

Clause embodied in Report No. 12 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its Special Meeting held on July 30, 31 and August 1, 2002.

4

**Consolidation of Regulations Concerning Off-Street
Municipal Parking Facilities and Amendment to
By-Law Respecting Parking on Private Property
and Review of On-Street Parking Fines**

(City Council at its Special Meeting held on July 30, 31 and August 1, 2002, adopted this Clause, without amendment.)

The Policy and Finance Committee recommends the adoption of the Recommendation of the Planning and Transportation Committee embodied in the following communication (June 25, 2002) from the City Clerk:

Recommendation:

The Planning and Transportation Committee recommends the adoption of the report (June 19, 2002) from the Chief Financial Officer and Treasurer, entitled, "Review of On-Street Parking Fines", and in accordance with Recommendation No. (3) therein, forwards this report to the Policy and Finance Committee for its review and consideration.

Background:

At its meeting on June 24, 2002, the Planning and Transportation Committee gave consideration to a communication (May 30, 2002) from the City Clerk advising that City Council, at its meeting held on May 21, 22 and 23, 2002, in adopting, as amended, Clause No. 3 of Report No. 5 of The Administration Committee, headed "Consolidation of Regulations Concerning Off-Street Municipal Parking Facilities and Amendment to By-law Respecting Parking on Private Property", directed that the report dated May 7, 2002 from the Chief Financial Officer and Treasurer contained in the Clause, be referred to the Planning and Transportation Committee for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws.

The Committee also had before it a report (June 19, 2002) from the Chief Financial Officer and Treasurer responding to Council's directive for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from Council's recent decision to reduce parking fines for private property and municipal property parking offences from \$60.00 Set Fine Amount/\$40.00 Voluntary Payment to \$30.00 Set Fine Amount/\$20.00 Voluntary Payment, and submitting recommendations in regard thereto:

(Report dated June 19, 2002, addressed to the
Planning and Transportation Committee from the
Chief Financial Officer and Treasurer
entitled, "Review of On-street Parking Fines")

Purpose:

To respond to Council's directive for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from Council's recent decision to reduce parking fines for private property and municipal property parking offences from \$60.00 Set Fine Amount/\$40.00 Voluntary Payment to \$30.00 Set Fine Amount/\$20.00 Voluntary Payment.

Financial Implications:

A revenue loss of approximately \$4.75 million per year will be experienced as a result of Council's decision, at its meeting held on May 21 – 23, 2002, to reduce parking fines for Private Property and Municipal Property offences from \$40/60 (Voluntary/Set Fine) to \$20/\$30 (Voluntary/Set Fine Amount).

The recommendations presented in this report, if adopted, will result in an estimated additional \$4.75 million in revenues to offset the anticipated revenue loss of \$4.75 million associated with a reduction in the parking fines for Private Property and Municipal Property parking offences.

Recommendations:

It is recommended that:

- (1) the fine structure for on-street "Meter" and "Pay and Display" type parking offences, be increased from \$15/\$20 (Voluntary Payment/Set Fine Amount) to \$20/\$30 (Voluntary Payment/Set Fine Amount);
- (2) the City Solicitor be directed to apply to the Senior Regional Justice of the Ontario Court of Justice for a Set Fine of \$30.00 with a Voluntary Payment of \$20.00 for on-street "Meter" and "Pay and Display" type parking offences; and
- (3) given the financial implications associated with the alteration of parking fines, this matter be referred to Policy and Finance Committee for its review and consideration.

Background:

At its meeting held on May 21 – 23, 2002, City Council adopted a motion to reduce parking fines for Private Property and Municipal Property parking offences from \$60.00 Set Fine Amount/\$40.00 Voluntary Payment to \$30.00 Set Fine Amount/\$20.00 Voluntary Payment.

In considering this matter, Council had before it a report from the Chief Financial Officer and Treasurer (May 7, 2002) advising that a revenue loss of approximately \$4.75 million per year will be experienced if all parking fines for Private Property and Municipal Property offences are

decreased from \$40/60 (Voluntary/Set Fine) to \$20/\$30 (Voluntary/Set Fine Amount). In adopting its motion to reduce the parking fines for private property and municipal property parking offences, Council referred the May 7, 2002, report from the Chief Financial Officer and Treasurer to the Planning and Transportation Committee for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws and amendments to the fines for parking offences on municipal property.

Private Property and Municipal Property – Parking Offences:

Table 1 below identifies the parking fines for parking offences on private and municipal property, including Toronto's current fine level and the new fine level approved by Council at its meeting in May 2002.

Table 1: Private and Municipal Property Parking Fines – June 2002
“Vol” – Voluntary Payment “Set” – Set Fine Amount

	Toronto Current Fines (Implemented Jan 2002)		Toronto Reduced Fines – Council May 2002		Hamilton		Ottawa		Vancouver		New York City	
Offences	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set
Private Property	\$40	\$60	\$20	\$30	\$35	\$50	N/A	\$35	\$35	\$70	\$35	\$55
Municipal Property	\$40	\$60	\$20	\$30	\$35	\$50	N/A	N/A	\$35	\$70	N/A	N/A

Until January 2002, the City of Toronto's fine structure for private and municipal property type parking offences was significantly lower than those of other municipalities. Council's recent decision in May 2002 to reduce the fine levels for these offences back down to \$20/\$30 (Voluntary/Set Fine Amount) brings Toronto's fine structure to one of the lowest across Canada.

