

Chapter 179

PARKING AUTHORITY

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[HISTORY: Adopted by the Council of the City of Toronto 1998-02-06 by By-law No. 28-1998.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Authority of employees of Parking Authority — See Ch. 150.
Parking machines — See Ch. 910.
Parking on private or municipal property — See Ch. 915.

Permit parking — See Ch. 925.
Traffic and parking — See Ch. 950.

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 This by-law also repealed Municipal Code Ch. 75, Parking Authority, of the former City of Toronto and By-law Nos. 31295, 32181, 32376 and 32726 of the Corporation of the City of North York.

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§ 179-1. Composition.

[Amended 1999-06-11 by By-law No. 338-1999²; 2003-12-04 by By-law No. 21-2004; 2005-05-19 by By-law No. 441-2005]

- 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 City's senior transportation administrator shall be a non-voting member of the Parking Authority.

§ 179-2. Term of office.

[Amended 2005-05-19 by By-law No. 441-2005]

- 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. Non-Councillor members shall hold office until the expiration of the term of the Council that appointed them and until their successors are appointed to office.

§ 179-3. Remuneration.

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

§ 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.

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

- 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 No. 560-1998; 1998-10-02 by By-law No. 720-1998; 1998-12-17 by By-law No. 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.
- C. Except as provided in Subsection D, 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.
- D. The Parking Authority shall be authorized to fix rates for on-street parking meters or parking machines, provided that such rates do not exceed \$3.50 per hour and have been agreed to by the Ward Councillors for the Ward in which the parking meters or parking machines are located. **[Amended 2009-12-04 by By-law No. 1181-2009]**
- 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 No. 979-2003]**
 - (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;

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- (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 III of Municipal Code Chapter 950, Traffic and Parking, provided that the lands and buildings have been acquired and developed, and approved by Council, in accordance with the requirements of this chapter.
- F. The Parking Authority shall not institute or continue any proceeding in respect of an assessment under the *Assessment Act*³ of the real property upon which it constructs, manages, operates or maintains parking facilities without first having obtained the express written approval of the Deputy City Manager and Chief Financial Officer. **[Added 2009-08-06 by By-law No. 743-2009]**

§ 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.

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

The Parking Authority may 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. The Parking Authority may sell, lease or otherwise dispose of land or buildings, or parts of them, that have been designated for the Parking Authority's use by by-law of Council and are no longer required for the Parking Authority's purposes.
- B. The terms of the transaction shall be subject to Council's approval.
- C. The City shall execute any documents that are required for the transaction.
- D. The money obtained from such transaction 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*⁴ or under a predecessor to that section. **[Amended 2005-05-19 by By-law No. 441-2005]**

³ Editor's Note: See R.S.O. 1990, c. A.31.

⁴ Editor's Note: See S.O. 2001, c. 25.

- 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, and § 179-10A shall not apply to land or buildings, or parts of them, where such lands or buildings: **[Added 2002-06-20 by By-law No. 577-2002]**
- (1) Were originally purchased from funds other than parking revenues; or
 - (2) Have been jurisdictionally transferred to another City agency, board, commission or department.

§ 179-11. Authority to construct buildings or structures for other uses.

Where the City or the Parking Authority constructs a building or structure on land owned by the City, for the purposes of the Parking Authority, above or below ground level or both, the City or, with Council's consent, the Parking Authority may construct on, under or in connection with the building or structure any foundations, footings and supports that the City or the Parking Authority considers necessary to permit space above the building or structure that is owned by the City, but not required for City or Parking Authority purposes, to be used for the construction of other buildings or structures by any person to whom an interest in the space is transferred.

§ 179-12. Authority to lease facilities.

[Amended 2005-05-19 by By-law No. 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. The City or the Parking Authority may lease those facilities for commercial or administrative purposes.

§ 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.

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- C. The net revenue obtained under such agreements shall be paid into the reserve fund established under section 417 of the *Municipal Act, 2001*⁵ or under a predecessor to that section. **[Amended 2005-05-19 by By-law No. 441-2005]**

§ 179-14. Requisitions.

[Amended 2005-05-19 by By-law No. 441-2005]

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 Deputy City Manager and Chief Financial Officer 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 No. 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.

⁵ Editor's Note: See S.O. 2001, c. 25.