

Chapter 915

PARKING ON PRIVATE OR MUNICIPAL PROPERTY

ARTICLE I Definitions

§ 915-1. Definitions.

ARTICLE II Parking Prohibitions

§ 915-2. Parking prohibitions.

ARTICLE III Removal of Vehicles

§ 915-3. Authority to remove vehicles.

§ 915-4. Removal of vehicles by police.

§ 915-5. Removal of vehicles by municipal law enforcement officers not employed by the Toronto Police Service.

§ 915-6. Waiting period exceptions.

ARTICLE IV Offences and Penalties

§ 915-7. Offences.

§ 915-8. (Reserved)

[**HISTORY: Adopted by the Council of the City of Toronto 2001-06-28 by By-law No. 510-2001.¹ Amendments noted where applicable.**]

GENERAL REFERENCES

Parking Authority — See Ch. 179.
Idling of vehicles and boats — See Ch. 517.
Fire routes — See Ch. 880.
Parking machines — See Ch. 910.

Permit parking — See Ch. 925.
Temporary closing of highways — See Ch. 937.
Traffic and parking — See Ch. 950.

ARTICLE I Definitions

§ 915-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHIEF — The Chief of the Toronto Police Service.

DESIGNATED EVENT:

¹ Editor's Note: This by-law was passed under the authority of section 210, paragraph 131, of the Municipal Act, R.S.O. 1990, c. M.45. This by-law came into force 2002-01-01. Section 2 of this by-law provided as follows: (1) Except as provided in subsection (2), the following by-laws are repealed: former Borough of East York By-law No. 127-79, as amended; former City of Etobicoke Municipal Code Chapter 183, §§ 183-1 to 183-15, as amended; former City of North York By-law No. 27900, as amended; former City of Scarborough By-law No. 20910, as amended; former City of Toronto Municipal Code Chapter 400, § 400-34, as amended; and former City of York Municipal Code Chapter 989, Articles 1 and 2, as amended. (2) Despite subsection (1), where a person is alleged to have contravened a by-law listed in that subsection prior to the date this by-law comes into force, the by-law listed in subsection (1) shall continue in full force and effect for the purposes of any enforcement proceedings brought against such person until the proceedings have been concluded.

TORONTO MUNICIPAL CODE
§ 915-1 PARKING ON PRIVATE OR MUNICIPAL PROPERTY

- A. The receipt by the Toronto Police Service of the request for service requesting that a vehicle be removed, if the removal of the vehicle is authorized by a police officer, police cadet or municipal law enforcement officer employed by the Toronto Police Service; or
- B. The service of a parking infraction notice in accordance with the provisions of the *Provincial Offences Act*,² if the removal of the vehicle is authorized by a municipal law enforcement officer not employed by the Toronto Police Service.

LICENSED COMMERCIAL PARKING LOT — A parking lot for which a public garage licence has been issued under Chapter 545, Licensing, of the Municipal Code where motor vehicles are temporarily parked or stored for hire or gain. **[Amended 2003-04-16 by By-law No. 197-2003]**

MUNICIPAL PROPERTY — Property owned or occupied by the City or any local board thereof.

OCCUPANT:

- A. The tenant of the property or part thereof whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;
- B. The spouse or same-sex partner of the tenant;
- C. A person or a municipality, or a local board thereof, having an interest in the property under an easement or right-of-way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right-of-way;
- D. A person authorized in writing by an occupant as defined in Subsection A, B or C of this definition to act on the occupant's behalf for requesting the enforcement of this chapter.

PRIVATE PROPERTY — Property other than municipal property.

PROPERTY — Municipal property or private property as the case may be.

PROPERTY OWNER:

- A. The registered owner of the property;
- B. The registered owner of a condominium unit, whose consent shall extend only to the control of the owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property;

² Editor's Note: See R.S.O. 1990, c. P.33.

- C. The spouse or same-sex partner of a person described in Subsection A or B of this definition;
- D. Where the property is included in a description registered under the *Condominium Act, 1998*,³ the board of directors of the condominium corporation;
- E. A person authorized in writing by a property owner as defined in Subsection A, B, C or D of this definition to act on the owner's behalf for requesting the enforcement of this chapter.

WAITING PERIOD — The length of elapsed time between the designated event and the attaching of the towing vehicle to the vehicle to be moved.

ARTICLE II
Parking Prohibitions

§ 915-2. Parking prohibitions.

- A. No person shall park or leave a motor vehicle on municipal property without the consent of the City or the local board of the City, as the case may be.
- B. No person shall park or leave a motor vehicle on private property without the consent of the property owner or occupant.
- C. Where the property owner or occupant has posted signs stating the conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, any motor vehicle parked or left on the property contrary to those conditions or prohibitions shall be deemed to have been parked or left without the consent of the property owner or occupant.

