

Administrative Penalty System – 2022 Activity

Date: May 15, 2023

To: General Government 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 2022 under the City's Administrative Penalty System (APS). APS program outcomes are also provided, including the 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 Committee together with a report from Toronto Police Service: "Annual Report – 2022 Parking Enforcement Unit Estimated Tag Issuance Report," which identifies enforcement related activity for 2022. 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 Committee receive this report for information.

FINANCIAL IMPACT

For the 2022 fiscal year, the number of parking violations issued of 1,821,338 exceeded the estimated number of 1.79 million, which reflected assumptions due to impacts of post COVID-19. The increase in issuance from the original forecasted amount contributed to a positive variance of 14.8 per cent in revenues from parking violations as compared to the 2022 budget, with revenues of \$102.6 million exceeding the budgeted amount of \$89.4 million.

The recommendations contained in this report would have no financial implications on the current budget year or future years.

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

DECISION HISTORY

On June 7, 2022, the General Government and Licensing Committee adopted Item [GL31.5 Administrative Penalty System – 2021 Activity](#). That report provided information on the total number and type of parking violation notices issued through the City's Administrative Penalty System in 2021, 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 2022. The balance of PVNs, or approximately 14.06% of all 2022 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.

2022 Activity

In 2022, the City of Toronto issued 1,821,338 parking violation notices. The Toronto Police Service's Parking Enforcement Unit issued 1,553,313 PVNs, 256,080 PVNs were issued by Municipal Law Enforcement Officers (MLEOs) and 11,945 PVNs were issued by Police Officers.

Table 1 below compares the number of PVNs issued in 2022 with the total number of PVNs issued in 2021. These statistics are broken down by the type of issuing officer/unit.

Table 1: Issuance of Parking Violation Notices (PVNs) – 2021 vs. 2022

	2021 PVNs	2022 PVNs	Approximate Increase / (Decrease)
Toronto Police Services: Parking Enforcement Officers	1,256,209	1,553,313	23.65%
Toronto Police Services: Police Officers/Cadets	18,402	11,945	(35.09%)
Subtotal: Toronto Police Services	1,274,611	1,565,258	22.80%
Municipal Law Enforcement Officers (MLEO's)	205,033	256,080	24.90%
TOTAL	1,479,644	1,821,338	23.09%

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 2022 is more than the number of PVNs issued in 2021 by approximately 23.09% (increase of 341,694). This increase is believed to be attributed to the lessening of pandemic-related restrictions in 2022 following 2021, 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 2022 by parking by-law category. 2022 totals by category are compared to PVNs issued in 2021.

In 2022, 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 377,293 PVNs issued in 2022 compared to 320,827 PVNs in 2021 (i.e. an increase of 56,466 or 17.6%). The "Private Property" category represented 20.72% of all PVNs issued in 2022, compared to 21.68% in 2021. 2022 experienced a significant increase in issuance over 2021 due to COVID-19 pandemic restrictions being lifted and more vehicles on the road.

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 2022, 311,879 PVNs were issued in this category compared to 254,983 PVNs in 2021. This represented an increase in issuance of PVNs of 56,896 or 22.31%. Again, PVNs issued 2022 saw significant increase over 2021 as a result of COVID-19 pandemic restrictions being lifted and more vehicles on the road.

Collection Activity for PVNs Issued in 2022 and Prior Years

Attachment 2 provides information on PVNs issued each year from 2012 to 2022. It also shows the number of PVNs that have been paid as of December 31, 2022.

Based on analysis of prior years' collections experience, staff project a long-term average collection rate of approximately 83% for all 2022 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 2022 and paid as of December 31, 2022. The details show that approximately 61.01% of PVNs issued in 2022 were paid in 2022. However, given that PVN recipients will continue to pay 2022 PVNs in 2023 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 2022 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 below provides the total number of PVNs issued and reviewed in 2022, table 3 outlines the screening office outcomes for PVNs issued in 2022 and table 4 outlines the administrative outcomes for the PVNs issued in 2022.

Table 2: Total Number of Parking Violation Notices (PVNs) Issued and Reviewed in 2022

Total 2022 PVN Issuance	1,821,338	
Screening Review Type	#	% of 2022 PVNs
Screening Reviews Requested: Online	243,915	13.39%
Screening Reviews Requested: In-Person	24,504	1.35%

Table 3: Screening Office Outcomes – PVNs Issued in 2022

Screening Office Outcome Type	Outcomes	
	#	% of 2022 PVNs
Screening Decision – Cancellation	51,362	2.82%
Screening Decision – Variance	25,893	1.42%
Screening Decision – Affirmation	141,910	7.79%
Screening Decision – Paid Prior to Screening	9,140	0.50%

99.44% of all 2022 PVNs disputed in 2022 had decisions issued in the same year. This includes decisions where extensions for the time to review/pay were granted or denied.

Table 4: Administrative Outcomes – PVNs Issued in 2022

Administrative Cancellations	Outcomes	
	#	% of 2022 PVNs
Parking Tag Operations – Cancellations	36,414	1.99%
Cancelled due to plate errors – plate does not exist, plate is unattached	12,700	0.70%

Table 5 below outlines Administrative Penalty Tribunal (APT) outcomes for PVNs issued in 2022. This includes the number of hearing reviews requested, cancellation rates, variance rates, and affirmation rates.

Table 5: Administrative Penalty Tribunal Outcomes – PVNs Issued in 2022

Total Hearing Reviews Requested	12,153	
APT Outcome Type	Outcomes	
	#	% of Hearing Reviews Requested
Hearing Decision – Cancellation	1,900	15.63%
Hearing Decision – Variance	4,400	36.21%
Hearing Decision – Affirmation	1,858	15.28%
Hearing Decision – Motions and Paid Prior to Hearing	678	.05%

A number of Hearings remain outstanding related to those customers who requested a Hearing late in 2022 and will be heard by APT in 2023. .

Table 6 below outlines cancellation activity for PVNs in 2020, 2021 and 2022. This includes all cancelled PVNs organized by category. This information is provided for comparison purposes.

Table 6: Breakdown of PVNs Cancelled – 2020, 2021 and 2022

Reason for Cancellation	2020 Total	2021 Total	2022 Total
Cancelled by Screening Officer, or by Hearing Officer	45,501	33,181	46,172

Cancelled by Parking Ticket Operations (plate errors, errors on tickets, out-of-Province vehicles, etc.)	34,367	34,021	49,114
Cancelled due to Drive Away – offender drives away before officer can serve the ticket	339	165	230
Total cancelled	80,207	67,367	95,516

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

There were 28,149 more PVNs cancelled in 2022 compared to the number of PVNs cancelled in 2021. While there were many contributing factors associated with this increase, the most significant was the effect of the COVID-19 pandemic and the resulting increase in vehicles driven and the corresponding increase in enforcement activities after 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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SIGNATURE

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ATTACHMENTS

Attachment 1: Breakdown of PVN Issuance by Parking By-law Category – 2021 and 2022.

Attachment 2: Collection Activity for PVNs Issued through 2012 - 2022