

Administrative Penalty System – 2020 Activity

Date: April 12, 2021

To: General Government and Licensing Committee

From: Controller, City Solicitor and Director, Court Services

Wards: All

SUMMARY

This report provides information on the total number and type of parking violation notices (PVNs) issued in 2020 under the City's Administrative Penalty System (APS). APS program outcomes are also provided including number of disputes, cancellations, penalty variances and collection rates. The benefits of APS include faster dispute resolution timelines, improved accessibility and customer experience through online service, and a significant reduction in drive-away cancellations.

This report is being submitted to the General Government and Licensing Committee together with a report from Toronto Police Service: "Annual Report – 2020 Parking Enforcement Unit Estimated Tag Issuance Report," which identifies enforcement related activity for 2020. In 2013, the Government Management Committee, during consideration of [Item GM21.6](#) requested that these reports be submitted at the same time.

RECOMMENDATIONS

The Controller, City Solicitor, and Director of Court Services recommend that:

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

FINANCIAL IMPACT

For the 2020 fiscal year, the actual number of tickets issued of 1,404,734 is significantly lower than the original forecast of 2,200,000 tickets due entirely to the COVID-19 pandemic and the resulting effects. This significant decline in the number of tickets issued has reduced the resulting revenue received by the City from \$113.3 million to \$79.1 million. All lost revenues attributed to COVID-19 have been tracked and are included in the City's reconciliation of Safe Restart Agreement funding support from other levels of government.

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

DECISION HISTORY

On October 5, 2020, the General Government and Licensing Committee adopted [Item 16.1: Administrative Penalty System – 2019 Activity](#).

That report provided information on the total number and type of parking violation notices issued through the City's Administrative Penalty System in 2019, including cancellation activity, dispute requests, and collection rates.

Issue Background

The Toronto Police Service (TPS), through its Parking Enforcement Unit, is responsible for parking enforcement and enforcement practices. The TPS issued the majority of the City's PVNs in 2020. Approximately 12% of all 2020 PVNs were issued by trained Municipal Law Enforcement Officers (MLEOs).

MLEOs are independent private agencies whose staff are trained and certified by the TPS to issue PVNs on private or municipal property throughout the City of Toronto. MLEO agencies are required to obtain a license from the City's Municipal Licensing and Standards Division in order to operate in the City. Some of the City's agencies, such as the TTC and Toronto Parking Authority, employ MLEOs to enforce off-street parking in their respective areas. Currently, there are approximately 2,500 MLEOs working for 115 different agencies.

Three City divisions are involved in the administration of the APS. Revenue Services is responsible for processing and collecting administrative penalties issued in the City of Toronto. Legal Services is responsible for managing the screening review dispute resolution process, including the cancellation, variance, or affirmation of administrative penalties. Court Services is responsible for providing administrative support to the Administrative Penalty Tribunal (APT). The APT is an independent adjudicative body appointed by City Council with the authority to affirm, vary or cancel the decision of a screening officer and extend time.

COMMENTS

In 2020, the City of Toronto issued 1,404,734 parking violation notices (PVNs). The Toronto Police Service's Parking Enforcement Unit issued 1,214,653 PVNs, 12,919 were issued by Police Officers/Cadets, and a further 177,162 were issued by Municipal Law Enforcement Officers (MLEOs).

Table 1 below compares the number of PVNs issued in 2020 with the total number of PVNs issued in 2019. These statistics are broken down by the type of issuing officer/unit. It is important to note that for the purposes of issuance analysis, there is no difference between

a Parking Infraction Notice (PIN) issued under the *Provincial Offences Act* (POA) and a Parking Violation Notice (PVN) issued under the City's Administrative Penalty System (APS).

Table 1: Issuance of Parking Violation Notices (PVNs) – 2019 vs. 2020

	2019 PVNs	2020 PVNs	Approximate Increase / (Decrease)
Toronto Police Services: Parking Enforcement Officers	1,938,902	1,214,653	(37.36%)
Toronto Police Services: Police Officers/Cadets	8,200	12,919	57.54%
Subtotal: Toronto Police Services	1,947,102	1,227,572	(36.95%)
Municipal Law Enforcement Officers (MLEO's)	272,442	177,162	(34.97%)
TOTAL	2,219,544	1,404,734	(36.71%)

The changes in Police Officer Issuance relate to those Parking Enforcement Officers who became Police Officers but retained the same badge number(s).

