

Administrative Penalty System – 2021 Activity

Date: May 24, 2022

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 2021 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 ticket cancellations.

This report is being submitted to the General Government and Licensing Committee together with a report from Toronto Police Service: "Annual Report – 2021 Parking Enforcement Unit Estimated Tag Issuance Report," which identifies enforcement related activity for 2021. 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 2021 fiscal year, the number of parking violations issued of 1,479,644 exceeded the estimated number of 1,280,000, which reflected assumptions due to impacts of COVID-19. The increase in issuance from the original forecasted amount contributed to a positive variance of 11 per cent in revenues from parking violations as compared to the 2021 budget, with gross revenues of \$90.2 million exceeding the budgeted amount of \$80.6 million.

However, this figure is still significantly less than the number of tickets issued and revenue collected from prior years pre-pandemic. In 2019, the number of tickets issued was 2,219,544, resulting in actual net revenues of \$124.0 million. In 2020, this significantly decreased to a total of 1,404,734 tickets and \$79.1 million in revenues.

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

DECISION HISTORY

On April 26, 2021, the General Government and Licensing Committee adopted Item GL22.3 – Administrative Penalty System – 2020 Activity. The link to that Agenda Item can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL22.3>

That report provided information on the total number and type of parking violation notices issued through the City's Administrative Penalty System in 2020, including cancellation activity, dispute requests, and collection rates.

COMMENTS

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 Parking Violation Notices (PVNs) in 2021. Approximately 13.86% of all 2021 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/or to extend the time for payment.

2021 Activity

In 2021, the City of Toronto issued 1,479,644 parking violation notices. The Toronto Police Service's Parking Enforcement Unit issued 1,256,209 PVNs and the balance (205,033)

were issued by Municipal Law Enforcement Officers (MLEOs). 18,402 were issued by Police Officers.

Table 1 below compares the number of PVNs issued in 2021 with the total number of PVNs issued in 2020. These statistics are broken down by the type of issuing officer/unit.

Table 1: Issuance of Parking Violation Notices (PVNs) – 2020 vs. 2021

	2020 PVNs	2021 PVNs	Approximate Increase / (Decrease)
Toronto Police Services: Parking Enforcement Officers	1,214,653	1,256,209	3.42%
Toronto Police Services: Police Officers/Cadets	12,919	18,402	42.44%
Subtotal: Toronto Police Services	1,227,572	1,274,611	3.83%
Municipal Law Enforcement Officers (MLEO's)	177,162	205,033	15.73%
TOTAL	1,404,734	1,479,644	5.33%

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 2021 is more than the number of PVNs issued in 2020 by approximately 5.33 % (increase of 74,910). This increase is believed to be attributed to the lessening of pandemic-related restrictions in 2021 following 2020, which experienced COVID-19 lockdowns and reduced enforcement efforts at different periods during the year.

PVN Issuance by Parking By-law Category

Attachment 1 provides a detailed breakdown of PVNs issued in 2021 by parking by-law category. 2021 totals by category are compared to PVNs issued in 2020.

In 2021, 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), consistent with prior years. This category represented 320,827 PVNs issued in 2021 compared to 337,884 PVNs in 2020. The "Private Property" category represented 21.68% of all PVNs issued in 2021, compared to 24.05% in 2020. Both years experienced a significant decline over 2019 which experienced 456,684 PVNs associated with "Private Property".

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 2021, 254,983 PVNs were issued in this category compared to 252,613 PVNs in 2020. This represented an increase in issuance of PVNs of 2,370 or 0.93%. Again, both 2021 and 2020 saw significant declines over 2019 'pre-pandemic' which had a total of 414,165 PVNs issued pertaining to "No Parking".

Collection Activity for PVNs Issued in 2021 and Prior Years

Attachment 2 provides information on PVNs issued each year from 2011 to 2021. It also shows the number of PVNs that have been paid as of December 31, 2021.

Based on analysis of prior years' collections experience, staff project a long-term average collection rate of approximately 83% for all 2021 tickets issued. The collection rate on PVNs which are deemed collectible (i.e. excluding those cancelled) is estimated at 99%.

Attachment 2 outlines the collection rate(s) for PVNs issued in 2021 and paid as of December 31, 2021. The details show that approximately 58.89% of PVNs issued in 2021 were paid in 2021. However, given that PVN recipients will continue to pay 2021 PVNs in 2022 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 2021 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 2021.

