



STAFF REPORT ACTION REQUIRED

Administrative Penalty System for Parking Violations

Date:	May 24, 2016
To:	Government Management Committee
From:	City Solicitor, City Treasurer, Director-Court Services
Wards:	All
Reference Number:	

SUMMARY

This report proposes that City Council approve the governance and administrative requirements to establish an Administrative Penalty System (APS) for parking violations (i.e. parking tickets) that will include an Administrative Penalty Tribunal. Under the *City of Toronto Act, 2006*, and a July 2015 amendment to Ontario Regulation 611/06, *Administrative Penalties*, the City can establish an administrative penalty and dispute resolution process for all parking violations. Adopting an administrative structure for parking disputes will divert non-complex matters from the provincial courts freeing up limited court time for more serious matters. Several municipalities in Ontario have already implemented APS programs for parking violations. Administrative penalties are well established at the provincial and municipal levels and have become an effective instrument of modern governance.

The new administrative process proposed in this report, with its associated policies and procedures will:

- Provide a fair and equitable dispute resolution process for parking disputes ensuring that individuals who contest an administrative penalty (i.e. parking fines) for a parking violation receive an impartial review in a timely manner, ideally under 60 days.
- Provide customers with greater access to dispute resolution services through the implementation of processes and technologies, including on-line options for disputing or paying a penalty, that are more accessible and efficient than those currently allowed under the *Provincial Offences Act (POA)*.
- Allow the City sufficient flexibility to respond to fluctuating parking dispute levels, while building capacity within the court system for the processing of more serious offences.
- Help the City regulate the flow of traffic by promoting compliance with its by-laws respecting the parking, standing, or stopping of motor vehicles.

RECOMMENDATIONS

The City Solicitor, Treasurer, and Director of Court Services recommends that:

1. City Council establish a system of administrative penalties for parking violations under, and in accordance with, the requirements of Ontario Regulation 611/06 of the *City of Toronto Act, 2006* and generally as set out in Attachments 1, and 2 of this report to be effective May 15, 2017.
2. City Council establish an Administrative Penalty Tribunal composed of 25 public members ("Hearing Officers"), inclusive of a Chair, and approve the Tribunal governance structure outlined in Attachment 4 of this report, such Tribunal to be operational effective May 15, 2017.
3. City Council authorize the City Solicitor to introduce the necessary bills to amend the existing by-laws to which the City's system of administrative penalties applies, as outlined in Attachment 2 to this report, for the purpose of establishing these by-laws as designated by-laws under O. Reg. 611/06 and to indicate that the penalty amount set out in Column 3 of Attachment 2 will become the amount of the corresponding administrative penalty.
4. City Council delegate to the City Solicitor the authority to appoint Screening Officers, who will be City employees, required by O. Reg. 611/06 to respond to requests for review of penalty notices issued under the City's administrative penalty system established under that regulation.
5. City Council authorize the City Solicitor, Treasurer and the Director of Court Services, to prepare the necessary policies, practices, and procedures required by O. Reg. 611/06 and make them publicly available on the City's website.
6. City Council direct staff to submit the administrative fees listed in Attachment 3 and the recommendation to eliminate online and telephone payment fees outlined in this report for consideration as part of the 2017 budget process and authorize the City Solicitor to amend the new Municipal Code Chapter 610, Penalties, Administration Of, to incorporate the administrative fees in support of the proposed Administrative Penalty System Program as adopted through the annual budget process.
7. City Council direct the Director of Court Services in consultation with the City Solicitor and the City Clerk to prepare a draft Procedure By-law, to enable the governance and administration of the Administrative Penalty Tribunal for consideration of the Tribunal prior to commencement of its first hearing.
8. City Council authorize the City Solicitor to introduce the necessary bills to enact new Municipal Code Chapter 610, Penalties, Administration of, to give effect to the system of administrative penalties, procedures and the Administrative Penalty Tribunal as generally outlined in this report and generally outlined in Attachments 1, 2, 4 and 5, inclusive, and

to include any necessary clarifications, refinements, minor modifications or technical amendments as may be identified by the City Solicitor, such chapter to come into force on May 15, 2017.

9. City Council authorize the City Solicitor to introduce any necessary bills to amend the proposed Municipal Code Chapter 610 and its schedules, and the designated by-laws outlined in Attachment 2 to this report, to reflect any changes to the text and/or Schedules of the various designated by-laws between the date City Council adopts this Item and May 15, 2017, the date the proposed Code Chapter 610 comes into force.
10. City Council authorize the City Solicitor, in consultation with the City Clerk, to introduce any necessary bills to amend Municipal Code Chapter 217, Records, Corporate (City), and Chapter 219, Records, Corporate (Local Boards) and to adopt new record retention schedules, subject to the approval of the City's external auditor as required by s. 201, to give effect to the system of administrative penalties, procedures and the Administrative Penalty Tribunal as generally outlined in this report and generally outlined in Attachments 1, 2, 4 and 5, inclusive, such amendments to come into force on May 15, 2017.
11. City Council authorize a two office in person screening location model supported by increased use of online services as outlined in this report.
12. City Council direct staff to submit the estimated start-up costs to cover necessary construction costs and enforcement system upgrades as well as the incremental operating requirements including proposed staffing changes in support of the implementation of the proposed APS program for consideration as part of the 2017 budget process.
13. City Council forward this report to the Toronto Police Services Board, with a request that it direct the Transformation Task Force to consider and review opportunities for efficiencies and associated savings in parking enforcement from the implementation of the proposed Administrative Penalty System, and include any necessary recommendations in its Final Report in advance of the 2017 budget cycle.

IMPLEMENTATION POINTS

For the proposed Administrative Penalty System for parking violations to take effect on May 15, 2017, staff from Court Services, Revenue Services, and Legal Services formed an APS Steering Committee. The APS Steering Committee will be working with Toronto Police, Human Resources, and Facilities Management to ensure that the appropriate resources, systems, organization and administrative structures, processes, and procedures are in place at least 4 weeks in advance of the proposed implementation date. This will allow sufficient time to train staff prior to the APS program going live.

Additionally, 2017 will be a transition year in which both systems (the current court-based system and the new APS program) will be operating. Parking tickets issued prior to May 15, 2017 under the *POA* will be fully processed through the City's First Appearance Facilities (i.e.

parking ticket counters) and the court process until the end of the year. Plans are being developed to ensure a smooth transition during this changeover period.

The following sections highlight the key activities that will occur to establish an APS program for parking violations in the City of Toronto.

Establishment of Screening Offices & Recruitment of Screening Officers

APS program implementation requires the establishment of Screening Offices for the administration of screening reviews. The Legal Services Division will be responsible for Screening Office administration. Screening Officers will be appointed by the City Solicitor and staff assigned to this position will be part of the Legal Services Division complement. The APS Steering Committee is working with:

- Real Estate Services to identify locations, preferably city-owned, for Screening Offices;
- Human Resources on an APS staffing strategy. This strategy will include the movement of existing staff (largely from the City's Prosecutions Unit and Revenue Services First Appearance Facilities) and the hiring of temporary staff to handle dispute volumes during the initial implementation and transition period as *POA* parking tickets work their way through the court system.

During the transition period in 2017, Revenue Services will need to maintain its current First Appearance Facility locations until all parking tickets issued prior to May 15, 2017 are processed. We anticipate that these locations will continue to operate until May 30, 2017.

During the transition period, Court Services will continue to schedule and support court trials for tickets issued prior to May 15, 2017 for which a trial has been requested. Court Services will continue to perform this function until the end of 2017 and for a small number of tickets in 2018.

Establishment of an Administrative Penalty Tribunal

The proposed Administrative Penalty Tribunal governance structure is summarized in Attachment 4 of this report and is consistent with the governance structures of other related administrative tribunals in the City (e.g. Licencing Tribunal). This governance structure supports the independence and arm's length nature of the Administrative Penalty Tribunal in order for the tribunal to effectively carry out its mandate.

This report recommends that City Council establish, within the proposed Toronto Municipal Code Chapter concerning the administration of the system of administrative penalties, provisions for the governance and administration of the Administrative Penalty Tribunal as set out in Attachments 1, 4, and 5.

The Administrative Penalty Tribunal will operate under an open and transparent process similar to the current "open court" *POA* system. The information collected by the Administrative Penalty Tribunal will be collected not only for the resolution of parking disputes, but also specifically for the purpose of maintaining the record of the Administrative Penalty Tribunal for the general

public. The Administrative Penalty Tribunal will ensure that a record available to the general public concerning the tribunal's resolution of parking disputes is created and maintained.

Real Estate Services is working with Court Services to locate the Tribunal in a central location.

APS Standards

Section 7 of O. Reg. 611/06 requires the City to develop policies, procedures and guidelines:

1. To prevent political interference in the administration of the system;
2. To define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;
3. Regarding financial management and reporting; and
4. For the filing and processing of complaints made by the public with respect to the administration of the system.

The required standards are largely in-place for the current court-based process through Council approved policies and can be modified to meet the requirements of O. Reg. 611/06. This report proposes that City Council authorize the City Solicitor, the Treasurer and the Director of Court Services, to prepare standards for the operation of the APS Administrative Process for parking violations and that these standards be publicly available and posted on City websites.

Implementation of Designated By-laws

Pursuant to O. Reg. 611/06, *Administrative Penalties*, the City must designate by-laws respecting the parking, standing, or stopping of vehicles, or the parts of such by-laws, to which the system of administrative penalties applies. Attachment 2 of this report identifies the current parking, standing and stopping violation offences administered and prosecuted under the *POA* that exist in the City of Toronto's Code Chapters and in former Municipality of Metropolitan Toronto By-law No. 45-84 that require designation to make the system of administrative penalties effective. The By-law/Code Sections identified in Column 1 of Attachment 2 are designated by the City as the parts of the by-law/Code Chapters to which the City's system of administrative penalties will apply effective May 15, 2017.

FINANCIAL IMPACT

Table 1 – Revenues and Expenditures										
GROSS EXPENDITURES	2016 Budget		2017 Request (Transition)		2018 Estimate		Change 2017 to 2016		Change 2018 to 2016	
	(\$ million)	# POS*	(\$ million)	# POS*	(\$ million)	# POS*	(\$ million)	# POS*	(\$ million)	# POS*
Toronto Police – Parking Enforcement Unit	47.44	394.0	47.44	394.0	47.44	394.0	0	0	0	0
Court Services	5.37	31.0	7.72	38.0	1.36	7.0	2.35	7.0	(4.01)	(24)
Legal Services	1.5	14.0	2.77	50.0	4.39	36.0	1.27	36.0	2.89	22
Revenue Services	11.36**	42.0	10.57	48.0	9.70	37.0	(0.79)	6.0	(1.66)	(5)
Total Operating Costs	65.67	481	68.50	530	62.89	474	2.83	49.0	(2.78)	(7.0)
Gross Revenues	2016 Budget		2017 Request (Transition)		2018 Estimate		Change 2017 to 2016		Change 2018 to 2016	
	(\$ million)		(\$ million)		(\$ million)		(\$ million)		(\$ million)	
Toronto Police, Sundry Revenues	1.52		1.52		1.52		0		0	
Parking Penalties (current fine level)	95.85		95.85		95.85		0		0	
Transaction fees	1.56		0.59		0		(0.97)		(1.56)	
Court costs/ fees related to POA	3.48		8.50		0		5.02		(3.48)	
Fees Authorized Under APS regulation	0		6.13		11.33		6.13		11.33	
Total Gross Revenues	102.41		112.59		108.70		10.18		6.29	
Net Revenues	(36.74)		(44.09)		(45.81)		(7.35)		(9.07)	

*: Number of positions / **This figure includes \$4.7M in legislated payments to the Province.

Expenditures and Revenues

Expenditures:

As shown in Table 1, the City currently spends approximately \$65.67 million on parking enforcement and the processing of parking tickets. Moving to an APS program for parking violations as proposed in this report, once fully implemented in 2018, is expected to reduce the gross operating budget for Parking Tags Enforcement and Operations from \$65.67 million to

\$62.89 million reflecting a savings of \$2.78 million and a reduction in staff complement of 7.0 positions from 481 to 474 positions.

Launching an APS program for parking violations on May 15, 2017 requires the City to run both the current court-based program and the new APS program in 2017. The one-time operational costs for running both programs in the 2017 transition year is expected to increase the gross operating budget for Parking Tags Enforcement and Operations by \$2.830 million to \$68.49 million in 2017.

Moving to an APS program for parking violations will require one-time start-up costs. Estimated start-up costs in 2017 are \$5.2 million. These include one-time construction costs (\$3 million) and enforcement system upgrades that incorporate the use of digital photography (\$2.2 million). Funding of \$2.973 million is currently included in the 2016-2025 Council Approved Capital Budget and Plan for the Toronto Police Service to replace the current parking ticket enforcement and management applications. However, the approved capital project does not include the additional cost of \$2.2 million needed to incorporate digital photography. This feature is considered by the project team to be an important component of a successful APS program.