The number of PVNs issued in 2020 is less than the number of PVNs issued in 2019 by approximately 36.71% percent (decrease of 814,810). This reduction is wholly related to the COVID-19 pandemic lockdowns whereby enforcement decreased or stopped altogether at different periods during the year.

PVN Issuance by Parking By-law Category

Attachment 1 provides a detailed breakdown of PVNs issued in 2020 by parking by-law category. 2020 totals by category are compared to PVNs issued in 2019.

In 2020, the largest single parking by-law violation category was "Private Property" (i.e. violations related to parking contrary to the parking rules on private properties). This category represented 337,884 PVNs issued in 2020 compared to 456,684 PVNs in 2019. The "Private Property" category represented 24.05% of all PVNs issued in 2020, compared to 20.58% in 2019.

The next highest parking by-law violation category was "No Parking" (i.e. violations related to parking contrary to the parking rules at a given time and place). In 2020, 252,613 PVNs were issued in this category compared to 414,165 PVNs in 2019. This represented a decrease in issuance of PVNs of 161,552.

Collection Activity for PVNs Issued in 2019 and 2018, PINs and PVNs issued in 2017, and PINs Issued in Prior Years

Attachment 2 to this report provides information on PINs issued each year from 2010 to August 27, 2017 and PVNs issued from August 28, 2017 to December 31, 2020. It also shows the number of combined PINs and PVNs that have been paid as of December 31, 2020.

Based on analysis of prior years' collections experience, staff project a long-term average collection rate of approximately 83% for 2020. The collection rate on PVNs which are collectible (i.e. excluding those cancelled) is estimated at 99%.

Attachment 2 outlines the collection rate(s) for PVNs issued in 2020 and paid as of December 31, 2020. The details show that approximately 59.52% of PVNs issued in 2020 were paid in 2020. However, given that PVN recipients will continue to pay 2020 PVNs in 2021 and later years (when renewing their vehicle license plates at the Ministry of Transportation), or following disputes, the final collection rate is expected to approach approximately 83% (or 99% when excluding cancelled PVNs).

APS 2020 Program Outcomes – Cancellations, Variances, and Affirmations

Under the City's APS, City-employed screening officers review PVNs at the recipient's request. Screening officers decide whether to cancel, vary, or affirm the administrative penalty based on the merits of the case and any evidence presented. If the disputer is not satisfied with the decision of a screening officer, they may request a review of that decision before an Administrative Penalty Tribunal (APT) hearing officer. This final review (referred to as a hearing review) is conducted by an independent hearing officer at the APT. Table 2 outlines screening office outcomes for PVNs issued in 2020.

Table 2: Screening Office and Administrative Outcomes – PVNs Issued in 2020

Total 2020 PVN Issuance	1,404,734	
Screening Office Outcome Type	Outcomes	
	#	% of 2020 PVNs
Screening Reviews Requested: Online	162,859	11.59%
Screening Reviews Requested: In-Person	30,014	2.14%
Screening Decision – Cancellation	40,519	2.88%
Screening Decision – Variance	39,777	2.83%
Screening Decision – Affirmation	55,461	3.95%

A number of Screenings remain outstanding for those customers who requested a Screening in 2020 but have not yet had their file reviewed.

Administrative Cancellations	Outcomes	
	#	% of 2020 PVNs
Parking Tag Operations – Cancellations	21,807	1.55%
Cancelled due to plate errors – plate does not exist, plate is unattached	12,899	0.92%

Table 3 below outlines Administrative Penalty Tribunal (APT) outcomes for PVNs issued in 2020. This includes the number of hearing reviews requested, cancellation rates, variance rates, and affirmation rates.

Table 3: Administrative Penalty Tribunal Outcomes – PVNs Issued in 2020

Total Hearing Reviews Requested	16,290	
APT Outcome Type	Outcomes	
	#	% of Hearing Reviews Requested
Hearing Decision – Cancellation	214	1.3%
Hearing Decision – Variance	1,912	11.7%
Hearing Decision – Affirmation	5,287	32.5%

A number of Hearings remain outstanding for those customers who requested a Hearing in 2020 but do not yet have a disposition.

Table 4 below outlines cancellation activity for PVN's in 2018, 2019 and 2020. This includes all cancelled PIN's and PVN's organized by category. This information is provided for comparison purposes.

