



**STAFF REPORT  
ACTION REQUIRED**

**Implementation of a Fixed Fine System for Parking Tickets**

<b>Date:</b>	June 13, 2011
<b>To:</b>	Government Management Committee
<b>From:</b>	Treasurer and City Solicitor
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2011\Internal Services\rev\gm11010rev (AFS 13363)

**SUMMARY**

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This report recommends the introduction of a Fixed Fine system for parking offences (excluding accessible/disabled parking offences). A fixed fine system will help to optimize the use of the City's courts by reducing the number of trials that must be scheduled for parking ticket recipients who request a trial but who do not intend to dispute the charge and hope simply to obtain a reduced fine amount, or who request a trial in hope that the issuing officer will not attend court and the charges will be withdrawn. Making more efficient use of the available court capacity for parking tickets will in turn reduce the time to trial for parking ticket recipients who wish to have a trial.

A fixed fine will apply where a parking ticket recipient requests a trial, and the trial results in a conviction, (i.e., the defendant either pleads guilty or is found guilty at trial). Fixed fine amounts would be \$12.75 higher than the existing set fine amount that appears on the face of the ticket. The fixed fine amount parallels the existing structure set out in the *Provincial Offences Act* that allows \$12.75 in court costs to be added to a parking ticket fine where a trial has been requested and the defendant fails to appear in court. Where a parking ticket recipient requests a trial and is found not guilty, no fine is imposed.

This report also recommends reducing the set fine amount for accessible parking offences (previously referred to as disabled parking offences), from \$450.00 to \$300.00, which is the minimum fine which the *City of Toronto Act, 2006* requires for that offence.

## RECOMMENDATIONS

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### **The Treasurer and City Solicitor recommend that:**

1. A Fixed Fine System be implemented for all parking ticket offences, other than accessible parking offences, where a parking ticket proceeding results in a conviction after a defendant in court either pleads guilty or is found guilty.
2. Council approve the Fixed Fine Amounts set out in Attachment 1 to this report, which Fixed Fine Amounts are calculated by adding \$12.75 (reflecting the equivalent of a provincially-regulated amount for court costs) to the presently-established Set Fines (the dollar amount that appears on the face of the ticket), with the Fixed Fine Amounts to apply where a parking ticket proceeding results in a conviction after a defendant in court either pleads guilty or is found guilty.
3. The City Solicitor prepare and present to Council the necessary amending by-laws.
4. The City Solicitor make the necessary application to the Regional Senior Judge for new set fine orders, including a reduction of the set fine for the accessible parking offence from \$450 to \$300, which is the minimum fine prescribed by the *City of Toronto Act, 2006* and Municipal Code Chapter 903.

### **Financial Impact**

By reducing the number of trial requests made by parking ticket recipients who request a trial only to obtain a reduced fine or in the hope that the issuing officer will not attend court, the costs incurred by the City associated with such trial requests will be reduced, and the court capacity to hear and resolve other parking ticket disputes will be increased.

Given that consumer behaviour and court outcomes cannot be predicted, it is difficult to estimate potential savings in reduced court operation costs or offset revenues that will result from the introduction of a fixed fine system. Typically, one court dedicated to parking ticket disputes has the capacity to handle approximately 30,000 trial requests per year, with annual operating costs of approximately \$1 million per courtroom.

Reductions in the number of trial requests will help to free up court capacity to hear parking ticket trials and trials for other more serious traffic offences in a timely manner, which will in turn result in fewer parking ticket disputes that may be stayed or withdrawn due to the length of time that has elapsed since the ticket was issued.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

The existing Set Fine system for parking ticket offences has been in place since 1989 and has been amended as needed when changes to set fines occur. A major change occurred in May 2004, with the elimination of the Voluntary Payment option for parking related offences (re: Economic Development and Parks Committee Report No. 3, Clause 16 adopted by City Council on May 18, 19 and 20, 2004). The link to the staff report and Council's decisions are available at:

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/edp3rpt/cl016.pdf>

## **ISSUE BACKGROUND**

Each year, the City of Toronto issues approximately 2,800,000 parking tickets. While most drivers pay their tickets, approximately 11 per cent of parking ticket recipients, or roughly 307,000, opted to request a trial in 2010.

People may request trials for any number of reasons, but in general, trial requests can generally be grouped into three main categories:

- Trials requested by ticket recipients who feel that the ticket was wrongly issued or who believe they have a valid defence and who appear in court to plead their case;
- Trials requested by ticket recipients who do not intend to dispute the charge, but who appear in court with the intention of pleading guilty and hoping for a fine less than the set fine on the face of the ticket, or those who appear in court on the chance that the issuing officer will not attend court and the ticket will be withdrawn; or those who simply request a trial hoping that the ticket will never come to court due to the passage of time; or
- Trials requested by ticket recipients who simply fail to appear on their scheduled trial date (no-shows), or those who pay their ticket after having requested a trial but prior to their scheduled trial date and therefore do not attend court.