Table 2: Screening Office and Administrative Outcomes – PVNs Issued in 2021

Total 2021 PVN Issuance	1,479,644	
Screening Office Outcome Type	Outcomes	
	#	% of 2021 PVNs
Screening Reviews Requested: Online	204,930	13.85%
Screening Reviews Requested: In-Person	0	0%
Screening Decision – Cancellation	31,881	2.42%
Screening Decision – Variance	53,558	3.62%
Screening Decision – Affirmation	49,165	3.32%
Screening Decision – Paid Prior to Screening	3,717	0.25%

A number of Screenings remain outstanding related to those customers who requested a Screening late in 2021 but have not yet had their file reviewed.

Administrative Cancellations	Outcomes	
	#	% of 2021 PVNs

Parking Tag Operations – Cancellations	22,268	1.51%
Cancelled due to plate errors – plate does not exist, plate is unattached	11,753	0.79%

Table 3 below outlines Administrative Penalty Tribunal (APT) outcomes for PVNs issued in 2021. This includes the number of hearing reviews requested, cancellation rates, variance rates, and affirmation rates.

Table 3: Administrative Penalty Tribunal Outcomes – PVNs Issued in 2021

Total Hearing Reviews Requested	9,077	
APT Outcome Type	Outcomes	
	#	% of Hearing Reviews Requested
Hearing Decision – Cancellation	1,300	14.3%
Hearing Decision – Variance	2,385	26.3%
Hearing Decision – Affirmation	1,395	15.4%

A number of Hearings remain outstanding related to those customers who requested a Hearing late in 2021 but do not have a disposition.

Table 4 below outlines cancellation activity for PVNs in 2019, 2020 and 2021. This includes all cancelled PVNs organized by category. This information is provided for comparison purposes.

Table 4: Breakdown of PVNs Cancelled – 2019, 2020 and 2021

Reason for Cancellation	2019 Total	2020 Total	2021 Total
Cancelled by Screening Officer, or by Hearing Officer	79,213	45,501	33,181
Cancelled by Parking Ticket Operations (plate errors, errors on tickets, out-of-Province vehicles, etc.)	39,715	34,367	34,021
Cancelled due to Drive Away – offender drives away before officer can serve the ticket	433	339	165
Total cancelled	119,361	80,207	67,367

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

There were 12,840 fewer PVNs cancelled in 2021 compared to the number of PVNs cancelled in 2020. There were many contributing factors associated with this decrease but relates mainly to the COVID-19 pandemic and the resulting changes in driver behaviour, and a reduction in enforcement activities during the pandemic.

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.

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ATTACHMENTS

Attachment 1: Breakdown of PVN Issuance by Parking By-law Category – 2020 and 2021.

Attachment 2: Collection Activity for PVNs Issued through 2011 - 2021

Attachment 1

Breakdown of PVN Issuance by Parking By-law Category – 2020 and 2021

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 - \$60.