ARTICLE III
Removal of Vehicles

§ 915-3. Authority to remove vehicles.

A police officer, police cadet or municipal law enforcement officer upon discovery of a vehicle parked or left on private property or municipal property contrary to § 915-2 may cause it to be moved or taken to and placed or stored in a suitable place, and all the costs and charges for the removal, care and storage are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.⁴

³ Editor's Note: See S.O. 1998, c. 19.

⁴ Editor's Note: See R.S.O. 1990, c. R.25.

§ 915-4. Removal of vehicles by police.

A police officer, police cadet or municipal law enforcement officer employed by the Toronto Police Service shall not cause the removal of a vehicle from private property or municipal property unless:

- A. A waiting period of 30 minutes has expired;
- B. A Toronto Police Service tow card is issued in respect of the vehicle at the time of the removal; and
- C. If the vehicle bears a number plate issued under the *Highway Traffic Act*,⁵ as amended, a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with the provisions of the *Provincial Offences Act*.⁶

§ 915-5. Removal of vehicles by municipal law enforcement officers not employed by the Toronto Police Service.

A municipal law enforcement officer not employed by the Toronto Police Service shall not cause the removal of a vehicle from private property or municipal property unless:

- A. The municipal property or private property that the vehicle is parked or left on has been inspected and approved by the Chief with satisfactory information furnished to satisfy the Chief that:
 - (1) The boundaries of the property are clearly defined;
 - (2) Signs with dimensions, contents and in sufficient locations as approved by the Chief are posted on the property;
 - (3) There are no signs on the property that refer to the tagging and towing of vehicles except signs that have been approved by the Chief;
 - (4) All signs posted on the property that refer to the towing of vehicles will be removed if the Chief's approval of the property is cancelled;
 - (5) If the property is a residential property with visitor parking for which a permit is required, signs satisfactory to the Chief have been posted on the property advising visitors of the means by which to obtain a permit and the Chief is satisfied that a permit may readily be obtained within a thirty-minute waiting period;
 - (6) Only private roadways designated as fire routes by municipal by-law are signed as fire routes;

⁵ Editor's Note: See R.S.O. 1990, c. H.8.

⁶ Editor's Note: See R.S.O. 1990, c. P.33.

- (7) Any reference to a municipal by-law in a sign posted on the property is a reference to a by-law currently in force;
 - (8) The Toronto Police Service has current information on file as to the licensed tow operator contracted to provide services to the property and the public garage where vehicles removed from the property will be stored;
 - (9) The owner of any vehicle removed from the property will have twenty-four-hour access to information as to where the removed vehicle is stored; and
 - (10) The owner of any vehicle removed from the property will be entitled to a Toronto Police Service review of actions taken to remove the vehicle from the property;
- B. A parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the *Provincial Offences Act*;⁷
 - C. A waiting period of 30 minutes has expired; and
 - D. The municipal law enforcement officer who issued the parking infraction notice issues a Toronto Police Service tow card in respect of the vehicle at the time of the removal.

§ 915-6. Waiting period exceptions.

The waiting period required by §§ 915-4A and 915-5C does not apply in respect of:

- A. A vehicle parked on a private roadway designated by municipal by-law as a fire route and marked by one or more signs posted under the supervision of the City of Toronto Works and Emergency Services Department;
- B. A vehicle parked in a designated disabled parking space in contravention of a municipal by-law;
- C. A vehicle parked in a loading space;
- D. A vehicle parked in a driveway;
- E. A vehicle parked on a lot or area, other than a licensed commercial parking lot, containing three or fewer parking spaces, and for this purpose parking spaces that are accessed by a common driveway are deemed to be on the same lot or area;
- F. A vehicle parked in a parking space reserved for a resident of a residential building if the resident who has an exclusive right to use the parking space has signed a complaint in relation to the parked vehicle being removed;

⁷ Editor's Note: See R.S.O. 1990, c. P.33.

TORONTO MUNICIPAL CODE
§ 915-7 PARKING ON PRIVATE OR MUNICIPAL PROPERTY

- G. A vehicle parked in a parking space reserved for employee parking, provided that signs are posted to that effect.

ARTICLE IV
Offences and Penalties

§ 915-7. Offences.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.⁸
- B. The owner of a vehicle that is parked or left in contravention of § 915-2A or 915-2B is guilty of an offence and liable to the fine or penalty for the offence even though the owner was not the driver at the time of the contravention unless, at the time of the contravention, the vehicle was in the possession of some person other than the owner without the owner's consent.

§ 915-8. (Reserved)⁹

⁸ Editor's Note: Under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence is liable to a fine of not more than \$5,000.

⁹ Editor's Note: Former § 915-8, Voluntary payment, as amended, was repealed 2004-10-28 by By-law No. 911-2004.