The term "set fine" used throughout this report refers to the dollar amount that appears on the face of the ticket.

## **Statistics on Trial Outcomes**

Table 1 below, sets out disposition information relating to the total number of parking tickets scheduled for trial in 2010. The data from Table 1 indicates:

- On approximately 40% of the trials scheduled in 2010, the defendant / parking ticket recipient appeared in court;
- Of the 268,170 tickets that were scheduled for trial in 2010, a total of 185,077 (69%) received a conviction by the Justice of the Peace at trial;
- On approximately 62% of trials and guilty pleas where the defendant appeared in court and was convicted, the fine assessed in court was less than the set fine amount indicated on the face of the ticket.

- Approximately 45% of all trials scheduled had dispositions where the parking ticket recipient did not attend court on their scheduled trial date. Of these:
  - some voluntarily paid the set fine shown on the face of their ticket after they received notification of the trial date (11.4% of tickets scheduled for trial in 2010 were paid after receipt of a trial notice but before the scheduled trial);
  - in most of the remaining cases (33.4% of tickets scheduled for trial in 2010), the defendant's failure to attend on the trial date resulted in a default conviction whereby the Court imposed the set fine of the ticket, plus additional costs required by the *Provincial Offences Act* and regulations.

**Table 1 – Results on Parking Tickets Scheduled for Trial in 2010**

Category	Trial Result	# of Tickets	% of total
Court Cases where defendant appeared	Convictions with assessed fine <i>equal to or greater than</i> set fine amount	36,015	13.4%
	Convictions with assessed fine <i>less than</i> set fine amount	59,530	22.2%
	Dismissals/withdrawals	11,156	4.2%
	<b>Total</b>	<b>106,701</b>	<b>39.8%</b>
Court cases where defendant did not appear	Tickets paid after receipt of notification of trial date	30,577	11.4%
	Tickets convicted where respondent failed to appear at trial	89,532	33.4%
	<b>Total</b>	<b>120,109</b>	<b>44.8%</b>
Other disposition	Extensions of time or appeals	<b>41,360</b>	<b>15.4%</b>
<b>Total # Parking Tickets Scheduled for Trial in 2010</b>		<b>268,170</b>	<b>100.0%</b>

The fact that fewer than 40% of parking ticket recipients actually appeared in court on a scheduled trial date has a significant impact on City resources and operating costs. When a parking ticket recipient requests a trial, legislation requires the City to prepare trial documents, schedule and arrange for trial resources (court rooms, interpreters, court administration staff and Justices of the Peace) and assign prosecutors for the trial. While some of these costs may be saved in relation to a ticket paid in advance of the trial date, savings can only be realized if the ticket is paid far enough in advance of the trial date to permit a replacement trial to be scheduled in its place. In the majority of cases, there is not sufficient time to schedule a replacement trial, and the City's efforts and associated costs in preparing for the trial are unnecessarily incurred and cannot be recovered from the ticket recipient. Such costs are therefore borne by all taxpayers.

## **Statistics on Trial Requests**

A comprehensive review of the nature and source of trial requests was undertaken to help determine whether a system of fixed fines would be effective in minimizing unnecessary trial requests and reducing the overall trial request rate.

### **Trial Requests by Vehicle Ownership (Commercial vs. Personal Vehicles)**

- Approximately 97,237 trial requests (32%) were made for vehicles where the ownership of the vehicle was registered to a company or other entity, (i.e., registrations other than ownerships by individuals). These 97,237 trial requests represent a total of 10,372 different companies or entities, indicating that a high percentage of commercial owners made multiple trial requests in 2010.
- Approximately 68% of trial requests were made for vehicles owned by individuals. It should be noted, however, that of this total, some proportion of vehicles registered to individuals may be being used for commercial purposes.

### **Trial Requests by Type of Business**

- Of the 97,237 trial requests made for commercial vehicles (32% of all trial requests), a total of 65,467 trial requests (67.3% of all trial requests made for commercial vehicles) were made by 20 individual companies.
- The top 20 companies making the largest numbers of trial requests included major delivery/courier services, including Canada Post, car and truck rental agencies, mobile shredding companies, and food and drink delivery services (e.g. Coca-Cola, Pepsi, Brewer's Retail, etc.).

### **Multiple vs. Single Trial Requests**

- Table 2 below suggests that, of all trial requests initiated in 2010, approximately 25.4% of trials were requested by entities that submitted more than 50 trial requests during the course of 2010, and that these requests were made by just 118 different entities. This would suggest that a small group of entities (likely large firms with many vehicles) routinely request trials for all or a large proportion of the tickets they receive.
- Approximately 73,029 individuals/vehicle owners submitted only a single trial request for all of 2010, representing 23.8% of all trial requests submitted.
- Collectively, over 76% of ticket recipients requesting a trial initiate more than one request in a year. This suggests that a good proportion of ticket recipients are accustomed to submitting multiple trial requests in a single year, or that they may routinely request a trial for parking tickets issued.

**Table 2 - Multiple Vs. Single Trial Requests**

Number of Trial Requests (2010)	Number of Trial Requests	% of Total Trial Requests	Number of Entities
1 Request	73,029	23.8%	73,029
2-10 Requests	118,568	38.7%	36,463
11-30 Requests	30,492	9.9%	1,926
31-50 Requests	6,684	2.2%	173
More than 50	77,878	25.4%	118
<b>Total Trial Requests</b>	<b>306,651</b>	<b>100.0%</b>	<b>111,709</b>

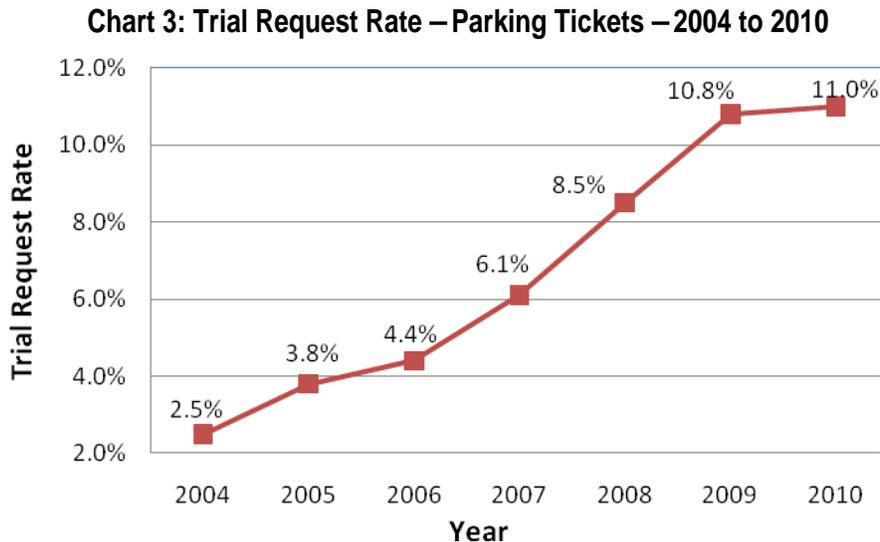
Attachment 2 to this report provides further statistics on the nature and source of trial requests initiated in 2010.

**Implications of Increasing Trial Request Rate on Court Capacity**

The percentage of parking ticket recipients requesting a trial has risen from approximately 2.5% in 2004 to 11% in 2010. This increase can be attributed to a number of factors, including but not limited to:

- Changes in fine levels, including the removal of the lower voluntary payment amount;
- The perception by the public that, by requesting a trial, a parking ticket may be dismissed, may never come to court, or that the fine amount may be reduced in court; and
- As a result of the above, an increase in the number of parking ticket recipients that submit multiple trial requests, or routinely submit trial requests for all tickets received.

Chart 3 below illustrates the increase in trial request rate from 2004 to 2010.



At present, the City's Court Services Division operates five (5) courtrooms dedicated to parking ticket trials. Each court room has the capacity to handle approximately 30,000 trial requests per year, with annual operating costs of approximately \$1 million per courtroom. Other courts are operated to hear other offence types, including speeding tickets and/or by-law infractions under the *Provincial Offences Act* and/or the *Highway Traffic Act*. Given the more serious nature and the public safety implications of these offences, there is a need to ensure that sufficient court room capacity is available to prosecute these types of offences. As such, the number of court rooms available to hear parking ticket trials remains limited by the total number of court rooms available. Additionally, a shortage of provincially-appointed Justices of the Peace available to hear trials places further restrictions on the number of courtrooms that can be operated.

Building more court rooms to accommodate the increase in trial requests for parking tickets would involve substantial capital costs to acquire and/or construct new court facilities, and increases in annual operating costs. Providing more court room space to address the increasing number of parking ticket trial requests, given that a defendant appears in court in approximately 40 per cent of cases where a trial request has been made and scheduled, is not a cost-effective solution, and not consistent with current cost containment efforts.

The planned core service review and a more focused service efficiency study within Court Services Division will be undertaken in mid-2011. These reviews will examine how court services can be delivered most efficiently, while recognizing that courts are a legislated requirement and therefore a core service that the City must continue to deliver.

Faced with an increasing number of trial requests, limitations on court room capacity and a shortage of provincially-appointed Justices of the Peace, and in the interests of encouraging trials to be requested only when there is an issue to be tried in relation to whether the offence occurred, it is appropriate to consider procedures that encourage the early resolution of parking tickets, and which provide a financial incentive for out-of-court resolution when there is not an issue to be tried, thereby minimizing unnecessary trial requests. A reduction in trial requests will increase court capacity to hear valid parking ticket disputes in a timely manner and ensure that fewer parking ticket disputes are stayed or withdrawn due to the length of time that has elapsed since the ticket was issued.

With these objectives in mind, staff are recommending the implementation of a Fixed Fine System for most parking offences where a trial of the ticket results in a conviction either because the defendant (i.e. parking ticket recipient) pleads guilty or is found guilty. This report outlines the recommended system.

## COMMENTS

### Current Set Fine System for Parking Tickets

Parking tickets, or more correctly parking infraction notices ('PINs'), are issued pursuant to Part II of the *Provincial Offences Act* ('POA'). For a parking ticket to be issued under POA Part II, there must be a 'set fine' for the parking offence that is alleged to have been committed. Set fines for parking offences and other offences under municipal by-laws are set by the Regional Senior Judge for Toronto Region ('RSJ') of the Ontario Court of Justice. While the City recommends set fines to the RSJ, the final decision on the set fine is made by the RSJ.

The set fine is the dollar amount that appears on the face of a parking ticket. It is the amount that a person who receives a parking ticket is able to pay out of court to avoid any further proceedings in relation to the ticket. The set fine amount is also the fine that applies when the recipient of a ticket takes no action in relation to a ticket or to a subsequently mailed notice of impending conviction, or when a parking ticket recipient requests a trial and fails to attend. These are the only uses of the set fine provided in the legislation.

The set fine amount has no application in a parking ticket trial proceeding. When a person attends a trial court in relation to a parking ticket and pleads guilty or is convicted on trial, the penalty imposed is determined by the presiding justice. The justice may impose a fine higher than the set fine amount, though in actual practice it is very rare for a justice to do so. Fines imposed in trial courts for parking offences are usually lower than the set fine amount that could have been paid out of court to avoid the court proceeding – often significantly so. Analysis of parking infraction court records throughout 2009 and 2010 reveal that when convictions are rendered on guilty pleas or after trial, the average fine assessed is approximately 50% of the original set fine amount (the “face value” of the ticket). As a result, an unintended financial incentive has been created for ticket recipients to request a trial for a parking ticket even if they do not intend to dispute the ticket. The incentive is the hope of a reduced fine.

Additionally, justices presiding in parking ticket cases may dismiss a case based on the evidence presented, or where the officer who issued the ticket fails to appear in court, or where the justice stays the charge as too old to prosecute. In these cases, no fine is payable.

Where a trial is requested and a defendant fails to appear in court, a conviction is entered (i.e., the defendant is deemed to not wish to dispute the charge by his/her failure to appear). In these cases, the *Provincial Offences Act* stipulates that an additional regulated fee of \$12.75 for court costs is added to the set fine amount that appears on the ticket. Therefore, for a \$30.00 ticket, court costs of \$12.75 are added to the set fine amount, resulting in a total fine of \$42.75. The municipality retains the \$12.75 in court costs, as well as the set fine amount. The amount of court costs to be added are established under Regulation 945 under the *Provincial Offences Act* and apply to all municipalities across Ontario.

Similarly, in cases where a parking ticket recipient fails to pay a fine within fifteen days of receiving a mailed *Notice of Impending Conviction*, and does not submit a trial request (i.e., where no action is taken in response to a ticket), Regulation 945 under the *Provincial Offences Act* provides that costs of \$16.00 be added to the set fine amount identified on the ticket. Hence a \$30.00 ticket where no action is taken results in a total fine amount of \$46.00 on conviction. Again, the municipality retains the \$16.00 regulated fee for costs, plus the original set fine amount.

It should be noted that the regulated amounts of \$12.75 or \$16.00 in court costs that are added to a ticket are not punitive amounts, and in fact these amounts recover only a small fraction of the City's actual costs involved in scheduling and conducting a trial, given that the City must pay the Ministry of Transportation a fee of \$8.25 for each ticket to procure certified vehicle owner registration information required for trial.

It is further noted that where a ticket recipient has requested a trial but does not intend to dispute the charge, and attends court only in the hopes of obtaining a fine less than the set fine amount that appears on the face of the ticket, or in the hope that the issuing officer will not appear at the trial and the charge will be withdrawn, the *Provincial Offences Act* does not currently provide for any recovery of the costs associated with scheduling these trials. The fixed fine system proposed by this report will address this latter situation.

### **Other Initiatives to Reduce Trial Requests**

A number of recent initiatives have been undertaken in efforts to reduce the number of trial requests for parking tickets, and to make the parking ticket dispute process more transparent and understandable for ticket recipients, or to avoid tickets being issued in the first place. These include:

- Publication of the *Parking Ticket Cancellation Guidelines*
- On-line Dispute Process for Pay-and-Display and Parking Meter Offences
- Strategies for Delivery and Courier Vehicles
- Information and On-line Services to the Public: Getting the Message Out
  - Toronto Parking Ticket Information webpage
  - Toronto Film Office webpage
  - Other Information on Parking Regulations – Transportation Services
  - Providing information/links on the face of the parking ticket

A detailed summary of these initiatives is provided in Attachment 3 to this report.

### **Proposed Fixed Fine System for Parking Tickets**

The proposed fixed fine system for parking offences set out below will help to ensure:

- i) early resolution of parking tickets, by providing a financial incentive for out-of-court resolution when there is not an issue to be tried;

- ii) a reduction in the number of trial requests made when the parking ticket recipient simply wishes to obtain a reduced fine amount, by establishing the principle that the fine imposed cannot be reduced through the court process;
- iii) parking ticket trials are scheduled in a timely manner, allowing residents to receive a fair outcome without having to wait months for a trial date;
- iv) fewer parking ticket disputes are stayed or withdrawn due to the length of time that has elapsed since the ticket was issued; and
- v) adequate court capacity and resources are available to hear parking ticket trials and other more serious provincial offences, by reducing the number of unnecessary or frivolous trial requests.

The *City of Toronto Act, 2006* gives Council the power to create a system of fines for violations of its by-laws, including parking by-laws. Subsection 370 (1) of the Act provides as follows:

**370.** (1) Subject to subsection (4), the City may establish a system of fines for offences under a by-law passed under this Act.

This legislative authority is very broad and would authorize fixed fines for parking offences. The introduction of fixed fines will allow for a number of changes that can assist the City of Toronto with court administration and introduce more efficient or effective practices when dealing with parking ticket trials.

Under a fixed fine system, the City's by-law would prescribe a 'fixed fine' amount that would apply where a parking ticket trial proceeding results in a conviction after a defendant in court either pleads or is found guilty. In such circumstances, a presiding justice of the peace would be required to impose the fixed fine set by by-law, and would not have the discretion to impose a lesser fine or no fine at all. Defendants found not guilty at trial would pay no fine.

Under the system proposed, the set fine amount that appears on the ticket would remain the out-of-court settlement cost (i.e., the amount payable to resolve the fine without a trial request). The 'fixed fine' amount would be \$12.75 higher than the existing 'set fine' amount that appears on the face of the ticket, and would only apply where a trial has been requested and a ticket recipient either pleads or is found guilty through the trial process. Setting the fixed fine amount higher than the set fine amount (the 'face-value' of the ticket, or the voluntary amount payable for early resolution/out-of-court settlement), recognizes the fact that there are direct costs required to operate and maintain courts.

The amount of \$12.75 was specifically selected as it parallels the current structure for additional court costs in the *Provincial Offences Act* where a ticket recipient requests a trial but fails to appear on the scheduled trial date, i.e., is deemed not to dispute the charge. This may be considered analogous to a situation where a parking ticket recipient requests a trial and appears in court, but does not intend to dispute the charge or pleads guilty. Given the direct relationship to the provision for court costs in the *Provincial*

*Offences Act*, establishing a fixed fine amount \$12.75 higher than the set fine amount is not intended to be a punitive measure, and can be considered as fair and consistent with the current cost structure within the *Provincial Offences Act*.

The fixed fine system is therefore expected to reduce the number of trials that are requested by persons without a valid defence against the charge, but who hope to obtain a reduction in the fine amount by appearing in court, or who hope to have the charge withdrawn if the issuing officer does not appear in court.

Chart 4 below provides a comparison of outcomes under the current set fine system and the proposed fixed fine system for a \$30.00 ticket.

**Chart 4 – Comparison of parking ticket fines under “Set Fine” and “Fixed Fine” systems (Example for a \$30.00 Parking Ticket)**

Action Taken		Court Resolution		Current “Set Fine” System	Proposed “Fixed Fine” System
Parking ticket issued (\$30.00 fine)	Ticket Paid (Out-of-court/early resolution) ▶	n/a ▶		Set Fine applies <b>Result: \$30 fine</b>	No change <b>Result: \$30 fine</b>
	Trial request submitted ▶	Defendant appears ▶	Not Guilty/Charges withdrawn ▶	<b>Result: No fine</b>	No change <b>Result: No fine</b>
			Conviction at trial ▶	Justice imposes fine amount (on average 50% of set fine amount) <b>Result: \$0 to \$30, typically \$15 fine</b>	<b>NEW</b> Fixed Fine applies (set fine + \$12.75 in costs) <b>Result: \$42.75</b>
		Defendant does not appear ▶	Conviction <i>in absentia</i> ▶	\$12.75 in regulated costs added <b>Result: \$42.75</b>	No change <b>Result: \$42.75</b>
	No action taken ▶	Conviction (deemed not to dispute charge) ▶		\$16.00 in regulated costs added <b>Result: \$46.00</b>	No change <b>Result: \$46.00</b>

Note: In all cases where a ticket results in a conviction, if the fine remains unpaid, the ticket is forwarded to the Ministry of Transportation (MTO) to undertake plate denial status, such that the licence plate cannot be renewed with MTO until outstanding fines are paid. Once forwarded to the Ministry of Transportation for plate denial status, a further \$20.00 in MTO fees is added to the ticket amount. This \$20 fee is retained by the Province.

It should be noted that the fixed fine system recommended herein will only apply to parking tickets for which a trial has been requested, and for which a defendant appears and either pleads guilty or is convicted in court. Where a conviction results in these cases, the fixed fine will apply.

Fixed fines will not, however, apply in cases where the defendant requests a trial but fails to appear in court (no-shows), or takes no action in response to the ticket. In these cases, the POA already provides that regulated court costs be added to the set fine amount that appears on the face of the ticket, as shown in Chart 4.

In essence, the recommended fixed fine system will serve to establish the connection between the right to a fair trial to hear a parking ticket dispute, and the costs of providing the court system to hear such disputes. It is expected that the fixed fine system will serve to diminish unnecessary trial requests.

In the recent decision in *R. v. Winlow*, the Court of Appeal for Ontario provided guidance to justices sitting in trial courts as to the relationship between set fines and fixed fines. In that case the charge before the court was speeding under the *Highway Traffic Act* ('HTA'). That Act establishes a fixed fine for speeding offences, where the fixed fine amount is determined by how fast the vehicle is going in excess of the speed limit. In *R. v. Winlow* the Court of Appeal directed that the fine that the court is to impose on a defendant who attends court and is convicted is the fixed fine amount, and that the presiding justice at trial has no discretion to impose a fine other than the fixed fine.

By amending City parking by-laws to establish fixed fines for parking offences, and by setting the fixed fines higher than the set fines established by the Regional Senior Judge for those offences, it would be anticipated that the same principle would apply in court as the Court of Appeal has determined on prosecutions in relation to speeding offences (i.e., the principle that the presiding justice has no discretion to impose a fine other than the fixed fine).

In summary, the system of fixed fines proposed in this report will promote the early resolution of parking tickets, by providing a financial incentive for out-of-court resolution, and at the same time firmly establishing the principle that the fine imposed cannot be reduced through the court process. Further, by reducing the number of unnecessary trial requests, residents can be assured of receiving a fair outcome without having to wait months for a trial date. This will in turn see fewer parking ticket disputes stayed or withdrawn due to the length of time that has elapsed since the ticket was issued, and will ensure that adequate court capacity and resources are available to hear parking ticket trials and other more serious provincial offences where trials are necessary.

Attachment 1 to this report provides the set fine amounts and the recommended fixed fine amounts that will apply to various parking offences.

### **Changes to Fines for Accessible Parking Offences**

No fixed fine is proposed for accessible parking offences (previously referred to as disabled parking offences), as a fixed fine is not consistent with the statutory mandatory minimum fine established under the *City of Toronto Act, 2006* (CoTA) for such offences. The Act requires that the City must have a by-law establishing a system of accessible parking which provides for minimum fines of not less than \$300 on conviction.

It is further recommended that authorization be given to request a reduction of the set fine for disabled (now 'accessible') parking offence from \$450.00 to \$300.00, which is the minimum fine which the *City of Toronto Act, 2006* requires for that offence, given that it is felt that a minimum fine of \$300 for such offences will provide a sufficient deterrent effect, without being overly punitive.

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## **SIGNATURE**

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Giuliana Carbone  
Treasurer

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Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

- Attachment 1: Proposed Fixed Fine Amounts
- Attachment 2: Statistics on Trial Requests
- Attachment 3: Initiatives to Reduce Trial Requests and other Methods to Make Parking Ticket Disputes More Transparent

## Attachment 1

### Schedule "A"

Proposed Fixed Fine Amounts (\$12.75 added to current Set Fine Amounts)

Typical Offence Type(s)*	Current Set Fine Amount	Proposed Fixed Fine Amount
<b>Fail to Park/Stop Parallel to Right Hand Side of Highway, Park Longer than 3 hours</b>	\$15.00	\$27.75
<b>Parallel Park – Metered Space- Front wheels not opposite meter</b>	\$20.00	\$32.75
<b>Expired Meter Offences</b> – “Park at Expired Meter, Fail to deposit fee/display receipt” <b>No Valid Permit</b> - “Park (Prohibited area/location) without a Permit” <b>Private Property</b> - “Park Vehicle on Private Property without Consent”	\$30.00	\$42.75
<b>No Parking</b> – “Park Signed Highway during Prohibited Times/Days	\$40.00	\$52.75
<b>Unauthorized Parking on Boulevard</b>	\$50.00	\$62.75
<b>Stand Vehicle at prohibited Time</b>	\$55.00	\$67.75
<b>No Stopping</b> - “Stop Vehicle signed Highway Prohibited Time/Day”	\$60.00	\$72.75
<b>Stop Vehicle in a reserved lane during prohibited times or days</b>	\$65.00	\$77.75
<b>Park unauthorized vehicle in designated parking space</b>	\$75.00	\$87.75
<b>Park Heavy Truck Highway, Prohibited Times/Days</b>	\$90.00	\$102.75
<b>Fire Hydrant</b> – “Park – 3M of Fire Hydrant”	\$100.00	\$112.75
<b>Park in Park Not in Designated Area, Park Contrary to Posted Condition</b>	\$105.00	\$117.75
<b>Park unauthorized vehicle in designated space</b>	\$150.00	\$162.75
<b>Park motorized recreational vehicle in non designated area of park</b>	\$175.00	\$187.75
<b>Park/stand on track in snow route</b>	\$200.00	\$212.75
<b>Fire Route offences</b>	\$250.00	\$262.75