Incremental operating funding requirements of \$2.830 million for 2017 and an estimated capital funding request of \$5.2 million to cover construction costs and system upgrades will be submitted through the 2017 Budget process for Court Services, Legal Services, Revenue Services, and the Toronto Police Parking Enforcement Unit. The proposed APS program is to be funded by the Parking Tags Operation and Enforcement Operating Budget in Non-Program through Inter-Divisional Recoveries with the participating Divisions as shown above. Detailed information regarding current and new program costs is included in Tables 7, 8 and 9.

Revenues

As shown in Table 1, the Operating Budget Notes for Parking Tags Enforcement and Operations show a revenue stream of \$102.41 million in 2016. This is comprised of sundry revenues collected by the Toronto Police Service, parking fines, transaction fees (\$1.50 for on-line payments and \$2.00 for IVR phone payments), and administrative fees related to the *POA*.

Upon full implementation in 2018, an APS program for parking violations as proposed in this report is expected to increase revenues from \$102.41 million to \$108.7 million reflecting an increase of \$6.29 million. Revenues from police sundries and parking penalties (formerly fines) are not expected to change from 2016 levels. Administrative fees largely assessed when penalties are paid late are expected to equal \$11.33 million. To encourage greater use of automated payment channels, this report will propose, during the 2017 budget process, to eliminate revenue derived from payment transaction fees upon APS implementation May 15, 2017 representing a reduction of \$1.56 million annually. Revenue figures for 2018 assume that projected enforcement levels outlined in the 2016 budget submission are achieved and historical customer responses to parking tickets remain consistent.

The 2017 transition year is expected to increase revenues from \$102.41 million to \$112.59 million reflecting an increase of \$10.18 million, largely relating to fines and penalties that are

paid late along with fines paid in 2017 that would, under the court based program, be paid in 2018 due to court scheduling delays. Administrative fees related to the *POA* are budgeted at \$8.50 million in 2017 due to the provincially regulated late payment fee increase effective January 1, 2016 where unpaid tickets filed with the Ministry of Transportation are registered on the vehicle licence plate record for collection. No revenue from Court based administrative fees is budgeted for 2018 as the APS program is expected to be fully functional and is expected to generate \$6.13 million, and transaction fees for the payment of tickets distributed prior to the APS implementation date are expected to generate \$0.59 million. Effectively, the increased costs of the 2017 transition year will be funded from the increase in revenue relating to 2017 activity.

Upon full program implementation, in addition to the savings described in the report, there are opportunities for savings that cannot be quantified at this time. For example, parking enforcement officer capacity may increase if officers are not required to be involved in the dispute process to the same extent as they are in the current court based model. The use of photographic evidence may also reduce the volume of disputes filed that, in turn, would lower the projected program operating costs. The introduction of technology may also reduce the administrative costs of supporting in-person business processes. Staff will monitor the impact of changes once we move away from the court based system to the administrative penalty model and report on results as part of the budget process.

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

ISSUE BACKGROUND

The City of Toronto is currently responsible for court administration, court support, and some prosecution responsibilities for provincial offences and federal contraventions as defined by the *POA* and the federal *Contraventions Act*. This means that the City is responsible for administering and prosecuting all parking offences under City by-laws.

The *City of Toronto Act, 2006*, gave the City the power to create an APS program for parking. However, the previous version of O. Reg. 611/06 placed a \$100 limit on parking tickets that could be processed through an APS program. This limit created logistical, financial, and potential legal challenges given the large number of violations with fines over \$100. The administration of two parking ticket dispute procedures, one for tickets \$100 or less and the court-based process for tickets over \$100, was determined by staff to be unworkable. City staff regularly asked provincial officials to revisit the restrictions outlined in the earlier regulation.

An amendment to O. Reg. 611/06 came into effect on July 1, 2015 removing the \$100 limit and the previous barriers identified by staff. This makes it possible to implement a comprehensive city-wide APS program for all parking violations including disabled parking.

Other municipalities in Ontario are using administrative penalties to streamline the dispute resolution process for parking violations. The City of Vaughan established Ontario's first system of administrative penalties for parking in 2009. The project team has identified fifteen Ontario municipalities with APS programs including Markham, Oshawa, Burlington, Hamilton, Brampton, Mississauga, and Oakville in the GTHA. While other municipalities are using an APS

program for their parking violations under \$100 permitted under the 2006 regulation and use the provincial court system for those over \$100, their volume of tickets over \$100 are significantly smaller than the volumes processed in Toronto. Markham has already made changes in line with the 2015 regulatory amendment.

COMMENTS

The Administrative Penalty System (APS) for Parking Violations

Under an APS program, an administrative penalty by-law is established that, among other things, designates the by-laws or sections of by-laws with respect to parking, standing, or stopping of vehicles to which the City's system of administrative penalties applies. If a vehicle has been left parked, standing, or stopped in contravention of a designated by-law, the owner of the vehicle shall, upon issuance of a penalty notice in accordance with the administrative penalty by-law, be liable to pay an administrative penalty in an amount specified in the administrative penalty by-law. Failure to pay an administrative penalty leads to consequences for the defendant including administrative fees, licence plate denial and other enforcement related costs.

Attachment 2 of this report lists the:

- By-laws respecting parking, standing or stopping of vehicles, or the parts of such by-laws, to be designated and to which the system of administrative penalties will apply.
- Administrative penalty amount proposed for each parking violation. These proposed penalty amounts are equivalent to the current set fine amounts approved by the Regional Senior Justice of the Ontario Court of Justice for the corresponding by-law offence provision sections.

The *POA* will no longer apply to by-laws or sections of by-laws designated by the City once the City's administrative penalty by-law is implemented. The non-application of the *POA* for parking necessitates an alternative dispute resolution process. O. Reg. 611/06 describes dispute resolution procedures that must be in place. Under the *POA* system the City is required by the *Courts of Justice Act* to manage all records, in accordance with the directions of the Deputy Attorney General, as approved by the Chief Justice of the Ontario Court of Justice. Establishing an APS program, including a Hearing Tribunal, will result in the collection of records which will be under the ownership and control of the City or of a local board of the City and will not be subject to the *POA* system. As such, the necessary amendments to Municipal Code Chapters 217, Records, Corporate (City), and 219 Records, Corporate (Local Boards) and associated schedules will need to be implemented to establish the appropriate records management processes for the APS program.

Under an APS program, those who wish to dispute an administrative penalty can contact a Screening Office to request a meeting with a City appointed Screening Officer. The Screening Officer has the ability to cancel, affirm, or vary the penalty, including any administrative fee, upon the grounds set out in the administrative penalty by-law. Upon such grounds as set out in the administrative penalty by-law, a Screening Officer can approve an extension of time to

request a screening review and an extension of time to pay the penalty. This differs from the current court based process where only a Justice of the Peace can approve payment extensions following a court appearance. Screening Officers will be City employees.

When an owner's administrative penalty is affirmed or varied, he or she has the right under O. Reg. 611/06, in such circumstances as may be specified in the administrative penalty by-law, to have the Screening Officer's decision reviewed by a Hearing Officer. Council-appointed Hearing Officers may cancel, affirm, or vary the decision of a Screening Officer upon the grounds set out in the administrative penalty by-law. Upon such grounds as set out in the administrative penalty by-law, a Hearing Officer can approve an extension of time to request a hearing review and an extension of time to pay the penalty. The Hearing Officer's decision is final and not subject to appeal as of right. The *Statutory Powers Procedure Act* applies to a review by a Hearing Officer and Hearing Officers will be members of the Administrative Penalty Tribunal.

The APS program will continue to operate in an open and transparent process similar to the current *POA* system in keeping with the fundamental 'open court' principle. The APS program will ensure that a record available to the general public concerning the various processes under the APS program, including meetings with a Screening Officer, will be created, and maintained; and, the information collected through the operation of the APS program is collected specifically for this purpose.

The following tables provide comparisons between the current court-based *POA* systems with the proposed APS program.

Description of Council's Role Under Current <i>POA</i>, Court-based System	Description of Council's Role Under Administrative Penalty System	Efficiency / Improvement
<ul style="list-style-type: none"> ▪ Council approves the City's parking bylaws. ▪ City / Council requests the desired Set Fine amounts for each of the City's parking violation offences. However, each of the Set Fine amounts must be approved by the Regional Senior Justice of Toronto prior to implementation. ▪ Council approves Parking Ticket Cancellation Guidelines outlining circumstances when a parking ticket can be withdrawn / cancelled by City staff. 	<ul style="list-style-type: none"> ▪ Council approves the City's administrative penalty by-law. ▪ Council establishes and approves the penalty amount for each of the City's parking violations. ▪ Council approves grounds upon which Screening and Hearing Officers may cancel, affirm or vary the administrative penalty. ▪ Council approves procedures for both an extension of time to request a review and an extension of time for payment of a penalty. 	<ul style="list-style-type: none"> ▪ Council sets penalty amounts without Provincial or judicial approval. ▪ Council approves all procedures regarding ticket variations, cancellations, extensions of time to request a review, and extensions of time to pay.

Table 3 – Comparison of Enforcement under Current and Proposed Systems		
Description of Enforcement Responsibilities Under Current POA, Court-based System	Description of Enforcement Responsibilities Under Administrative Penalty System	Efficiency / Improvement
<ul style="list-style-type: none"> ▪ Parking Enforcement Officers from the Toronto Police Service enforce the City's parking bylaws and issue Parking Tickets for parking violations. ▪ Parking tickets are delivered in accordance with the <i>Provincial Offences Act</i>. ▪ If a ticket is disputed in court, the officer must appear as a witness at the trial. 	<ul style="list-style-type: none"> ▪ Parking Enforcement Officers from the Toronto Police Service enforce the City's administrative penalty by-law and issue Penalty Notices for parking violations. ▪ Penalty notices are delivered in accordance with the City's administrative penalty by-law. ▪ If a ticket is disputed, the dispute is addressed without requiring the enforcement officer to attend. 	<ul style="list-style-type: none"> ▪ Penalty notices can be served by mail. This allows enforcement officers to serve 'drive away' parking offenders. ▪ Parking Enforcement Officers are not required to appear as a witness. This eliminates cancellations due to officer non-appearance.

Table 4 – Comparison of 1st Dispute Stage under Current and Proposed Systems		
Description of Preliminary Dispute Stage Under Current POA, Court-based System	Description of Preliminary Dispute Stage Administrative Penalty System	Efficiency / Improvement
<ul style="list-style-type: none"> ▪ Individuals that receive a parking ticket are provided with various options for payment, including on-line and IVR phone payments that include a service fee. ▪ Individuals wishing to dispute a parking ticket largely appear in-person at one of the City's four First Appearance Facilities (i.e. parking ticket counters operated by Revenue Services). ▪ Revenue Services staff review the evidence and, if warranted under the Council approved Cancellation Guidelines, will cancel the ticket. 	<ul style="list-style-type: none"> ▪ Individuals that receive a penalty notice are provided with various options for payment, including on-line and IVR phone payments without a service fee (proposed). ▪ Individuals wishing to dispute a penalty notice can schedule a screening review online or in-person. ▪ Screening Officers (appointed and administered by the City's Legal Services Division) review the documentation and evidence provided with the defendant in-person or online. Screening Officers, based on the grounds and conditions specified in the bylaw, have the ability to: 	<ul style="list-style-type: none"> ▪ Elimination of on-line and IVR phone service fees. ▪ 1st dispute in-person reviews can be booked in advance online or in-person. ▪ Screening Officers have the authority to vary the penalty at the 1st dispute stage. ▪ Screening Officers have the authority to approve payment extensions at the 1st dispute stage (the court process requires approval by a Justice of the Peace).

Table 4 – Comparison of 1st Dispute Stage under Current and Proposed Systems		
Description of Preliminary Dispute Stage Under Current <i>POA</i>, Court-based System	Description of Preliminary Dispute Stage Administrative Penalty System	Efficiency / Improvement
<p>Given legislative restrictions to appear in person, the City has limited options for disputing a parking ticket on-line.</p> <ul style="list-style-type: none"> When parking tickets are not cancelled, individuals can request a trial. Trial requests must be made in-person by completing a Notice of Intention to Appear at one of the City's four (4) First Appearance Facilities (i.e. parking ticket counters) operated by Revenue Services. 	<ul style="list-style-type: none"> Cancel, affirm, or vary the penalty; or Approve an extension of time to request a screening review; or Approve an extension of time to pay the penalty. 	

