

TORONTO MUNICIPAL CODE
CHAPTER 179, PARKING AUTHORITY

Chapter 179

PARKING AUTHORITY

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[History: Adopted by the Council of the City of Toronto February 6, 1998 by By-law 28-1998.¹ Amendments noted where applicable.]

General References

Authority of employees of Parking Authority - See Ch. 150.
Parking machines and meters - See Ch. 910.
Parking on private or municipal property - See Ch. 915.
Permit parking - See Ch. 925.
Traffic and parking - See Ch. 950.
Assessment Act - See R.S.O. 1990, c. A.31.
City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.
Municipal Act, 2001 - See S.O. 2001, c. 25.

§ 179-1. Composition.

[Amended 1999-06-11 by By-law 338-1999²; 2003-12-04 by By-law 21-2004; 2005-05-19 by By-law 441-2005; 2019-01-31 by By-law 253-2019]

- A. The Parking Authority shall consist of seven members appointed by Council, each of whom shall be a person qualified to be elected as a member of Council and a resident of the City of Toronto.
- B. Two members shall be members of Council.
- C. The General Manager, Transportation Services or designate is entitled to notice, agendas and minutes for all meetings and is entitled to attend all meetings of the Board of Directors of the Parking Authority, including closed sessions.

§ 179-2. Term of office.

[Amended 2005-05-19 by By-law 441-2005; 2015-06-12 by By-law 623-2015]

- A. Councillor members shall hold office for a term set out in the appointing by-law and until their successors are appointed to office.
- B. Citizen members of the Parking Authority shall be appointed for a term specified by Council, and serve at pleasure of Council until their successors are appointed.

§ 179-3. Remuneration.

The members may be paid such remuneration as may be fixed by Council.

¹ Editor's Note: This by-law was passed under the authority of section 89 of the City of Toronto Act, 1997 (No. 2), S.O. 1997, c. 26. This by-law also repealed Municipal Code Ch. 75, Parking Authority, of the former City of Toronto and By-laws 31295, 32181, 32376 and 32726 of the Corporation of the City of North York.

² Editor's Note: This by-law came into force December 1, 2000.

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§ 179-4. Filling of vacancies.

Where a vacancy occurs in the membership of the Parking Authority from any cause, Council shall immediately appoint a qualified person who shall hold office for the remainder of the term for which his or her predecessor was appointed.

§ 179-5. Reasons for vacancies.

A member's seat becomes vacant or a member becomes disqualified from sitting as a member upon the occurrence of any of the following circumstances:

- A. If he or she ceases to be a person qualified to be elected as a member of Council.
- B. If he or she is mentally incapable and has been so found by a tribunal or court of competent jurisdiction.
- C. If he or she has the status of a bankrupt.
- D. If he or she resigns from his or her office.
- E. If he or she becomes an employee of the Parking Authority.
- F. If he or she dies during his or her term of office.

§ 179-6. Reappointment.

Any member is eligible for reappointment on the expiration of his or her term of office subject to any policies adopted by Council from time to time respecting the appointment of persons to municipal boards and committees.

§ 179-7. Powers and duties.

[Amended 1998-07-31 by By-law 560-1998; 1998-10-02 by By-law 720-1998; 1998-12-17 by By-law 911-1998]

All the powers, rights, authorities and privileges now or hereafter conferred upon the City by any general or special Act with respect to the construction, maintenance, operation and management of parking facilities within the City of Toronto, including on-street parking meter and parking machine facilities, shall be exercised by the Parking Authority subject to the following limitation:

- A. Land and buildings where vehicles may be parked shall be acquired and owned by the City and shall be used by the Parking Authority only where designated by by-law of Council for that purpose.
- B. Only Council shall pass by-laws regulating the parking of vehicles and imposing penalties for the contravention of such by-laws.

