

REASONS FOR DECISION OF THE ADMINISTRATIVE PENALTY TRIBUNAL

Form 10

Date of Hearing: Wednesday, June 22, 2022

Hearing Officer: Harold Tan

Re: PF662459

City's Representative: None

Owner's Representative: Alfredo Galvez

EXTENUATING CIRCUMSTANCES - a special or specified circumstance, including such types of extenuating circumstances established by the City Solicitor that partially or fully exempts a person from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle.

FINANCIAL HARDSHIP - a significant difficulty or expense and focuses on the resources and circumstances of the person owing an administrative penalty, including administrative fees, in relationship to the cost or difficulty of paying the administrative penalty or any administrative fees.

SCREENING OFFICER'S DECISION

Penalty of \$50 affirmed.

CITY REPRESENTATIVE'S EVIDENCE

N/A

RECIPIENT'S EVIDENCE

1. Owner submitted a large number of photographs intended to demonstrate varying parking practices of homeowners in his neighbourhood.
2. Owner submitted email correspondence with Office of City Councillor Jennifer McKelvie for the period January 14-17, 2022.
3. The Owner asserted that the Charter of Rights and Freedoms applied to this review.

CITY REPRESENTATIVE'S SUBMISSIONS

The City, not being present, did not make any submissions. Pursuant to Chapter 610 of the Toronto Municipal Code the PVN itself is proof of the facts contained therein, in the absence of evidence to the contrary.

RECIPIENT'S SUBMISSIONS

1. Owner submitted that parking on boulevard was practiced widely by homeowners in his neighbourhood.
2. Owner submitted that City Councillor Jennifer McKelvie's Office granted him permission to park on boulevard.

REASONS FOR DECISION

1. Photographic taken by Parking Enforcement clearly show that Owner's vehicle was parked on boulevard, contrary to Toronto Municipal Code, Chapter 918-2B. I am satisfied that the violation occurred.
2. Photographs taken by the Owner showing varying parking practices by homeowners in the neighbourhood are not relevant to the determination I have to make. My review is exclusively focused on this PVN.
3. January 17, 2022, response from Councillor McKelvie's Office acknowledged receipt of Owner's correspondence, and referral to a member of her staff for follow-up. There was no wording which indicated a decision had been made. Further, with all due respect, the Councillor has no role with respect to the adjudication of this PVN.
4. The Charter of Rights and Freedoms is not applicable to this review, by virtue of Decisions of Ontario Courts of competent jurisdiction.

DECISION

Penalty reduced from \$50 to \$20 on financial hardship grounds, with 60 days to pay.

Harold Tan

Harold Tan
Hearing Officer

Date Signed: July 11, 2022.