During the debate of this issue at Council, the Chief Administrative Officer and the Chief Financial Officer and Treasurer were asked to clarify the intent and impact of reducing the fines for municipal parking lots, Toronto Transit Commission computer parking lots and Economic Development, Culture and Tourism Department parking lots only, exclusive of the private property lots. The Chief Financial Officer and Treasurer advised that a revenue loss of approximately \$1.0 million per year will be experienced if the parking fines for offences committed on municipal parking lots only (i.e. Toronto Parking Authority lots, Toronto Transit Commission commuter lots and Economic Development, Culture and Tourism Department parking lots) were set at the lower fine structure of \$20/\$30 (Voluntary/Set Fine Amount).

Council's decision in May 2002 to reduce the fines for parking offences on both private and municipal property from \$40/\$60 (Voluntary/Set Fine Amount) to \$20/\$30 (Voluntary/Set Fine Amount) results in an annual revenue loss of approximately \$4.75 million. Council has requested the Planning and Transportation Committee to review all set fines for parking in order to adjust them to offset the anticipated revenue losses associated with the reduction in fines for parking offences on private and municipal property.

Comments:

On-Street Parking Offences – Review of Fine Levels:

In order to offset the annual revenue loss of approximately \$4.75 million associated with the reduction in fines for private property and municipal property parking offences, fines for on-street parking can be adjusted. Although all parking fines for on-street offences were reviewed by Finance, the three parking offences considered most viable (due to the fact that they are the most common type of offences) were “No Standing/No Stopping”, fire hydrant offences, and meter and pay and display type offences.

Table 2 below identifies parking fines for the most common on-street parking offences for the City of Toronto as well as some other Canadian municipalities.

Table 2: On-street Parking Fines – June 2002
“Vol” – Voluntary Payment “Set” – Set Fine Amount

	Toronto		Mississauga		Hamilton		Ottawa		Newmarket		Vancouver	
Offences	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set
No Standing/No Stopping	\$40	\$60	\$20	\$25	\$50	\$75	N/A	\$55	N/A	\$50	\$35	\$70
Fire Hydrant	\$20	\$30	\$40	\$60	\$50	\$75	N/A	\$45	N/A	\$50	\$35	\$70
Meter Offences	\$15	\$20	\$20	\$25	\$12	\$18	N/A	\$25	N/A	\$15	\$25	\$50

Appendix A of this report provides an overview of the options considered. Based on our review, staff are recommending an increase to the parking fines for On-Street Meter Offences, including Pay and Display offences.

Increasing Parking Fines for On-Street Meter Offences, including Pay and Display Machines

Based on a total issuance of approximately 611,500 tags per year for on-street parking meter offences, a revenue increase of approximately \$4.75 million (gross) per year will be realized if the fines for Parking Meter/Pay and Display offences are increased from \$15/\$20 (Voluntary Payment/Set Fine Amount) to \$20/\$30 (Voluntary Payment/Set Fine Amount).

An increase for fines related to “Meter” and “Pay and Display” parking offences will bring consistency to the fine structures of the on-street meter offences and off-street private property/municipal property parking offences. An identical fine structure will deter the public from “taking their chances” by parking illegally on the street, where the parking fines are lower than those of off-street lots. Furthermore, a fine structure of \$20/\$30 (Voluntary/Set Fine) will bring Toronto’s fine structure more in-line with those of other municipalities.

The option to increase all “Meter” and “Pay and Display” parking offences by \$5.00 on the Voluntary Payment and \$10.00 on the Set Fine Amount is recommended as the most viable

option to address the revenue impact associated with Council's recent decision to reduce the fine levels for private and municipal property parking offences.

Conclusion:

At its meeting held in May 2002, Council requested a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws and amendments to the fines for parking offences on municipal property.

Based upon a review of the current parking fines, it is recommended that a fine structure of \$20.00 Voluntary Payment and \$30.00 Set Fine Amount for all on-street "Meter" and "Pay and Display" parking offences be adopted.

Contacts:

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Appendix A
Review of On-Street Parking Fines

On-street Parking Fines – June 2002
"Vol" – Voluntary Payment "Set" – Set Fine Amount

	Toronto		Mississauga		Hamilton		Ottawa		Newmarket		Vancouver	
Offences	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set
No Standing/ No Stopping	\$40	\$60	\$20	\$25	\$50	\$75	N/A	\$55	N/A	\$50	\$35	\$70
Fire Hydrant	\$20	\$30	\$40	\$60	\$50	\$75	N/A	\$45	N/A	\$50	\$35	\$70
Meter Offences	\$15	\$20	\$20	\$25	\$12	\$18	N/A	\$25	N/A	\$15	\$25	\$50

Option 1: Increasing Parking Fines for On-Street Meter Offences:

Based on a total issuance of approximately 611,500 tags per year for on-street parking meter offence:

- (a) a revenue increase of approximately \$4.75 million per year will be realized if the fines for Parking Meter/Pay and Display offences are increased from \$15/\$20 (Voluntary Payment/Set Fine Amount) to \$20/\$30 (Voluntary Payment/Set Fine Amount); and

- (b) a revenue increase of approximately \$3.05 million per year will be realized if the fines for Parking Meter/Pay and Display offences are increased from \$15/\$20 (Voluntary Payment/Set Fine Amount) to \$20/\$25 (Voluntary Payment/Set Fine Amount).

