



REPORT FOR ACTION

Feasibility of a New Year's Eve Grace Period for Permit Parking Violations

Date: June 7, 2019

To: General Government and Licensing Committee

From: City Solicitor, General Manager, Transportation Services, Director, Court Services

Wards: All

SUMMARY

This report responds to City Council's direction through Item MM2.15 to investigate the feasibility of providing a New Year's Eve grace period for "Park in Permit Parking Location without a Valid Permit" violations between 10:00 p.m. on December 31 and 10:00 a.m. on January 1. Staff conducted this feasibility study by completing a jurisdictional scan and analyzing the policy proposal in the following areas:

- Required amendments to City-Bylaws.
- Impact on the Residential On-Street Parking Program.
- Impact on Parking Tag Enforcement and Operations.
- Impact on the City's Administrative Penalty System (APS) for parking violations.

A New Year's Eve grace period as outlined in Item MM2.15 requires an amendment to Toronto Municipal Code Chapter 925 (Permit Parking) allowing for the elimination of the permit parking by-law during the designated time period. Based on parking violation notice (PVN) issuance between 10:00 p.m. on December 31, 2018 and 10:00 a.m. on January 1, 2019, it is anticipated that a grace period will reduce PVN issuance by approximately 330 PVNs. This corresponds to approximately 54 fewer disputes being administered through the City's APS program (screening and hearing reviews combined) based on 2018 PVN dispute statistics.

Staff have reviewed the proposal to implement a New Year's Eve grace period for the violation of "Park in Permit Parking Location without a Valid Permit" and have identified two concerns which need to be considered: the impact to residents who have purchased on-street parking permits or temporary on-street parking permits; and the impact of additional parking on residential streets for emergency vehicle access.

Implementing a New Year's Eve grace period as proposed would limit the number of available on-street parking spaces during the designated time period for residents that

purchase parking permits and temporary parking permits through the Residential On-Street Parking Program. This would place permit-holders at a disadvantage during the designated time period as on-street parking spaces may not be available. Temporary parking permits are available to the public on New Year's Eve. This program supports safe celebration practices during the holiday season.

A New Year's Eve grace period could create public safety concerns. An influx of illegally parked vehicles on City streets may create pinch points on residential streets and could even restrict access for emergency vehicles in some cases.

Staff completed a jurisdictional scan of Brampton, Burlington, Oakville, Oshawa, and Vaughan to determine if other municipalities in the Greater Toronto Area have similar parking policies on New Year's Eve. Several municipalities offer free parking in town/city owned parking lots during the holiday season. None of the municipalities in the jurisdictional scan offer a grace period for permit parking violations.

RECOMMENDATIONS

The City Solicitor, the General Manager, Transportation Services, and the Director, Court Services recommend that:

1. The General Government and Licensing Committee receive this report for information.

FINANCIAL IMPACT

Between 10:00 p.m. on December 31, 2018 and 10:00 a.m. on January 1, 2019, there were 331 parking violation notices (PVNs) issued for "Park in Permit Parking Location without a Valid Permit" violations. The value of these PVNs was up to \$9,930. Providing a grace period during these hours is expected to result in an annual revenue loss of approximately \$9,930 to the Parking Tags Enforcement & Operations Operating Budget.

Approximately 1,900 temporary parking permits were sold last New Year's Eve during the designated time period outlined in Item MM2.15. These temporary parking permits generated \$28,000 in revenue for the City. Providing a grace period during these hours is expected to reduce City revenues from temporary permit-parking sales by approximately \$28,000 as there will be no incentive for individuals to purchase temporary permits.

