

Commercial Parking Lots and Private Parking Enforcement Agencies

Licensing and Standards Committee

**City Hall, 2nd Floor, Committee Room 1
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Municipal Licensing and Standards

- Background
 - Explanation of Business Types
 - History of Licensing and Regulation
 - Review
- Purpose of Amendments
- Proposed Regulations for Commercial Parking Lot Operators
- Proposed Regulations for Private Parking Enforcement Agencies

Private Parking Enforcement Agency (PPEA): A business which enforces illegal parking on private property.

- *Employees are trained and certified by The Toronto Police Service (TPS) Parking Enforcement Unit as Municipal Law Enforcement Officers (MLEOs)*
- *Issue City of Toronto parking infraction notices and authorize the towing of vehicles*
- *Hired by private property owners to enforce parking by-laws on private property*

Commercial Parking Lot (CPL): A location that charges for the use of parking space.

- *Currently licensed by the City as a Public Garage with a Parking Lot Endorsement*
- *Current by-law only permits a licensed PPEA to conduct parking enforcement (issue City parking infraction notices and TPS tow cards) on their property*

- **The City has licensed CPLs (under the category of Public Garages) since 1948.**
- **The City has licensed PPEAs since June 2001.**
- **Over the last number of years, the City and the TPS Parking Enforcement Unit received numerous complaints regarding unlicensed PPEAs and CPL operators.**
- **Court applications were also brought against the City, which challenged the validity of the PPEA by-law.**

- **The following by-laws governing PPEAs and CPLs were reviewed by staff:**
 - ✓ Chapter 545, Licensing, *Article XXXVII, Private Parking Enforcement Agencies*
 - ✓ Chapter 545, Licensing, *Article XXII, Public Garages*
 - ✓ Chapter 150, Municipal Law Enforcement Officers; and
 - ✓ Chapter 915, Parking on Private and Municipal Property.
- Legal Services and the Toronto Police Service (TPS) Parking Enforcement Unit were consulted
- Public and stakeholder consultation held on March 26, 2015

Why these changes are being proposed:

- To address court upheld rights for CPL operators to be permitted to collect fees owed (through private invoice), for providing the service of parking.
- To address public complaints regarding parking lot operators:
 - “blanket tagging” vehicles and issuing private tickets/invoices with exorbitant charges;
 - posting conflicting or inadequate signage regarding parking terms and conditions;
 - not providing a mechanism to allow payment for parking; and
 - not obtaining City licences.
- To address amendments to the PPEA, MLEO and Parking by-laws suggested by TPS based on their experience supervising the Municipal Law Enforcement (MLE) Program for PPEAs.
- To provide transparency/clarity regarding the regulations for PPEAs as MLEOs, and establish appropriate and comprehensive regulation for CPL operators.

- **CPLs are currently required to be licensed as a Public Garage with a Parking Lot Endorsement.**
- Public Garage licence also applies to: *motor vehicle repair shops, car washes, collision reporting centres, and gas stations*
- **For transparency and to ensure appropriate regulation specific to CPLs, staff propose:**
 - **Removing existing regulations for *parking lots and parking stations* from Chapter 545, Licensing, Article XXII, Public Garages**
 - **Creating a distinct licensing category and article, "Commercial parking lots", with updated regulations**

- **The CPL Operator Licence will apply to the operator of “any location that demands compensation in relation to the use of a parking space.”**
- **Each location to be operated as a CPL (whether on a temporary or permanent basis), will require:**
 - ✓ a separate CPL Operator licence
 - ✓ appropriate zoning clearance under existing zoning by-laws, in order to operate and be licensed
- **The licence requirement will not apply to:**
 - parking lots that offer free parking;
 - residents or tenants that rent out their parking spot on a weekly, monthly, or yearly basis for an individual's exclusive use;
 - parking lots governed under other City by-laws (i.e. The Toronto Parking Authority; regulated under Chapter 179); or
 - City agencies, boards, commissions and divisions.