Table 5 – Comparison of 2nd Dispute Stage under Current and Proposed Systems		
Description of Secondary Dispute Stage Under Current <i>POA</i>, Court-based System	Description of Secondary Dispute Stage Administrative Penalty System	Efficiency / Improvement
<ul style="list-style-type: none"> Revenue Services forwards the Notice of Intention to Appear, along with supporting documentation, to Court Services. Court Services prepares Court Dockets & compiles documentation and schedules a trial date before a Justice of the Peace. Prosecutions (Legal Services) receives notification of trial plus documents and reviews material to assess reasonable prospect of conviction. 	<ul style="list-style-type: none"> When a penalty notice is affirmed or varied, individuals can request to have the Screening Officer's decision reviewed by a Hearing Officer. Hearing requests may be made in-person at a Screening Office or online. Hearing Officers are appointed by Council & will be members of the Administrative Penalty Tribunal (similar to the City's Licencing Tribunal). Hearing Officers will review the Screening Decision and evidence provided with the defendant in-person. Hearing Officers, based on the grounds and conditions 	<ul style="list-style-type: none"> 2nd level disputes can be scheduled on-line or in-person. The City gains the flexibility to manage the number of Hearing Officers based on fluctuating demand for hearing reviews. Appointments of sufficient numbers of appointed Justices of the Peace rests with the Province. Hearing Officer's decision is based on grounds approved by Council.

Table 5 – Comparison of 2nd Dispute Stage under Current and Proposed Systems		
Description of Secondary Dispute Stage Under Current POA, Court-based System	Description of Secondary Dispute Stage Administrative Penalty System	Efficiency / Improvement
<ul style="list-style-type: none"> ▪ Trial held / heard by Justice of the Peace. JP's use their own discretion to decide the case. The set fine / fixed fine cannot be altered. ▪ JP's decisions are subject to an appeal or review heard by a Provincial or Superior Court judge 	<p>specified in the bylaw, have the ability to:</p> <ul style="list-style-type: none"> - Cancel, affirm, or vary the penalty; - Approve an extension of time to request a hearing review; - Approve an extension of time to pay the penalty. <ul style="list-style-type: none"> ▪ Hearing Officer's decision is final and is not subject to appeal as of right. 	<ul style="list-style-type: none"> ▪ There is a definitive end date to dispute proceedings.

Organizational Structure & Distribution of Responsibilities

The Toronto Police Service's Parking Enforcement Unit, Revenue Services, Court Services, and Legal Services, Prosecutions section, are responsible for enforcing the City's parking by-laws and administering parking violations and related dispute processes under the current court-based system. Figure 1 in Attachment 6 shows the distribution and flow of these responsibilities, including current resource levels (based on 2015 approved positions).

Under the proposed APS program, all four program areas will continue to play a role in enforcing the City's parking by-laws and processing parking violations and disputes. However, responsibilities and functions will change to comply with the requirements of O. Reg. 611/06. These changes in responsibility necessitate structural and organizational changes to three City Divisions: Court Services, Revenue Services and Legal Services (Prosecutions).

- Toronto Police Service's Parking Enforcement Unit will continue to enforce the City's parking by-laws through the issuance of penalty notices. Enforcement officers will support the screening and hearing process by providing documentary evidence.
- Court Services will shift its focus from using the provincial courts for parking disputes to supporting and administering the Administrative Penalty Tribunal.
- Revenue Services will continue to process payments, mail notices, and oversee the collection of outstanding penalties, including the plate denial process. The responsibility for the initial review / screening of disputes will shift from the four First Appearance Facilities currently operated by Revenue Services under the POA court-based system, to two Screening Offices administered and managed by Legal Services (Prosecutions) in an APS program.

- Legal Services will shift its focus with respect to parking disputes from prosecuting in courts to managing / administering Screening Officers at Screening Offices.

Figure 2 in Attachment 6 shows the distribution and flow of divisional responsibilities, including estimated resource levels, under the proposed APS program.

Benefits of an APS Program for Parking Violations

1. **An APS program will allow parking violation disputes to be heard and resolved within 120 days (and ideally within 60 days) compared to an average of 18 months under a court-based system.**

Several circumstances contributed to insufficient court space for parking ticket trials leading to court delays and the eventual withdrawal of 880,000 parking tickets in September, 2015 including:

- A rise in dispute rates from about 3% of tickets issued in 2004 to 10.6% of tickets issued in 2015 including increased volumes from courier and delivery companies;
- The elimination in 2004 of the voluntary payment amount to settle the ticket at two-thirds of the fine amount if paid within 7 days of receipt;
- The closure of night courts in 2008;
- A new process for appointing and compensating Justices of the Peace;
- A continual shortage of Justices of the Peace due to retirements, long term illnesses and delayed appointments by the Province, and
- The frequent need to reassign available courtrooms and resources from parking trials to other more serious charges.

An APS program can process parking disputes faster than the provincial courts allowing the City to process all disputes within a reasonable period. Under the current court-based system a person requesting a parking ticket trial will wait between six months and a year or more for a court date where resources are available. Customers who choose to dispute a penalty notice under an APS program will have reviews completed in a more timely fashion, ideally under 60 days.

2. **An APS program will improve the customer experience**

In 2012, City Ombudsman Fiona Crean investigated the parking ticket dispute system and found that the court-based system took too long to resolve disputes and was expensive in terms of time and money for both individuals and the City. The Ombudsman recommended that the City consider moving to an administrative penalty system where parking disputes could be settled in less time and in a less expensive way.

The current court-based system requires people to appear in-person to request a trial. This restriction is removed under an APS program allowing for more on-line service delivery. With clear information being made available that explains the conditions to be met in order for a penalty to be cancelled, supported by a shorter timeframe for a review and decision to be made

along with greater use of technology in the process, an APS program will assist in alleviating much of the frustration experienced by the public with the current court-based program.

Figure 3 in Attachment 6 shows parking dispute processing timelines and service delivery options available from a customer's perspective. The top section shows the processes that occur under the current court-based system and the bottom section shows the processes that would occur under the proposed APS program.

An APS program will be more accessible to the public, disputes will be reviewed faster and customers will have an opportunity to schedule and conduct screening reviews on-line as well as in-person. City staff conducted a survey in October 2015 to determine the customer service features under an APS program that are important to the general public. The results indicate that 70% of people would prefer to schedule screening reviews, ask about their penalties, and inquire about cancellations on-line.

3. An APS program will contribute to public safety by building capacity within the court system for the processing of more serious offences.

Under Provincial legislation, the judiciary is responsible for determining when courtrooms can be used and the nature and volume of charges that can be scheduled into each courtroom. Removing parking disputes from the provincial courts allows the judicial system to better balance the limited court space available so that trials can be held for more serious offences. The removal of parking disputes from the provincial courts is supported by the Law Commission of Ontario in their 2011 report on the *Modernization of the Provincial Offences Act*. According to the report: "There are more serious matters with greater public safety implications (ex. Criminal bail, environmental and occupational health and safety offences) that should take precedence over parking violations" (pg. 58).

4. An APS program provides the City with more flexibility in serving a penalty notice.

Under the current court-based system, enforcement officers are required to issue parking tickets by physically affixing the ticket to an owner's vehicle or delivering the ticket personally to the person having care and control of the vehicle at the time of the alleged infraction. This strict requirement means that people who park in bike lanes, rush hour routes and other areas can avoid getting a parking ticket by driving away before the ticket is delivered.

O. Reg. 611/06 states that the owner of a vehicle must be provided with reasonable notice that an administrative penalty is payable under the administrative penalty by-law. The City of Toronto's administrative penalty by-law will state that notice will be given by placing the penalty notice on the vehicle, handing the penalty notice to the operator of the vehicle, or sending the penalty notice to the registered owner of the vehicle by mail, e-mail or facsimile transmission.

5. An APS program will close loopholes that contribute to non-payment of parking tickets.

There are several situations that have led to non-payment in the court-based dispute process and the withdrawal / cancellation of parking tickets. These include a customer not receiving a court

date in a reasonable amount of time, the officer who wrote the ticket not appearing in court, or a requested interpreter not attending the court hearing.

Disputes will be processed faster under an APS program eliminating time-related non-payments. Enforcement officers will not be required to attend screening reviews removing the possibility of having a violation cancelled due to officer non-appearance. Where information from the issuing officer is required, these inquiries can be done as part of the administrative process. Interpretation services can be provided via telephone removing the need for translators to appear in-person at the screening level.

Administrative Fees under an APS Program

Under the current court-based system, the *Provincial Offences Act* sets out certain fees (related to late payment, collection related activities, and failure to appear at trial) that are added to an outstanding fine. Many of these legislated fees, listed below, include a portion that is paid to the province. In addition, Council has approved some administrative fees to cover the cost of certain municipal services.

Table 6 identifies fees charged under the current court-based system.

Table 6 - Summary of Fees under the Current POA System				
Fee Description		Current Fees under POA		
		City Portion	Provincial Portion	Total Fee
A) Fees set under POA				
i.	Fee applied if an individual is convicted & does not pay	\$7.75	\$8.25	\$16.00
ii.	Plate Denial Fee	\$20.00	\$20.00	\$40.00
iii.	Failure to Appear at Trial	\$12.75	\$ 0.00	\$12.75
B) Fees set by Council				
iv.	Non-Sufficient Fund (NSF) Fee	\$40.00	\$ 0.00	\$ 40.00
v.	On-line Payment Fee	\$ 1.50	\$ 0.00	\$ 1.50
vi.	Telephone Payment Fee	\$ 2.00	\$ 0.00	\$ 2.00
vii.	Photocopy Fee / Screen Print Fee	\$ 1.00 (per sheet)	\$ 0.00	\$1.00 (per sheet)

Under an APS program, O. Reg. 611/06 permits the application of administrative fees for late payment of an administrative penalty or in respect of amounts paid by the City to obtain documents or information about the vehicle or the owner of the vehicle. The regulation also permits the City to charge any other fee or charge that may be imposed by the City in respect of the administration of the APS program under the fees section of the *City of Toronto Act, 2006*. Fees related to services provided by the province to assist in the collection of outstanding penalties include a processing fee to be paid to the province.

As shown in Attachment 3, fees where penalties are paid late, where vehicle owner information needs to be obtained from the Province, collection and non-appearance fees, will be established as part of the 2017 budget process.

In recognition of feedback received through a survey conducted by Court Services in October 2015 indicating that the majority of people prefer to schedule screening reviews and conduct the majority of their business online, the proposed APS program for parking violations incorporates a number of online services including online screening reviews, scheduling of hearings, and electronic payment. To encourage online transactions and on time payments under the APS program, it is proposed that the APS program not include user fees for online payments or telephone/IVR payments.

Online Service Delivery: The Case for a Two-Screening Office APS Program

Given the legislative requirement under the *Provincial Offences Act* that individuals must appear in-person to dispute a parking ticket, the City currently operates four First Appearance Facilities (i.e. Payment and Dispute Counters):

- Metro Hall: 55 John Street, Toronto
- North York Civic Centre: 5100 Yonge Street, North York
- York Civic Centre: 2700 Eglinton Avenue West, York
- Parking Tag Operations East: 1530 Markham Road, Scarborough

The provision of online service delivery through an APS program will significantly reduce the need for in-person facilities. The survey conducted by Court Services in October 2015 indicated that the majority of people would prefer to schedule screening reviews and conduct the majority of their business on-line. This supports the business case for the establishment of a two (2) screening office APS program.

Financial Analysis: The Case for a Two-Screening Office APS Program

The City currently spends approximately \$65.67 million in gross expenditures on parking enforcement and the processing of parking tickets. The largest portion of that (72%) relates to the enforcement of the City's parking by-laws by Toronto Police Service's Parking Enforcement Unit. The City currently spends just over \$18 million to process and adjudicate parking tickets, including the cost of Justices of the Peace, prosecutors, court and counter staff. Table 7 summarizes current costs.

Table 7 – Summary of Current Costs			
Service	Activity	2016 Approved Budget (\$ million)	Staff Complement / Resources
Toronto Police, Parking Enforcement Unit	Parking Enforcement & Ticket Issuance	\$ 47.4	394 staff.
Judicial Processing & Court Administration	Parking Ticket Administration (Court Services)	\$ 1.4	31 staff.
	Prosecutions (Legal Services)	\$ 1.5	14 prosecutors.

Table 7 – Summary of Current Costs			
Service	Activity	2016 Approved Budget (\$ million)	Staff Complement / Resources
	Facility Rental – Courtrooms	\$ 0.8	6 dedicated parking courtrooms.
	Adjudication (Judicial Services, Court Security, Interpretation Services)	\$ 3.2	Justices of the Peace, Toronto Police Court Security, Interpretation Services.
Parking Ticket Processing	Processing Operations, including investigations and collections	\$ 4.3	32 staff
	4 First Appearance Facilities (i.e. counter operations)	\$ 1.0	10 staff.
	Printing and Postage	\$ 1.4	-
	Payments to the Province	\$ 4.7	-
Total		\$ 65.7	481 staff

An APS program with two (2) screening offices in the 2017 transition year will cost \$2.74 million less than a four (4) screening office program. Table 8 summarizes operational costs in the 2017 transition year under a two (2) screening office APS program.