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- C. Except as provided in Subsections D, D.1 or D.2, only City Council shall pass by-laws for the purposes of regulating the installation and operation of on-street parking meters and parking machines, including the setting of rates for meters or machines. **[Amended 2011-04-13 by By-law 511-2011; 2013-07-19 by By-law 1075-2013]**
- D. The Parking Authority shall be authorized to fix rates for on-street parking meters or parking machines, provided that the Parking Authority has consulted the Ward Councillor(s) for the Ward(s) in which the parking meters or parking machines are located with respect to the rates for on-street parking meters or parking machines prior to the fixing of rates. **[Amended 2009-12-04 by By-law 1181-2009; 2011-09-27 by By-law 1174-2011; 2011-12-01 by By-law 1420-2011³; 2012-07-13 by By-law 980-2012; 2020-10-02 by By-law 795-2020; 2023-09-06 by By-law 825-2023]**
- D.1 The Parking Authority shall be authorized to remove parking meters or machines or change the hours of operation of parking meters or machines at on-street paid parking locations within the time periods where parking is permitted at such locations where such change has been agreed to by the Ward Councillors for the Ward in which the parking meters or parking machines are located and, where there is a removal of parking meters or machines or when an extension of parking meter or parking machine hours is proposed, the General Manager of Transportation Services has reviewed and agreed to the change. **[Added 2011-04-13 by By-law 511-2011]**
- D.2 The Parking Authority shall be authorized to amend the maximum parking period at on-street paid parking locations within the time periods that paid parking is permitted at such locations, subject to the agreement of the Ward Councillors for the Ward in which the parking meters or parking machines are located. **[Added 2013-07-19 by By-law 1075-2013]**
- E. The City Solicitor may process amendments to City by-laws regulating on-street parking meters and parking machines to: **[Amended 2003-09-24 by By-law 979-2003; 2011-09-27 by By-law 1174-2011; 2011-12-01 by By-law 1420-2011⁴]**
- (1) Incorporate rates set by the Parking Authority, on certification to the City Solicitor by the President of the Parking Authority that the rates have been set according to the criteria set out in Subsection D;
 - (2) Replace parking meters with parking machines or parking machines with parking meters, on certification to the City Solicitor by the President of the Parking Authority that the replacement has been agreed to by the Ward Councillors for the Ward in which the parking meters or parking machines are located; and
 - (3) Add new carparks to the list in Schedule XXXIV of Chapter 950, Traffic and Parking, provided that the lands and buildings have been acquired and developed,

³ Editor's Note: Subsections 179-17D and E were amended September 27, 2011 by By-law 1174-2011. By-law 1420-2011 enacted December 1, 2011 subsequently deleted those amendments.

⁴ Editor's Note: Subsections 179-17D and E were amended September 27, 2011 by By-law 1174-2011. By-law 1420-2011 enacted December 1, 2011 subsequently deleted those amendments.

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and approved by Council, in accordance with the requirements of this chapter.
[Amended 2014-01-30 by By-law 80-2014]

- (4) Incorporate the removal of parking meters or parking machines or the change of hours of operation of parking meters or parking machines, on certification to the City Solicitor by the President of the Parking Authority that the removal or change in hours has been made according to the criteria set out in Subsection D.1.
[Added 2011-04-13 by By-law 511-2011]
- (5) Incorporate the change to the maximum parking period for on-street parking meters or parking machines, on certification to the City Solicitor by the President of the Toronto Parking Authority that the change to the maximum parking period has been made in accordance with the criteria set out in Subsection D.2 **[Added 2013-07-19 by By-law 1075-2013]**
- F. The Parking Authority shall not institute or continue any proceeding in respect of an assessment under the Assessment Act of the real property upon which it constructs, manages, operates or maintains parking facilities without first having obtained the express written approval of the Chief Financial Officer and Treasurer. **[Added 2009-08-06 by By-law 743-2009; amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019⁵]**
- G. The Parking Authority shall adopt policies respecting sponsorships, naming rights and honourific names which are consistent with the policies adopted by Council. **[Added 2011-12-01 by By-law 1373-2011]**
- H. The City Clerk is appointed as the secretary of the Board of Directors of the Parking Authority. **[Added 2019-01-31 by By-law 253-2019]**
- I. Every member in exercising their powers and discharging their duties to the Parking Authority shall: **[Added 2019-01-31 by By-law 253-2019]**
 - (1) act honestly and in good faith with a view to the best interests of the City of Toronto; and
 - (2) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

§ 179-7.1. Authority over bike share system.

