which such agency provides parking enforcement services.
- (2) The list required to be filed in accordance with subsection (1) of this section may not be altered or amended unless ten days prior notice of such alteration or amendment is given, in writing, to the Parking Enforcement Unit.
- (3) No agency shall provide parking enforcement services at any property unless such property is listed on the list required to be filed under subsection (1) of this section.
7. (1) No agency shall provide parking enforcement services at any property unless the agency has entered into a written agreement with the owner or occupant of such property, which agreement shall state:
- (a) that no fee, commission, gift or other consideration shall be paid or given by the agency to an owner or occupant of the property in return for permitting such agency to provide or perform parking enforcement services;
 - (b) that the agency shall not demand or receive any financial incentive from the owner or occupant of the property based on the number of vehicles against which such agency takes parking enforcement action;
 - (c) the names and business addresses of all parties thereto;
 - (d) its effective date; and
 - (e) its termination date, if any.
- (2) No agency shall be a party to an agreement unless the owner or occupant of the property to which the agreement pertains is a party to such agreement.
- (3) Any person licensed under this By-law who enters into or purports to enter into any agreement for the provision of services other than in accordance with this section, may, in addition to any other penalty to which such person may be liable under this

By-law, be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.

(4) Every agency shall notify the Municipal Licensing and Standards Division in writing of the expiration or other sooner termination of any agreement to which such agency is a party or of any change in such agreement, within 10 days thereof.

(5) A written agreement shall be filed with the Municipal Licensing and Standards Division within 10 days of the date at which the agreement or the exercise of any rights or obligations pursuant thereto, becomes effective, whichever occurs first.

(6) Every agency shall, prior to the renewal of its licence, file with the Municipal Licensing and Standards Division a statutory declaration, in a form provided by the Division, stating that the agency has reviewed all of the agreements to which such agency is a party and that such agreements comply with all of the provisions of this by-law.

8. Every agency shall ensure that no person employed, engaged or otherwise acting under such agency's authority removes or causes to be removed any vehicle parked on private property without the consent of the owner of the vehicle unless:

(1) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended;

(2) Subject to subsection (4) of this section, a parking infraction notice has first been issued and served pursuant to Part II of the *Provincial Offences Act*, as amended; and

(3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsection 210(131) of the *Municipal Act*, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws.

(4) Subsection (2) does not apply to vehicles which do not bear a number plate issued under the *Highway Traffic Act*, as amended.

9. (1) No agency shall pay or provide, directly or indirectly, any fee, commission, gift or other consideration to an owner or occupant of property in return for permitting such agency to provide or perform parking enforcement services.

(2) No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any business providing towing services, in return for permitting or authorizing such business to tow a vehicle parked on private property without the consent of the owner or occupant of the property.

(3) No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any vehicle pound, in return for permitting or authorizing a vehicle parked on private property without the consent of the owner or occupant of the property to be towed to, or stored at, such vehicle pound.

(4) No agency shall permit any business which provides towing services or any vehicle pound to demand, request, accept or receive, directly or indirectly, from the owner of a vehicle removed or towed by or under the direction of such agency, any fee for the parking enforcement services provided by such agency to the owner or occupant of such property.

8. This by-law shall come into force on the 1st day of January, 2002.

ENACTED AND PASSED this th day of , A.D. 2001.

Mayor

City Clerk

(Corporate Seal)

Authority: Administration Committee Report No. 17, Clause No. 1, as amended
as adopted by City Council on October 3, 4, 5, 6, 10, 11 and 12, 2000

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, respecting the appointment of certain employees of the Works and Emergency Services Department

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 150-7 of the City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, is amended by deleting the definition of “Certified Officer (Parking Offences)” and substituting the following definition of “Certified Officer (Parking Offences)”:

CERTIFIED OFFICER (PARKING OFFENCES) – Any person employed by the City’s Works and Emergency Services Department who has been or who is hereafter certified by the Chief of the Toronto Police Service as competent for the purposes of enforcing one or more municipal parking

by-laws within the City of Toronto or any specified part or parts thereof for any period set out in the certificate and whose certificate has not lapsed or been suspended or cancelled by the Chief.

