



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**64 Howland Avenue: Front Yard Parking  
Application under the Human Rights Code**

<b>Date:</b>	May 27, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	City Solicitor Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Trinity-Spadina – Ward 20
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.  This report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	TE.2016020.te.row.docx

**SUMMARY**

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The purpose of this report is to advise of a proceeding under the *Human Rights Code* which arises from the front yard parking pad regulations contained in Chapter 918 and to seek instructions regarding a potential settlement of this matter.

**RECOMMENDATIONS**

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The City Solicitor and Transportation Services recommend that:

1. City Council adopt the Confidential Recommendation in Attachment 1.
2. City Council authorize the public release of the Confidential Recommendation if adopted, with the remainder of Attachment 1 to remain confidential.

## **Financial Impact**

If adopted, the recommendations in this report will have no financial impact beyond what has already been approved in the current year's budget. Additional financial impacts are identified in Attachment 1.

The Deputy City Manager and Chief Financial Officer has reviewed this report and Attachment 1 and agrees with the financial impact information.

## **DECISION HISTORY**

Toronto Municipal Code Chapter 918 was adopted by the Council of the City of Toronto on July 27, 2006, by by-law No. 680-2006.

[http://www.toronto.ca/legdocs/municode/1184\\_918.pdf](http://www.toronto.ca/legdocs/municode/1184_918.pdf)

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060627/cofa.pdf>

## **ISSUE BACKGROUND**

In July 2015, the owners of 64 Howland Avenue (the "Property"), a single family detached home located in Ward 20, commenced an application under the *Ontario Human Rights Code* alleging discrimination on the basis of disability arising from the provisions of Chapter 918 which prohibit the installation of a front yard parking pad at the Property.

Staff have received a copy of a valid Accessible Parking Permit issued by the Province of Ontario in the name of the owners' daughter who resides at the Property. This permit expires on February 2, 2021.

The proposal for front yard parking is shown on Appendix 'A', the property data map is shown on Appendix 'B' and a digital photo of the Property is shown on Appendix 'C'.

## **COMMENTS**

### **Applicable regulations**

Under the current provisions of Chapter 918, Ward 20 is one of a number of inner City Wards where the General Manager of Transportation Services is not permitted to accept an application for front yard parking (Section 918-5B). Further, residential properties in these Wards are not entitled to file an appeal for consideration by Community Council unless the property has no other alternative parking option and meets the physical criteria set out in the Chapter (Section 918-21B). These provisions predate the harmonized Chapter 918 and have been in effect since January 31, 2001.

The Property does not meet the criteria for an appeal to Community Council for the following reasons:

- permit parking is permitted on the opposite side of the street and is less than 90% allocated;
- the paved area for the proposed parking pad does not provide the required clearance from the existing tree; and
- the formal poll has not been conducted to date.

Accordingly, since Community Council cannot entertain an appeal in this instance, the only avenue available to permit front yard parking at this location would be for City Council to authorize an amendment to Chapter 918 itself to permit a parking pad on a site-specific basis. Any such amendment would necessarily have to include exemptions from provisions, such as the polling requirement, which would conflict with the intent of the amendment, being to permit a parking pad at the Property.

**Other factors**

Permit parking on this portion of Howland Avenue is authorized on the odd (east) side, within permit parking area 5D. As of May 17, 2016, there is one on-street parking permit registered to the Property.

Total number of parking permits in area 5D	992	Total permits issued as of November 30, 2015	813
Permits available	179	% of permits allocated	82%

Total number of permit parking spaces on Howland Ave, between Bloor St W and W Branch of Barton Avenue	38	Total permits issued as of November 30, 2015	32
Permits available	6	% of permits allocated	84%

A ramp installation does not affect the on-street permit parking because no parking is permitted on the west side of the street.

On this portion of Howland Avenue, between Bloor Street West and Barton Avenue, there are 18 properties licensed for front yard parking, 3 of these properties are licensed for two vehicles.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

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Andre Filippetti  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' - sketch  
Appendix 'B' - property data map  
Appendix 'C' - photo  
Confidential Attachment