TORONTO

STAFF REPORT
ACTION REQUIRED

Toronto Police Service: Response to City Council's Motion: "Parking Enforcement Grace Periods"

Date:	October 22, 2013
To:	Government Management Committee, City of Toronto
From:	Andy Pringle, Acting Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide Toronto City Council, via the Government Management Committee, with the Toronto Police Service's (Service) response to a City Council Motion with respect to parking enforcement grace periods.

RECOMMENDATIONS

It is recommended that the Government Management Committee:

1. receive this report for information, and,

2. forward a copy of this report to Toronto City Council indicating that if the City wishes to make changes to current enforcement processes it should consider amending appropriate By-Laws to reflect those changes.

FINANCIAL IMPACT

If City of Toronto Council amends parking by-laws according to the rationale presented in the Motion, the Service will need to review potential program impacts and any associated financial impacts that may result from aligning operational practice and resources with amended by-laws.

ISSUE BACKGROUND

At its meeting of October 07, 2013, the Toronto Police Services Board ('the Board') was in receipt of a report dated September 13, 2013, from William Blair, Chief of Police,

regarding the Toronto Police Service's response to a City Council Motion with respect to parking enforcement grace periods.

COMMENTS

The Board received the Chiefs report and approved the following Motion:

> **That the Chair emphasize to the City that if the City wishes to make changes to current enforcement processes it should consider amending appropriate By-Laws to reflect those changes.**

CONCLUSION

A copy of Board Minute No. P238/13, in the form attached as Appendix "A" to this report, regarding this matter is provided for information.

CONTACT

Chief of Police William Blair
Toronto Police Service
Telephone No. 416-808-8000
Fax No. 416-808-8002

SIGNATURE

_____

Andy Pringle
Acting Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P238/13

a: parking enforcement grace periods.doc

Appendix "A"

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 07, 2013

#P238 RESPONSE TO CITY OF TORONTO MOTION: PARKING ENFORCEMENT – GRACE PERIODS

The Board was in receipt of the following report September 13, 2013 from William Blair, Chief of Police:

Subject: CITY OF TORONTO COUNCIL MOTION: PARKING TICKET ACTIVITY - 2012

Recommendations:

It is recommended that:

1. the Board receive this report; and
2. the Board forward a copy of this report to City Council for information.

Financial Implications:

If City of Toronto Council amends parking by-laws according to the rationale presented in the Motion, the Service will need to review potential program impacts and any associated financial impacts that may result from aligning operational practice and resources with amended by-laws.

Background/Purpose:

At its meeting of June 20, 2013, (Min. No. P177/13 refers), the Board received an item pertaining to Parking Ticket Activity which was considered by City Council at its meeting of May 7, 8 and 9, 2013.

The Board approved the report and the following recommendations:

1) Request the Chief to review the item on Parking Ticket Activity considered by City Council at its meeting on May 7, 8 and 9, 2013 and report to the Board as to what by-law changes would be required to implement Council's direction; and

2) Forward a copy of this report to City Council for information.

Discussion:

City Council, at its meeting of May 7, 8, 9, considered *Government Management Committee Item 21.6 – Parking Ticket Activity - 2012* and adopted the following motion:

> *Decision Advice and Other Information:*
>
> *1. City Council request the Toronto Police Services Board to amend the Parking Enforcement Unit Guidelines to allow for no parking tickets to be issued until a period of 10 minutes has elapsed from the expiry of a paid parking time, excluding rush hour.*
>
> *2. City Council direct the City of Toronto Municipal Law Enforcement Officers (MLEOs) not to issue parking tickets until a period of 10 minutes has elapsed from the expiry of a paid parking time.*
>
> *3. City Council amend the City of Toronto Parking Ticket Cancellation Guidelines with respect to residential permit parking to provide for a grace period between 9:00 p.m. of one day to 12:01 p.m. of the next day when parking alternates from one side of the street to the other pursuant to by-law provisions and when on-street permit parking is in effect.*

At the June 20, 2013, Police Service Board meeting, it was the Board's position that, City Council's request would require the Board to become involved in an operational issue; one that would require it to direct enforcement as well as potentially fetter officer discretion. Under the *Police Services Act*, this is prohibited. (Min. No. P177/13 refers) The Board therefore directed this item to the Chief of Police and requested that the Chief review the item and report to the Board as to what by-law changes would be required to implement Council's direction.

The Council Decisions contained within this report came about as a result of Council receiving the Parking Ticket Activity report for 2012. This staff report addressed general 2012 parking ticket activity only; the specific recommendations discussed in this report have not been scrutinized by the City departments. There has been no opportunity for formal input or consultation in regards to the viability and impact of the Council Decision.

The issue of Municipal parking by-laws, the Service's operating practices and the Council approved parking ticket cancellation guidelines has been a topic of frequent discussion as of late. The established Municipal by-laws do not address the grace periods referred in this item. Rather, grace periods are addressed by the Service's operational practice and now through the Council approved parking ticket cancellation guidelines. The two protocols differ.

The Chief's goal in developing operational practice is to balance the needs of communities and support effective prosecution for matters which escalate to Court. When practices are misaligned this can lead to public uncertainty.

This report will discuss each of the items referenced in the Council Decision and will provide an overview of which by-laws are associated with each individual matter. It is important to note that the Service is not responsible for establishing the Municipal by-laws.