ENACTED AND PASSED this _____ .

Mayor

City Clerk

Mr. Rick Yowfoo, Supervisor (65114), Parking Enforcement East - Contract Services, Toronto Police Services, gave a presentation to the Committee with regard to this matter, and the following persons addressed the Committee:

- Irwin Patterson;
- Patrick McInnis, Imperial Parking Canada Corporation;
- Brad Butt, Executive Director, Greater Toronto Apartment Association;
- John Long, Downtown Towing and Storage; and
- Derrick Snowdy, Intelligarde International.

The Planning and Transportation Committee also had before it the following communications and copies thereof are on file in the office of the City Clerk:

- (March 22, 2001) from Patrick McInnis, Imperial Parking Canada Corporation, advising that the Corporation does not support the draft by-law because it is too far-reaching; interferes with the right of private parking lot operators to enter into a contract with persons parking on their locations; lost revenues and increased costs for private businesses and requires approval by police for every lot;
- (March 22, 2001) from John Weingust, Q.C., Barrister & Solicitor, opposing the recommendations because payment using a 1-900 number would merely enrich the system installers; visitors' parking spaces should be provided by landlords; a 30-minute wait prior to the issuing of a ticket on private parking lots should be maintained; and lien rights given to the towing companies would bring back abuses such as inclusion of monies charged for other services connected with the towing; and
- presentation by Rick Yowfoo, Supervisor, Parking Enforcement East - Contract Services, Toronto Police Services.

(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, had before it, during consideration of the foregoing Clause, the following report (April 11, 2001) from the Commissioner of Urban Development Services:

Purpose:

To report on the appropriateness of the existing set fine for parking violations on private property and the inclusion of an additional exception to the mandatory 30-minute grace period for unauthorized vehicles on commercial or industrial properties that interfere with the business operation of owners or tenants.

Financial Implications and Impact Statement:

According to figures obtained from the Finance Department, in the year 2000, a total of 220,364 certificates of parking infraction were issued pursuant to the existing by-laws governing unauthorized parking on private property resulting in a net revenue of \$4,125,214.00.

The increase in the set fine is meant as a deterrent. It is difficult to provide an accurate projection as to the increase in revenue which would result if Council were to adopt the recommendation to increase the set fine from \$30.00 to \$60.00. However, it is estimated that the increase in the set fine might generate additional revenue of between three to four million dollars.

Recommendations:

It is recommended that:

- (1) the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$60.00 for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property; and
- (2) the balance of this report be received as information.

Background:

The Planning and Transportation Committee, at its meeting of March 26, 2001, requested that the Commissioner of Urban Development Services report directly to Council on the appropriateness of the existing set fine for parking violations on private property and an additional exception to the mandatory grace period of 30 minutes for unauthorized vehicles parked on commercial or industrial property that interfere with the business operation of owners or tenants.

Comments:

Set Fines:

The set fine for parking on private or municipal property is currently \$30.00 with a voluntary early payment of \$20.00.

A set fine should act as both a penalty and a deterrent. In this case, a reasonable set fine should have the effect of reducing the number of vehicles parked on private or municipal property without authority and minimize the need for having vehicles towed to storage yards.

If Council adopts the recommended harmonized by-law prohibiting unauthorized parking, we recommend that the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$60.00. If the request is approved, the early voluntary payment will be set at \$40.00.

The set fine which has been approved and is presently in place in the City of Windsor is \$50.00 without the option of a voluntary payment.

The following chart examined other existing set fines relating to by-laws regulating vehicles on private property.

