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2014 OPERATING BUDGET BRIEFING NOTE

Traffic Fine Reduction Limits

Issue/Background:

At its meetings of December 10, 11, 12 and 13, 2013, the Budget Committee adopted a Motion "That the City Manager provide a briefing note to the December 20, 2013 Budget Committee meeting on the feasibility of setting limits on traffic fine reductions at court for repeat offenders." On December 16, 2013, it was confirmed by the Budget Committee member who moved the motion, that the motion was directed only to Part II (non-moving) violations.

In an effort to discourage requests for trials whose only purpose was to seek a reduction in the applicable fine and thereby free up court time for those matters where there is a need for a trial on the merits of the offence, the City of Toronto has introduced a fixed fine system which eliminates reductions for fines at court for all offenders, including repeat offenders for most City by-law parking offences.

Effective January 23, 2014, the amount to be imposed in court on a guilty plea or conviction at trial for parking, standing or stopping by-law offences will be the amount that appears on the face of the ticket.

City Council on September 21 and 22, 2011 adopted, as amended, Government Management Committee Item GM7.9, thereby approving the implementation of a fixed fine system for all parking ticket by-law 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. Council further approved that the fixed fine amounts be set equal to the presently established set fine, ensuring that by requesting a trial and appearing in court defendants would not be able to obtain a reduced fine amount.

City Council excluded accessible parking offences from the fixed fine regime. Accessible parking offences were addressed in Government Management Committee Item GM7.9. Accessible parking offences currently carry a statutory mandatory minimum fine under the *City of Toronto Act, 2006* of \$300.00. The accessible parking-related offences pursuant to the City of Toronto's Municipal Code Chapter 903, Parking for Persons with Disabilities, carry a minimum set fine of \$450.00 which is \$150.00 higher than the statutory minimum set by the Province of Ontario.

Financial Impact:

The implementation of the Fixed Fine System will result in an anticipated additional \$3.75 million in revenues in 2014. These revenues will offset decreases due to fewer tickets issued and the anticipated increase in cancellations resulting from the Ombudsman's recommendation of further publication of cancellation guidelines and extensions to grace period provisions.

Key Points:

- Commencing in 2011, the City Solicitor prepared and presented to Council the necessary amending by-laws to incorporate the fixed fine regime for parking tickets, which was adopted by Council in September, 2011.
- Accordingly, the various by-laws, with the exception of the accessible parking by-law-Chapter 903, which contain parking offences provide for and outline the amount of the fixed fines associated with parking offences.
- In March 2013, the City Solicitor made the necessary set fine applications (18) referencing the new fixed fine regime adopted by City Council to the Regional Senior Judge for approval.
- These 18 applications have been processed and the City has recently received 21 set fine orders dated December 2, 2013.
- The by-law provisions incorporating the fixed fine regime will come into effect on January 23, 2014. As of January 23, 2014, the amount to be imposed in court on a guilty plea or a conviction at trial for parking, standing or stopping offences as set out above shall be the amount that appears on the face of the ticket.
- The implementation of the fixed fine regime is intended to result in situations where defendants, once convicted, do not obtain reduced fine amounts.

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