

Authority: Licensing and Standards Committee Item LS14.1, as adopted by City of Toronto Council on November 8 and 9, 2016

**CITY OF TORONTO**

**BY-LAW No. 1099-2016**

**To amend City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, to clarify the powers of the Chief of Police to approve properties for enforcement.**

Whereas authority is given to Council by the *City of Toronto Act, 2006* to pass by-laws to provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on land in contravention of City by-laws; and

Whereas Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, sets out conditions that must be met before officers may authorize the towing of a vehicle from municipal or private property, including that the property have been approved by the Chief of Police; and

Whereas Council wishes to clarify this approval process, revise the list of criteria that must be met prior to the Chief approving a property, and provide the Chief with the explicit authority to revoke or suspend his or her approval of a property that no longer meets the prescribed criteria;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, is amended by deleting §§ 150-13 and 150-13.1 and replacing them with the following:

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

- A. 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:
  - (1) The vehicle is parked, stopped, standing or left in contravention of a municipal by-law;
  - (2) The municipal property or private property that the vehicle is parked or left on has been approved by the Chief of Police in accordance with § 150-13.1;
  - (3) 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*;
  - (4) A waiting period of 30 minutes has expired; and
  - (5) A Toronto Police Service tow card is issued in respect of the vehicle at the time of the removal.

- B. Subsections A(3) and (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 that vehicle from the Toronto Police Services Parking Enforcement Unit.

**§ 150-13.1. Approval of properties by the Chief.**

- A. On application for the approval of a property for the purposes of § 150-13A(2), the applicant shall complete the prescribed forms and shall furnish to the Toronto Police Service such information as the Chief may direct, together with all applicable fees.
- B. The Chief shall, upon receipt of a complete application for approval, make such investigations as necessary and approve the property if he or she is satisfied that:
- (1) The boundaries of the property are clearly defined;
  - (2) Signs are posted on the property in locations, with dimensions, and with contents satisfactory to the Chief;
  - (3) There are no signs on the property that refer to the ticketing or towing of vehicles except those approved by the Chief;
  - (4) Any reference to a municipal by-law on a sign posted on the property is a reference to a by-law currently in force;
  - (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, the Chief is satisfied that a permit may be obtained within a thirty-minute period and clear signs have been posted on the property advising visitors how to obtain a permit;
  - (6) Only private roadways designated as fire routes by municipal by-law are signed as fire routes;
  - (7) The operator of the property, if it is used as a commercial parking lot, holds a valid licence to do so from the Municipal Licensing and Standards Division;
  - (8) The property complies with all applicable laws, including zoning by-laws;
  - (9) 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;

- (10) The owner of any vehicle removed from the property will have twenty-four-hour access to information as to the location where the removed vehicle is stored; and
- (11) The owner of any vehicle removed from the property may request a Toronto Police Service review of actions taken to remove the vehicle from the property.
- C. The Chief may revoke or suspend his or her approval of a property under this section at any time if the property is found not to comply with the requirements of Subsection B.
- D. In the event that the Chief revokes his or her approval of a property under this section, all signs posted on the property that refer to the tagging or towing of vehicles shall be immediately removed by the owner or operator of the property.
2. City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers is amended by adding a new section as follows:
- § 150-13.2. Issuance of certificates of parking infraction and parking infraction notices.**
- A municipal law enforcement officer as defined in Article III (private agencies) shall not issue certificates of parking infraction or parking infraction notices at a property unless it meets the criteria set out in § 150-13.1B(1) to § 150-13.1B(7).
3. This by-law shall come into effect on the date it is passed.

Enacted and passed on November 9, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)