Table 4: Breakdown of PINs and PVNs Cancelled – 2018, 2019 and 2020

Reason for Cancellation	2018 Total	2019 Total	2020 Total
Cancelled by Screening Officer, or by Hearing Officer (or POA Courts prior to August 27, 2017)	71,929	79,213	45,501
Cancelled by Parking Ticket Operations (plate errors, errors on tickets, out-of-Province vehicles, etc.)	46,639	39,715	34,367
Cancelled due to Drive Away – offender drives away before officer can serve the ticket	302	433	339
Total cancelled	118,870	119,361	80,207

*Error on ticket now includes other errors related to Ministry of Transportation returns, missing information or mismatched vehicle/plate.

There were 39,154 fewer PVN's cancelled in 2020 compared to the number of PVN's cancelled in 2019. Many contributing factors contributed to this decrease but relates mainly to the COVID-19 pandemic and the resulting changes in driver behaviour.

Drive-away cancellations continue to decrease given that the City now mails tickets to any parking offender who drives away before the ticket can be served (provided there is sufficient data on the ticket to process the violation and obtain ownership information).

CONTACT

Casey Brendon, Director, Revenue Services Division, Telephone: 416-392-8065
Fax: 416-696-3778, casey.brendon@toronto.ca

Anthony Fabrizi, Manager, Revenue Services Division, Telephone: 416-392-5880
Fax: 416-696-3778, anthony.fabrizi@toronto.ca

Kalli Chapman Director, Prosecutions Legal Services Phone: 416-392-8464
kalli.chapman@toronto.ca

Gary Clarke, Manager(A), Court Operations, Court Services, Telephone: 416-392-5546,
gary.clarke@toronto.ca

SIGNATURE

Andrew Flynn
Controller

Susan Garossino
Director, Court Services

Wendy Walberg
City Solicitor

ATTACHMENTS

Attachment 1: Breakdown of PVN and PIN Issuance by Parking By-law Category – 2019 and 2020

Attachment 2: Collection Activity for PVNs Issued in 2019 and 2020, PVNs and PINs Issued in 2017, and PINs Issued in prior years.

Attachment 1

Breakdown of PVN and PIN Issuance by Parking By-law Category – 2019 and 2020

Note: The “Other Violations” category is a summation of all other parking violations where issuance is under 1,000 in each category. The fines / penalties in this category range from \$15 - \$150.

Parking Bylaw Category	Penalty Amount	PVNs Issued in 2019		PVNs Issued in 2020	
		#	%	#	%
No Parking – “Park Signed Highway during Prohibited Times/Days – Excess Times”	\$50.00	414,165	18.66%	252,613	17.98%
Expired Meter Offences – “Park at Expired Meter, Fail to deposit fee/display receipt”	\$30.00	322,637	14.54%	224,667	15.99%
No Valid Permit – “Park (Prohibited area/location) without a Permit”	\$30.00	288,627	13.00%	166,014	11.82%
Private Property – “Park Vehicle on Private Property without Consent”	\$30.00	456,684	20.58%	337,884	24.05%
No Stopping – “Stop Vehicle signed Highway Prohibited Time/Day”	\$60.00- \$150.00	184,218	8.30%	99,398	7.08%
Parking – 3 Hour Limit - “Park Longer than 3 Hours”	\$15.00	144,374	6.50%	67,391	4.80%
Parking with Expired Plates – Parking vehicle displaying expired license plate	\$40.00	105,214	4.74%	27,989	1.99%
No Standing – “Stand Vehicle signed Highway Prohibited Time/Day”	\$60.00- \$150.00	71,168	3.21%	44,667	3.18%
Other Violations – Park facing wrong direction, etc.	\$15.00- \$150.00	2,076	0.09%	1,153	0.08%
Fire Hydrant – “Park – 3M of Fire Hydrant”	\$100.00	29,016	1.31%	16,316	1.16%
No Parking 2:00am – 6:00am in North York from Dec 1 to Mar 31	\$40.00	23,545	1.06%	24,120	1.72%
Parking – Transit Zone – “Stand Vehicle - Signed Highway – Transit Zone”	\$150.00	19,441	0.88%	9,891	0.70%
Stop Sidewalk/Footpath – “Stop - on/over sidewalk/footpath”	\$150.00	12,537	0.56%	7,603	0.54%
Parking – Public Lane - “Park in Public Lane”	\$40.00	12,058	0.54%	7,484	0.53%
Fire Route – “Park Vehicle in Designated Fire Routes”	\$250.00	13,660	0.62%	10,506	0.75%
Parking – 9M Intersection - “Park - 9M of Intersecting Highway”	\$50.00	9,545	0.43%	4,977	0.35%
Park Passenger/Freight Loading Zones contrary to Permitted times	\$40.00	25,421	1.15%	16,151	1.15%
Unauthorized Parking on Boulevard	\$50.00	11,907	0.54%	7,720	0.55%
Disabled Parking – “Park Vehicle in Designated Disable Parking Space”	\$60.00- \$450.00	15,583	0.70%	9,880	0.70%
Municipal Offences – “Park Vehicle on Municipal Property without Consent”	\$30.00	21,367	0.96%	38,917	2.77%
Park not within period permitted	\$30.00	2,127	0.10%	432	0.03%
Parking – Parallel to Curb – “Fail to Park/Stop Parallel to curb”	\$30.00	5,712	0.26%	3,127	0.22%
Parking – “Park/Obstruct Driveway/Laneway”	\$50.00	5,488	0.25%	3,797	0.27%

