

Authority: Executive Committee Item EX13.12, as adopted by City of Toronto Council on March 31 and April 1, 2016

CITY OF TORONTO

BY-LAW No. 427-2016

To amend City of Toronto Municipal Code Chapter 179, Parking Authority, to delegate the City's power to provide in other municipalities the bike share program operated by the Toronto Parking Authority.

Whereas the Toronto Parking Authority currently operates Bike Share Toronto within the geographic boundaries of the City of Toronto pursuant to a delegation in Section 179-7.1 of the Code; and

Whereas the Toronto Parking Authority has entered into an agreement with Metrolinx, a Crown Corporation established pursuant to the *Metrolinx Act, 2006*, to expand the Bike Share Toronto program to certain areas outside the geographic boundaries of the City of Toronto provided that the Council of the City of Toronto authorizes such expansion in accordance with the *City of Toronto Act, 2006* (the "Act") and other applicable law; and

Whereas under Section 20(1) of the Act, the City can "delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part;" and

Whereas the Toronto Parking Authority is such a body included in Section 20 of the Act; and

Whereas under Section 15(2) of the Act, the City has the power "to provide a municipal system for the provision of a service or thing in an area in another municipality or in unorganized territory if one of the purposes for so acting is for its own purposes" and if, among other things, the other municipality - whether single-tier, lower-tier, or upper-tier - provides the requisite consent; and

Whereas it is desirable to amend Chapter 179 of the Code to delegate to the Toronto Parking Authority the responsibility and authority for the ownership, acquisition, management, maintenance and operation of Bike Share Toronto outside the geographical boundaries of the City of Toronto, subject to certain conditions;

The Council of the City of Toronto enacts:

1. Section 179-7.1 of Chapter 179, Toronto Parking Authority, is amended as follows:
 - A. By adding the words "or outside the geographical boundaries of the City of Toronto" after the words "All the powers, rights, authorities and privileges with respect to the ownership, acquisition, management, maintenance and operation of the bike share program assets within the City of Toronto." so that the provision now reads:

All the powers, rights, authorities and privileges with respect to the ownership, acquisition, management, maintenance and operation of the bike share program assets within the City of Toronto or outside the geographical boundaries of the City of Toronto, including entering into contracts and agreements, undertaking

sponsorship, naming, rebranding, partnership, acceptance of donations, approval of sponsorship and third party advertising on the bike station panels, and all other related ownership, operational, management or revenue generating activities, shall be exercised only by the Parking Authority, subject to the following limitations:

B. By adding a new subsection 179-7.1E as follows:

E. The Parking Authority shall not undertake any actions in connection with Bike Share Toronto outside the geographic boundaries of the City of Toronto unless the action is in keeping with the purposes of enhancing the long term viability of Bike Share Toronto, building and developing the Bike Share Toronto brand, or promoting cycling and not until the Parking Authority obtains the consent of the municipality in which such actions will occur, in accordance with the *City of Toronto Act, 2006*.

2. This by-law comes into force upon enactment.

Enacted and passed on May 5, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)