[Added 2013-11-15 by By-law 1505-2013; amended 2016-05-05 by By-law 427-2016]

All the powers, rights, authorities and privileges with respect to the ownership, acquisition, management, maintenance and operation of the bike share program assets within the City of Toronto or outside the geographical boundaries of the City of Toronto, including entering into

⁵ Editor's Note: By-law 17-2019 deleted all references to the title "Chief Financial Officer" in this chapter and replaced them with the title "Chief Financial Officer and Treasurer". By-law 17-2019 is deemed to have come into force on October 23, 2018.

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contracts and agreements, undertaking sponsorship, naming, rebranding, partnership, acceptance of donations, approval of sponsorship and third party advertising on the bike station panels, and all other related ownership, operational, management or revenue generating activities, shall be exercised only by the Parking Authority, subject to the following limitations:

- A. Any operating surplus from the bike share program shall be deposited in the bike share program reserve for the purposes of the reserve, including replenishment of the bike share program capital assets and/or any future operating deficits.
- B. The Parking Authority shall be required to obtain the approval of the appropriate City officials with respect to the location or relocation of the bike share stations and equipment on City property which has not been designated for the Parking Authority's use by by-law of Council.
- C. (Reserved)⁶
- D. Despite anything else in this section, where the annualized cash flow deficit for the bike share program exceeds \$750,000, the President of the Parking Authority shall report directly to Council for direction.
- E. The Parking Authority shall not undertake any actions in connection with Bike Share Toronto outside the geographic boundaries of the City of Toronto unless the action is in keeping with the purposes of enhancing the long term viability of Bike Share Toronto, building and developing the Bike Share Toronto brand, or promoting cycling and not until the Parking Authority obtains the consent of the municipality in which such actions will occur, in accordance with the City of Toronto Act, 2006.

§ 179-8. Administration.

Administration for the Parking Authority shall be provided through the President/Chief Administrative Officer who shall be appointed by the Board of the Parking Authority.

§ 179-8.1. Delegated real estate authority.

[Added 2017-12-08 by By-law 1409-2017⁷; 2018-12-13 by By-law 17-2019⁸]

- A. As used in this Section, the following term shall have the meaning indicated:

REAL ESTATE APPROVAL PROCESS - The real estate service delivery model and delegated authority approval process as set out in Item EX27.12, adopted by Council at its meeting of October 2, 3 and 4, 2017, including any amendments as approved by Council from time to time.

⁶ Editor's Note: Subsection 179-7.1C was deleted December 8, 2017 by By-law 1409-2017, which came into force on January 1, 2018.

⁷ Editor's Note: By-law 1409-2017 came into force on January 1, 2018.

⁸ Editor's Note: By-law 17-2019 deleted the title "Deputy City Manager, Internal Corporate Services" throughout this chapter and replaced them with the title "Deputy City Manager, Corporate Services". By-law 17-2019 is deemed to have come into effect on October 23, 2018.

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- B. The Parking Authority shall have authority to approve and enter into licences and leases in relation to areas or facilities under the jurisdiction of the Parking Authority on terms acceptable to the Parking Authority, including insurance and indemnification provisions, and in a form satisfactory to the City Solicitor, provided that:
- (1) the term of the arrangement, including all licences and leases and rights of extension or renewal, is
 - (a) for a total period of one (1) year or less; or
 - (b) where the arrangement relates to only a portion of an existing building or structure, for a total period of three (3) years or less, and
 - (c) subject to a right of termination in favour of the Parking Authority, exercisable upon not greater than 90 days' prior notice;
 - (2) the total rent or licence fee payable to the Parking Authority pursuant to such arrangement does not exceed \$50,000;
 - (3) the start date for the use shall not be later than six (6) months from the date the licence or lease was issued;
 - (4) the fee(s) payable to the Parking Authority in relation to such licences or leases shall conform to the requirements of Chapter 441, Fees and Charges or, if Chapter 441 is not applicable, otherwise reflects fair market value; and
 - (5) where the arrangement relates to the provision of a bike share system in accordance with § 179-7.1, the arrangement complies with the terms of § 179-7.1 and, for greater certainty, such arrangement is not subject to the limitations set out in Subsections B(1) to (4) above.
- C. Where a proposed transaction does not meet the criteria set out in Subsection B, the transaction shall be directed through the Real Estate Approval Process.
- D. Where the Parking Authority wishes to proceed with a transaction that falls outside of the scope of authority delegated by Council pursuant to the Real Estate Approval Process, the Parking Authority shall seek Council approval for such transaction by way of a joint report to Council from the President and the Deputy City Manager, Corporate Services.
- E. The Parking Authority shall assist in the implementation of transactions proposed by the Deputy City Manager, Corporate Services with respect to property under the jurisdiction of the Parking Authority, as requested by the Deputy City Manager, Corporate Services.