Table 8 – Summary of Costs in the 2017 Transition Year			
Service (related to POA)	Activity	2017 Estimated Budget (\$ million)	Staff Complement / Resources
Judicial Processing & Court Administration	Parking Ticket Administration (Court Services)	\$ 1.4	32 staff.
	Prosecutions (Legal Services)	\$ 1.5	14 prosecutors.
	Facility Rental – Courtrooms	\$ 0.8	6 dedicated parking courtrooms.
	Adjudication (Judicial Services, Court Security, Interpretation Services)	\$ 3.2	Justices of the Peace, Toronto Police Court Security, Interpretation Services.
Parking Ticket Processing	4 First Appearance Facilities (i.e. counter operations)	\$ 0.5	10 staff.
Service (related to APS)	Activity	2017 Estimated Budget (\$ million)	Staff Complement / Resources
Screening Office & Administrative Penalty Tribunal	Screening Office Staffing and Administration	\$ 2.1	36 staff.
	Hearing Officer Per Diems and Administrative Penalty Tribunal Administration	\$ 0.7	7 staff and per diem Hearing Officers.
	Facility Rental for Screening and Hearing Offices	\$ 0.3	2 Screening Offices and 1 Tribunal.
	Tribunal Support, Security, Interpretation Services	\$ 0.4	Security contracts, Interpretation services.
Parking Ticket Processing	Cashiers at Screening / Hearing Offices and Tribunal.	\$ 0.3	6 staff.

Table 8 – Summary of Costs in the 2017 Transition Year			
Service (related to POA)	Activity	2017 Estimated Budget (\$ million)	Staff Complement / Resources
Service (related to POA and APS)			
Toronto Police, Parking Enforcement Unit	Parking Enforcement & Ticket / Penalty Issuance	\$ 47.4	394 staff.
Parking Ticket / Penalty Processing	Processing Operations, including investigations and collections	\$ 4.3	32 staff
	Payments to the Province	\$ 4.4	-
	Printing and Postage	\$ 1.2	-
Totals		\$ 68.5	530 staff

An APS program with two (2) screening offices will reduce the 2016 gross operating budget of Parking Tags Enforcement and Operations by \$2.8 million beginning in 2018. Table 9 summarizes costs beginning in 2018 under a two (2) screening office APS program.

Table 9 – Summary of 2 Screening Office APS Program Costs in 2018			
Service	Activity	2018 Estimated Budget (\$ million)	Staff Complement / Resources
Toronto Police, Parking Enforcement Unit	Parking Enforcement & Penalty Issuance	\$ 47.4	394 staff.
Screening Office & Administrative Penalty Tribunal	Screening Office Staffing and Administration	\$ 3.6	36 staff.
	Hearing Officer Per Diems and Administrative Penalty Tribunal Administration	\$ 1.2	7 staff and per diem Hearing Officers.
	Facility Rental for Screening and Hearing Offices	\$ 0.5	2 Screening Offices and 1 Tribunal.
	Tribunal Support, Security, Interpretation Services)	\$ 0.6	Security contracts, Interpretation services.
Parking Ticket Processing	Processing Operations, including investigations, materials, and collections	\$ 4.5	37 staff.
	4 First Appearance Facilities (i.e. counter operations)	\$ 0.0	0 staff.
	Printing and Postage	\$ 0.9	-
	Payments to the Province	\$ 4.2	-
Total		\$ 62.9	474 staff

Maintaining the same number of in-person service locations would require the City to operate four (4) screening offices at a cost of \$65.7 million delivered by 495 staff. The estimated annualized cost of the proposed two (2) screening office APS program is \$2.8 million less than the current court-based system and a four (4) screening office APS program. Increased customer access through technology will be available under this system will improve customer service.

CONCLUSION

Moving parking disputes from the provincial courts to a City administered APS program is advantageous for the City of Toronto. It simplifies the dispute resolution process from a customer service perspective, provides for increased use of technology, increases the amount of court time available for more serious offences, prevents abuse of the system, provides enforcement officers with more ways to serve a penalty notice, and allows the City to avoid a backlog of disputes in the future. Administrative penalty systems have been successful at the provincial and municipal levels and have become an effective method of parking by-law enforcement.

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ATTACHMENTS:

Attachment 1 – Administrative Penalty System Procedural Requirements

Attachment 2 – Designated By-laws

Attachment 3 – List of Proposed Administrative Fees

Attachment 4 – Governance Structure for the City of Toronto's Administrative Penalty Tribunal

Attachment 5 – Administrative Penalty Tribunal Municipal Code Provisions

Attachment 6 – Diagrams (Figure 1-3)

Administrative Penalty System Procedural Requirements

APS Administrative Process – Procedural Requirements

- 1. O. Reg. 611/06 s. 8 (1) 1: The owner of a vehicle must be provided with reasonable notice that an administrative penalty is payable under the administrative penalty by-law.**

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. The City may serve any document or notice under this by-law, including but not limited to a Penalty Notice, personally on the Owner or by facsimile transmission (fax), electronic transmission, registered or regular mail addressed to the Owner at the Owner's last known number, electronic transmission address, or address.
 - (a) Service by facsimile transmission (fax) or electronic transmission shall be deemed to have been made on the day on which the transmission is sent.
 - (b) Service by registered or regular mail shall be deemed to have been made on the fifth day after the date of mailing.
 - (c) An Owner's last known number, electronic transmission address, or address includes the number, electronic transmission address, or address provided by the Owner to the City's Screening or Hearing Offices in the course of any parking matter dealt with under the Administrative Penalty System between the City and the Owner or at the address provided to the City by the Ontario Ministry of Transportation or other Province/State indicated for the vehicle licence plate where an agreement to share this information is in place.
- ii. (a) In addition to the service of documents listed above, an Enforcement Officer may serve the Penalty Notice on the Owner with respect to a contravention of a designated by-law respecting the parking, standing, or stopping of vehicles by:
 - (1) Affixing the Penalty Notice to the vehicle in a conspicuous place; or
 - (2) Giving it personally to the person who, in the opinion of the Enforcement Officer, appears to have care or control of the vehicle, at the time of the contravention.
- (b) Service shall be deemed to have been made at the time the Penalty Notice is affixed to the vehicle or given to the person.

- 2. O. Reg. 611/06 s. 8 (1) 2: The individual issuing a penalty notice in respect of the contravention of a designated by-law is not allowed to accept payment in respect of the penalty.**

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. The individual issuing a Penalty Notice in respect of the contravention of a designated by-law is not permitted to accept payment in respect of the penalty.
- 3. O. Reg. 611/06 s. 8 (1) 3: A person who receives a penalty notice shall be given the right to request a review of the administrative penalty by a Screening Officer appointed by the City for that purpose.**

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. An Owner who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer. Such a request must be made within 15 calendar days after the Penalty Notice Date.
 - ii. If an Owner has not requested a review of an Administrative Penalty within 15 calendar days an Owner may, within 30 calendar days after the Penalty Notice Date, request that the Screening Officer extend the time to request a review. The Owner's right to request an extension of time expires if it has not been exercised within 30 calendar days after the Penalty Notice Date at which time:
 - (a) The Owner shall be deemed to have waived the right to request a review; and
 - (b) The Administrative Penalty shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
 - (c) The Administrative Penalty shall not be subject to any further review or appeal.
 - iii. If a review request of an Administrative Penalty is not received within the timelines in ii, a notice of default will be served on the Owner of the vehicle informing them of the Administrative Penalty now owing.
- 4. O. Reg. 611/06 s. 8 (1) 4: The Screening Officer may cancel, affirm or vary the penalty, including any fee imposed under section 12, upon such grounds as are set out in the administrative penalty by-law.**

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. On a review of the Administrative Penalty, a Screening Officer may decide to:
 - (a) Affirm the Administrative Penalty;

- (b) Cancel the Administrative Penalty if the Owner establishes on the balance of probabilities that the vehicle was not parked, standing or stopped contrary to the Designated by-law as set out in the Penalty Notice; or
 - (c) Cancel, vary, or extend time for payment of the Administrative Penalty, if the Owner establishes on the balance of probabilities that this is necessary to relieve undue hardship.
- ii. The Screening Officer may request such information from an Owner as the Screening Officer considers relevant.
 - iii. The Screening Officer may request, consider and rely on information from an Enforcement Officer, other City/Agency Staff, or staff of the Toronto Police Service as the Screening Officer deems relevant, without the need for the attendance of the individual, including but not limited to: a certified statement of an Enforcement Officer, other documents respecting a contravention created by an Enforcement Officer including but not limited to a photograph taken by an Enforcement Officer, and any other written document prepared by an Enforcement Officer, other City/Agency Staff, or staff of the Toronto Police Service.

5. O. Reg. 611/06 s. 8 (1) 5: A person who receives notice of the decision of the Screening Officer shall, in such circumstances as may be specified in the administrative penalty by-law, be given the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the City for that purpose.

This procedural requirement shall be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. Where an Administrative Penalty has not been cancelled, an Owner may request a review of a Screening Decision by a Hearing Officer by giving notice in accordance with the process outlined on the Screening Decision within 15 calendar days after the date of issuance of the Screening Decision to the Owner.
- ii. If an Owner has not requested a review of a Screening Decision within 15 calendar days after the date of issuance of the Screening Decision, an Owner may, within 30 calendar days after the date of issuance of the Screening Decision, request that the Hearing Officer extend the time to request a review. An Owner's right to request an extension of time expires if it has not been exercised within 30 calendar days after the date of issuance of the Screening Decision at which time:
 - (a) The Owner shall be deemed to have waived the right to request a review; and
 - (b) The Screening Decision and the Administrative Penalty included in the Screening Decision shall be deemed to be affirmed; and
 - (c) The Screening Decision and the Administrative Penalty shall not be subject to any further review or appeal.

iii. Where an Administrative Penalty has not been cancelled, and a review request of the Screening Decision is not received within the timelines in ii, a notice of default will be served on the Owner of the vehicle informing them of the Administrative Penalty now owing.

Administrative Penalty Tribunal for Parking Tickets – Procedural Requirements

6. O. Reg. 611/06 s. 8 (1) 6: The Hearing Officer shall not make a determination with respect to a review of the Screening Officer's Decision unless he or she has given the person who requested the review an opportunity to be heard.

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Owner and the City an opportunity to be heard at the time and place scheduled for the hearing of the review or, having given this opportunity to be heard, the parties have consented to a disposition of some or all issues respecting a Screening Decision without a hearing.

7. O. Reg. 611/06 s. 8 (1) 7: The Hearing Officer may cancel, affirm, or vary the decision of the Screening Officer upon such grounds as are set out in the administrative penalty by-law.

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. On a review of a Screening Decision, the Hearing Officer may decide to:
 - (a) Affirm the Screening Officer's decision;
 - (b) Cancel the Administrative Penalty if the Owner establishes on the balance of probabilities that the vehicle was not parked, standing or stopped contrary to the Designated By-law as set out in the Penalty Notice; or
 - (c) Cancel, vary, or extend time for payment of the Administrative Penalty, if the Owner establishes on the balance of probabilities that this is necessary to relieve undue hardship.
- ii. The Hearing Officer may request such information from a person as the Hearing Officer considers relevant.
- iii. The Hearing Officer may request, consider and rely on information from an Enforcement Officer, other City/Agency Staff, or staff of the Toronto Police Service as the Hearing Officer deems relevant, including a certified statement of an Enforcement Officer, other documents respecting a contravention created by an

Enforcement Officer including, but not limited to, a photograph taken by an Enforcement Officer, any other written document prepared by an Enforcement Officer, other City/Agency Staff, or staff of the Toronto Police Service, and materials prepared by, or presented to, a Hearing Officer.

- iv. In addition to anything else that is admissible as evidence at a Hearing Review in accordance with the *Statutory Powers Procedure Act*, the materials referred to in iii are admissible as evidence as proof of the facts contained in them, in the absence of evidence to the contrary.
 - v. If evidence referred to in iii is being admitted at a Hearing review, the Hearing Officer shall not adjourn the hearing review for the purpose of having an individual attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the individual is necessary to ensure a fair hearing.
- 8. O. Reg. 611/06 s. 8 (1) 8: Procedures must be established to allow a person to obtain an extension of time in which to request a review by a Screening Officer, or a review by a Hearing Officer, on such grounds as may be specified in the administrative penalty by-law.**

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. An Owner's right to request a review of an Administrative Penalty by a Screening Officer or to request an extension of time to request a review of an Administrative Penalty by a Screening Officer are exercised by:
 - (a) Electronically submitting a Request for Screening in the form available on the City's webpage in the link set out in the Penalty Notice; or
 - (b) Attending in person or by an authorized representative at the location listed in the Penalty Notice to complete a Request for Screening form.
- ii. An Owner's right to request a review by a Hearing Officer of a Screening Decision, or to request an extension of time to request a review by a Hearing Officer of a Screening Decision, are exercised by attending in person or by an authorized representative at the place or in the manner specified in the Request for Review by Hearing Officer form and filing a completed form.
- iii. The Screening Officer may only extend the time to request a review of an Administrative Penalty where the Owner demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
 - (a) Where an extension of time is not granted by the Screening Officer the Administrative Penalty is deemed to be affirmed.