The total financial impact as noted above is a potential revenue loss of up to approximately \$37,930 based on the experience of the most recent New Year's Eve.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On January 30, 2019, City Council adopted Item MM2.15: A New Year's Parking Resolution – Request for Grace Period – by Councillor Paula Fletcher, seconded by Councillor Mike Layton. This Member Motion directed the City Manager to report to the General Government and Licensing Committee on the feasibility of providing a New Year's Eve grace period for "Park in Permit Parking Location without a Valid Permit" violations between 10:00 p.m. on December 31st and 10:00 a.m. on January 1st. http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2019.ITEM_MM2.15

COMMENTS

New Year's Eve Grace Period – Jurisdictional Scan

Staff conducted a jurisdictional scan to determine if other municipalities in the Greater Toronto Area have parking policies on New Year's Eve that are similar to the policy proposal in Item MM2.15. Brampton, Burlington, Oakville, Oshawa, and Vaughan were considered in the jurisdictional scan.

Municipality	Description of Holiday Parking Policies
Brampton	The City of Brampton does not offer permit parking on city streets. Parking considerations for certain offences are available to the public year-round via application.
Burlington	The City of Burlington runs a 'Free P' program in the month of December in the downtown area. This includes on-street parking and municipal parking lots. Free parking in the downtown core also applies on holidays, including New Year's Day.
Oakville	The Town of Oakville offers free over-night parking in municipal parking lots during the holiday season. This includes New Year's Eve and New Year's Day.
Oshawa	The City of Oshawa has an occasional use parking permit program that allows residents and visitors to be exempt from the City's three (3) hour on-street parking limit up to ten (10) days per year. This program operates year-round.
Vaughan	The City of Vaughan has a 'Festive Closure' that runs from December 24 th to New Year's Day. During this time period, no pro-active ticketing is done and parking enforcement staff only respond to safety complaints.

Several municipalities have parking policies that promote safe practices and a festive atmosphere during the holiday season. However, none of the municipalities included in the scan have a grace period for permit parking by-law enforcement, as proposed in Item MM2.15. Such a policy would be unique to the City of Toronto.

New Year's Eve Grace Period – Feasibility

This section of the report describes the policy's legislative requirements. It also describes the anticipated impact on the Residential On-Street Parking Program, Parking Tag Enforcement and Operations, and the City's Administrative Penalty System (APS) for parking violations. Legislative and program-related impacts were determined through consultation with Legal Services, Transportation Services, Court Services, Revenue Services, and the Toronto Police Service's Parking Enforcement Unit.

Required Amendments to City By-laws

Toronto Municipal Code Chapter 925 allows the General Manager of Transportation Services to issue temporary, six-month, and twelve-month parking permits to residents that meet certain criteria as outlined in the bylaw. A parking permit allows the holder to park on a designated street or within a designated area under specific conditions.

Implementing a New Year's Eve grace period between 10:00 p.m. on December 31 and 10:00 a.m. on January 1 requires an amendment to Toronto Municipal Code Chapter 925. This amendment would have to either designate the twelve-hour time period specified in Item MM2.15 as exempt from enforcement activity or make permits invalid during this time period. Specifically, Section 925-6 – Offences and administrative penalties – requires an additional subsection that designates the time period as exempt from bylaw enforcement.

Impact on the Residential On-Street Parking Program

The purpose of the Residential Permit-Parking Program is to provide residents with on-street parking options in areas where driveways and/or garages are not common. Implementing a New Year's Eve grace period as outlined in Item MM2.15 will open on-street parking spaces in residential areas to the general public. A grace period would effectively void the Residential Permit-Parking Program between 10:00 p.m. on December 31 and 10:00 a.m. on January 1 every year.

A grace period has the potential to negatively impact the 56,000 regular term permit holders. Of that amount, 13,348 permit holders (approximately 24%) are in high capacity areas and already competing for these 13,348 parking spaces. It is anticipated that a suspension of the permit system for this period of time may negatively impact the ability of residents who have permits from being able to park in areas where they would normally be able to park in favour of persons who are not normally resident in the area. The existing program offers temporary parking permits in areas where space is available. These temporary parking permits can be purchased online and are available on New Year's Eve.