An increase for fines related to “Meter” and “Pay and Display” parking offences to \$20/\$30 (Voluntary Payment/Set Fine Amount) will bring consistency to the fine structures of the on-street meter offences and off-street private property/municipal property parking offences. An identical fine structure will deter the public from “taking their chances” by parking illegally on the street, where the parking fines are lower than those of off-street lots. Furthermore, a fine structure of \$20/\$30 (Voluntary/Set Fine) will bring Toronto’s fine structure more in-line with those of other municipalities.

The option to increase all “Meter” and “Pay and Display” parking offences by \$5.00 on the Voluntary Payment and \$10.00 on the Set Fine Amount is therefore being recommended as the most viable option to address the revenue impact associated with Council’s recent decision to reduce the fine levels for private and municipal property parking offences.

It should be noted that under Section 321(2) of the *Municipal Act*, Council is given the authority to establish Voluntary Payment Amounts for Set Fines approved by the Senior Regional Justice. The City of Toronto has historically followed a guideline issued by the Senior Regional Justice stating that the Voluntary Payment should be an amount equal to either two-thirds or three-quarters of the Set Fine Amount. Therefore, sub-option “b” above is not being recommended, as the ratios between Voluntary Payment and Set Fine do not comply with the established guideline.

Option 2: Increasing Parking Fines for “No Standing / No Stopping” Offences Parking Fines:

Based on an annual issuance of approximately 200,000 “No Standing/No Stopping” parking offence tags per year:

- (a) a revenue increase of approximately \$4.0 million (gross) per year will be realized if the fines for “Stand vehicle signed highway during prohibited times” and “Stop vehicle signed highway prohibited times” are increased from \$40/\$60 (Voluntary/Set Fine Amount) to \$60/\$80 (Voluntary/Set Fine Amount); and
- (b) a revenue increase of approximately \$2.0 million (gross) per year will be realized in the fines for “Stand vehicle signed highway during prohibited times” and “Stop vehicle signed highway prohibited times” are increased from \$40/\$60 (Voluntary/Set Fine Amount) to \$50/\$70 (Voluntary/Set Fine Amount).

As traffic congestion during rush hour continues to grow, an increase in the fine structure for these two offences would provide for a greater deterrent to offenders who park illegally and block transit and vehicular traffic at peak times. It is anticipated that an increase in the fines may increase compliance, which in turn may reduce the number of vehicles that need to be towed to alleviate congested roadways.

The Toronto Police Service, Parking Enforcement Unit utilizes its resources to target these offenders who impede transit or vehicular traffic during peak periods by tagging and towing illegally parked vehicles. The removal of these vehicles is imperative, however, an increase in the fine for “No Standing” or “No Stopping” may act as a greater deterrent and may to reduce the number of vehicles that require towing during peak periods, if increased compliance is realized. Vehicles parked illegally during these peak times also cause serious traffic safety concerns, by obstructing the sight lines of pedestrians and other drivers as well as transit vehicles which are more difficult to operate during peak times.

Given that Toronto current fine structure of \$40/\$60 (Voluntary/Set Fine) for No Standing/No Stopping offences is relatively in-line with other municipalities, a change to the fine structure is not being recommended at this time.

Option 3: Increasing Fines for “Parking Within 3 Meters of a Fire Hydrant”:

Based on an annual issuance of approximately 25,000 Fire Hydrant parking offence per year:

- (a) a revenue increase of approximately \$1.58 million (gross) per year will be realized if the fines for “Parking within 3 Meters of a Fire Hydrant” are increased from \$20/\$30 (Voluntary/Set Fine Amount) to \$75/\$100 (Voluntary/Set Fine Amount); and
- (b) a revenue increase of approximately \$500,000 (gross) per year will be realized if the fines for “Parking within 3 Meters of a Fire Hydrant” are increased from \$20/\$30 (Voluntary/Set Fine Amount) to \$40/\$60 (Voluntary/Set Fine Amount).

Vehicles parked close to or blocking fire hydrants cause serious life-safety concerns. Illegally parked vehicles impede the Fire Department’s ability to access the fire hydrant during emergency situations and put lives and personal property at greater risk. The City of Toronto’s current fine structure for “Fire Hydrant” offences is significantly lower than those of other municipalities. An increase in this fine structure would provide both a greater deterrent to parking illegally near fire hydrants, and bring the fines more in-line with those of other municipalities.

The life-safety nature of this offence may warrant the doubling of the current fine level from \$20/\$30 (Voluntary Payment/Set Fine Amount) to \$40/\$60 (Voluntary Payment/Set Fine Amount) to provide a strong deterrent to blocking Fire Hydrants.

