

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2017**

Item 19, Report No. 44, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 11, 2017.

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#### **MEMORANDUM OF UNDERSTANDING WITH YORK REGION TO ENFORCE THE REGIONAL PARKING AND STOPPING BY-LAW**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, and the Director of By-law and Compliance, Licensing and Permit Services, dated December 5, 2017:

##### **Recommendation**

The Deputy City Manager, Community Services, and the Director of By-law and Compliance, Licensing and Permit Services (BCLPS) recommend:

1. That the Director of By-law and Compliance, Licensing and Permit Services, or designate, be authorized to enter into and execute the necessary Memorandum of Understanding (MOU) with the Regional Municipality of York (the Region) on behalf of the City of Vaughan (COV), for the purposes of enabling the COV to enforce the Region's Parking and Stopping on Regional Roads By-law No. 2017-37.

##### **Contribution to Sustainability**

Continuing to enable COV staff to enforce parking regulations on all roads within the City will reduce the City's carbon footprint through an elimination of duplicate and/or redundant enforcement efforts.

##### **Economic Impact**

Through the MOU, an increase to revenues for the City can be expected, resulting from the issuance of penalty notices on Regional Roads for the contravention of parking, standing or stopping of vehicles as per the Region's by-law. The Region's fine amounts are in line with those of the COV, ranging from \$30 to \$150, with most fines falling between \$30 and \$40.

The MOU will likely also create a higher demand on staff resources, by increasing the total area in which BCLPS staff will enforce and by increasing the resources required for screenings and hearings. In addition, the City will have to meet some additional administrative requirements from the Region.

If approved by Council, staff will closely monitor the revenue and staff impacts of the MOU.

##### **Communications Plan**

The tickets received on Regional Roads will reflect COV process and contact information.

##### **Purpose**

The purpose of this report is to request Council permission for the Director of By-law and Compliance, Licensing and Permit Services to enter into and execute a Memorandum of Understanding, on behalf of the City of Vaughan, with the Regionality Municipality of York, enabling the City to enforce the Region's Parking and Stopping on Regional Roads By-law No. 2017-37.

##### **Background - Analysis and Options**

Under Section 102.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and its Ontario Regulation 333/07, municipalities have the authority to impose Administrative Monetary Penalties (AMPs) for contraventions of by-laws respecting parking, standing or stopping of vehicles.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2017**

#### **Item 19, CW Report No. 44 – Page 2**

On June 29, 2017, the Region repealed its previous parking by-laws and enacted the new by-law, Parking and Stopping on Regional Roads By-law No. 2017-37; this by-law provides the COV with the authority to administer and enforce the Region's parking regulations within the geographic area of Vaughan.

Pursuant to an agreement established between the Region and the City on June 13, 1996, the City has administered and enforced the Region's parking by-law under the Provincial Offences Act regime.

The new by-law necessitates an updated MOU in order to continue with enforcement activity under the AMPs program. The updated MOU sets out the roles and responsibilities of each party, such that:

- the Region will continue to authorize the COV to enforce parking contraventions on Regional Roads, execute required agreements to enable the COV to do so, develop associated policies and update the City with any by-law amendments;
- the COV will continue to serve notices, process, track penalty notices and otherwise enforce these penalties, retaining all revenues in exchange for paying costs associated with these activities; and
- the COV will continue to collaborate and coordinate with the Region, such as to ensure compliance with Regional policies, to collaborate with the Region to resolve complaints concerning AMPs enforcement and to produce summary reports detailing infractions and revenues by January 31<sup>st</sup> of each year.

Please see Attachment 1 for the complete draft of the Memorandum of Understanding.

#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

Entry into this MOU will contribute to the City's Term of Council Priorities to continue to ensure the safety and well-being of citizens and to contribute to the improvement of the municipal road network by supporting effective traffic flow.

In addition, by addressing parking on all public roads within the City, this contributes to the Service Excellence Strategic Initiative of ensuring consistent service delivery throughout Vaughan.

#### **Regional Implications**

Entry into this MOU will enable the COV to continue to support road safety on all Regional Roads.

#### **Conclusion**

By authorizing execution of this agreement, Council will enable staff to build upon its continued collaboration with the Region to provide consistent city-wide regulation.

#### **Attachment**

1. The Memorandum of Understanding between the Regional Municipality of York and the Corporation of the City of Vaughan

#### **Report prepared by:**

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783  
Rudi Czekalla-Martinez, Manager of Policy and Business Planning, ext. 8782

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**MEMORANDUM OF UNDERSTANDING WITH YORK REGION  
TO ENFORCE THE REGIONAL PARKING AND STOPPING BY-LAW**

**Recommendation**

The Deputy City Manager, Community Services and the Director, By-law & Compliance, Licensing & Permit Services, in consultation with the City Solicitor, recommend:

1. That the Director of By-law and Compliance, Licensing and Permit Services, or designate, be authorized to enter into and execute the necessary Memorandum of Understanding (MOU), in substantially the form in Attachment 1, with the Regional Municipality of York (the Region) on behalf of the City of Vaughan (COV), for the purposes of enabling the COV to enforce the Region's Parking and Stopping on Regional Roads By-law No. 2017-37.

