

Authority: Licensing and Standards Committee Item LS4.4, as adopted by City of Toronto Council on June 10, 11 and 12, 2015 and Licensing and Standards Committee Item LS12.2, as adopted by City of Toronto Council on July 12, 13, 14 and 15, 2016

## **CITY OF TORONTO**

### **BY-LAW No. 970-2016**

#### **To amend City of Toronto Municipal Code Chapter 545, Licensing and City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers to amend regulations relating to commercial parking lots and municipal law enforcement officers.**

Whereas section 8 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Schedule A, as amended, authorizes the Council of the City of Toronto to pass by-laws related to business licensing and the protection of persons and property, including consumer protection; and

Whereas on June 10, 11 and 12, 2015 City Council adopted recommendations to license and regulate commercial parking lots under Toronto Municipal Code, Chapter 545, Licensing and to amend regulations related to municipal law enforcement officers under Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers; and

Whereas, in part, certain decisions regarding the authority of municipal law enforcement officers to issue tow cards and to tow unplatd vehicles were not included in the enacting By-law No. 804-2015 passed by City Council on July 9, 2015 by inadvertence; and

Whereas on July 12, 13, 14 and 15, 2016 City Council adopted changes to Municipal Code Chapter 150, to permit certified employees of the Municipal Licensing and Standards Division to enforce by-laws respecting the parking, stopping, or standing of vehicles in City parks and changes to Toronto Municipal Code Chapter 545, to exclude City corporations from the requirement to obtain a commercial parking lot licence;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers is amended by:
  - A. Deleting the contents of §§ 150-14A(3) and 150-16A(3) and replacing it in both sections with "A Toronto Police Service tow card is issued in respect of the vehicle at the time of removal."
  - B. Deleting the phrase "If the vehicle bears a number plate issued under the Highway Traffic Act," from § 150-15A(3).
  - C. Creating a new § 150-14C which reads as follows: "Subsection A(2) shall not apply in the case of a vehicle that does not bear a licence plate if the municipal law enforcement officer has obtained prior authorization to tow the vehicle from the Toronto Police Services Parking Enforcement Unit."
  - D. Creating a new § 150-15C which reads as follows: "Subsections A(3) and A(4) shall not apply in the case of a vehicle that does not bear a licence plate if the

municipal law enforcement officer has obtained prior authorization to tow the vehicle from the Toronto Police Services Parking Enforcement Unit."

- E. Creating a new § 150-16C which reads as follows: "Subsection A(2) shall not apply in the case of a vehicle that does not bear a licence plate if the municipal law enforcement officer has obtained prior authorization to tow the vehicle from the Toronto Police Services Parking Enforcement Unit."
2. City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers is amended by:
- A. Creating a new definition in § 150-1 that reads as follows:
- EXECUTIVE DIRECTOR - The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto, or his or her designate.
- B. Renumbering Article VII, Removal of Vehicles; Issuance of Certificates of Parking Infraction and Parking Infraction Notices, as Article VIII;
- C. Replacing all references to "Article VII" found in §§ 150-3B, 150-5A(1), 150-5A(2), 150-7A(2), 150-7A(3), 150-9B and 150-11B with "Article VIII"; and
- D. Creating a new Article VII, Employees of Municipal Licensing and Standards as set out in Schedule "A" to this By-law.
3. City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers is amended by creating a new § 150-16.1 that reads as follows:

**§ 150-16.1. Removal or impoundment of vehicles by Municipal Licensing and Standards division.**

- A. A municipal law enforcement officer as defined in Article VII (Municipal Licensing and Standards) 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) A Toronto Police Services tow card is issued in respect of the vehicle at the time of the removal.
- B. Subsection A(2) shall not apply in the case of a vehicle that does not bear a licence plate if the municipal law enforcement officer has obtained prior

authorization to tow the vehicle from the Toronto Police Services Parking Enforcement Unit.

4. The definition of "Commercial Parking Lot" found in § 545-1 of City of Toronto Municipal Code Chapter 545, Licensing, is amended to read as follows:

COMMERCIAL PARKING LOT - Any location that demands compensation in relation to the use of a parking space, but does not include:

- A. Any parking location operated by or under the authority of the Toronto Parking Authority, regulated under Chapter 179, Parking Authority;
  - B. Any City agency, board, commission, corporation, or division;
  - C. Any parking space rented on a weekly, monthly, or yearly basis for one person's exclusive use;
  - D. Any parking space located upon the driveway of a residential building; and
  - E. Any parking location operated by a registered charitable organization, as defined in subsection 248(1) of the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency.
5. This By-law shall come into force on the day it is enacted.

Enacted and passed on October 7, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Schedule "A"****ARTICLE VII****Employees of Municipal Licensing and Standards****§ 150-11.1. Definitions.**

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

**CERTIFIED OFFICER (PARKING OFFENCES)** - Any person employed by the City's Municipal Licensing and Standards division 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.

**CITY PARK** - Land and land covered by water and all portions of it owned by or made available by lease, agreement, or otherwise to the City, that is or may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or may be placed under the jurisdiction of the General Manager of Parks, Forestry and Recreation, including any and all buildings, structures, facilities, erections and improvements located in or on the land, save and except where the land is governed by other by-laws of the City.

**§ 150-11.2. 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 in City parks; and
- B. If they comply with the conditions in Article VIII, authorizing the removing, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws.