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April 2, 2013

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Mayor and Members of Council
City of Toronto
10th Floor, West Tower, City Hall
TORONTO, Ontario M5H 2N2

Attention: Ms. Marilyn Toft, City Clerk

Dear Mayor and Members of Council:

**Re: Removal of Prohibitions Against Visitor Parking
New Draft City-Wide Zoning By-law
Our File No. 89884**

We are the solicitors for Park Smart Inc. and Epic Parking Control Services Inc.

I am writing again to confirm our ongoing support of the Planning and Growth Management Committee's recommendation to remove the prohibitions, against charging for visitor parking, from the draft City-Wide Zoning By-law.

1. Visitor parking presents some real challenges for property owners in certain locations within the City. Non-visitors to the sites, and sometimes residents, improperly use the visitor parking spots.
2. Neither landowners nor the City have the resources to properly police these visitor parking stalls and the result is that visitor parking spaces are not available for genuine visitors to the building. In some locations, for example, commuters will park in the visitor parking location near a subway station and then go to work for the day. In other areas, criminal elements will use these visitor parking spots for illegal purposes.

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3. The intent of site plan control and zoning requirements for visitor parking ends up being defeated in these difficult locations.
4. The pay and display machines mean that there is an effective control over visitor parking. This is achieved by charging for the use of visitor parking and then having the resources to pay for enforcement if the visitor parking is improperly used.
5. The experience of our clients and the property owners over many years has been that the paid parking process dramatically improves the availability of visitor parking for genuine visitors and also the safety and security of these properties and their residents.
6. The **Toronto Community Housing Corporation** has successfully used the ability to charge for visitor parking to improve its properties.
7. Charging for visitor parking is not a revenue generator for the landowners. It essentially covers the cost of the machines and the enforcement.
8. The pay and display machines only make financial sense in certain areas, such as near a subway station or areas that are struggling with criminal elements. Not every landowner will want or need the cost of the pay and display machines.
9. The enforcement officers hired as a result of the pay and display machines are municipal law enforcement officers. The revenue from all fines generated from these private locations is received by the City, not the landowners.
10. For many years, my clients estimate that the City has received approximately 1 million dollars in fines on an annual basis for tickets issued by officers employed by Epic Parking Control Services Inc. The City has no cost in this enforcement, including no cost for Epic MLEO's to appear in court to testify.
11. There is also a benefit in having professionally trained Municipal Law Enforcement Officers using proper procedures for towing, when towing is necessary. It avoids the inadvertent and sometimes excessive towing problems that occurred on some occasions in the past, prior to the introduction of the pay and display systems.
12. The landowners regain control over their visitor parking spaces so that the spaces can be used as intended through the planning process. Residents actually have visitor parking spaces available to their genuine guests in these difficult areas. They get back safer and more secure parking facilities.
13. The planning vision for visitor parking is realized.
14. At the Planning and Growth Management Committee Meeting of March 11, 2013, **Mr. Scion** suggested that parking control machines could be installed and smart cards provided to residents for visitor parking. He suggested that this be done without costs to residents. However, while this could be an option for some properties, it does not address the fundamental problems raised above. There would be no resources to pay for the cost of the machines, nor the installation, maintenance or repair of the machines. In addition, most significantly, there would be no resources to pay for the enforcement. As outlined

above, it is this enforcement, funded by the machines, that has made the system work in those difficult locations.

We would ask Council to maintain the status quo of the existing Zoning By-law which has permitted charging for visitor parking, except in North York, for many years and to uphold the decision of the Planning and Growth Management Committee to remove the prohibitions that were initially contained in the draft City-Wide Zoning By-law. The Committee has been dealing with this issue for many months and we would submit that its recommendation should be respected.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

A handwritten signature in black ink, appearing to read 'HRW', with a long horizontal flourish extending to the right.

Harold R. Watson
HRW:lw

cc: Ron Reid, Park Smart Inc. (Email)
Derrick Snowdy, Epic Parking control Services Inc. (Email)