**Contribution to Sustainability**

Continuing to enable COV staff to enforce parking regulations on all roads within the City will reduce the City's carbon footprint through an elimination of duplicate and/or redundant enforcement efforts.

**Economic Impact**

Through the MOU, an increase to revenues for the City can be expected, resulting from the issuance of penalty notices on Regional Roads for the contravention of parking, standing or stopping of vehicles as per the Region's by-law. The Region's fine amounts are in line with those of the COV, ranging from \$30 to \$150, with most fines falling between \$30 and \$40.

The MOU will likely also create a higher demand on staff resources, by increasing the total area in which BCLPS staff will enforce and by increasing the resources required for screenings and hearings. In addition, the City will have to meet some additional administrative requirements from the Region.

If approved by Council, staff will closely monitor the revenue and staff impacts of the MOU.

**Communications Plan**

The tickets received on Regional Roads will reflect COV process and contact information.

**Purpose**

The purpose of this report is to request Council permission for the Director of By-law and Compliance, Licensing and Permit Services to enter into and execute a Memorandum of Understanding, on behalf of the City of Vaughan, with the Regional Municipality of York, enabling the City to enforce the Region's Parking and Stopping on Regional Roads By-law No. 2017-37.

**Background - Analysis and Options**

Under Section 102.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and its Ontario Regulation 333/07, municipalities have the authority to impose Administrative Monetary Penalties (AMPs) for contraventions of by-laws respecting parking, standing or stopping of vehicles.

On June 29, 2017, the Region repealed its previous parking by-laws and enacted the new by-law, Parking and Stopping on Regional Roads By-law No. 2017-37; this by-law provides the COV with

the authority to administer and enforce the Region's parking regulations within the geographic area of Vaughan.

Pursuant to an agreement established between the Region and the City on June 13, 1996, the City has administered and enforced the Region's parking by-law under the Provincial Offences Act regime.

The new by-law necessitates an updated MOU in order to continue with enforcement activity under the AMPs program. The updated MOU sets out the roles and responsibilities of each party, such that:

- the Region will continue to authorize the COV to enforce parking contraventions on Regional Roads, execute required agreements to enable the COV to do so, develop associated policies and update the City with any by-law amendments;
- the COV will continue to serve notices, process, track penalty notices and otherwise enforce these penalties, retaining all revenues in exchange for paying costs associated with these activities; and
- the COV will continue to collaborate and coordinate with the Region, such as to ensure compliance with Regional policies, to collaborate with the Region to resolve complaints concerning AMPs enforcement and to produce summary reports detailing infractions and revenues by January 31<sup>st</sup> of each year.

Please see Attachment 1 for the complete draft of the Memorandum of Understanding.

#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

Entry into this MOU will contribute to the City's Term of Council Priorities to continue to ensure the safety and well-being of citizens and to contribute to the improvement of the municipal road network by supporting effective traffic flow.

In addition, by addressing parking on all public roads within the City, this contributes to the Service Excellence Strategic Initiative of ensuring consistent service delivery throughout Vaughan.

#### **Regional Implications**

Entry into this MOU will enable the COV to continue to support road safety on all Regional Roads.

#### **Conclusion**

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#### **Report prepared by:**

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, ext. 8782

Respectfully submitted,

Mary Reali  
Deputy City Manager, Community Services

Gus Michaels  
Director, By-law and Compliance,  
Licensing and Permit Services

**THIS MEMORANDUM OF UNDERSTANDING** dated November 30, 2017.

**THE REGIONAL MUNICIPALITY OF YORK**

(the “**Region**”)

and

**THE CORPORATION OF THE CITY OF VAUGHAN**

(“**Vaughan**”)

**RECITALS:**

- A. Under Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”) and Ontario Regulation 333/07 of the *Municipal Act, 2001*, municipalities have the authority to impose Administrative Monetary Penalties (“**AMPS**”) for contraventions of bylaws respecting parking, standing or stopping of vehicles.
- B. To date, Vaughan has administered and enforced the Region’s parking bylaw under the *Provincial Offences Act* regime. In exchange, Vaughan retains all revenue generated by its enforcement activities on Regional roads pursuant to the terms of an agreement dated June 13, 1996.
- C. On June 29, 2017, the Council of the Regional Municipality of York repealed its previous parking bylaws and enacted a new parking bylaw, bylaw 2017-37 (the “Region’s Parking Bylaw”).
- D. Pursuant to the Region’s Parking Bylaw, any person appointed or designated by Vaughan for the purpose of enforcing Vaughan’s bylaws, may administer and enforce the administrative penalties set out in the Region’s Parking By-law within the geographic area of Vaughan.
- E. The Parties agree that Vaughan will continue to retain the associated revenues generated from administering and enforcing the administrative penalties set out in the Region’s Parking By-law.
- F. The purpose of this Memorandum of Understanding is to:
  - (a) Set out the roles and responsibilities of each Party with respect to administering and enforcing the administrative monetary penalties under the Region’s Parking Bylaw; and
  - (b) permit Vaughan to receive all revenues generated from its enforcement of parking contraventions on Regional roads within Vaughan in exchange for conducting enforcement activity and paying for the associated costs.

