

Authority: Planning and Transportation Committee Report No. 5, Clause No. 8,
as adopted by City of Toronto Council on July 20, 21 and 22, 2004
Enacted by Council: July 22, 2004

CITY OF TORONTO

BY-LAW No. 725-2004

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the requirements for private property enforcement agencies undertaking parking enforcement activities.

WHEREAS Section 150 of the *Municipal Act, 2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and nuisance control; and

WHEREAS members of the public have complained to the Toronto Police Service, City staff and City Council concerning the abusive and misleading parking enforcement practices used by private property enforcement agencies and commercial parking lot operators, including the issuance of “look-alike” parking tags and invoices, the imposition of inflated and unjustified administrative fees or “fines” and the sanctioning of abusive collection practices; and

WHEREAS there is no meaningful way in which the public can appeal the validity of these tags, invoices or collection notices, or the amount of the “administrative fees” charged by these companies; and

WHEREAS the Toronto Police Service has expressed its concern that there is an inherent conflict of interest where persons undertaking enforcement activities have a direct financial interest in the amount and collection of invoiced amounts and administrative penalties, and that this leads to abuses which have the effect of eroding and undermining public respect for legitimate law enforcement, particularly with respect to the enforcement of City by-laws regulating parking on private and municipal property; and

WHEREAS Council has therefore decided, in the interests of consumer protection, that the only effective remedy for eliminating these abusive practices is to restrict persons undertaking parking enforcement activities or providing parking enforcement services as defined in Chapter 545, Licensing, to the issuance of parking infraction notices under Part II of the *Provincial Offences Act*, a Toronto Police Service tow card and other documents, as approved by the Chief of Police;

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

1. Chapter 545, Licensing, of The City of Toronto Municipal Code is amended as follows:
 - A. By deleting all references to “subsection 210(131) of the *Municipal Act*” where they appear in Article XXXVII and replacing them with references to “the *Municipal Act, 2001*, or its predecessor”.

- B. By deleting the definition of “PARKING ENFORCEMENT SERVICES” from § 545-1 and substituting the following:

PARKING ENFORCEMENT SERVICES - Any parking enforcement activity, including but not limited to, the monitoring of property, issuance of tags, tickets or payment notices, and authorizing the towing of vehicles, carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property.

- C. By adding the following subsections to § 545-269 as follows:

- H. Definitions. As used in this section, the following term shall have the meaning indicated:

ISSUANCE OF A DOCUMENT – Shall include: to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion.

- I. No person to whom this section relates shall undertake or cause any parking enforcement activities to be undertaken, unless the person has obtained a private property enforcement agency licence under this chapter or the parking enforcement activities are done on the person’s behalf by a private parking enforcement agency licensed under this chapter.

- J. No person to whom this section relates, or any person employed, engaged or otherwise acting under the authority of a person to whom this section relates, shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parking on the licensed premises, other than a parking infraction notice under Part II of the *Provincial Offences Act*, as amended, a Toronto Police Service tow card or other document as approved by the Chief of Police and the person to whom this section relates shall ensure compliance with § 545-269I.

- D. By adding the following definition to § 545-443 as follows:

ISSUANCE OF A DOCUMENT - Shall include: to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion.

- E. By deleting § 545-444A and substituting the following:
- A. Every person applying for, or holding, a licence as an agency shall employ one or more municipal law enforcement officers who have successfully completed the private parking enforcement course, and shall ensure that parking enforcement activities are only undertaken by municipal law enforcement officers.
- F. By deleting § 545-445F and substituting the following:
- F. Every person designated by an agency in accordance with this section shall have successfully completed the private parking enforcement course.
- G. By adding the following subsection to § 545-450:
- C. No person employed, engaged or otherwise acting under the authority of an agency shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parked on private property, other than a parking infraction notice under Part II of the *Provincial Offences Act*, as amended, a Toronto Police Service tow card or other document as approved by the Chief of Police and the agency shall ensure compliance with this § 545-450C.

ENACTED AND PASSED this 22nd day of July, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)