



**STAFF REPORT
ACTION REQUIRED**

**Amendments to Chapter 150, Municipal Law
Enforcement Officers and Chapter 545, Licensing
related to Commercial Parking Lots**

Date:	June 13, 2016
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2016\Cluster B\MLS\LS16009

SUMMARY

This report proposes amendments to Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers and Chapter 545, Licensing, related to Commercial Parking Lots.

Amendments to Chapter 150 are required to reflect the authority of Municipal Licensing and Standards (ML&S) staff, who are trained and certified as Municipal Law Enforcement Officers, to issue parking infraction notices under Part II of the *Provincial Offences Act*, and authorize the removal, towing and impounding of vehicles parked, left, stopped or standing in contravention of the requirements of Chapter 608, Parks.

The authority is required to respond to illegal parking in City parks, mainly overnight and on weekends.

An amendment is also required to the definition of a Commercial Parking Lot contained in Chapter 545, Licensing, to exempt City corporations from the requirement to obtain a Commercial Parking Lot Operator Licence (in the same way as City agencies, boards, commissions and divisions are currently exempted).

Legal Services and the Toronto Police Service Parking Enforcement Unit were consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council enact a new article in Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers, titled "Employees of Municipal Licensing and Standards", substantially in the form of the draft by-law as described in Attachment 1, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards.
2. City Council enact a new section in Article VII, Removal of Vehicles; Issuance of Certificates of Parking Infraction and Parking Infraction Notices, of Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers, titled "Removal or impoundment of vehicles by Municipal Licensing and Standards division", substantially in the form of the draft by-law as described in Attachment 1, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards.
3. City Council approve the following definition of "EXECUTIVE DIRECTOR" in Article I, of Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers: "The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto, or his or her designate."
4. City Council approve an amendment to the definition of "Commercial Parking Lot" in Toronto Municipal Code, Chapter 545, Licensing, to exempt City corporations from the requirement to obtain a Commercial Parking Lot Operator licence.

Financial Impact

There is no financial impact expected from this report beyond what has already been approved in the current year's budget.

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

DECISION HISTORY

At its meeting of June 10, 11 and 12, 2015, City Council adopted the report headed "Commercial Parking Lots and Private Parking Enforcement Agencies" resulting in a series of amendments to Municipal Code, Chapter 545, Licensing, Chapter 441, Fees and Charges, Chapter 150, Municipal Law Enforcement Officers, and Chapter 915, Parking on Private or Municipal Property.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.4>

At its meeting of May 30, 31, and June 1, 2001, City Council adopted Clause 1 of Report No. 4 of the former Planning and Transportation Committee headed "Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property", which, among other things, recommended the enactment of a new Municipal Code Chapter 150, Municipal Law Enforcement Officers.

<http://www.toronto.ca/legdocs/2001/agendas/council/cc010530/plt4rpt/cl001.pdf>

ISSUE BACKGROUND

Municipal Law Enforcement Officers

The Toronto Police Service (TPS), through its Parking Enforcement Unit, is responsible for parking enforcement in the City of Toronto. While the TPS issues the majority of the City's parking tickets each year, approximately 7% to 9% of all tickets are issued by Municipal Law Enforcement Officers (MLEOs) who are trained and certified by the TPS. Currently, there are 2,070 MLEOs working for 118 different organizations, including those who are employed by City agencies (such as the Toronto Parking Authority and the Toronto Transit Commission) and City divisions (such as Transportation Services and ML&S).

The activities of MLEOs are regulated under Chapter 150, Municipal Law Enforcement Officers. Under the by-law, MLEOs are granted the authority to enforce municipal parking by-laws on private and municipal property, through the issuance of parking infraction notices under Part II of the *Provincial Offences Act*, a TPS tow card, and/or warning notices.

Over the years, the by-law has been amended to capture the various entities that receive training and certification from TPS to become MLEOs, with separate articles created for: employees of the Toronto Parking Authority, licensed Private Parking Enforcement Agencies, Transit Commission Route Supervisors, employees of Toronto Police Service, and employees of the City's Transportation Services Division.

Further amendments to the by-law are now required to capture employees of the City's ML&S Division, who, in the last year, have completed MLEO training and received certification necessary to enforce unauthorized parking within the City's parks.

Commercial Parking Lots

On September 1, 2015, Chapter 545, Licensing, was amended by removing regulations governing parking lots and parking stations from Article XXII, Public Garages, and by creating a new licensing category and new Article XLV, Commercial Parking Lots, with expanded provisions to regulate commercial parking lot operators.

The intent was to ensure that each operator demanding compensation in relation to the use of a parking space would be required to obtain a licence from the City. City agencies,

boards, commissions, corporations and divisions (ABCCDs) of the City were exempt from the licensing requirement.

However, at the time the amendments were proposed, City-controlled 'corporations' were inadvertently left out of the recommendations and therefore are currently not exempted from the licensing requirement.

COMMENTS

Municipal Law Enforcement Officers

Over the past year, ML&S' Parks and Waste Enforcement staff have been receiving MLEO training and certification from TPS, in order to enforce the parking provisions contained in Chapter 608, Parks. Since November 30, 2015 (the time when TPS started training ML&S staff), 17 Municipal Standards Officers have successfully received MLEO certification. These staff, however, are being classified by the TPS as employees of Transportation Services, as the MLEO by-law currently does not have an article for employees of ML&S.

TPS has advised that in order for ML&S staff to appropriately fall within TPS' existing Municipal Law Enforcement (MLE) Program for parking enforcement administration, employees of ML&S should be included in the MLEO by-law.

Staff propose that amendments be made to Chapter 150, Municipal Law Enforcement Officers, to capture the authority of employees of ML&S.

Specifically, staff propose the creation of: (1) a new article, titled "Employees of Municipal Licensing and Standards" which includes relevant definitions and outlines ML&S' authority to issue parking infraction notices under Part II of the *Provincial Offences Act*, and authorize the removal, towing and impounding of vehicles parked, left, stopped or standing in contravention of by-law requirements; and (2) a new section in Article VII, Removal of Vehicles; Issuance of Certificates of Parking Infraction and Parking Infraction Notices, which outlines the conditions under which ML&S staff who are trained and certified as MLEOs may remove, tow or impound a vehicle. The new provisions will be similar to those that exist in the by-law for other MLEOs who are City employees.

Staff also propose that a definition of Executive Director, be added to Article I, Definitions, to include the Executive Director of ML&S and his or her designate.

Commercial Parking Lots

To make it clear that City corporations are also exempted from the requirement to obtain a Commercial Parking Lot Operator Licence, staff propose that an amendment be made to the definition of "Commercial Parking Lot," in Chapter 545, Licensing, under Article I, General Licensing. The amended definition will reflect staff's original intent that the

Commercial Parking Lot Operator Licence not apply to agencies, boards, commissions, corporations and divisions (ABCCDs) of the City.

CONTACT

Carleton Grant
Director, Policy and Strategic Support
Municipal Licensing and Standards
Tel: 416-338-5576
Email: cgrant@toronto.ca

SIGNATURE

Tracey Cook, Executive Director
Municipal Licensing and Standards

ATTACHMENT

Attachment 1: Amendments to Chapter 150, Municipal Law Enforcement Officers,
Employees of Municipal Licensing and Standards