- Where the property owner and the operator of the parking lot on that property, are not the same entity, the operator must provide proof of authorization from the property owner.
- **Business licence fees will be consistent with those charged for Public Garages and PPEAs:**
 - For 2015:
 - \$392.73 for application
 - \$264.04 for renewal
- Transition of fees: All commercial parking lots currently licensed as a Public Garage with a Parking Lot Endorsement will not be required to pay duplicate licence fees; fees already paid will be applied to the new CPL Operator licence.

- **Prominent, clear and legible signage at each parking lot entrance and at each pay station, with:**
 - their rate/charge for parking;
 - the ways in which payment for parking may be made;
 - their business hours; and
 - the operator's registered business name, licence number, and business contact information (telephone and email address)
- **Maintain a mechanism to enable payment for parking** (i.e. ensure an attendant is on duty during business hours and/or all devices and systems used to accept payment for parking are maintained in working order)
- **Ensure mechanism(s) furnish a receipt/proof of payment**

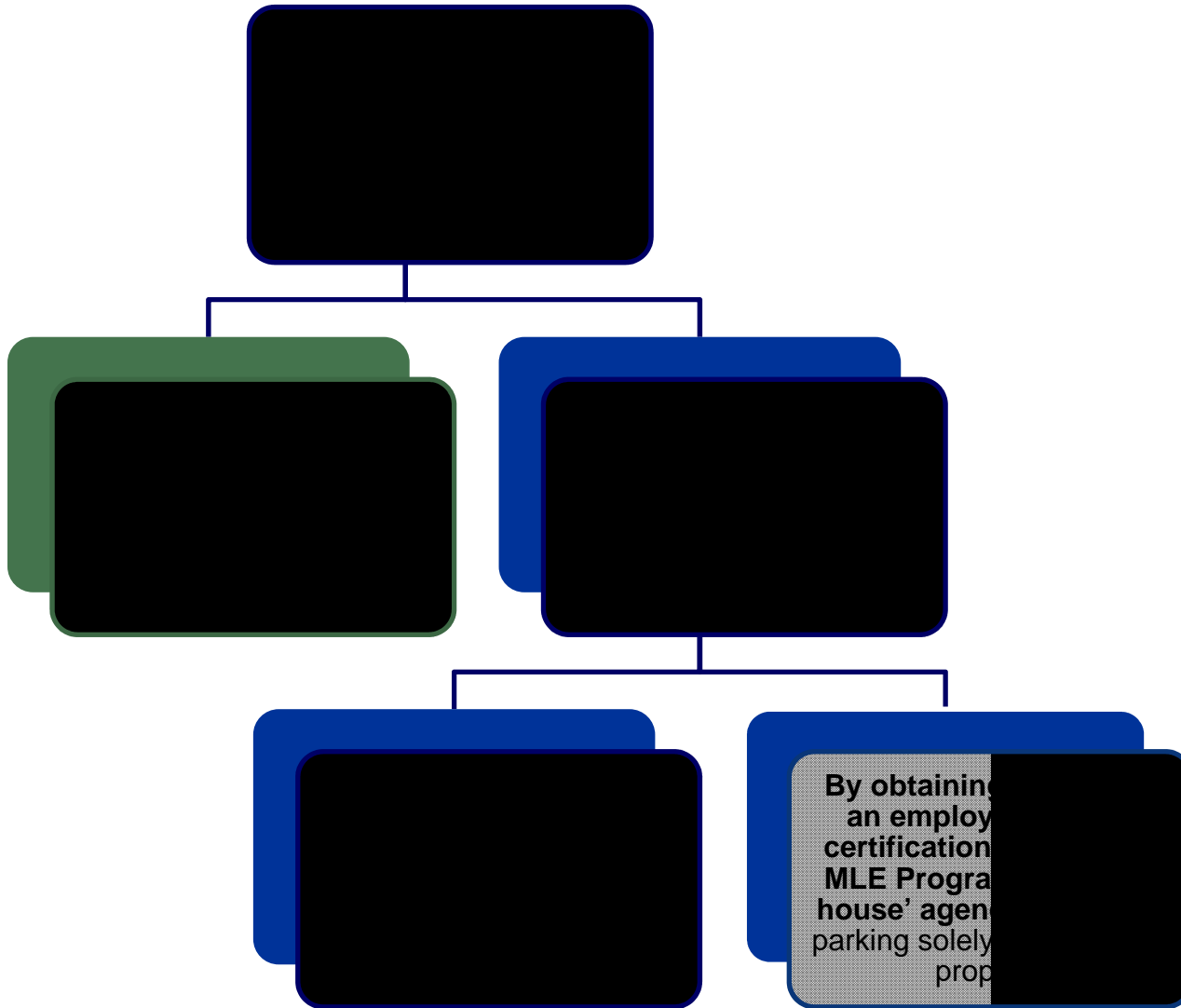
- **Have an email address and a telephone line that is monitored during business hours and accepts voice messages outside of business hours**
- **Prohibited from restraining or immobilizing any vehicle** parked on their premises by placing a boot or attaching any device that prevents the vehicle from being driven