Impact on Parking Tag Enforcement and Operations

As noted in the Item MM2.15 Fiscal Impact Statement, the permit parking bylaw is currently enforced during statutory holidays including Christmas Day, Boxing Day and New Year's Day, as well as New Year's Eve. While there is no parking enforcement blitz

in permit parking areas on New Year's Eve, Parking Enforcement Officers are deployed on residential streets on New Year's Eve and into New Year's Day for the purposes of parking bylaw enforcement.

Between 10:00 p.m. on December 31, 2018 and 10:00 a.m. on January 1, 2019, there were approximately 331 parking violation notices (PVNs) issued for "Park in Permit Parking Location without a Valid Permit" violations. It is anticipated that a New Year's Eve grace period could result in approximately 331 fewer PVNs being issued.

The Toronto Police Service's (TPS) Parking Enforcement Unit has a Holiday On-Street Parking Enforcement Policy. This policy was communicated to the public through a TPS media release on December 23rd, 2018 and is authorized through the City's bylaws. According to the policy, the following by-laws were not enforced on New Year's Day: Pay-and-Display/Metered Areas, Rush-Hour Routes, and Posted signs indicating Monday to Friday regulations. While the permit parking bylaw was not included, this policy represents the TPS's general operating enforcement practice on New Year's Eve.

Impact on the City's APS Program for Parking Violations

Any decrease in PVN issuance resulting from a New Year's Eve grace period will have a corresponding impact on the City's APS dispute resolution program. As mentioned above, implementing a New Year's Eve grace period is expected to reduce issuance by approximately 330 PVNs.

According to the Administrative Penalty System – 2018 Activity report, the screening review request rate for PVNs issued in 2018 was 15.4%. The hearing review request for PVNs issued in 2018 was 1.1%. Based on these trends, a New Year's Eve grace period could be expected to reduce the number of disputes administered through the APS program by 51 screening reviews and 3 hearing reviews.

New Year's Eve Grace Period – Policy Implications

The grace period proposed in Item MM2.15 is a good example of a parking policy that can contribute to safe practices on New Year's Eve. However, like any policy proposal, a variety of factors should be considered in the decision-making process. Staff have identified two issues that Council should consider regarding the New Year's Eve grace period as proposed in Item MM2.15. These are the policy's impact on the rights of existing parking-permit holders and its potential impact on public safety in residential neighbourhoods.

Permit Holders' Rights in the Residential On-Street Parking Program

The City of Toronto is committed to providing public services that are high-quality, well-coordinated, and easy to access. The Residential On-Street Parking Program is a public service designed to provide residents with on-street parking options when there are limited parking alternatives. Residents that participate in the Residential On-Street Parking Program can reasonably expect that on-street parking will be available in their permit area at all times.

While the proposed New Year's Eve grace period is consistent with the spirit of New Year's Eve and can contribute to safe practices, the policy has a negative effect on the integrity of the Residential On-Street Parking Program. Residents that purchase

temporary, six-month, or twelve-month parking permits will not be guaranteed an on-street parking space on New Year's Eve.

Transportation Services strategically issues permits (including temporary permits) to ensure that there is an available on-street parking space for every permit issued. The grace period policy would reduce the probability that a permit holder will secure an on-street parking space.

Proposed New Year's Eve Grace Period – Public Safety Considerations

The New Year's Eve grace period proposed in Item MM2.15 has a potential impact on public safety in residential areas. The policy creates an incentive for individuals to park on residential streets during the designated time period. There is a high probability that this will lead to an increase of illegally parked vehicles in residential areas on New Year's Eve.

Toronto Fire requires access to fire hydrants, electrical equipment, and other safety related infrastructure in the event of an emergency. Toronto Paramedic Services require easy access to houses and apartment buildings to assist people in life-threatening situations. An increase in the number of illegally parked vehicles in residential areas may limit the number of access points for fire and paramedic emergency vehicles. Emergency access to critical safety infrastructure is essential to public safety.

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