Another option to consider would be increasing the fine to the same level as Fire Route Offences (i.e. \$75/\$100 Voluntary/Set Fine) in order to adequately reflect the seriousness of the offence.

The Policy and Finance Committee also submits the following communication (May 30, 2002) from the City Clerk:

I am enclosing for your information and any attention deemed necessary, Clause No. 3 contained in Report No. 5 of The Administration Committee, headed “Consolidation of Regulations Concerning Off-Street Municipal Parking Facilities and Amendment to By-law Respecting

Parking on Private Property”, which was adopted, as amended, by the Council of the City of Toronto at its meeting held on May 21, 22 and 23, 2002.

In adopting the Clause, as amended, Council directed that the report dated May 7, 2002, from the Chief Financial Officer and Treasurer, now embodied in the Clause, be referred to the Planning and Transportation Committee for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws.

(Clause No. 3 of Report No. 5 of the Administration Committee, entitled
"Consolidation of Regulations Concerning Off-Street Municipal
Parking Facilities and Amendment to By-law Respecting Parking
on Private Property" which was adopted by City Council
at its meeting held on May 21, 22 and 23, 2002)

(City Council on May 21, 22 and 23, 2002, adopted the following recommendations:

“It is recommended that:

- (1) the report dated March 12, 2002, from the President, Toronto Parking Authority, as contained in the Clause, be adopted, subject to including the Toronto Transit Commission and the Economic Development, Culture and Tourism Department parking lots under the set-fine provisions of the Toronto Parking Authority;
- (2) the report dated May 7, 2002, from the Chief Financial Officer and Treasurer be referred to the Planning and Transportation Committee for a review of all set fines for parking in order to adjust them to offset any revenue losses anticipated from the amendments to the Parking on Private Property By-laws; and
- (3) Council adopt the Motion moved by Councillor Moscoe, seconded by Councillor Soknacki, as contained in the Clause and embodying the following Operative Paragraph:

‘And Be It Further Resolved That the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$30.00, with a voluntary payment of \$20.00, for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property.’ ”)

(City Council on April 16, 17 and 18, 2002, deferred consideration of this Clause, together with Motion J(5), moved by Councillor Moscoe, seconded by Councillor Soknacki, entitled “Amendment to By-law Respecting Parking on Private Property”, and the communication dated April 11, 2002, from the General Secretary, Toronto Transit Commission, to the next regular meeting of City Council scheduled to be held on May 21, 2002, and the City Clerk was requested to bring forward the Clause, the Motion and the communication to be treated as a single item.)

(Clause No. 16 of Report No. 4 of The Administration Committee,
entitled “Consolidation of Regulations Concerning Off-Street
Municipal Parking Facilities and Amendment to By-law
Respecting Parking on Private Property”.)

The Administration Committee submits, without recommendation, the report (March 12, 2002) from the President, Toronto Parking Authority, having regard that all motions voted on were lost.

The Administration Committee reports, for the information of Council, that the following motions were voted on and lost:

A. Moved by Councillor Miller on behalf of Councillor Moscoe:

“That the Administration Committee recommend to Council the adoption of the report (March 12, 2002) from the President, Toronto Parking Authority subject to including the Toronto Transit Commission and the Parks Department parking lots under the set-fine provision of the Toronto Parking Authority.”

B. Moved by Councillor Miller:

“That the Administration Committee recommend to Council that the set-fine respecting the Parks Department parking lots be reduced to \$10.00.”

C. Moved by Councillor Berardinetti:

“That the foregoing motion A. by Councillor Miller on behalf of Councillor Moscoe be referred to the Chief Administrative Officer and the City Solicitor for report thereon to the Administration Committee.”

D. Moved by Councillor Soknacki:

“That the Administration Committee recommend to Council the adoption of the report (March 12, 2002) from the President, Toronto Parking Authority.”

The Administration Committee submits the following report (March 12, 2002) from the President, Toronto Parking Authority:

Purpose:

To establish consolidated regulations for the management and operation of municipal parking facilities in the City of Toronto.

Financial Implications and Impact Statement:

There are no financial implications associated with this report.

Recommendations:

It is recommended that:

- (1) the City Solicitor be authorized to prepare and introduce a by-law to consolidate all regulations concerning off street municipal parking facilities under the jurisdiction of the Toronto Parking Authority in the City of Toronto as Article VI, Parking Lots, of Municipal Code Chapter 950, Traffic and Parking, and thereby replace all previous Metropolitan Toronto and Local Area Municipal regulations concerning the use of off-street parking facilities;
- (2) subject to Council's approval of a consolidated by-law, the City Solicitor be authorized to submit a set fine application to the Ministry of the Attorney General for Ontario for approval with respect to offences created under the chapter;
- (3) the by-law not come into force until the set fine application has been approved; and
- (4) City officials take all necessary steps to give effect to the foregoing, including the introduction in Council of any bills which may be necessary.

Council Reference/Background History:

The *City of Toronto Act, 1997 (No. 2)* and the *Municipal Act* provide that City Council may delegate to the Toronto Parking Authority, the construction, maintenance, operation and management of parking operations and facilities. Section 207, paragraph 56, of the *Municipal Act* provides that a municipality may pass by-laws for acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon.