Parking Bylaw Category	Penalty Amount	PVNs Issued in 2020		PVNs Issued in 2021	
		#	%	#	%
No Parking – “Park Signed Highway during Prohibited Times/Days – Excess Times”	\$40.00- \$200.00	252,613	17.98%	254,983	17.23%
Expired Meter Offences – “Park at Expired Meter, Fail to deposit fee/display receipt”	\$30.00- 300.00	224,667	15.99%	181,633	12.28%
No Valid Permit – “Park (Prohibited area/location) without a Permit”	\$30.00	166,014	11.82%	184,190	12.45%
Private Property – “Park Vehicle on Private Property without Consent”	\$30.00	337,884	24.05%	320,827	21.68%
No Stopping – “Stop Vehicle signed Highway Prohibited Time/Day”	\$60.00- \$300.00	99,398	7.08%	123,900	8.37%
Parking – 3 Hour Limit - “Park Longer than 3 Hours”	\$30.00	67,391	4.80%	78,913	5.33%
Parking with Expired Plates – Parking vehicle displaying expired license plate	\$40.00	27,989	1.99%	38	0.01%
No Standing – “Stand Vehicle signed Highway Prohibited Time/Day”	\$60.00- \$300.00	44,667	3.18%	66,621	4.50%
Other Violations – Park facing wrong direction, etc.	\$15.00- \$60.00	1,153	0.08%	402	0.03%
Fire Hydrant – “Park – 3M of Fire Hydrant”	\$100.00	16,316	1.16%	24,770	1.67%
No Parking 2:00am – 6:00am in North York from Dec 1 to Mar 31	\$40.00	24,120	1.72%	25,546	1.73%
Parking – Transit Zone – “Stand Vehicle - Signed Highway – Transit Zone”	\$150.00	9,891	0.70%	13,557	0.92%
Stop Sidewalk/Footpath – “Stop - on/over sidewalk/footpath”	\$60.00- \$150.00	7,603	0.54%	12,026	0.81%
Parking – Public Lane - “Park in Public Lane”	\$40.00	7,484	0.53%	8,572	0.58%
Fire Route – “Park Vehicle in Designated Fire Routes”	\$250.00	10,506	0.75%	11,784	0.80%
Parking – 9M Intersection - “Park - 9M of Intersecting Highway”	\$50.00	4,977	0.35%	6,192	0.42%
Park/Stand Passenger/Freight Loading Zones	\$40.00- \$100.00	16,151	1.15%	15,333	1.04%
Unauthorized Parking on Boulevard	\$50.00	7,720	0.55%	8,222	0.56%
Disabled Parking – “Park Vehicle in Designated Disable Parking Space”	\$300.00- \$450.00	9,880	0.70%	15,384	1.04%
Municipal Offences – “Park Vehicle on Municipal Property without Consent”	\$30.00- \$75.00	38,917	2.77%	94,942	6.42%
Parking – Parallel to Curb – “Fail to Park/Stop Parallel to curb”	\$30.00	3,127	0.22%	3,229	0.22%
Parking – “Park/Obstruct Driveway/Laneway”	\$50.00	3,797	0.27%	3,661	0.25%
Park/Stand Signed Taxi Cab Stand	\$40.00- \$60.00	3,966	0.28%	6,267	0.42%

Parking Bylaw Category	Penalty Amount	PVNs Issued in 2020		PVNs Issued in 2021	
Park in a Park	\$100.00	13,782	0.98%	11,965	0.81%
Fail to Park/Stop Parallel to Right Hand Side of Highway	\$30.00	2,146	0.15%	2,941	0.20%
Stop Roadway Side of any Stopped or Parked Vehicle	\$150.00	784	0.06%	1,573	0.11%
Stop Within a Crosswalk	\$40.00- \$100.00	844	0.06%	1,445	0.10%
Park Heavy Truck Highway, Prohibited Times/Days	\$90.00	515	0.04%	728	0.05%
Totals		1,404,734	100%	1,479,644	100%

Attachment 2

Collection Activity for PVNs Issued through 2011 to 2021

Year	A Number of PVNs Issued	B Number of PVNs Cancelled ¹	C Outstanding PVNs (i.e. Issued but not cancelled) (A-B)	D Total # of PVNs Paid as of Dec 31, 2021	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 PVNs (D/C)	H Anticipated Final Collection Rate ² (Est.)
	#	#	#	#	\$	%	%	%
2011	2,833,787	493,185	2,340,602	2,103,613	78,352,265.08	74.23%	89.87%	99.00%
2012	2,761,802	633,108	2,128,694	1,991,363	75,295,009.33	72.10%	93.55%	99.00%
2013	2,630,402	578,250	2,052,152	1,898,959	71,642,112.63	72.19%	92.54%	99.00%
2014	2,498,660	509,768	1,988,892	1,928,108	78,706,773.13	77.17%	96.94%	99.00%
2015	2,183,523	351,638	1,831,885	1,763,353	76,406,340.86	80.76%	96.26%	99.00%
2016	2,268,110	308,499	1,959,611	1,854,842	83,538,356.70	81.78%	94.65%	99.00%
2017	2,146,526	240,135	1,906,391	1,777,250	79,356,789.20	82.80%	93.23%	99.00%
2018	2,045,498	118,870	1,926,628	1,722,572	77,614,617.74	84.21%	89.41%	99.00%
2019	2,219,544	169,066	2,050,478	1,756,526	79,931,215.32	79.14%	85.66%	99.00%
2020	1,404,734	89,662	1,315,072	1,052,308	48,969,578.47	74.91%	80.02%	99.00%
2021	1,479,644	71,794	1,407,850	871,404	43,215,784.11	58.89%	61.90%	99.00%

1. PVNs under the City's APS are cancelled for administrative and legislative reasons in accordance with City by-laws.
2. Final collection rates are based on the year-end accruals as at December 31, 2021 which includes anticipated future adjustments to the PVN values.