- (b) Within 30 calendar days after the Penalty Notice Date, an Owner may request that the Screening Officer extend the time to request a review. If such a request is not made within 30 calendar days after Penalty Notice Date:
 - a) The Owner shall be deemed to have waived the right to request a review;
 - b) The Administrative Penalty, including any administrative fees, shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
 - c) The Administrative Penalty, including any administrative fees, is not subject to any further review or appeal.
- iv. If a review request of a Screening Decision is not received within the requisite timelines, a notice of default will be served on the Owner of vehicle informing them of the amount of the Administrative Penalty owing. The Hearing Officer may only extend the time to request a review of a Screening Decision where the Owner demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
 - (a) Where an extension of time is not granted by the Hearing Officer the Screening Decision and Administrative Penalty including any administrative fees, if applicable as modified in the Screening Decision, are deemed to be affirmed.
 - (b) Within 30 calendar days after the date of issuance of the Screening Decision, an Owner may request that the Hearing Officer extend the time to request a review. If such a request is not made within 30 calendar days after the date of issuance of the Screening Decision:
 - a) The Owner shall be deemed to have waived the right to request a review; and
 - b) The Administrative Penalty, including any administrative fees, shall be deemed to be affirmed on the date of issuance of the Screening Decision to the Owner; and
 - c) The Administrative Penalty, including any administrative fees, is not subject to any further review or appeal.

9. O. Reg. 611/06 s. 8 (1) 9: Procedures must be established to permit persons to obtain an extension of time for payment of the penalty on such conditions as may be specified in the administrative penalty by-law.

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner.

- i. The Owner can request an extension of time to pay the Administrative Penalty and any applicable administrative fees by submitting an application in the form provided either to the Screening Officer directly at the time a decision is made by

the Screening Officer or to the City within ten calendar days prior to the payment due date. The Owner can request an extension of time to pay the Administrative Penalty and any applicable administrative fees by submitting an application in the form provided either to the Hearing Officer directly at the time a decision is made by the Hearing Officer or to the City within ten calendar days prior to the payment due date.

- ii. Having rendered a decision that included payment of an Administrative Penalty and / or administrative fee, the Screening Officer or Hearing Officer may consider a request for additional time to pay the Administrative Penalty and administrative fees payable and approve such an extension based on the following considerations:
 - (a) The amount of the Administrative Penalty and administrative fees payable,
 - (b) Whether the Owner of the vehicle is employed, retired, a student, or other circumstances that would render the payment of the Administrative Penalty and administrative fees an undue hardship, and
 - (c) Financial hardship.
- iii. If an Owner who has been issued a Penalty Notice has requested an extension of time to pay the Administrative Penalty, then:
 - (a) They are deemed to have waived their right to request a review; and
 - (b) The Administrative Penalty, including any administrative fee, is not subject to any further review or appeal.
- iv. If an Owner who has been issued a Screening Decision has requested an extension of time to pay the Administrative Penalty, then:
 - (a) They are deemed to have waived their right to request a review and have consented to a disposition of the amount owing under the Screening Decision without a hearing by the Hearing Officer; and
 - (b) The Administrative Penalty, including any administrative fee, is not subject to any further review or appeal.

10. O. Reg. 611/06 s. 8 (1) 10: The procedures established under paragraphs 8 and 9 shall provide for a suspension of the enforcement mechanisms available under sections 9, 10 and 11 in relation to the administrative penalty if an extension of time has been granted.

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. Where an extension of time to pay the Administrative Penalty is granted, enforcement mechanisms will be suspended until after the extension of time has expired.
- ii. Where an extension of time to request a review is granted, enforcement mechanisms will be suspended until the extension of time to request a review has expired.

11. O. Reg. 611/06 s. 8 (1) 11: Procedures must be established to permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees referred to in section 12, if requiring the person to do so would cause undue hardship.

This procedural requirement will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. The Screening Officer or Hearing Officer:
 - (a) May excuse an Owner of the vehicle from paying all or part of the Administrative Penalty, including any administrative fees, in accordance with the policies, practices and procedures approved by the City Solicitor, Treasurer and Director of Court Services that may cause undue hardship to the Owner of the vehicle.
 - (b) Will satisfy themselves at the Screening Review or Hearing Review as to the authenticity / credibility of the oral or documentary evidence and will refer to that evidence in their decision.
- ii. The Owner:
 - (a) Must complete the City's undue hardship application and attach, if applicable, evidence of undue hardship to the Owner of the vehicle. For example:
 - 1) Old Age Security;
 - 2) Canada Pension, CRA tax assessment information;
 - 3) Guaranteed Income Supplement;
 - 4) Disability Pension;
 - 5) O.S.A.P.
 - 6) Any other form of social assistance.

Additional Procedural and Substantive APS Provisions

12. Procedures will be established where an owner fails to attend at the time and place for a scheduled review.

These procedures will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. Where an Owner fails to attend at the time and place scheduled for a review by the Screening Officer:
 - (a) (i) The Owner shall be deemed to have abandoned the request for a review of the Administrative Penalty;
 - (ii) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed on the 16th day after the Penalty Notice Date and is not subject to any further review or appeal; and
 - (iii) The Owner of the vehicle shall pay to the City a Screening Non-Appealance Fee.
 - (b) Where an Administrative Penalty is deemed to be affirmed pursuant to i(a)(ii), a notice of default shall be served on the Owner of the vehicle informing them of the amount of the Administrative Penalty.
- ii. Where an Owner fails to attend at the time and place scheduled for a review by the Hearing Officer:
 - (a) (i) The Owner shall be deemed to have abandoned the request for a review of the Screening Decision;
 - (ii) The Screening Decision and the Administrative Penalty shall be deemed to be final and are not subject to any further review or appeal;
 - (iii) The Administrative Penalty is deemed to be affirmed on the date of issuance of the Screening Decision; and
 - (iv) The Owner of the vehicle shall pay to the City a Hearing Non-Appealance Fee.
 - (b) Where an Administrative Penalty is deemed to be affirmed under ii(a)(iii), the Hearing Officer shall, without a hearing, as permitted by s.4.1 of the *Statutory Powers and Procedures Act* affirm the Screening Decision. A Hearing Decision affirming the Screening Decision and establishing the Owner's liability to pay to the City a Hearing Non-Appealance Fee shall be served upon the Owner of the vehicle.

13. Substantive provisions will be established to define undue hardship.

The meaning of undue hardship will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. Undue hardship is special or specified circumstances that partially or fully exempt a person from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle.
- ii. Undue hardship means significant difficulty or expense and focuses on the resources and circumstances of the person owing an administrative penalty, including administrative fees, in relationship to the cost or difficulty of paying the administrative penalty or any administrative fees.

14. Substantive provisions will be established to outline the particulars in the penalty notice.

These substantive provisions will be addressed in the City of Toronto's administrative penalty by-law generally in the following manner:

- i. The Penalty Notice issued to the person shall include the following information:
 - (a) The date of issue of the Penalty Notice;
 - (b) The Penalty Notice Number;
 - (c) The vehicle licence plate number;
 - (d) Particulars of the contravention;
 - (e) The amount of the Administrative Penalty;
 - (f) Information respecting the process by which the Owner may pay the Administrative Penalty or request a review of the Administrative Penalty;
 - (g) A statement advising that an Administrative Penalty will constitute a debt of the Owner of the vehicle to the City;
 - (h) The name and identification number of the Enforcement Officer issuing the Penalty Notice.

15. Substantive provisions will be established to outline general APS program provisions.

Substantive provisions may be included in the City of Toronto's administrative penalty by-law to generally incorporate the following principles:

- i. The *Provincial Offences Act* does not apply to the contravention of a designated by-law.

- ii. If a vehicle has been left parked, standing or stopped in contravention of a designated by-law, the owner of the vehicle shall, upon issuance of a Penalty Notice, be liable to pay to the City an Administrative Penalty.
- iii. For the purposes of ii, the owner of the vehicle shall be deemed to be (a) the person whose name appears on the permit for the vehicle; and (b) if the vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.
- iv. For the purposes of section 3, 4, 5, 6, 7, 8, 9, 12, and 14, an Owner shall include the Owner of the vehicle and a person who receives: a Penalty Notice; the Screening Decision; or the Hearing Decision in accordance with section 1, or subsections 15, xxiii, xxiv.
- v. An Administrative Penalty, including any administrative fees, that is affirmed or reduced in respect of which the time for payment has been extended is due and payable and constitutes a debt to the City owed by the owner of the vehicle.
- vi. The Administrative Penalty system will operate under an open and transparent process similar to the current "open court" model for proceedings under the *POA*. All information collected by the City, or a party authorized for the purpose of issuing an Administrative Penalty, or otherwise on the City's behalf in relation to any aspect of the Administrative Penalty program, including all information collected in the context of a meeting with a Screening Officer and a hearing conducted by the Hearing Officer, is collected specifically for the purpose of creating and maintaining a record available to the general public respecting the issuance and review of Administrative Penalties.
- vii. The public will be able to access the records available to the general public and obtain copies of these materials, upon request in a manner similar to the process under the current *POA* model, and for fees similar to those currently established under O. Reg. 210/07, as amended.
- viii. Where an Administrative Penalty is not paid within 15 calendar days after it becomes due and payable, the Owner of the vehicle shall pay to the City a Late Payment Fee.
- ix. Where an Administrative Penalty is not paid within 15 calendar days after it becomes due and payable, the Owner of the vehicle shall pay to the City a Vehicle Owner / Address Search Fee.
- x. Where an Owner requests an in-person screening review and does not attend, the Owner of the vehicle shall pay to the City a Screening Non-Appearance Fee.
- xi. Where an Owner requests a Hearing Review and does not attend, the Owner of the vehicle shall pay to the City a Hearing Non-Appearance Fee.

- xii. Where an Administrative Penalty is not paid within 30 calendar days after it becomes due and payable, the City may notify the Registrar of Motor Vehicles of the default and the Owner of the vehicle shall pay to the City a Plate Denial Enforcement Fee.
- xiii. Where an Administrative Penalty is not paid within 30 calendar days after it becomes due and payable, the City may notify the Registrar of Motor Vehicles in the jurisdiction where the permit (vehicle licence plate) is registered of the default.
- xiv. Where an Owner provides a demand for payment to the City for payment of any Administrative Penalty or Administrative Fee and there are insufficient funds available in the account on which the instrument was drawn, the owner shall pay to the City an NSF Fee.
- xv. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any associated administrative fee is also cancelled.
- xvi. Any time limit that would otherwise expire on a weekend or statutory holiday is extended to the next business day that is not a statutory holiday.
- xvii. Amendments to Municipal Code Chapters 217, Records, Corporate (City), and 219 Records, Corporate (Local Boards) will be implemented to establish certain records submitted to Screening Officers as transitory records for purposes of Chapter 217, and to establish appropriate record retention schedules for records related to the APS program, including records held by the Hearing Tribunal.
- xviii. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- xix. All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- xx. Any decision by a Hearing Officer is final.
- xxi. Hearing Decision will mean a written decision of the Hearing Officer in a form and manner determined by the Hearing Tribunal.
- xxii. Screening Decision will mean a written decision containing the decision of the Screening Officer in a form and manner determined by the City Solicitor.
- xxiii. An Enforcement Officer who has reason to believe that a vehicle has been left parked, standing or stopped in contravention of a Designated By-law may issue a Penalty Notice to the Owner.
- xxiv. After a review has been held by a Screening Officer, the Screening Officer shall make a Screening Decision in writing and it shall be served on the Owner.

- xxv. After a hearing has been held by a Hearing Officer, the Hearing Officer shall make a Hearing Decision in writing and it shall be served on the Owner.
- xxvi. If a person has paid any Administrative Fee in respect of an administrative penalty and the penalty is subsequently cancelled by a Screening Officer or a Hearing Officer, the City shall refund the Administrative Fee paid in full to the person.
- xxvii. Penalty Notice Date means the date of issuance of the Penalty Notice.
- xxviii. The Penalty Notice shall constitute a certified statement of an Enforcement Officer as shall any document indicating the manner of service of the Penalty Notice.