Pursuant to these authorities, City of Toronto Municipal Code Chapter 179, Parking Authority, delegates the responsibility for the construction, maintenance, operation and management of municipal parking facilities within the City of Toronto to the Toronto Parking Authority.

Comments and/or Discussion and/or Justification:

Currently, there are a number of by-laws of the former municipalities comprising the new City of Toronto which establish regulation for the use of various municipal parking lots located throughout the City. Staff have currently identified the following by-laws which concern the use of municipal parking lots:

- (i) former City of Toronto - Former City of Toronto Municipal Code Chapter 400, Section 51 – General Regulations;
- (ii) former City of Etobicoke - Former City of Etobicoke Municipal Code Chapter 185 - General Regulations;

- (iii) former City of York - Former City of York Municipal Code Chapter 971 and 978; By-law No. 1089-87 – General Regulations;
- (iv) former City of Scarborough – By-law No. 17573 – Fallingbrook Parking Lot; and
- (v) former Borough of East York – By-law No. 35-92 - East York Civic Centre Parking Lot.

Each of these by-laws sets out specific operating policies for municipal parking lots, including specific provisions for the enforcement of parking regulations and for the removal of illegally parked vehicles. Staff have so far not identified any regulations for the former City of North York or Metropolitan Toronto. In North York, parking facilities have been regulated under the provisions of general by-laws prohibiting the parking of vehicles on municipal property without consent (i.e. subject to the payment of the applicable fee) which may apply in place of, or in addition to, the more specific regulations enacted by other former municipalities.

The consolidated by-law, which will be implemented as Article VI, Parking Lots, of Municipal Code Chapter 950, Traffic and Parking, would replace the current municipal by-laws in existence and would create new regulations for the facilities in the former Cities of North York and Scarborough and the former Borough of East York which are consistent with the regulations currently in place in the former Toronto and Etobicoke areas. There are no notable differences between the provisions of the proposed consolidated by-law and the provisions of the by-laws currently in effect. The new by-law up-dates the current legislation to reflect past and current practices throughout the City of Toronto.

The new provisions will require that the City Solicitor make a set fine application to the Ministry of the Attorney General for Ontario for approval of a set fine of \$30.00 and a voluntary payment option of \$20.00. This is consistent with the set fine order currently in effect for facilities located in the former City of Toronto as approved in 1996 under Chapter 400 of the former City of Toronto Municipal Code and on-street parking. It is also consistent with past practices at the facilities located in all of the other former municipalities. In order to ensure that there is no enforcement “gap” with respect to off-street parking facilities, the City Solicitor has recommended that the new by-law come into force, and the current regulations be repealed, only upon the approval of the set fine application.

Summary:

Under these circumstances, the introduction of the consolidated regulation as proposed will be seamless to the user. The establishment of a consolidated by-law will establish consistent regulations for all municipal parking facilities in the new City of Toronto under the jurisdiction of the Toronto Parking Authority. In anticipation of this initiative, Chapter 950, Article VI - Parking Lots, Sections 950-600 to 950-699, have been reserved in the new City of Toronto Municipal Code for the provisions of a consolidated by-law for municipal parking facilities.

Contact:

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e-mail: gthomas@city.toronto.on.ca

The Administration Committee also submits the following communication (March 25, 2002) submitted by Councillor Douglas Holyday, respecting the Consolidation of the Toronto Parking Authority Municipal Parking By-laws:

Overview:

City Council, at its meeting of May 30, 31 and June 1, 2001, approved Chapter 915 of the Toronto Municipal Code, a by-law to consolidate private and municipal property parking by-laws.

Throughout all of the staff reports leading up to the approval of the bylaw, the issue of fair, consistent and equitable rules for all was of paramount importance. This would in turn create a level playing field for all industry participants, including, towers, MLEO agencies, property owners; including parking lot management companies for all private and municipal property parking offences. This also ensured equitable treatment for all members of our community who park illegally on Private or Municipal Property.

It is not disputed that the Toronto Parking Authority (TPA) has the authority under the *Municipal Act* to create its own bylaws to govern the operation of TPA parking lots, including the enforcement of parking offences.

It is also not disputed that where City Council enacts legislation governing the TPA lots specifically, the general Municipal parking provisions in Chapter 915 of the City of Toronto Municipal Code do not apply, and the more specific legislation in Chapter 950 would, in fact, apply.

Although we commend the TPA for moving towards a consolidated bylaw, we have concerns surrounding the fairness of a lower set fine being established specifically for illegal parking for Municipal Property offences on TPA lots.

A fine structure of \$20/\$30 for TPA lots would be less than the current fine structure for other Municipal and Private Property Parking offences, including that of other parking lot management companies who are currently affected by Toronto Municipal Code, Chapter 915 at a \$40/\$60 fine structure.