City Council Recommendation # 1

> *City Council request the Toronto Police Services Board to amend the Parking Enforcement Unit Guidelines to allow for no parking tickets to be issued until a period of 10 minutes has elapsed from the expiry of a paid parking time, excluding rush hour.*

This item relates to on-street parking in permitted parking areas governed by pay and display machines and at single space parking meters. Paid time-limited parking allowances are in place to ensure the availability of short-term parking and vehicle turnover which supports the local business environment. Under Municipal by-law, this offence occurs at the expiry time of the pay and display receipt or the parking meter. The Service has traditionally established an operating practice that allows for a five (5) minute grace period prior to the issuance of a Parking Infraction Notice. The five minute grace period is provided to ensure that any time discrepancies between the machines and individual time keeping are considered up front to avoid questions or doubt should matters move forward to prosecution.

By-laws do not deal with grace period issues. The Service has operational concerns with respect to a ten minute grace period, as five minutes satisfies the intent of the bylaw with respect to parking turnover and the operational requirements associated to effective prosecution, potential discrepancies on time keeping and overall service delivery.

City Council Recommendation # 2

> *City Council direct the City of Toronto Municipal Law Enforcement Officers (MLEOs) not to issue parking tickets until a period of 10 minutes has elapsed from the expiry of a paid parking time.*

This item relates to pay and display parking and metered parking at off-street private and municipal lots. Municipal Law Enforcement Officers (MLEOs) fall within a number categories and legal distinctions under by-law. MLEOs may be municipal employees or employees of private companies depending upon their classification. Pursuant to by-law, in all cases, MLEOs are trained and certified by the Chief of Police, and are appointed under Toronto Municipal Code Chapter 150 to enforce bylaws on municipal paid parking lots and/or private property parking lots. The Service does not direct the operational practice of MLEO's in regards to grace periods.

In order to implement Council's direction, a review of the by-laws associated with private and municipal property would be required. As this item has the potential to dictate operations on private and municipal property and may impact private property owners and paid parking lot operations, jurisdiction needs to be clearly identified.

City Council Recommendation # 3

City Council amend the City of Toronto Parking Ticket Cancellation Guidelines with respect to residential permit parking to provide for a grace period between 9:00 p.m. of one day to 12:01 p.m. of the next day when parking alternates from one side of the street to the other pursuant to by-law provisions and when on-street permit parking is in effect.

City Council recommended that the City parking ticket cancellation guidelines be amended to provide for a grace period for Alternate side parking, from 9 pm on the evening of the changeover until 12:01 pm on the day of the changeover. The City's guidelines have been updated to incorporate the recommendation. The Service has operational concerns with this recommendation.

This item relates to Alternate Side Parking. Alternate Side Parking is in effect in neighbourhoods which are governed by residential on-street permit parking regulations. Residents are required to have a residential parking permit and are directed to alternately park on one side of the street to the other, typically on the 1st and the 16th of each month from April until December. The existing by-law requires members of the public to relocate their vehicles to the other side of the road at 12:01 am on scheduled dates. The by-laws governing permit and alternate side parking do not currently address grace periods.

In order to balance the absolute requirements of the by-law, the issues associated with parking on two sides of a street, traffic flow patterns and the fair and safe opportunity for residents to relocate their vehicles to the other side of the street, the Service has traditionally used discretion in enforcing this by-law through development of operating practice. The operating practice is for specific and limited periods of time (9 pm on the evening of the changeover until 9 am on the day of the changeover), and is granted only in situations where traffic flow, safety and hazards are not a concern. This has effectively provided for a balanced approach and accommodates both early and later risers as opposed to expecting members of the public to move their vehicles at 12:01 am.

Council's direction would extend parking on both sides of the affected streets on changeover days, until 12:01 pm. This would include times of peak vehicular and pedestrian traffic volumes and increased presence of vehicles providing municipal and private services.

The Service's current operational practice of discretion between 9 pm and 9 am, to facilitate the safe and orderly movement of vehicles, has been reviewed and is deemed appropriate and reasonable, considering the various operational objectives.

Conclusion:

The Police Services Act (PSA) provides that the duties of the Chief of Police include: administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the Board and ensuring that members of the police force carry out their duties in accordance with the PSA and the regulations, in a manner that reflects the needs of the community.

The City parking by-laws are in the process of consolidation at this time, there is an abundance of by-laws related to these decisions that would require review. Due to the state of administrative change, and since the Service is not the governing body of Municipal by-laws, the Service is unable to provide specific by-law references. City staff, would be better positioned to identify and conduct a thorough review of the by-laws governing these matters and review the viability, impact and process of change, while taking into account the objectives of all stakeholders.

The Service's current operating practices will continue in absence of amendments to the Municipal by-laws. Should Council wish to have further input or discussions with respect to operational concerns, traffic flow, safety and enforcement, the Service would be pleased to participate in stakeholder discussions with the designated City staff. This would ensure clarity and alignment of the law, enforcement practices and the City of Toronto parking ticket cancellation guidelines.

In the event that City Council amends parking by-laws, the Service will ensure that enforcement practices and operational deployment is modified.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report and the following Motion:

> **THAT the Chair emphasize to the City that if the City wishes to make changes to current enforcement processes it should consider amending appropriate By-Laws to reflect those changes.**

Moved by: M. Del Grande