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§ 179-9. Agreements for construction of parking facilities.

[Amended 2017-12-08 by By-law 1409-2017⁹]

The Parking Authority may, where the Deputy City Manager, Corporate Services has concurred, enter into agreements for the construction of parking facilities in, under, over or on land that is vested in the City for any purpose.

§ 179-10. Disposal of land or buildings.

A. to C. (Reserved)¹⁰

D. The money obtained from a sale or lease of property under the jurisdiction of the Parking Authority shall be paid to the City and the balance remaining after payment of incidental expenses shall be paid into the reserve fund established under section 417 of the Municipal Act, 2001 or under a predecessor to that section, subject to the terms of any revenue-sharing agreement between the City and the Parking Authority. **[Amended 2017-12-08 by By-law 1409-2017¹¹]**

E. Despite anything in this chapter, the Parking Authority shall be subject to the policy and procedures governing land transactions among City agencies, boards, commissions and departments and allocating net proceeds from the sale of City-owned real property as established by Council, subject to the terms of any revenue-sharing agreement between the City and the Parking Authority. **[Amended 2017-12-08 by By-law 1409-2017¹²]**

§ 179-11. Reserved.¹³

§ 179-12. Authority to lease facilities.

[Amended 2005-05-19 by By-law 441-2005]

A. A building that the City or the Parking Authority constructs as a municipal parking facility may include facilities at basement, street mezzanine or second floor levels that are not required for City or Parking Authority purposes.

B. (Reserved)¹⁴

⁹ Editor's Note: By-law 1409-2017 came into force January 1, 2018.

¹⁰ Editor's Note: By-law 1409-2017 deleted Subsections 179-10A to C and came into force January 1, 2018.

¹¹ Editor's Note: By-law 1409-2017 came into force January 1, 2018.

¹² Editor's Note: By-law 1409-2017 came into force January 1, 2018.

¹³ Editor's Note: By-law 1409-2017 deleted Section 179-11 "Authority to construct buildings or structures for other uses" and came into force January 1, 2018.

¹⁴ Editor's Note: By-law 1409-2017 deleted Subsection 179-12B and came into force January 1, 2018.

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§ 179-13. Agreements to maintain, operate and manage parking facilities.

- A. The Parking Authority may enter into agreements for the maintenance, operation and management of parking facilities within the City of Toronto.
- B. The Parking Authority may, with the consent of the council of the municipality concerned, enter into agreements for the maintenance, operation and management of parking facilities outside the City of Toronto.
- C. The net revenue obtained under such agreements shall be paid into the reserve fund established under section 417 of the Municipal Act, 2001 or under a predecessor to that section. **[Amended 2005-05-19 by By-law 441-2005]**

§ 179-14. Requisitions.

[Amended 2005-05-19 by By-law 441-2005; 2018-07-27 by By-law 1206-2018]

The Parking Authority shall submit to Council its estimates for the current year, at the time and in the form prescribed by Council, and shall make requisitions upon Council for all sums of money required to carry out its powers and duties, but nothing herein divests Council of its authority with reference to providing the money for the purposes of the Parking Authority and, when money is so provided by Council, the Chief Financial Officer and Treasurer shall, upon the certificate of the Parking Authority, pay out such money.

§ 179-15. Annual report.

On or before the 1st day of March in each year, the Parking Authority shall submit its annual report for the preceding year to Council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

§ 179-16. Authority of City's external auditor.

[Amended 2002-11-28 by By-law 1076-2002]

The City's external auditor shall be the auditor of the Parking Authority, and all books, documents, transactions, minutes and accounts of the Parking Authority shall, at all times, be open to his or her inspection.