Recommendation:

In order to ensure a level playing field for all industry participants and to create fair competition among all industry participants, we request the Administration Committee to consider a fine structure of \$40/\$60 for the TPA offences. This would ensure that the fine structure for those parking illegally on TPA lots is equal to the fine structure for those parking on other private and municipal parking lots within the City of Toronto. As a result there would be one overall fine

structure for Private and Municipal Property offence types within the City of Toronto. This would be in keeping with Council's decisions in relation to providing for a fine structure of \$40/\$60 for offences governing Municipal and Private Property.

A chart noting the financial implications is attached.

The following persons appeared before the Administration Committee in connection with the foregoing matter:

- Mr. Maurice Anderson, President, Toronto Parking Authority;
- Mr. Gwyn Thomas, Manager, Operational Planning, Toronto Parking Authority; and
- Superintendent Doug Reynolds, Toronto Police Parking Enforcement Unit.

Councillor Howard Moscoe, Eglinton-Lawrence, also appeared before the Administration Committee in connection with the foregoing matter.

Insert Table/Map No. 1
Financial Implications - a review of,,,,,

(Motion J(5), Moved by Councillor Moscoe
and Seconded by Councillor Soknacki)

“WHEREAS City Council at its meeting held on May 30, 31 and June 1, 2001, adopted, as amended, Planning and Transportation Committee Report No. 4, Clause No. 1, headed ‘Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property’; and

WHEREAS the set fine in Toronto for such offences as on-street parking longer than three hours is \$20.00, with a voluntary payment of \$15.00; and

WHEREAS the set fine for parking at an expired meter or failing to deposit money into an on-street parking machine is \$20.00, with a voluntary payment of \$15.00; and

WHEREAS the set fine for such offences as obstructing a fire hydrant, parking in a boulevard and parking without a permit carries a set fine of \$30.00, with a voluntary payment of \$20.00; and

WHEREAS Council, in adopting Chapter 915 of the Toronto Municipal Code to regulate parking on private property, and without the knowledge of most Members of Council (myself included), adopted, within an Appendix to the By-law, the establishment of a new set fine for parking on private property of \$60.00, with a voluntary payment of \$40.00; and

WHEREAS this By-law came into effect on January 1, 2002; and

WHEREAS this level of fine is so out of line with other set fines, it can only be interpreted as a cash grab by the Municipality; and

WHEREAS this has prompted the Toronto Parking Authority to refuse to support the establishment of these outrageous charges for their lots and other Municipal property;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report No. 4, Clause No. 1, headed ‘Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$30.00, with a voluntary payment of \$20.00, for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property.”

(Note: Council at its meeting held on April 16, 17 and 18, 2002, re-opened Clause No. 1 of Report No. 4 of The Planning and Transportation Committee for further consideration.)

(Communication dated April 11, 2002 from the
General Secretary, Toronto Transit Commission)

At its meeting on Wednesday, April 10, 2002, the Commission adopted the following Resolution:

- “(1) That the Toronto Transit Commission (TTC) supports the position of the Toronto Parking Authority (TPA) that the set fines for TTC Commuter Parking Lots, which are managed by the TPA, should be consistent with TPA operated lots;
- (2) That the set fines for TTC Commuter Parking Lots be \$30.00 with a voluntary payment option of \$20.00 recommended by the TPA rather than the \$60.00/\$40.00 that was adopted for private lots now being considered for re-opening by City Council; and
- (3) That the foregoing be referred to Toronto City Council for consideration at its next meeting.”

The foregoing is forwarded to Toronto City Council for consideration in conjunction with Clause 16, Report No. 4 of The Administration Committee, which will be before Council at its meeting on April 16, 2002.

(City Council on May 21, 22 and 23, 2002, had before it, during consideration of the foregoing Clause, the following report (May 7, 2002) from the Chief Financial Officer and Treasurer:

Purpose:

To provide information on the financial impact of decreasing Private Property and Municipal Property parking fines from \$40/\$60 (Voluntary/Set Fine) to \$20/\$30 (Voluntary/Set Fine).

Financial Implications and Impact Statement:

A revenue loss of approximately \$4.75 million will be experienced if all parking fines for Private Property and Municipal Property offences are decreased from \$40/\$60 (Voluntary/Set Fine Amount) to \$20/\$30 (Voluntary/Set Fine Amount).

A revenue loss of approximately \$860,000 will be experienced if the parking fines for offences committed on Toronto Parking Authority parking lots are set at the lower fine structure of \$20/\$30 (Voluntary/Set Fine Amount).

A revenue loss of approximately \$153,000 will be experienced if the parking fines for offences committed on Toronto Transit Commission commuter parking lots are set at the lower fine structure of \$20/\$30 (Voluntary/Set Fine Amount).

The 2002 Approved Operating Budget includes revenue projections based on the fine structure of \$40/\$60 (Voluntary/Set Fine Amount) for all private property and municipal property parking offences. Therefore a reduction in the approved fine levels will result in a financial pressure in 2002 as outlined above which would total appropriately \$5.8 million on an annualized basis.

Recommendations:

It is recommended that:

- (1) Council adopt a fine structure of \$40 Voluntary Payment and \$60 Set Fine amount for all Private Property and Municipal Property type parking offences enforced by the Toronto Parking Authority; and
- (2) Council retain the current fine structure of \$40 Voluntary Payment and \$60 Set Fine amount for all other Private Property and Municipal Property parking offences.