Chart 1 – Other Set Fines

Disabled Parking	Set Fine	Fire Route	Existing Set Fine	Proposed Set Fine as approved by Council
Toronto	\$150	Toronto	\$30	\$100
North York	\$150	North York	\$30	\$100
Scarborough	\$150	Scarborough	\$30	\$100
York	\$150	York	\$30	\$100
East York	\$75	East York	\$30	\$100
Etobicoke	\$75	Etobicoke	\$30	\$100

Grace period for unauthorized vehicles on commercial or industrial properties that interferes with the business operation of owners or tenants:

As noted in the May 30, 2000 report, staff recommend a mandatory grace period of 30 minutes before a vehicle is towed from private or municipal property.

The August 10, 2000 report from the Chairman of the Toronto Police Services Board recommended a number of exceptions to the 30-minute grace period. As amended by Committee, the exceptions are:

- vehicles parked in an approved and properly-signed fire route;
- vehicles parked in a disabled parking space;
- vehicles parked in a loading bay;
- vehicles parked in a driveway;
- vehicles parked on properties containing three or fewer parking spaces;
- vehicles parked in parking spaces reserved for residents of a residential building if the resident with an exclusive right to use the affected space has signed a complaint in relation to the parked vehicle prior to the removal of the vehicle;
- vehicles that are being relocated into a supervised, secured, fenced compound located on the same property; and
- unauthorized vehicles found parked on a licensed commercial parking lot.

No grace period would apply in these excepted situations. These exceptions cover most situations where the grace period would potentially cause undue hardship or safety concerns and are clear as to their application. All scenarios not described in the exceptions would require that the mandatory grace period of 30 minutes expire prior to the vehicle being towed from the property.

The proposed inclusion of a mandatory grace period of 30 minutes for unauthorized vehicles on a commercial or industrial property that interfere with the business operation of owners or tenants lacks specificity and would not be clear as to its application. In our opinion, such a provision would be arbitrary, lead to abuse and be open to court challenge.

Conclusions:

A set fine should act as both a penalty and a deterrent. In this case, a reasonable set fine should have the effect of reducing the number of vehicles parked on private or municipal property without authority and minimize the need for having vehicles towed to storage yards.

If Council finds it desirable to adopt the recommendation contained in this report, it is suggested that the City Solicitor be directed to make the necessary application to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$60.00 for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property.

The inclusion of a mandatory grace period of 30 minutes for unauthorized vehicles on a commercial or industrial property that interfere with the business operation of owners or tenants would not be clear as to its application and in our opinion, would be arbitrary, lead to abuse and be open to court challenge.

This report has been prepared in consultation with Legal Services and Toronto Police Service.

Contacts:

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Policy and Business Planning Unit, Municipal Licensing and Standards
Telephone No.: 392-8769, Fax: 392-8805, email: gvescio@city.toronto.on.ca)

(City Council also had before it, during consideration of the foregoing Clause, a communication (April 26, 2001) from Mr. Douglas Reynolds, Superintendent, Parking Enforcement Unit, Toronto Police Service addressed to Councillor Howard Moscoe, Ward 15, Eglinton Lawrence, in response to Councillor Moscoe's communication respecting Private Property Parking Enforcement.)

(City Council also had before it, during consideration of the foregoing Clause, a communication (April 25, 2001) from Mr. Jack Mandos, The Quarry Village, expressing strong opposition to the passing of a City by-law that will allow a mandatory grace period of thirty (30) minutes before a vehicle is towed from a private property.)

(City Council on May 30, 31 and June 1, 2001, again had before it, during consideration of the foregoing Clause, a report (April 11, 2001) from the Commissioner of Urban Development Services, reporting, as requested by the Planning and Transportation Committee, on the appropriateness of the existing set fine for parking violations on private property, and the inclusion of an additional exception to the mandatory grace period of 30 minutes for unauthorized vehicles on commercial or industrial properties.)

(City Council again had before it, during consideration of the foregoing Clause, a communication (April 26, 2001) from Mr. Douglas Reynolds, Superintendent, Parking Enforcement Unit, Toronto Police Service addressed to Councillor Howard Moscoe, Ward 15, Eglinton Lawrence, in response to Councillor Moscoe's communication respecting Private Property Parking Enforcement.)

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