## 1. DEFINITIONS AND INTERPRETATION

1.1 For the purposes of this Agreement, the following definitions apply:

- (a) **“Agreement”** means this Memorandum of Understanding between the Region and Vaughan;
- (b) **“AMPS”** means a system of administrative monetary penalties as defined in Section 102.1 of the *Municipal Act, 2001* and Ontario Regulation 333/07 of the *Municipal; Act, 2001*;
- (c) **“Ministry”** means the Ministry of Transportation;
- (d) **“Parking Bylaw”** means the Region’s Parking Bylaw number 2017-37;
- (e) **“Vaughan”** means The Corporation of the City of Vaughan as a municipal corporation and where the context requires, its geographic area; and
- (f) **“Region”** means The Regional Municipality of York as a municipal corporation and where the context requires, its geographic area.

## 2. TERMINATION OF PREVIOUS AGREEMENT

2.1 The parties agree that the agreement dated June 13, 1996 is terminated and replaced by the terms of this Memorandum of Understanding.

## 3. SCOPE OF THE PARTIES’ RESPONSIBILITIES

### Region’s Responsibilities

3.1 The Region shall:

- (a) pursuant to the Region’s Parking By-law, continue to authorize Vaughan to issue administrative penalties for parking contraventions on Regional roads within Vaughan in violation of the Parking Bylaw, and to serve notices, process, track penalty notices and otherwise enforce these penalties;
- (b) execute such further consents or authorizations as may be necessary for Vaughan to perform its duties under this Agreement;
- (c) create policies required under the *Municipal Act, 2001* and regulations for the AMPS system, including: conflict of interest, prevention of political interference, financial management and the handling of public complaints; and
- (d) ensure that Vaughan is provided with copies of any amendments to the Region’s Parking Bylaw.

## Vaughan's Responsibilities

### 3.2 Vaughan shall:

- (a) pursuant to the Region's Parking By-law, issue administrative penalties for parking contraventions on Regional roads within Vaughan in violation of the Parking Bylaw, and to serve notices, process, track penalty notices and otherwise enforce these penalties
- (b) comply with all of the Region's AMPS policies, including: conflict of interest, prevention of political interference, financial management and handling of public complaints;
- (c) appoint and pay screening and hearing officers in compliance with the Region's policies, in particular with respect to conflict of interest;
- (d) conduct screening procedures in accordance with the requirements of the *Municipal Act, 2001* and Ontario Regulation 333/07;
- (e) conduct hearings in accordance with the requirements of the *Municipal Act, 2001*, the *Statutory Powers Procedure Act*, Ontario Regulation 333/07 and any other applicable legislation;
- (f) pay for the costs associated with administering AMPS on Regional roads within Vaughan;
- (g) enter into any necessary agreements with the Ministry to obtain information on the Region's behalf for the purpose of enforcing AMPS;
- (h) inform the Region of all public complaints regarding the enforcement of AMPS on Regional roads within Vaughan;
- (i) cooperate and assist the Region in resolving any public complaints, including with respect to the conduct of Vaughan employees and appointed screening and hearing officers;
- (j) oversee the conduct of screening officers and hearing officers to ensure that the requirements under the *Municipal Act, 2001* and any Regional AMPS policies are met;
- (k) collect and retain the revenues arising from administrative penalties payable from penalty notices issued on Regional roads within Vaughan; and
- (l) provide an annual summary report providing details (when, where and outcome) of the parking infractions and accounting of the revenues collected in relation to its enforcement of the Parking Bylaw by January 31<sup>st</sup> of the following year.

## 4. TERM OF AGREEMENT AND TERMINATION

- 4.1 This Agreement commences on the date stated in the introductory clause and shall continue unless terminated pursuant to this Agreement.

- 4.2 Either party may at any time give the other party notice in writing of its intention to terminate this agreement and this agreement shall terminate on the expiration of 60 days from the date on which such notice is received.

- (a) In the case of notice to the Region, to the:

Regional Clerk  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

- (b) In the case of notice to Vaughan, to the:

Municipal Clerk  
The Corporation of the City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

*SIGNATURE PAGE FOLLOWS*

This Agreement is effective on the date stated in the introductory clause.

**THE CORPORATION OF THE CITY OF  
VAUGHAN**

Authorized by

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Name:

Title:

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Name:

Title:

Authorized by: Clause 6 in Report No.  
8 of the Committee of the Whole of  
May 11<sup>th</sup>, 2017, as adopted by  
Regional Council at its meeting held  
on the 25<sup>th</sup> day of May, 2017.

Approved as to form and content

Solicitor: \_\_\_\_\_

**THE REGIONAL MUNICIPALITY OF YORK**

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Name: Paul Jankowski

Title: Commissioner of Transportation  
Services