Background:

At its meeting held on April 16 – 18, 2002, City Council deferred the following items, to be considered together, to its May 2002 meeting:

- (a) a Notice of Motion moved by Councillor Moscoe, seconded by Councillor Ashton, moving that Planning and Transportation Committee Report No. 4, Clause No. 1, headed “Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property”, be re-opened for further consideration; and, that the City Solicitor be directed to apply to the Regional Senior Justice of the Ontario Court of Justice for a set fine of \$30, with a voluntary payment of \$20.00, for violations to the recommended new harmonized by-law prohibiting unauthorized parking on private or municipal property;
- (b) Administration Committee Report No. 4, Clause No. 16, headed “Consolidation of Regulations Concerning Off-Street Municipal Parking Facilities”; and
- (c) a communication (April 11, 2002) from the Toronto Transit Commission advising that the Commission supports the position of the Toronto Parking Authority (TPA) that the set fines for TTC computer parking lots, which are managed by the TPA, should be consistent with TPA operated lots and that the set fines for TTC commuter parking lots be \$30.00 with a voluntary payment option of \$20.00 rather than the \$60.00/\$40.00 that was adopted for private lots.

This report, which was prepared in consultation with the Toronto Police Services Parking Enforcement Unit, provides an overview of the financial implications of the proposed motions and/or recommendations.

Comments:

City Council, at its meeting held on May 30, 31 and June 1, 2001 approved Chapter 915 of the Toronto Municipal Code, a by-law to consolidate private and municipal property parking by-laws with a \$40/\$60 voluntary payment/set fine structure. This new fine structure of \$40/\$60 was implemented in January 2002, following approval of the new fines by the Senior Regional Justice for the Toronto Region. The \$40/\$60 fine structure represents an increase from the previous fine structure of \$20/\$30 (voluntary/set fine), and was meant to act as a greater

deterrent to parking illegally on private and municipal property. In addition, the new fine structure brought Toronto's fines more in line with those of other municipalities. The chart below outlines the fine structure of some of the other municipalities.

Fine Comparison – April 2002
“Vol” – Voluntary Payment “Set” – Set Fine Amount

	Toronto		Windsor		Hamilton		Ottawa		Vancouver		New York City	
Offence	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set	Vol	Set
Private Property	\$40	\$60	N/A	\$50	\$35	\$50	N/A	\$35	\$35	\$70	\$35	\$55
Municipal Offences	\$40	\$60	N/A	\$50	\$35	\$50	N/A	N/A	\$35	\$70	N/A	N/A

* Prior to January 1st, 2002, Toronto's fines were \$20 Voluntary Payment and \$30 Set Fine Amount

Throughout all of the staff reports leading up to the approval by Council in May 2001 of the consolidated bylaw and fine structure of \$40/60, the issue of fair, consistent and equitable rules for all City of Toronto parking lots (municipal and private) was of paramount importance. The implementation of Council's consolidated by-law and the uniform fine structure of \$40/\$60 (voluntary/set fine) created a level playing field for the entire parking industry when enforcing parking offences. This also ensured equitable treatment for all members of the public who park illegally on private or municipal property.

Although Council, in May 2001, adopted a by-law to consolidate Private Property and Municipal Property parking offences at a set fine of \$60 and a voluntary payment option of \$40.00, the former City of Toronto had a number of individual bylaws setting fines for TPA lots in the former City of Toronto at the \$20/\$30 (Voluntary/Set Fine) level. These individual by-laws permit the TPA to continue to issue parking fines on former City of Toronto TPA lots at the \$20/\$30 level, despite the consolidated by-law adopted by Council in May 2001.

Approximately 50 percent of the enforcement conducted by the TPA for Private Property and Municipal Property offences occurs within the former City of Toronto. Given the former City of Toronto by-laws, enforcement on these lots continues to be conducted using a fine structure of \$20/\$30 (Voluntary/Set Fine). Enforcement on TPA lots located in all other former municipalities, is conducted using the new fine structure of \$40/\$60 (Voluntary/Set Fine Amount).

In its report dated March 12, 2002, to Administration Committee, the Toronto Parking Authority is recommending that a by-law to consolidate all regulations, from all former municipalities, concerning off-street municipal parking facilities under the TPA's jurisdiction be consolidated at a set fine of \$30.00, with a voluntary payment of \$20.00.

While it is not disputed that the Toronto Parking Authority (TPA) has the authority under the Municipal Act to create its own bylaws to govern the operation of TPA parking lots, including the enforcement of parking offences, the issue of fairness regarding a lower set fine being

established specifically for illegal parking on TPA lots needs to be seriously considered and addressed.

In considering this issue, it is important to keep in mind that the TPA is already, through bylaw, afforded the opportunity of issuing a courtesy envelope/charge of \$3.25 (\$5.50 on certain lots), while all other agencies enforcing bylaws on private and municipal property are not.