- **The by-law will specify conditions under which operators are not to allow vehicles to park:**
 - in an accessible parking space, where no accessible parking permit is displayed;
 - in an emergency access or fire route;
 - where more than one parking space is being occupied;
 - in a location that prevents other vehicles from entering/exiting the premises; and
 - where a vehicle is un-plated.
- **An operator may also prohibit parking at locations within a lot, (e.g. in reserved parking spaces, turn-around areas) provided that clear signage is posted** to indicate such prohibition.
- Vehicles parked in contravention of these requirements will be automatically subject to ticketing/towing by the TPS; no private demand for payment may be issued.

Where a vehicle parks in a CPL without paying for parking, and **an operator elects to issue a private demand for payment in the form of a private invoice:**

- **Signage must also include:**
 - **a clear statement advising patrons that they may receive a private demand for payment/invoice; and**
 - **the amount that may be demanded**
- **Photos of signage must be filed with ML&S and may not be posted until filed.**

- **The amount of a private invoice must be consistent with the amount posted on the operator's signage.**
- **The private invoice must:**
 - clearly outline the alleged contravention of parking terms/ conditions;
 - not resemble a City of Toronto parking infraction notice;
 - not include the City of Toronto logo;
 - state that the invoice 'is not a City of Toronto parking infraction notice and is a private invoice';
 - include detailed information on how payment may be made and how an invoice may be disputed; and
 - provide the operator's registered business name, licence number and contact information.
- **A copy of the invoice must be filed with ML&S.**



- **Amend the definition of a “Private Parking Enforcement Agency” to include only those that sell their services for compensation**, so that businesses that conduct parking enforcement solely on their properties to ensure their parking facilities are being used only by their patrons, members, employees, or tenants, and are not in the business of selling such services (‘in-house’ agencies), will not require a PPEA licence.
- These ‘in-house’ agencies will continue to require certification as Municipal Law Enforcement Officers (MLEOs) under TPS' MLE Program to issue City parking infraction notices and TPS tow cards.

- **Streamline the requirement for the filing of agreements and the listing of properties, so that PPEAs only need to file documents with the TPS Parking Enforcement Unit.** Procedurally, TPS will share the required documents with ML&S.
- **Eliminating the duplication in filing enables us to require that PPEAs file their agreements sooner (within 5 days instead of 10 days following the execution of an agreement), as part of TPS' MLEO certification process.**

- **Clarify the types of documents that may be issued:**
warning notices, Parking Infraction Notices under Part II of the *Provincial Offences Act*, and/or Toronto Police Service Tow Cards
- **Prohibit the restraint or immobilization of any vehicle**, in the same manner being proposed for CPL operators
- **Grant authority to tow un-plated vehicles**, provided that the necessary safety and criminal checks are conducted and approval is received from TPS, prior to removing any vehicle
- **Remove the requirement that the same MLEO who issues a parking infraction notice must also issue the tow card** for a vehicle to be towed

Thank you.