



STAFF REPORT ACTION REQUIRED

Powers of the Chief of Toronto Police Service to Approve Properties for the Removal of Parked Vehicles

Date:	October 3, 2016
To:	Licensing and Standards Committee
From:	City Solicitor
Wards:	All
Reference Number:	

SUMMARY

This report proposes amendments to Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers, to require as pre-conditions to the Chief of Toronto Police approving a property for the removal, towing, or impounding of vehicles by certain Municipal Law Enforcement Officers (MLEOs) that:

- i. a commercial parking lot licence has been granted for the property by Municipal Licensing and Standards, if one is required; and
- ii. the property complies with all applicable laws, including zoning by-laws.

This report also proposes amendments to Chapter 150 to clarify that the power of the Chief of Toronto Police to approve a property for enforcement by certain MLEOs includes the power to suspend or revoke approval, if the property no longer complies with the criteria for approval set out in Chapter 150, including the proposed new criteria.

These amendments are required as a consequence of Council adopting new regulations for the licensing of commercial parking lots and to improve the enforceability of Toronto Municipal Code, Chapter 545, Licensing, and the City's zoning by-laws. Other minor changes will improve the readability of certain sections of Chapter 150.

The Toronto Police Service Parking Enforcement Unit and Municipal Licensing and Standards were consulted in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council amend Municipal Code Chapter 150, Municipal Law Enforcement Officers, substantially as set out in Attachment 1, subject to such technical and stylistic amendments as required by the City Solicitor, to include new criteria for the approval of properties for enforcement and clarify the ability to revoke or suspend approvals.

FINANCIAL IMPACT

The recommendations in this report will have no financial impact beyond what has been approved in the current year's budget.

DECISION HISTORY

At its meeting of June 10, 11 and 12, 2015, City Council adopted the report titled "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

MLEOs are individuals who may issue certificates of parking infraction and parking infraction notices, as well as authorize the removal, towing, or impounding of vehicles. They are regulated by Toronto Municipal Code, Chapter 150, which sets out conditions under which MLEOs conduct these enforcement activities.

MLEOs who are employees of the Toronto Parking Authority, private parking enforcement agencies, and the Toronto Transit Commission must meet stringent requirements before they authorize the removal, towing, and impounding of a vehicle.

One condition is that the property has been inspected and approved by the Chief of Police to ensure that it meets a list of criteria aimed at protecting vehicle owners.

In September, 2015, Chapter 545, Licensing, was amended by creating a new licensing category and new Article XLV, Commercial Parking Lots, with expanded provisions to regulate commercial parking lot operators. Many of the parking lots at which MLEOs authorize the removal, towing, or impounding of vehicles are lots for which the operator has or is required to obtain a commercial parking lot operator's licence.

Currently, the list of criteria in Chapter 150 for the Chief of Police to approve properties for MLEO towing enforcement does not include a requirement that the operator of a commercial parking lot hold a licence from Municipal Licensing and Standards, nor that the property conform with the City's zoning by-laws. In addition, Chapter 150 does not explicitly authorize the Chief of Police to suspend or revoke his or her approval of a property for towing enforcement if the property no longer meets the list of criteria.

COMMENTS

The licensing and regulation of commercial parking lots under Chapter 545 is closely tied with enforcement by MLEOs on those properties under Chapter 150. Both the licensing process and the criteria for approval of properties by the Chief of Police for enforcement by MLEOs are aimed at protecting consumers and vehicle owners from exploitation.

Staff propose amendments to Chapter 150 to include as a criteria for the Chief's approval of properties for enforcement by MLEOs that the operator of the property have a commercial parking lot operator's licence from Municipal Licensing and Standards, if one is required by Chapter 545. This amendment will reinforce the licensing regime by prohibiting MLEOs from providing enforcement services at unlicensed properties.

Toronto Police Service staff already have a process in place to verify the licensing status of a property with Municipal Licensing and Standards.

Staff also propose amendments to Chapter 150 to include as an additional criteria for the Chief's approval of properties that it conform to all other applicable laws, including the City's zoning by-laws. As above, this will reinforce the City's land-use regime and ensure that approvals made by the Chief are consistent with other governing legislation.

Finally, staff propose amendments to clarify that the power of the Chief of Police to approve properties includes the power to suspend or revoke approval if the property no longer conforms to the list of criteria. Though this power is implicitly available, staff feel it would be beneficial to separate and clarify the approval process in Chapter 150.

The balance of the proposed changes are minor amendments made to improve readability, or as a consequence of the amendments proposed above.

CONTACT

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SIGNATURE

City Solicitor

ATTACHMENT

Attachment 1: Amendments to Chapter 150, Municipal Law Enforcement Officers.