Designated By-laws

1. Column 1 in each of the following tables sets out the parts of the by-laws respecting parking, standing or stopping of vehicles to which the system of administrative penalties applies (the "Designated By-laws").
2. Column 2 in the following tables sets out the short form wording that is to be used in a Penalty Notice to describe the contravention of the corresponding Designated By-law in Column 1.
3. Column 3 in the following tables sets out the Administrative Penalty amount for the contravention of the corresponding Designated By-law in Column 1.

Table 1: Chapter 608, Parks, As Amended, of the Municipal Code of the City of Toronto			
	Column 1	Column 2	Column 3
Item	Designated Part of By-law	Short Form Wording	Penalty Amount
1	§ 608-27A	Park vehicle in area of park not designated for parking	\$100.00
2	§ 608-27B	Park vehicle in park between 12:01 a.m. and 5:30 a.m. without permit	\$100.00
3	§ 608-27C	Park vehicle in park (not in designated space/contrary to posted conditions)	\$100.00
4	§ 608-27D	(Stop/Park) in accessible parking space in park without displaying permit	\$300.00
5	§ 608-27E	Park vehicle in park while not using park	\$100.00
6	§ 608-27F	Park vehicle in park for longer than 24 hours	\$100.00
7	§ 608-30	Park motorized recreational vehicle in non-designated area of park	\$175.00

Table 2: Chapter 743, Streets and Sidewalks, Use of, As Amended, of the Municipal Code of the City of Toronto			
	Column 1	Column 2	Column 3
Item	Designated Part of By-law	Short Form Wording	Penalty Amount
1	§743-291(4)	Park Private Vehicle on Site – Not Engaged in (Work/Temporary Occupation)	\$500.00
2	§743-8D(1)	Street Promotion Activity – (Stop/Park/Stand) Vehicle on Street	\$500.00

Table 3: Chapter 880, Fire Routes			
Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 880-14A	Park in a Fire Route	\$250.00

Table 4: Chapter 886, Footpaths, Pedestrian Ways, Bicycle Paths, Bicycle Lanes and Cycle Tracks, As Amended, of the Municipal Code of the City of Toronto			
Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 886-3A	Park Prohibited Vehicle on Footpath	\$60.00
2	§ 886-5A	Park Prohibited Vehicle on Pedestrian Way	\$60.00
3	§ 886-6C	Park Prohibited Vehicle on Bicycle Path	\$60.00
4	§ 886-10C	Stop Vehicle other than a (Bicycle/Power-Assisted Bicycle) in Bicycle Lane	\$150.00
5	§ 886-15B	Stop Vehicle other than Bicycle in Cycle Track	\$150.00

Table 5: Chapter 910, Parking Machines and Meters, As Amended, of the Municipal Code of the City of Toronto			
Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 910-4A(1)	Park Bus – Designated Bus Parking Space – Parking Machine – Required Fee Not Paid	\$300.00
2	§ 910-4A(1)	Park Bus – Designated Bus Parking Space – Fail to Activate Parking Machine	\$300.00
3	§ 910-4A(2)	Park Bus – Designated Bus Parking Space – Parking Machine – Prohibited Time	\$300.00
4	§ 910-4A(1)	Parking Machine – Required Fee Not Paid	\$30.00
5	§ 910-4A(1)	Park – Fail to Activate Parking Machine	\$30.00
6	§ 910-4A(2)	Park – Parking Machine Space – Not Within Permitted Time	\$30.00
7	§ 910-4C	Park – Parking Machine Space – Fail to Display Receipt in Windshield	\$30.00
8	§ 910-5	Park – Other Than Parking Machine Parking Space	\$30.00

9	§ 910-5.1	Park Motorcycle – Parking Machine Space – At Angle less than 45 Degrees to Curb	\$30.00
10	§ 910-5.1	Park Motorcycle – Parking Machine Space – At Angle greater than 60 Degrees to Curb	\$30.00
11	§ 910-6	Parking – Parking Machine Space – Exceeds Maximum Time	\$30.00
12	§ 910-6.1	Park Non-bus Vehicle – Designated Bus Parking Space – Parking Machine	\$30.00
13	§ 910-6.2	Park Non-electric Vehicle – Designated Electric Vehicle Parking Space	\$60.00
14	§ 910-6.2	Park Electric Vehicle – Designated Electric Vehicle Parking Space – Not Actively Connected	\$60.00
15	§ 910-6.2	Park Electric Vehicle – Designated Electric Vehicle Parking Space – Exceeds Maximum Time	\$60.00
16	§ 910-13A(1)	Park Bus – Designated Bus Parking Space – Parking Meter – No Fee Deposited	\$300.00
17	§ 910-13A(1)	Park Bus – Designated Bus Parking Space – Fail to Activate Parking Meter	\$300.00
18	§ 910-13A(2)	Park Bus – Designated Bus Parking Space – Parking Meter – Prohibited Time	\$300.00
19	§ 910-13A(1)	Park – Fail to Deposit Fee in Parking Meter	\$30.00
20	§ 910-13A(1)	Park – Fail to Activate Parking Meter	\$30.00
21	§ 910-13A(2)	Park – Parking Meter Space – Not Within Permitted Time	\$30.00
22	§ 910-14	Park – Other Than Parking Meter Parking Space	\$30.00
23	§ 910-15	Park Motorcycle – Parking Meter Space – At Angle less than 45 Degrees to Curb	\$30.00
24	§ 910-15	Park Motorcycle – Parking Meter Space – At Angle greater than 60 Degrees to Curb	\$30.00
25	§ 910-16	Park – Parking Meter Space – Exceeds Maximum Time	\$30.00
26	§ 910-17	Park Non-bus Vehicle – Designated Bus Parking Space – Parking Meter	\$30.00

Table 6: Chapter 915, Parking on Private of Municipal Property , As Amended, of the Municipal Code of the City of Toronto

Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 915-2A	Park Vehicle on Municipal Property Without Consent	\$30.00
2	§ 915-2A	Leave Vehicle on Municipal Property Without Consent	\$30.00
3	§ 915-2B	Park Vehicle on Private Property Without Consent	\$30.00
4	§ 915-2B	Leave Vehicle on Private Property Without Consent	\$30.00

Table 7: Chapter 918, Parking on Residential Front Yards and Boulevards, As Amended, of the Municipal Code of the City of Toronto

Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 918-2B	Unauthorized Parking on Boulevard	\$50.00
2	§ 918-2C	Park on Boulevard Between Roadway and Sidewalk	\$50.00
3	§ 918-2E	Park on Boulevard Without Currently Valid Numbered Plates	\$50.00
4	§ 918-3A	Unauthorized Front Yard Parking	\$50.00
5	§ 918-3B	Park in Front Yard Without Currently Valid Numbered Plates	\$50.00
6	§ 918-10F(1)	Park Less than 0.3 m From Public Sidewalk	\$50.00
7	§ 918-10F(2)	Park Less than 0.3 m from Residential Building Door	\$50.00
8	§ 918-10F(3)	Park Less than 0.3 m From Bottom Step	\$50.00
9	§ 918-10F(4)	Park Less than 0.3 m from Window	\$50.00
10	§ 918-10F(5)	Park Less than 0.3 m From Wall	\$50.00

Table 8: Chapter 925, Permit Parking, As Amended, of the Municipal Code of the City of Toronto

Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 925-5N(1)	Park in Permit Parking Location Without a Valid Permit	\$30.00
2	§ 925-5N(3)	Continuously Park More Than 7 Consecutive Days in Permit Parking Area	\$30.00
3	§ 925-5N(4)	Park and Fail to Properly Display Parking Permit	\$30.00
4	§ 925-5N(5)(a)	Park Motorcycle and Fail to Properly Affix Parking Permit	\$30.00
5	§ 925-5N(5)(b)	Park Motorcycle – At Angle Less than 45 Degrees to Curb	\$30.00
6	§ 925-5N(5)(b)	Park Motorcycle – At Angle Greater than 60 Degrees to Curb	\$30.00

Table 9: Chapter 903, Parking for Persons With Disabilities, As Amended, of the Municipal Code of the City of Toronto

Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 903-4A	(Park/Stand) vehicle in accessible parking space without proper display of valid permit	\$450.00
2	§ 903-4B	(Park/Stand) vehicle in accessible parking space while not transporting, picking up or dropping off current valid accessible parking permit holder	\$450.00
3	§ 903-7A	(Park/Stand) vehicle in loading zone for persons with disability without proper display of valid permit	\$450.00
4	§ 903-7A	(Park/Stand) vehicle in loading zone for persons with disability while not boarding or discharging valid accessible parking permit holder	\$450.00
5	§ 903-8A	(Park/Stand/Stop) vehicle in on-street accessible parking space without proper display of valid permit	\$450.00
6	§ 903-9	(Park/Stand) vehicle in on-street loading zone for persons with a disability without proper display of valid permit	\$450.00
7	§ 903-9	(Park/Stand) vehicle in on-street loading zone for persons with a disability while not boarding or	\$450.00

		discharging valid accessible parking permit holder	
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Table 10: Chapter 950, Traffic and Parking, As Amended, of the Municipal Code of the City of Toronto			
Item	Column 1 Designated Part of By-law	Column 2 Short Form Wording	Column 3 Penalty Amount
1	§ 950-400A(1)(a)	(Park/Stop) with right front and right rear wheels more than 30 cm from right curb	\$30.00
2	§ 950-400A(1)(b)	Fail to (Park/Stop) Parallel to Curb	\$30.00
3	§ 950-400A(1)(b)	Fail to (Park/Stop) Parallel – Right-Hand Limit of Highway	\$30.00
4	§ 950-400A(1)(b)	Fail to (Park/Stop) as Near as Practicable Right-Hand Limit of Highway	\$30.00
5	§ 950-400A(3)(a)	(Park/Stop) with left front and left rear wheels more than 30 cm from left-side Curb of One-Way Highway	\$30.00
6	§ 950-400A(3)(b)	Fail to (Park/Stop) with left front and left rear wheels Parallel to left limit of One-Way Highway	\$30.00
7	§ 950-400A(3)(b)	Fail to (Park/Stop) with left front and left rear wheels as Close as practicable to Left Limit of One-Way Highway	\$30.00
8	§ 950-400B(1)	Stop – (on/over) (Sidewalk/Footpath)	\$150.00
9	§ 950-400B(2)	Stop – within (Intersection/Pedestrian Crossover)	\$60.00
10	§ 950-400B(3)(a)	Stop – Within 15 m of Pedestrian Crossover – approach side	\$60.00
11	§ 950-400B(3)(b)	Stop – Within 9 m of Pedestrian Crossover – beyond crossover	\$60.00
12	§ 950-400B(4)	Stop – Beside Safety Zone	\$60.00
13	§ 950-400B(4)	Stop – Within 15 m of Safety Zone	\$60.00
14	§ 950-400B(5)	Stop – Alongside (Excavation/Obstruction) in Roadway – Impede Traffic	\$60.00
15	§ 950-400B(5)	Stop – Across from (Excavation/Obstruction) in Roadway – Impede Traffic	\$60.00
16	§ 950-400B(6)	Stop – Road Side – (Stopped/Parked) Vehicle	\$150.00
17	§ 950-400B(7)	Stop – On Bridge	\$60.00
18	§ 950-400B(7)	Stop – On Elevated Structure	\$60.00
19	§ 950-400B(7)	Stop – in Tunnel	\$60.00
20	§ 950-400B(7)	Stop – in Underpass	\$60.00
21	§ 950-400B(9)	Stop – on Middle Boulevard	\$60.00