Parking Bylaw Category	Penalty Amount	PVNs Issued in 2019		PVNs Issued in 2020	
Stand Signed Taxi Cab Stand	\$60.00	5,999	0.27%	3,966	0.28%
Park in a Park	\$100.00	9,680	0.44%	13,782	0.98%
Fail to Park/Stop Parallel to Right Hand Side of Highway	\$30.00	3,214	0.14%	2,146	0.15%
Stop Roadway Side of any Stopped or Parked Vehicle	\$150.00	1,516	0.07%	784	0.06%
Stop Within a Crosswalk	\$60.00-\$100.00	1,551	0.07%	844	0.06%
Park Heavy Truck Highway, Prohibited Times/Days	\$90.00	1,014	0.05%	515	0.04%
Totals		2,219,544	100%	1,404,734	100%

Attachment 2

Collection Activity for PVNs Issued in 2019 and 2020, PVNs and PINs Issued in 2017, and PINs Issued in prior years (2010-2016)

Year	A Number of PINs and / or PVNs Issued	B Number of PINs and / or PVNs Cancelled* ¹	C Outstanding PINs and/or PVNs (i.e. Issued but not cancelled) (A- B)	D Total # of PINs and / or PVNs Paid as of Dec 31, 2020	E Total Revenue collected (does not include MTO/MAG Fees)	F Collection Rate as a % of PINs or PVNs Issued (D/A)	G Collection Rate as of % of Outstanding PINs or PVNs (D/C)	H Anticipated Final Collection Rate* ² (Est.)
	#	#	#	#	\$	%	%	%
2010	2,787,071	457,587	2,329,484	2,067,297	77,153,912.28	74.17%	88.74%	98.00%
2011	2,833,787	493,185	2,340,602	2,099,771	78,210,347.33	74.10%	89.71%	99.00%
2012	2,761,802	633,108	2,128,694	1,987,391	75,149,547.33	71.96%	93.36%	99.00%
2013	2,630,402	578,250	2,052,152	1,895,254	71,509,972.63	72.05%	92.35%	99.00%
2014	2,498,660	509,768	1,988,892	1,923,940	78,533,005.13	77.00%	96.73%	99.00%
2015	2,183,523	351,638	1,831,885	1,759,009	76,220,364.86	80.56%	96.02%	99.00%
2016	2,268,110	308,499	1,959,611	1,848,525	83,250,645.70	81.50%	94.33%	99.00%
2017	2,146,526	240,135	1,906,391	1,768,553	78,962,489.70	82.39%	92.77%	99.00%
2018	2,045,498	118,870	1,926,628	1,705,104	76,814,255.24	83.36%	88.50%	99.00%
2019	2,219,544	169,066	2,050,478	1,667,988	75,592,626.85	75.15%	81.35%	99.00%
2020	1,404,734	89,662	1,315,072	836,043	38,341,699.23	59.52%	63.57%	99.00%

1. PVNs under the City's APS are cancelled for administrative and legislative reasons in accordance with City by-laws. PINs issued under the *Provincial Offences Act* are cancelled for administrative reasons, for vehicles that drive away prior to the notice being served, for out-of-province offenders, and by the Judiciary at trial.
2. Final collection rates are based on the year-end accruals as at December 31, 2020 which includes anticipated future adjustments to the PVN values.