The perception by private lot owners is that the TPA is gaining an unfair advantage by having lower fines for parking illegally on their lots. Therefore, the competitors argue that a parking customer would choose the TPA lot over the private lot because the TPA fine/penalty is only either \$3.25 (for a courtesy envelope) or \$20/\$30, not the \$40/\$60 that private lot owners have to assess to their offenders. Private lot owners have indicated that this gives the TPA an unfair advantage in attracting customers to their lots.

TPA's proposal to maintain a lower fine structure for its parking lots also has an impact on the City's revenues. On an annualized basis the City will lose approximately \$860,000 in revenues (see Appendix A). This revenue has been approved as part of the 2002 Operating Budget.

Earlier this year, the TPA assumed responsibility for parking enforcement on TTC commuter parking lots. Since the TTC lots are not excluded under the Chapter 915 By-laws, all enforcement on these lots must be, and has been, conducted using the new fine structure of \$40/\$60 for private property offences commencing January 2002. If Council elects to set a lower fine structure of \$20/\$30 (Voluntary/Set Fine) for TTC commuter parking lots, a revenue loss of approximately \$153,000 will be experienced (see Appendix B).

A decision to reduce the fine structure for all private property and municipal property type parking offences to \$20/\$30 (voluntary/set fine) would have a greater impact on the City's operating budget. It is estimated that the City will lose \$4.75 million in parking tag revenue if the fine for all private and municipal property parking offences was lowered from \$40/\$60 (Voluntary/Set Fine) to \$20/\$30 (Voluntary/Set Fine) – see Appendix C.

Conclusion:

Until January 2002 the City of Toronto's fine structure for Private Property and Municipal Property type parking offence was significantly lower than those of other municipalities. The new fine structure of \$40/\$60 (Voluntary/Set Fine) brings Toronto's fine more in-line with other municipalities, and acts as a greater deterrent to parking illegally on private and municipal property. In addition, a uniform fine structure for all private property and municipal property parking offences creates a level playing field for the entire parking industry when enforcing parking offences.

A decision to lower the fine structure from the current \$40/\$60 (Voluntary/Set Fine) level will have significant financial implications for the City, given that the 2002 Operating Budget includes revenue projections based on the \$40/\$60 fine structure implemented January 2002.

It is recommended that Council adopt a fine structure of \$40 (Voluntary Payment) and \$60 (Set Fine Amount) for all Private Property and Municipal Property parking offences enforced by the

Toronto Parking Authority. It is further recommended that Council retain the current fine structure of \$40/\$60 for all other Private Property and Municipal Property parking offences enforced by the Parking Enforcement Unit of the Toronto Police and private agencies, landlords and property owners, licensed as Municipal Law Enforcement Officers with the Parking Enforcement Unit, Contract Services Section.

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Attachments

Appendix "A"

Impact of Reducing Private Property and Municipal Property Offences to 20/\$30
TPA Lots Only

<u>Tags Issued</u>	<u>\$40/\$60 Fine Structure</u>	<u>\$20/\$30 Fine Structure</u>	<u>Annual Revenue Impact</u>
Total Offences	45,499	45,499	
45% of fines paid at			
Voluntary Payment Amount	\$ 818,982.00	\$ 409,491.00	-\$ 409,491.00
33% paid at Set Fine or later	\$ 900,880.20	\$ 450,440.10	- \$ 450,440.10
Total Fine Value	\$ 1,719,862.20	\$ 859,931.10	-\$ 859,931.10

*Figures are based on 2001 issuance levels

Annual Revenue loss of \$859,931.10 if fines are reverted back to \$20/\$30

Appendix “B”

Impact of Reducing Private Property and Municipal Property Offences to \$20/\$30

TTC Lots

<u>Tags Issued</u>	<u>\$40/\$60 Structure</u>	<u>Fine \$20/\$30 Fine Structure</u>	<u>Annual Revenue Impact</u>
Private Property Offences*			
Municipal Property Offences*			
Total Offences	8, 102	8,102	
45% of fines paid at			
Voluntary Payment Amount	\$ 145,840	\$ 72,920	-\$ 72,920
33% paid at Set Fine or later	\$ 160,440	\$ 80,220	-\$ 80,220
Total Fine Value	\$ 306,280	\$ 153,140	-\$ 153,140

*Figures are based on 2001 issuance levels

Annual Revenue loss of \$153,140 if fines are reverted back to \$20/\$30

Appendix “C”

Impact of Reducing Private Property and Municipal Property Offences to \$20/\$30

<u>Tags Issued</u>	<u>\$40/\$60 Fine Structure</u>	<u>\$20/\$30 Fine Structure</u>	<u>Annual Revenue Impact</u>
Private Property Offences*	218,967	218,967	
Municipal Property Offences*	32,326	32,326	
Total Offences	251,293	251,293	
45 percent of fines paid at			
Voluntary Payment Amount	\$4,523,274.00	\$2,261,637.00	-\$2,261,637.00
33 percent paid at Set Fine or later	\$4,975,601.40	\$2,487,800.70	-\$2,487,800.70
Total Fine Value	\$9,498,875.40	\$4,749,437.70	-\$4,749,437.70

*Figures are based on 2001 issuance levels

Annual Revenue loss of \$4,749,437.70 if fines are reverted back to \$20/\$30.)