22	§ 950-400B(9)	Stop – on Centre Strip	\$60.00
23	§ 950-400B(9)	Stop – Adjacent to Side of Middle Boulevard	\$60.00
24	§ 950-400B(9)	Stop – Adjacent to End of Middle Boulevard	\$60.00
25	§ 950-400B(9)	Stop – Adjacent to Side of Centre Strip	\$60.00
26	§ 950-400B(9)	Stop – Adjacent to End of Centre Strip	\$60.00
27	§ 950-400B(10)	Stop – Non-School Bus in School Bus Loading Zone	\$60.00
28	§ 950-400B(11)	Stop – Within 9 m of School Crossing	\$60.00
29	§ 950-400C(1)	Stop – more than 3 hours on any one highway while (offering for sale/taking orders for) (goods/wares/merchandise/produce/refreshments/beverages/other food)	\$60.00
30	§ 950-400C(1)	Stop – more than 1 hour at any one location during 3-hour period while (offering for sale/taking orders for) (goods/wares/merchandise/produce/refreshments/beverages/other food)	\$60.00
31	§ 950-400D(1)	Park – Obstruct (Driveway/Laneway)	\$50.00
32	§ 950-400D(1)	Park – (In front/Within 60 cm) of (Driveway/Laneway)	\$50.00
33	§ 950-400D(2)	Park - Within 3 m of Fire Hydrant	\$100.00
34	§ 950-400D(3)	Park – Within 9 m of Intersecting Roadway	\$50.00
35	§ 950-400D(4)	Park – Within 15 m of (Railway Tracks/Level Railway Crossing)	\$40.00
36	§ 950-400D(4)	Park – Alongside (Railway Tracks/Level Railway Crossing)	\$40.00
37	§ 950-400D(5)	Park – Longer than 3 Hours	\$15.00
38	§ 950-400D(6)	Park Vehicle – For Sale	\$15.00
39	§ 950-400D(7)	Park Vehicle – To (Wash/Grease/Repair)	\$15.00
40	§ 950-400D(8)	Park – Prevent Removal of Vehicle	\$40.00
41	§ 950-400D(9)	Park – former City of North York highway – 2:00 a.m. to 6:00 a.m. Dec.1 to Mar. 31	\$40.00
42	§ 950-400D(10)(a)	Park – Vehicle Without Valid Ontario Number Plate Properly Displayed	\$40.00
43	§ 950-400D(10)(b)	Park – Vehicle Without Valid Non-Ontario Number Plate Properly Displayed	\$40.00
44	§ 950-400E(1)	Park – Signed Highway – Within 15 m of Intersection	\$50.00
45	§ 950-400E(3)	Park – Signed Highway – Within 30.5 m of Signalized Intersection	\$50.00
46	§ 950-400E(5)	Park – Signed Highway – In front of (Entrance to/Exit from) (Building/Enclosed Space)	\$40.00
47	§ 950-400E(6)	Park – Signed Highway – Within 7.5 m of Fire Hall – Same Side	\$40.00

48	§ 950-400E(6)	Park – Signed Highway – Within 30.5 m of Fire Hall – Opposite Side	\$40.00
49	§ 950-400E(7)(a)	Park – Signed Highway – Within 15 m of far side of Signalized Crosswalk	\$40.00
50	§ 950-400E(7)(b)	Park – Signed Highway – Within 30.5 m of approach to Signalized Crosswalk	\$40.00
51	§ 950-400E(8)	Park – Signed Highway - Within Turning Basin	\$40.00
52	§ 950-400E(9)	Park – Signed Highway – Interfere with Formation of Funeral Procession	\$40.00
53	§ 950-400E(10)	Park – Signed Highway – Within 15 m of Termination of Dead End Street	\$40.00
54	§ 950-400E(11)	Park – Signed Highway – Within "T-type" Intersection	\$40.00
55	§ 950-400E(12)	Park - Signed Highway - Public Lane	\$40.00
56	§ 950-400E(12)	Park - Signed Highway – Less than 6m Wide	\$40.00
57	§ 950-400E(13)	Park Signed Highway – Within 15 m of Canada Post Mailbox – same side	\$40.00
58	§ 950-400F(1)	Stand Vehicle – Signed Highway – Transit Stop Zone	\$150.00
59	§ 950-400G(2)	Park vehicle other than Motorcycle in Designated Motorcycle Parking Space	\$40.00
60	§ 950-400H	(Park/Stand) Unauthorized Vehicle in Car-Share Vehicle Parking Area	\$60.00
61	§ 950-400H	(Park/Stand) Car-Share Vehicle – Parking Permit not properly affixed	\$60.00
62	§ 950-400I	Park Unauthorized Vehicle in Electric Vehicle Charging Station Parking Space	\$60.00
63	§ 950-400I	Park Electric Vehicle in Electric Vehicle Charging Station Parking Space – not actively connected to charging station	\$60.00
64	§ 950-400I	Park Electric Vehicle in Electric Vehicle Charging Station Parking Space – in excess of permitted time	\$60.00
65	§ 950-401A(1)	Park Taxicab for Hire – Unauthorized Location	\$40.00
66	§ 950-401A(2)	Stand Non-Taxicab Vehicle – Signed Taxicab Stand	\$60.00
67	§ 950-401A(2)	Stand Taxicab Vehicle – Signed Taxicab Stand – not waiting for hire	\$60.00
68	§ 950-402A(1)	Park Vehicle – Commercial Loading Zone - Contrary to Permitted (Day/Time)	\$40.00
69	§ 950-402A(1)	Park Vehicle – Commercial Loading Zone – not actively engaged in loading/unloading passengers/merchandise	\$40.00
70	§ 950-402A(3)	Stand Vehicle – Passenger Loading Zone - Contrary to Permitted (Day/ Time)	\$60.00

71	§ 950-402A(3)	Stand Vehicle – Passenger Loading Zone – not actively engaged in loading/unloading passengers	\$60.00
72	§ 950-402B(1)	Park Non-Bus vehicle – Bus Parking Zone – Prohibited (Day/Time)	\$150.00
73	§ 950-402B(2)	Park Non-Delivery vehicle – Delivery Vehicle Parking Zone – Prohibited (Day/Time)	\$40.00
74	§ 950-402B(3)	Park Bus – Bus Parking Zone – In excess of Permitted Time	\$300.00
75	§ 950-402B(3)	Park Delivery Vehicle – Delivery Vehicle Parking Zone – In excess of Permitted Time	\$300.00
76	§ 950-402C(1)	Stop Non-Bus Vehicle – Bus Loading Zone	\$300.00
77	§ 950-402C(2)	Park Bus – Bus Loading Zone	\$300.00
78	§ 950-404B(1)	Fail to Angle (Park/Stop) at 45° Angle from (Curb/Roadway Boundary) with front end of vehicle at curb	\$30.00
79	§ 950-404B(2)	Park Motorcycle in Angle Space at Angle Less Than 45° to Curb	\$15.00
80	§ 950-404B(2)	Park Motorcycle in Angle Space at Angle More Than 60° to curb	\$15.00
81	§ 950-404C	Fail to (Park/Stop) Within Designated Angle Space	\$30.00
82	§ 950-405A	Park – Signed Highway – During Prohibited (Day/Time)	\$50.00
83	§ 950-405B	Park Bus – Signed Highway – During Prohibited (Days/Times)	\$300.00
84	§ 950-405D	Stop – Signed Highway – During Prohibited (Time/Day)	\$60.00
85	§ 950-405D.1	Stop – Signed Highway – During Rush Hour Period	\$150.00
86	§ 950-405E	Stop Bus – Signed Highway – Prohibited (Days/Times)	\$300.00
87	§ 950-405F(1)	Park – Signed Highway – in Excess of Permitted Time	\$40.00
88	§ 950-405G	Stand Vehicle – Signed Highway During Prohibited (Times/Days)	\$60.00
89	§ 950-405G.1	Stand Vehicle – Signed Highway – During Rush Hour Period	\$150.00
90	§ 950-405H	Stand Bus – Signed Highway -Prohibited (Days/Times)	\$300.00
91	§ 950-406A	Park Vehicle - Snow Route	\$60.00
92	§ 950-406A	Stand Vehicle - Snow Route	\$60.00
93	§ 950-406B	Park Vehicle - Streetcar Track on Snow Route	\$200.00
94	§ 950-406B	Stand Vehicle - Streetcar Track on Snow Route	\$200.00

95	§ 950-406B	Park Vehicle - so as to Block Passage of Streetcar on Snow Route	\$200.00
96	§ 950-406B	Stand Vehicle - so as to Block Passage of Streetcar on Snow Route	\$200.00
97	§ 950-407A	Park Vehicle - Prohibited Area During Snow Removal Operations	\$60.00
98	§ 950-503D(2)	Stop Vehicle – Reserved/Designated Lane – Prohibited (Time/Day)	\$150.00
99	§ 950-508A	Park Heavy (Truck/Vehicle) – Signed Highway –Prohibited (Time/Day)	\$90.00
100	§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Front Wheels Not Opposite Meter	\$30.00
101	§ 950-601C(1)	Car-Park - Parallel Park – Metered Space - Rear of Forward Vehicle Not Opposite Forward Meter – Two Meters on same standard	\$30.00
102	§ 950-601C(1)	Car Park – Parallel Park – Metered Space - Rear of Forward Vehicle Not as Close as Practicable to forward meter – Two Meters on Same Standard	\$30.00
103	§ 950-601C(1)	Car- Park - Parallel Park – Metered Space – Front of Rear Vehicle Not Opposite Rear Meter – Two Meters on Same Standard	\$30.00
104	§ 950-601C(1)	Car-Park – Parallel Park – Metered Space - front of rear vehicle not as close as practicable to rear meter – Two Meters on Same Standard	\$30.00
105	§ 950-601C(2)	Car-Park - Angle Park – Metered Space - Front of Vehicle Not as Close as Practicable to Meter	\$30.00
106	§ 950-601C(3)	Car-Park –Park – Part of Vehicle Outside Designated Metered Space	\$30.00
107	§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for Both Spaces	\$30.00
108	§ 950-601C(3)	Car-Park - Park – Two Parking Spaces – Fees Not Paid for (Meter/Machine) for Both Spaces	\$30.00
109	§ 950-601F(1)	Car-Park - Park – Meter Not Used/Fee Not Paid	\$30.00
110	§ 950-601G(1)	Car-Park - Park – Parking Machine (Not Used/Required Fee Not Paid)	\$30.00
111	§ 950-601G(1)	Car-Park – Park - Fail to Activate Parking Machine	\$30.00
112	§ 950-601G(1)	Car Park – Parking Machine - Park – Not Within Permitted Period	\$30.00
113	§ 950-601G(2)	Car-Park – Parking Machine - Park – Issued Card Not Properly Displayed	\$30.00
114	§ 950-601O	Car-Park - (Park/Leave) Vehicle – Contrary to Posted Sign	\$30.00
115	§ 950-601P	Car-Park - (Park/Leave) Bus – Contrary to Posted Sign	\$150.00

Table 11: Former Municipality of Metropolitan Toronto By-Law No. 45-84, As Amended, Being a By-Law Respecting the Regulation of Traffic in Exhibition Place

	Column 1	Column 2	Column 3
Item	Designated Part of By-law	Short Form Wording	Penalty Amount
1	Section 3(1)	Stand vehicle where prohibited	\$55.00
2	Section 4(1)	Park – Signed Roadway – longer than 20 minutes – at prohibited time	\$55.00
3	Section 4(2)	Stand – Signed Roadway – during prohibited time	\$55.00
4	Section 4(3)	Stop – Signed Roadway – during prohibited time	\$55.00

List of Proposed Administrative Fees

	<u>Administrative Fees</u>	
	Description	Proposed Fee
1	Late Payment Fee	\$25.00
2	Vehicle Owner / Address Search Fee	\$10.00
3	Plate Denial Enforcement Fee	\$25.00
4	Screening Non-Appearance Fee	\$50.00
5	Hearing Non-Appearance Fee	\$75.00
6	Non-Sufficient Fund (NSF) Fee	\$40.00
7	Photocopy/Screen Print Fee (per page)	\$1.00
8	For a copy on compact disc (CD) of a digital recording of a hearing before a Hearing Officer, if such a recording exists and a copy is available:	
	i. For a single day's recording	\$20.00
	ii. For each additional day's recording, if the request is made at the same time as a request under sub-item or,	\$10.00
	iii. A paper copy of a transcript (per page)	\$6.00

All fees to be initially established in the 2017 budget and adjusted annually thereafter, effective January 1, by an annual adjustment determined by the Deputy City Manager and Chief Financial Officer in accordance with the City's User Fee Policy and section 441-4 of the Chapter 441 of the City of Toronto's Municipal Code.

Governance Structure for the City of Toronto's Administrative Penalty Tribunal

1. Mandate

The Administrative Penalty Tribunal is an independent quasi-judicial tribunal that reviews the decisions of Screening Officers and has the authority to affirm, reduce, or cancel administrative penalties based on the merits of the case.

The Administrative Penalty Tribunal is a local board of the City established under the *City of Toronto Act, 2006*. The Administrative Penalty Tribunal is established to provide an independent review of administrative penalties assessed to individuals. All information collected by the Administrative Penalty Tribunal, including information submitted by parties attending before the Administrative Penalty Tribunal, in relation to any aspect of the Administrative Penalty program is information collected specifically for the purpose of creating and maintaining a record available to the general public. Administrative Penalty Tribunal hearings will be conducted in accordance with the *Statutory Powers Procedure Act*.

2. Member Responsibilities

Administrative Penalty Tribunal members are responsible for:

- Reviewing materials filed with each application they hear;
- Conducting mediations, where appropriate;
- Presiding over hearings and render a written decision based on the information presented;
- Attending business meetings of the Administrative Penalty Tribunal; and
- Attending training sessions, as required.