\* Offence types listed above represent the most common or typical offence types under each set/fixed fine amount - not all offence types have been shown. For a full list of offence types and set fine amounts, please refer to the City of Toronto Municipal Code, Part III – Traffic and Parking By-laws.

## Attachment 2 Statistics on Trial Requests

A summary of various statistics illustrating the nature and source of parking ticket trial requests initiated in 2010. Source: City of Toronto Parking Ticket Management System, 2011.

### 1. Total Trial Requests:

- 306,651 Requests for Trial initiated in 2010.
- Represents approximately 11.0% of all tickets (2,787,071) issued in 2010.

### 2. Conviction Rate:

- Of the 268,170 tickets that went to trial in 2010, a total of 185,007 (69%) received a conviction by the Justice of the Peace at trial.

### 3. Origin of Trial Requests by Address of Requester

- Approximately 43.2% of all trial requests were initiated by persons residing outside of Toronto. The largest percentages of trial requests for addresses outside of Toronto were Mississauga, Concord, Markham, Brampton, Richmond Hill, Thornhill, Oakville and other GTA municipalities.

Address of Requester	Trial Requests (#)	Percentage (%)
City of Toronto	174,069	56.8%
Outside of Toronto	132,582	43.2%
Total	306,651	100.0%

### 4. Trial Requests by Vehicle Ownership (Commercial vs. Personal Vehicles)

- Approximately 97,237 trial requests (32%) were made for vehicles where the ownership of the vehicle was registered to a company or other entity, (i.e., registrations other than ownerships by individuals). These 97,237 trial requests represent a total of 10,372 different companies or entities, indicating that a high percentage of commercial owners made multiple trial requests in 2010.
- Approximately 68% of trial requests were made for vehicles owned by individuals.

### 5. Trial Requests by Type of Business

- Of the 97,237 trial requests made for commercial vehicles (32% of all trial requests), a total of 65,467 trial requests (67.3% of all trial requests made for commercial vehicles) were made by 20 individual companies.
- The top 20 companies making the largest numbers of trial requests included delivery/courier services, including Canada Post, car and truck rental agencies, shredding companies, and food and drink delivery services (e.g. Coca-Cola, Pepsi, Brewer's Retail, etc.).

## Attachment 2: Statistics on Trial Requests (continued)

### 6. Multiple vs. Single Trial Requests

- The table below suggests that, of all trial requests initiated in 2010, approximately 25.4% of trials were requested by entities that submitted more than 50 trial requests during the course of 2010, and that these requests were made by just 118 different entities. This would suggest that a small group of entities (likely large firms with many vehicles) routinely request trials for a large proportion of the tickets they receive.
- Approximately 73,029 individuals/vehicle owners submitted only a single trial request for all of 2010, representing 23.8% of all trial requests submitted.
- Collectively, over 76% of ticket recipients requesting a trial initiate more than request in a year. This suggests that a good proportion of ticket recipients are accustomed to submitting multiple trial requests in a single year, or that they may routinely request a trial for parking tickets issued.

Number of Trial Requests (2010)	Number of Trial Requests	% of Total Trial Requests	Number of Entities
1 Request	73,029	23.8%	73,029
2-10 Requests	118,568	38.7%	36,463
11-30 Requests	30,492	9.9%	1,926
31-50 Requests	6,684	2.2%	173
More than 50	77,878	25.4%	118
Total Trial Requests	306,651	100.0%	111,709

### 7. More Information

For more information and statistics on parking ticket issuance, including the most common types of tickets issued and data on court outcomes, consult:

- **Briefing Note –2009 Parking Ticket Activity**  
<http://www.toronto.ca/pay-toronto-tickets/pdf/2009activitybn.pdf>
- **Staff Report: Parking Ticket Activity - 2010**  
Item GM2.3: Parking Ticket Activity 2010  
<http://www.toronto.ca/legdocs/mmis/2011/gm/bqrd/backgroundfile-36715.pdf>

### **Attachment 3**

## **Initiatives to Reduce Trial Requests and other Methods to Make Parking Ticket Disputes More Transparent**

A number of recent initiatives have been undertaken to reduce trial requests and to make the parking ticket dispute process more transparent and understandable for ticket recipients in an effort to help reduce overall trial request rates, or to avoid tickets being issued in the first place. These include:

- **Publication of the *Parking Ticket Cancellation Guidelines***

In May 2010, City Council approved the publication of the *Parking Ticket Cancellation Guidelines* on the City's website. This document serves as a guide to parking ticket recipients to understand the circumstances in which a parking ticket may be cancelled and outlines the evidence required to support a parking ticket cancellation. By making these guidelines publicly available and easy to understand, parking ticket recipients are better able to understand when a parking ticket may be cancelled at one of the City's First Appearance Facilities (parking ticket counters), thus avoiding the need to request a trial to dispute the ticket.