3. Chair Responsibilities

In addition to the member responsibilities identified in Section 2, the Chair of the Administrative Penalty Tribunal is responsible for:

- Ensuring that hearing practices of the Administrative Penalty Tribunal are fair and effective;
- Ensuring quality and consistency of Administrative Penalty Tribunal decisions;
- Acting as the lead representative and spokesperson for the Administrative Penalty Tribunal;
- Obtaining external legal advice as needed;
- Preparing the Annual Report to City Council on the Administrative Penalty Tribunal activities;
- Chairing the Business Meetings of the Administrative Penalty Tribunal;
- Liaising with City staff on administrative support matters;

- Coordinating member training and professional development; and
- Responding to information and privacy related matters respecting the Administrative Penalty Tribunal.

4. Board Size and Composition

The Administrative Penalty Tribunal is composed of 25 Hearing Officers including one hearing officer who is also a Chair appointed by City Council. Each hearing is conducted by a tribunal panel of one member.

5. Eligibility Requirements

Public members are eligible for appointment to the Administrative Penalty Tribunal, and eligible to remain on the Administrative Penalty Tribunal after appointed, if they satisfy the eligibility requirements for appointment as set out in the City's Public Appointments Policy. Former Council Members who served in the immediately preceding term of Council are ineligible for appointment. The Administrative Penalty Tribunal members will be required to meet the eligibility requirements pursuant to the *City of Toronto Act, 2006*.

A member of the Administrative Penalty Tribunal cannot act as an agent for applicants before the Administrative Penalty Tribunal and other City administrative tribunals and would be required to resign from the Administrative Penalty Tribunal before doing so. Individuals who act as agents for applicants or individuals appearing in Provincial Offences Court are not eligible for appointment.

6. Member Qualifications

Administrative Penalty Tribunal members shall have the following skills and expertise:

- Experience in adjudication and mediation;
- Knowledge and experience with the City's traffic and parking by-laws;
- Excellent listening skills and ability to analyze complex information received;
- Sound judgement, tact, fairness, and decorum;
- Ability to write clearly and concisely;
- Demonstrated high ethical standards and integrity;
- Ability to work under pressure to ensure timely hearing decisions; and
- Respect for access to justice, diversity, and accommodation

7. Chair Qualifications

In addition to Member Qualifications the Chair shall also exhibit

- Demonstrated leadership and administrative skills;
- Highly developed chairing and facilitation skills;
- Demonstrated ability to work effectively with others;
- Knowledge of access to information and privacy legislation; and

- The ability to effectively represent the Administrative Penalty Tribunal and communicate with City Council, City committees, the media, and the general public.

8. Public Appointments Process

The Chair and the Members are recruited in accordance with the City's Public Appointments Policy. Applicants will need to indicate whether they are applying for recruitment as a member or as Chair.

City Council, on the recommendation of the appropriate Nominating Panel, will appoint the Chair and Members of the Administrative Penalty Tribunal. The Nominating Panel will review applications, determine which candidates are to be interviewed, conduct the interviews and assessments, and make a recommendation to City Council on which members and a Chair should be appointed to the Tribunal.

The City Clerk may administer a written test to help assess the competencies of the candidates to be used by the Nominating Panel.

9. Hearings

Hearings are subject to any Procedure By-law requirements that the Administrative Penalty Tribunal may adopt. Hearings are open to the public with the exception of situations where the Administrative Penalty Tribunal is of the opinion that s.9 (1) (a) or (b) of the *Statutory Powers Procedure Act* applies to the information submitted. Members of the public are entitled to reasonable access to all information submitted to the Administrative Penalty Tribunal, with the exception of information which would disclose information submitted to the Administrative Penalty Tribunal, where the Administrative Penalty Tribunal is of the opinion that s9(1)(a) or (b) of the *Statutory Powers Procedure Act* applies.

10. Remuneration

Chair

In addition to receiving the remuneration for a member, the Chair shall receive \$18,000 annually for performing their duties as Chair, in addition to member remuneration below.

Members

\$350 per diem for a full day of hearing reviews.

\$200 for a ½ day hearing reviews.

\$50 for a written decision.

\$200 for attendance at a business meeting.

Administrative Penalty Tribunal Municipal Code Provisions

Subject	Provision
Creation of Committee	The Administrative Penalty Tribunal is constituted by the City of Toronto.
Mandate	The Administrative Penalty Tribunal is an independent quasi-judicial tribunal that reviews the decisions of Screening Officers and has the authority to affirm, reduce, or cancel the administrative penalties based on the merits of the case.
Procedures	Administrative Penalty Tribunal hearing reviews are conducted in accordance with the <i>Statutory Powers Procedure Act</i> and any procedure By-laws adopted by the Tribunal.
Board Composition	The Administrative Penalty Tribunal consists of 25 members who are Hearing Officers inclusive of one member who acts as the Chair. A Tribunal hearing panel consists of one member.
Member Responsibilities	Administrative Penalty Tribunal members are responsible for conducting hearing reviews and rendering a written decision on hearings based on the information presented.
Term	The term of Administrative Penalty Tribunal members is subject to the City's Public Appointments Policy and is a maximum of 4 years, and until successors are appointed.
Staff Support	The Court Services Division administers the Administrative Penalty Tribunal.

Figure 1

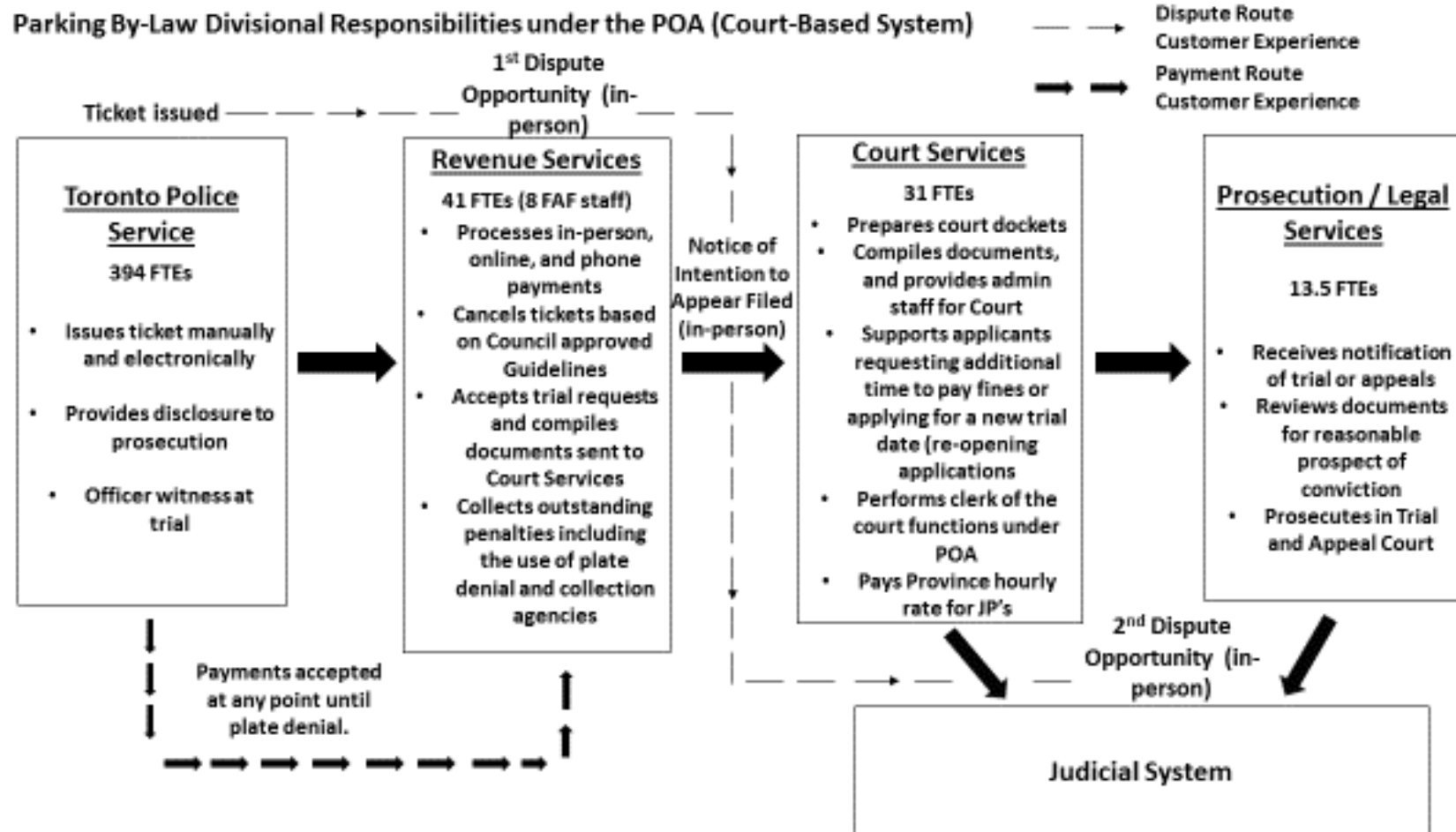


Figure 2

Designated Parking By-law Divisional Responsibilities under APS (Proposed System)

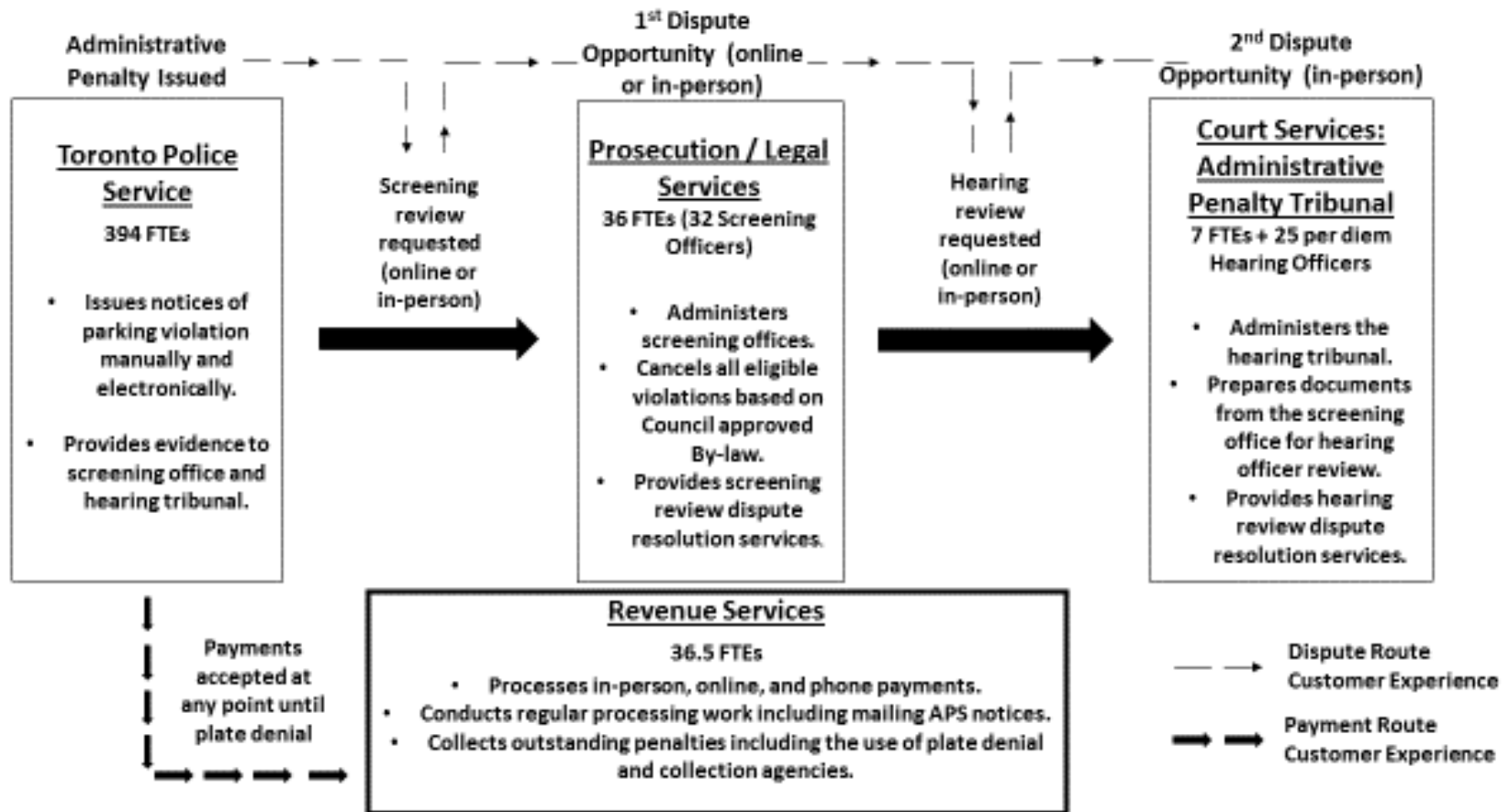


Figure 3