At the time of the release of the guidelines, the City issued a press release and fact sheet to publicize the guidelines, and significant media coverage helped to spread this message to the driving public. Although data is not yet available to judge whether the publication of these guidelines has resulted in a significant decrease in the overall trial request rate, a forthcoming report to Council in the fall of 2011 will report on the success of this initiative.

The guidelines are available at:

[www.toronto.ca/pay-toronto-tickets/pdf/cancellation\\_guidelines.pdf](http://www.toronto.ca/pay-toronto-tickets/pdf/cancellation_guidelines.pdf)

- **On-line Dispute Process for Pay-and-Display and Parking Meter Offences**

In March of 2011, the City launched a new parking ticket dispute process to help streamline parking ticket disputes for parking meter and/or pay-and-display machine offences.

Motorists who have been issued tickets for parking meter/pay-and display offences and who meet the cancellation criteria set out in the *Parking Ticket Cancellation Guidelines* may submit their ticket by fax or e-mail, together with any supporting documentation (e.g., a valid pay-and-display receipt), to request that their ticket be cancelled. This includes tickets that have been issued as a result of a broken or out of service pay-and-display machine or parking meter, pay-and-display receipts that have not been displayed properly, or pay-and-display receipts that were printed incorrectly.

The new system offers a time-saving, convenient and effective method for the public to deal with minor parking ticket disputes without having to appear in person at a parking ticket counter or having to request a trial and appear in court. It is expected that this service enhancement will benefit approximately 40,000 parking ticket recipients per year. Staff will also consider whether on-line services can be enhanced to allow additional types of ticket offences to be resolved via an on-line process. Any such service enhancements must balance the need for fairness and

documentary evidence required to appropriately adjudicate parking ticket disputes against the legislated requirement to appear in person to request a trial.

- **Strategies for Delivery and Courier Vehicles**

A forthcoming report to Council from Transportation Services will identify strategies for reducing parking tickets issued to delivery and courier vehicles, while allowing them to fulfill their function, and/or new processes or related revisions to the cancellation guidelines specifically related to delivery and courier vehicles. This report was requested by Council during its consideration of Item AU16.1 "Issues Respecting Parking Tag Issuance and Cancellation" in June 2010. See: <http://www.toronto.ca/legdocs/mmis/2010/au/reports/2010-05-14-au16-cr.htm#AU16.1>

- **Information and On-line Services to the Public: Getting the Message Out**

A number of City divisions have information and on-line services to help motorists avoid tickets being issued, or to better understand the parking ticket dispute process. Examples of this include:

Toronto Parking Ticket Information webpage – This webpage provides detailed information on parking tickets, how to pay parking tickets, how to dispute parking tickets, information on defaulted fines, and an extensive frequently-asked-questions section. See: [www.toronto.ca/pay-toronto-tickets/parkingtickets/](http://www.toronto.ca/pay-toronto-tickets/parkingtickets/)

Toronto Film Office - On-line information for film companies reminding film company vehicles to display their red location filming vehicle permit and location filming permit in vehicles parked during film shoots, and information on how to dispute tickets if they are issued. See: [www.toronto.ca/tfto/pdf/parkingtickets.pdf](http://www.toronto.ca/tfto/pdf/parkingtickets.pdf)

On-line Permits for temporary on-Street Permit Parking – Transportation Services now offers residents and visitors the ability to make on-line purchases of temporary on-street permits for streets designated under the permit parking program, at a cost of \$21.18 (incl. tax) a week. This program will help avoid tickets from being issued. See: [www.toronto.ca/transportation/parking/](http://www.toronto.ca/transportation/parking/)

Other Information on Parking Regulations – Transportation Services also provides a variety of information on the *Parking Regulations* page of their website, including information related to: parking considerations, diplomatic immunity, tour buses, nursing/compassionate service agencies, official vehicles/utility vehicles, accessible parking permits, delivery vehicles, taxi cabs, parking infractions that require no signs, licence plate registration, complaints about enforcement officers, traffic courts, and towed vehicles. See: [www.toronto.ca/transportation/parking/regulations.htm](http://www.toronto.ca/transportation/parking/regulations.htm)

Providing Information on Parking Ticket Resources on the Ticket Face – Beginning September 2011, the City's parking ticket website address will be printed on all parking tickets, enabling ticket recipients to obtain additional information of their parking ticket, including options available to them that may support a cancellation of the ticket, the ability to make a dispute on-line, or other methods to encourage out-of-court settlement.